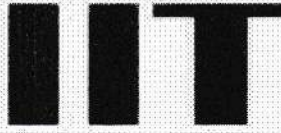




भारतीय
प्रौद्योगिकी
संस्थान
काशी हिन्दू विश्वविद्यालय



INDIAN
INSTITUTE OF
TECHNOLOGY
BANARAS HINDU UNIVERSITY

☎ : 0542-6702070 - 72; FAX : 91-542-2368428; e-mail : registrar@iitbhu.ac.in

Ref. No.: IIT (BHU)/I. P. Cell/2022-23/ 620

Dated: 28th February, 2023

NOTICE

This is to notify to all concerned that Under Secretary (S&S), Ministry of Education, GoI has forwarded a copy of D.O. letter dated 15.02.2023 of Secretary (HE), Deptt. of Higher Education, Ministry of Education, GoI regarding public procurement by Ministries/Departments/autonomous bodies in compliance with the Department of Promotion of Industry and Internal Trade's Public Procurement (Preference to Make in India) Order 2017 and revised order dated 16.09.2020(Copy enclosed).

This is brought to notice of all concerned for necessary compliance at their end.

[Signature]
28/02

Jt. Registrar (Accounts)

Ref. No.: IIT (BHU)/I. P. Cell/RC/2022-23/

Dated :28th February, 2023

Copy forwarded to the following for information and necessary action:

1. All the Deans
2. All the Associate Deans
3. All the Heads of the Departments / Coordinator of the Schools
4. The Coordinators / In-charges of Units / Centers / Offices
5. All the Professor In-charges
6. The Chief Councilor, Gymkhana
7. The Chairman, Institute Works Committee
8. The Professor Incharge, Main Library
9. The Chairman, Council of Wardens
10. The Chairman, Web Management & E-mail Services Committee
11. The Chairman, Press & Publicity Committee
12. The Joint Chief Proctor
13. The Coordinator, GTAC
14. The Coordinator, IIT(BHU)-Cafeteria
15. All the Admin Wardens/Wardens, IIT(BHU) Hostels
16. All the Joint Registrar
17. All the Deputy Registrars
18. All the Assistant Registrars
19. P.S. to the Director
20. P.A. to the Registrar

Indian Institute of Technology (BHU), Varanasi.

[Signature]
28/02

Jt. Registrar (Accounts)

के. संजय मूर्ति, भा.प्र.से.

सचिव

K. SANJAY MURTHY, IAS
Secretary

Tel. : 011-23386451, 23382698

Fax : 011-23385807

E-mail : secy.dhe@nic.in



सत्यमेव जयते



आज़ादी का
अमृत महोत्सव

भारत सरकार
Government of India
शिक्षा मंत्रालय
Ministry of Education
उच्चतर शिक्षा विभाग

Department of Higher Education

127 'सी' विंग, शास्त्री भवन, नई दिल्ली-110 001
127 'C' Wing, Shastri Bhawan, New Delhi-110 001

D.O. No. 29-5/2022-S&S

Dated the 15th February, 2023

Dear Sir / Madam,

As you may be aware, all public procurement by Ministries / Departments / autonomous bodies under them has to be made in compliance with the Department of Promotion of Industry and Internal Trade's Public Procurement (Preference to Make in India) Order 2017 and revised order dated 16.09.2020.

2. The aim of the policy is to encourage 'Make in India' and promote manufacturing and production of goods and services in India by increasing local content through partnerships, cooperation with local companies, establishing production units in India or joint ventures with Indian suppliers. The bids floated on GeM and CPP portal by various public entities are monitored by DPIIT and the commonly observed restrictive / discriminatory conditions contained in the bids and deemed to be non-compliant with the public procurement guidelines / orders, is illustratively stated as under :-

- (i) Restrictive & Discriminatory eligibility criteria – Foreign certifications, excessive turnover / experience etc.
- (ii) Tenders asking for Foreign / Specific Brands
- (iii) PPP MII Provisions not incorporated
- (iv) Specifications Tailor made to suit foreign products
- (v) Global Tender when available locally

4. In this regard, a list of cases of bids floated by Organizations under Department of Higher Education which were found to be non-compliant is enclosed for reference. The matter was also reviewed in the meeting of Committee of Secretaries chaired by the Cabinet Secretary and it was held that such non-compliances of the order, which is in force since the last five years now, may be viewed seriously and no indulgence may be shown to the erring officials any longer. Accordingly, it is emphasized that the PPP-MII order may be strictly complied with in all cases of public procurement and in the event of non-compliance, proceedings to fix responsibility and initiate administrative action or otherwise against erring officials as per para 10A of PPP-MII order 2017 dated 16.9.2020 may also be undertaken. It is desired that the cases of non-compliances (as per the enclosed list) pertaining to your Organization may be examined and comments on the same may be expedited and sent to Shri S E Rizwi, Joint Secretary (S&S) (syed.rizwi@gov.in) for onward transmission of ATR to DPIIT. In order to familiarize the officials with the PPP guidelines, they may be encouraged to refer to courses on the igot platform (https://portal.igotkarmayogi.gov.in/public/toc/do_113570024197103616141/overview, https://portal.igotkarmayogi.gov.in/public/toc/do_1134970386480578561102/overview) and also attend refresher courses held by Ministry / GeM from time to time.

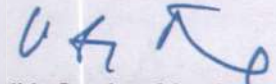
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5. The Nodal Officer from GeM for Department of Higher Education is Shri Ashish Kumar Saxena, Director, GeM (director-ashish@gem.gov.in), who may be contacted for any clarification / queries.

With regards.

Encl: as above.

Yours sincerely,


(K. Sanjay Murthy)

All Vice Chancellors of Central Universities,
Directors, IITs / IIITs / IIMs / NITs / NITTRs and other CFTIs.
Chairman, Research Councils and
Heads of all Autonomous Bodies.

के. संजय मूर्ति, भा.प्र.से.

सचिव

K. SANJAY MURTHY, IAS

Secretary

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अमृत महोत्सव

भारत सरकार
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127 'C' Wing, Shastri Bhawan, New Delhi-110 001

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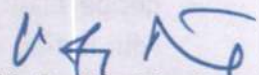
Encl: as above.

Yours sincerely,

Sd/-
(K. Sanjay Murthy)

All Vice Chancellors of Central Universities,
Directors, IITs / IIITs / IIMs / NITs / NITTRs and other CFTIs.
Chairman, Research Councils and
Heads of all Autonomous Bodies.

Copy to: All Bureau Heads of DoHE


(K. Sanjay Murthy)

No. P-45021/2/2017-PP (BE-II)
Government of India
Ministry of Commerce and Industry
Department for Promotion of Industry and Internal Trade
(Public Procurement Section)

Udyog Bhawan, New Delhi
Dated: 16th September, 2020

To

All Central Ministries/Departments/CPSUs/All concerned

ORDER

Subject: Public Procurement (Preference to Make in India), Order 2017– Revision; regarding.

Department for Promotion of Industry and Internal Trade, in partial modification [Paras 2, 3, 5, 10 & 13] of Order No.P-45021/2/2017-B.E.-II dated 15.6.2017 as amended by Order No.P-45021/2/2017-B.E.-II dated 28.05.2018, Order No.P-45021/2/2017-B.E.-II dated 29.05.2019 and Order No.P-45021/2/2017-B.E.-II dated 04.06.2020, hereby issues the revised 'Public Procurement (Preference to Make in India), Order 2017' dated 16.09.2020 effective with immediate effect.

Whereas it is the policy of the Government of India to encourage 'Make in India' and promote manufacturing and production of goods and services in India with a view to enhancing income and employment, and

Whereas procurement by the Government is substantial in amount and can contribute towards this policy objective, and

Whereas local content can be increased through partnerships, cooperation with local companies, establishing production units in India or Joint Ventures (JV) with Indian suppliers, increasing the participation of local employees in services and training them,

Now therefore the following Order is issued:

1. This Order is issued pursuant to Rule 153 (iii) of the General Financial Rules 2017.
2. **Definitions:** For the purposes of this Order:

'Local content' means the amount of value added in India which shall, unless otherwise prescribed by the Nodal Ministry, be the total value of the item procured (excluding net domestic indirect taxes) minus the value of imported content in the item (including all customs duties) as a proportion of the total value, in percent.

'Class-I local supplier' means a supplier or service provider, whose goods, services or works offered for procurement, meets the minimum local content as prescribed for 'Class-I local supplier' under this Order.

.....Contd. p/2

'Class-II local supplier' means a supplier or service provider, whose goods, services or works offered for procurement, meets the minimum local content as prescribed for 'Class-II local supplier' but less than that prescribed for 'Class-I local supplier' under this Order.

'Non - Local supplier' means a supplier or service provider, whose goods, services or works offered for procurement, has local content less than that prescribed for 'Class-II local supplier' under this Order.

'L1' means the lowest tender or lowest bid or the lowest quotation received in a tender, bidding process or other procurement solicitation as adjudged in the evaluation process as per the tender or other procurement solicitation.

'Margin of purchase preference' means the maximum extent to which the price quoted by a "Class-I local supplier" may be above the L1 for the purpose of purchase preference.

'Nodal Ministry' means the Ministry or Department identified pursuant to this order in respect of a particular item of goods or services or works.

'Procuring entity' means a Ministry or department or attached or subordinate office of, or autonomous body controlled by, the Government of India and includes Government companies as defined in the Companies Act.

'Works' means all works as per Rule 130 of GFR- 2017, and will also include 'turnkey works'.

3. Eligibility of 'Class-I local supplier' / 'Class-II local supplier' / 'Non-local suppliers' for different types of procurement

(a) In procurement of all goods, services or works in respect of which the Nodal Ministry / Department has communicated that there is sufficient local capacity and local competition, only 'Class-I local supplier', as defined under the Order, shall be eligible to bid irrespective of purchase value.

(b) Only 'Class-I local supplier' and 'Class-II local supplier', as defined under the Order, shall be eligible to bid in procurements undertaken by procuring entities, except when Global tender enquiry has been issued. In global tender enquiries, 'Non-local suppliers' shall also be eligible to bid along with 'Class-I local suppliers' and 'Class-II local suppliers'. In procurement of all goods, services or works, not covered by sub-para 3(a) above, and with estimated value of purchases less than Rs. 200 Crore, in accordance with Rule 161(iv) of GFR, 2017, Global tender enquiry shall not be issued except with the approval of competent authority as designated by Department of Expenditure.

(c) For the purpose of this Order, works includes Engineering, Procurement and Construction (EPC) contracts and services include System Integrator (SI) contracts.

.....Contd. p/3

3A. Purchase Preference

(a) Subject to the provisions of this Order and to any specific instructions issued by the Nodal Ministry or in pursuance of this Order, purchase preference shall be given to 'Class-I local supplier' in procurements undertaken by procuring entities in the manner specified here under.

(b) In the procurements of goods or works, which are covered by para 3(b) above and which are divisible in nature, the 'Class-I local supplier' shall get purchase preference over 'Class-II local supplier' as well as 'Non-local supplier', as per following procedure:

- i. Among all qualified bids, the lowest bid will be termed as L1. If L1 is 'Class-I local supplier', the contract for full quantity will be awarded to L1.
- ii. If L1 bid is not a 'Class-I local supplier', 50% of the order quantity shall be awarded to L1. Thereafter, the lowest bidder among the 'Class-I local supplier' will be invited to match the L1 price for the remaining 50% quantity subject to the Class-I local supplier's quoted price falling within the margin of purchase preference, and contract for that quantity shall be awarded to such 'Class-I local supplier' subject to matching the L1 price. In case such lowest eligible 'Class-I local supplier' fails to match the L1 price or accepts less than the offered quantity, the next higher 'Class-I local supplier' within the margin of purchase preference shall be invited to match the L1 price for remaining quantity and so on, and contract shall be awarded accordingly. In case some quantity is still left uncovered on Class-I local suppliers, then such balance quantity may also be ordered on the L1 bidder.

(c) In the procurements of goods or works, which are covered by para 3(b) above and which are not divisible in nature, and in procurement of services where the bid is evaluated on price alone, the 'Class-I local supplier' shall get purchase preference over 'Class-II local supplier' as well as 'Non-local supplier', as per following procedure:

- i. Among all qualified bids, the lowest bid will be termed as L1. If L1 is 'Class-I local supplier', the contract will be awarded to L1.
- ii. If L1 is not 'Class-I local supplier', the lowest bidder among the 'Class-I local supplier', will be invited to match the L1 price subject to Class-I local supplier's quoted price falling within the margin of purchase preference, and the contract shall be awarded to such 'Class-I local supplier' subject to matching the L1 price.
- iii. In case such lowest eligible 'Class-I local supplier' fails to match the L1 price, the 'Class-I local supplier' with the next higher bid within the margin of purchase preference shall be invited to match the L1 price and so on and contract shall be awarded accordingly. In case none of the 'Class-I local supplier' within the margin of purchase preference matches the L1 price, the contract may be awarded to the L1 bidder.

.....Contd. p/4

- (d) "Class-II local supplier" will not get purchase preference in any procurement, undertaken by procuring entities.

3B. Applicability in tenders where contract is to be awarded to multiple bidders -
In tenders where contract is awarded to multiple bidders subject to matching of L1 rates or otherwise, the 'Class-I local supplier' shall get purchase preference over 'Class-II local supplier' as well as 'Non-local supplier', as per following procedure:

a) In case there is sufficient local capacity and competition for the item to be procured, as notified by the nodal Ministry, only Class I local suppliers shall be eligible to bid. As such, the multiple suppliers, who would be awarded the contract, should be all and only 'Class I Local suppliers'.

b) In other cases, 'Class II local suppliers' and 'Non local suppliers' may also participate in the bidding process along with 'Class I Local suppliers' as per provisions of this Order.

c) If 'Class I Local suppliers' qualify for award of contract for at least 50% of the tendered quantity in any tender, the contract may be awarded to all the qualified bidders as per award criteria stipulated in the bid documents. However, in case 'Class I Local suppliers' do not qualify for award of contract for at least 50% of the tendered quantity, purchase preference should be given to the 'Class I local supplier' over 'Class II local suppliers' / 'Non local suppliers' provided that their quoted rate falls within 20% margin of purchase preference of the highest quoted bidder considered for award of contract so as to ensure that the 'Class I Local suppliers' taken in totality are considered for award of contract for at least 50% of the tendered quantity.

d) First purchase preference has to be given to the lowest quoting 'Class-I local supplier', whose quoted rates fall within 20% margin of purchase preference, subject to its meeting the prescribed criteria for award of contract as also the constraint of maximum quantity that can be sourced from any single supplier. If the lowest quoting 'Class-I local supplier', does not qualify for purchase preference because of aforesaid constraints or does not accept the offered quantity, an opportunity may be given to next higher 'Class-I local supplier', falling within 20% margin of purchase preference, and so on.

e) To avoid any ambiguity during bid evaluation process, the procuring entities may stipulate its own tender specific criteria for award of contract amongst different bidders including the procedure for purchase preference to 'Class-I local supplier' within the broad policy guidelines stipulated in sub-paras above.

4. **Exemption of small purchases:** Notwithstanding anything contained in paragraph 3, procurements where the estimated value to be procured is less than Rs. 5 lakhs shall be exempt from this Order. However, it shall be ensured by procuring entities that procurement is not split for the purpose of avoiding the provisions of this Order.
5. **Minimum local content:** The 'local content' requirement to categorize a supplier as 'Class-I local supplier' is minimum 50%. For 'Class-II local supplier', the 'local content' requirement is minimum 20%. Nodal Ministry/ Department may prescribe only a higher

percentage of minimum local content requirement to categorize a supplier as 'Class-I local supplier'/'Class-II local supplier'. For the items, for which Nodal Ministry/ Department has not prescribed higher minimum local content notification under the Order, it shall be 50% and 20% for 'Class-I local supplier'/'Class-II local supplier' respectively.

6. **Margin of Purchase Preference:** The margin of purchase preference shall be 20%.
7. **Requirement for specification in advance:** The minimum local content, the margin of purchase preference and the procedure for preference to Make in India shall be specified in the notice inviting tenders or other form of procurement solicitation and shall not be varied during a particular procurement transaction.
8. **Government E-marketplace:** In respect of procurement through the Government E-marketplace (GeM) shall, as far as possible, specifically mark the items which meet the minimum local content while registering the item for display, and shall, wherever feasible, make provision for automated comparison with purchase preference and without purchase preference and for obtaining consent of the local supplier in those cases where purchase preference is to be exercised.
9. **Verification of local content:**
 - a. The 'Class-I local supplier'/'Class-II local supplier' at the time of tender, bidding or solicitation shall be required to indicate percentage of local content and provide self-certification that the item offered meets the local content requirement for 'Class-I local supplier'/'Class-II local supplier', as the case may be. They shall also give details of the location(s) at which the local value addition is made.
 - b. In cases of procurement for a value in excess of Rs. 10 crores, the 'Class-I local supplier'/'Class-II local supplier' shall be required to provide a certificate from the statutory auditor or cost auditor of the company (in the case of companies) or from a practicing cost accountant or practicing chartered accountant (in respect of suppliers other than companies) giving the percentage of local content.
 - c. Decisions on complaints relating to implementation of this Order shall be taken by the competent authority which is empowered to look into procurement-related complaints relating to the procuring entity.
 - d. Nodal Ministries may constitute committees with internal and external experts for independent verification of self-declarations and auditor's/ accountant's certificates on random basis and in the case of complaints.
 - e. Nodal Ministries and procuring entities may prescribe fees for such complaints.
 - f. False declarations will be in breach of the Code of Integrity under Rule 175(1)(i)(h) of the General Financial Rules for which a bidder or its successors can be debarred for up to two years as per Rule 151 (iii) of the General Financial Rules along with such other actions as may be permissible under law.

- g. A supplier who has been debarred by any procuring entity for violation of this Order shall not be eligible for preference under this Order for procurement by any other procuring entity for the duration of the debarment. The debarment for such other procuring entities shall take effect prospectively from the date on which it comes to the notice of other procurement entities, in the manner prescribed under paragraph 9h below.
- h. The Department of Expenditure shall issue suitable instructions for the effective and smooth operation of this process, so that:
 - i. The fact and duration of debarment for violation of this Order by any procuring entity are promptly brought to the notice of the Member-Convenor of the Standing Committee and the Department of Expenditure through the concerned Ministry /Department or in some other manner;
 - ii. on a periodical basis such cases are consolidated and a centralized list or decentralized lists of such suppliers with the period of debarment is maintained and displayed on website(s);
 - iii. in respect of procuring entities other than the one which has carried out the debarment, the debarment takes effect prospectively from the date of uploading on the website(s) in the such a manner that ongoing procurements are not disrupted.

10. Specifications in Tenders and other procurement solicitations:

- a. Every procuring entity shall ensure that the eligibility conditions in respect of previous experience fixed in any tender or solicitation do not require proof of supply in other countries or proof of exports.
- b. Procuring entities shall endeavour to see that eligibility conditions, including on matters like turnover, production capability and financial strength do not result in unreasonable exclusion of 'Class-I local supplier'/ 'Class-II local supplier' who would otherwise be eligible, beyond what is essential for ensuring quality or creditworthiness of the supplier.
- c. Procuring entities shall, within 2 months of the issue of this Order review all existing eligibility norms and conditions with reference to sub-paragraphs 'a' and 'b' above.

d. Reciprocity Clause

- i. When a Nodal Ministry/Department identifies that Indian suppliers of an item are not allowed to participate and/ or compete in procurement by any foreign government, due to restrictive tender conditions which have direct or indirect effect of barring Indian companies such as registration in the procuring country, execution of projects of specific value in the procuring country etc., it shall provide such details to all its procuring entities including CMDs/CEOs of PSEs/PSUs, State Governments and other procurement agencies under their administrative control and GeM for appropriate reciprocal action.

- ii. Entities of countries which have been identified by the nodal Ministry/Department as not allowing Indian companies to participate in their Government procurement for any item related to that nodal Ministry shall not be allowed to participate in Government procurement in India for all items related to that nodal Ministry/ Department, except for the list of items published by the Ministry/ Department permitting their participation.
 - iii. The stipulation in (ii) above shall be part of all tenders invited by the Central Government procuring entities stated in (i) above. All purchases on GeM shall also necessarily have the above provisions for items identified by nodal Ministry/ Department.
 - iv. State Governments should be encouraged to incorporate similar provisions in their respective tenders.
 - v. The term 'entity' of a country shall have the same meaning as under the FDI Policy of DPIIT as amended from time to time.
- e. Specifying foreign certifications/ unreasonable technical specifications/ brands/ models in the bid document is restrictive and discriminatory practice against local suppliers. If foreign certification is required to be stipulated because of non-availability of Indian Standards and/or for any other reason, the same shall be done only after written approval of Secretary of the Department concerned or any other Authority having been designated such power by the Secretary of the Department concerned.
- f. "All administrative Ministries/Departments whose procurement exceeds Rs. 1000 Crore per annum shall notify/ update their procurement projections every year, including those of the PSEs/PSUs, for the next 5 years on their respective website."

10A. Action for non-compliance of the Provisions of the Order: In case restrictive or discriminatory conditions against domestic suppliers are included in bid documents, an inquiry shall be conducted by the Administrative Department undertaking the procurement (including procurement by any entity under its administrative control) to fix responsibility for the same. Thereafter, appropriate action, administrative or otherwise, shall be taken against erring officials of procurement entities under relevant provisions. Intimation on all such actions shall be sent to the Standing Committee.

11. Assessment of supply base by Nodal Ministries: The Nodal Ministry shall keep in view the domestic manufacturing / supply base and assess the available capacity and the extent of local competition while identifying items and prescribing the higher minimum local content or the manner of its calculation, with a view to avoiding cost increase from the operation of this Order.

12. Increase in minimum local content: The Nodal Ministry may annually review the local content requirements with a view to increasing them, subject to availability of sufficient local competition with adequate quality.

13. Manufacture under license/ technology collaboration agreements with phased indigenization: While notifying the minimum local content, Nodal Ministries may make special provisions for exempting suppliers from meeting the stipulated local content if the product is being manufactured in India under a license from a foreign manufacturer who holds intellectual property rights and where there is a technology collaboration agreement / transfer of technology agreement for indigenous manufacture of a product developed abroad with clear phasing of increase in local content.

13A. In procurement of all goods, services or works in respect of which there is substantial quantity of public procurement and for which the nodal ministry has not notified that there is sufficient local capacity and local competition, the concerned nodal ministry shall notify an upper threshold value of procurement beyond which foreign companies shall enter into a joint venture with an Indian company to participate in the tender. Procuring entities, while procuring such items beyond the notified threshold value, shall prescribe in their respective tenders that foreign companies may enter into a joint venture with an Indian company to participate in the tender. The procuring Ministries/Departments shall also make special provisions for exempting such joint ventures from meeting the stipulated minimum local content requirement, which shall be increased in a phased manner.

14. Powers to grant exemption and to reduce minimum local content: The administrative Department undertaking the procurement (including procurement by any entity under its administrative control), with the approval of their Minister-in-charge, may by written order, for reasons to be recorded in writing,

- a. reduce the minimum local content below the prescribed level; or
- b. reduce the margin of purchase preference below 20%; or
- c. exempt any particular item or supplying entities from the operation of this Order or any part of the Order.

A copy of every such order shall be provided to the Standing Committee and concerned Nodal Ministry / Department. The Nodal Ministry / Department concerned will continue to have the power to vary its notification on Minimum Local Content.

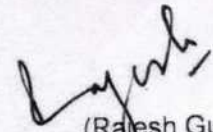
15. Directions to Government companies: In respect of Government companies and other procuring entities not governed by the General Financial Rules, the administrative Ministry or Department shall issue policy directions requiring compliance with this Order.

16. Standing Committee: A standing committee is hereby constituted with the following membership:

Secretary, Department for Promotion of Industry and Internal Trade—Chairman
Secretary, Commerce—Member
Secretary, Ministry of Electronics and Information Technology—Member
Joint Secretary (Public Procurement), Department of Expenditure—Member
Joint Secretary (DPIIT)—Member-Convenor

The Secretary of the Department concerned with a particular item shall be a member in respect of issues relating to such item. The Chairman of the Committee may co-opt technical experts as relevant to any issue or class of issues under its consideration.

17. **Functions of the Standing Committee:** The Standing Committee shall meet as often as necessary, but not less than once in six months. The Committee
- shall oversee the implementation of this order and issues arising therefrom, and make recommendations to Nodal Ministries and procuring entities.
 - shall annually assess and periodically monitor compliance with this Order
 - shall identify Nodal Ministries and the allocation of items among them for issue of notifications on minimum local content
 - may require furnishing of details or returns regarding compliance with this Order and related matters
 - may, during the annual review or otherwise, assess issues, if any, where it is felt that the manner of implementation of the order results in any restrictive practices, cartelization or increase in public expenditure and suggest remedial measures
 - may examine cases covered by paragraph 13 above relating to manufacture under license/ technology transfer agreements with a view to satisfying itself that adequate mechanisms exist for enforcement of such agreements and for attaining the underlying objective of progressive indigenization
 - may consider any other issue relating to this Order which may arise.
18. **Removal of difficulties:** Ministries /Departments and the Boards of Directors of Government companies may issue such clarifications and instructions as may be necessary for the removal of any difficulties arising in the implementation of this Order.
19. **Ministries having existing policies:** Where any Ministry or Department has its own policy for preference to local content approved by the Cabinet after 1st January 2015, such policies will prevail over the provisions of this Order. All other existing orders on preference to local content shall be reviewed by the Nodal Ministries and revised as needed to conform to this Order, within two months of the issue of this Order.
20. **Transitional provision:** This Order shall not apply to any tender or procurement for which notice inviting tender or other form of procurement solicitation has been issued before the issue of this Order.



(Rajesh Gupta)

Director

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No. F.4/1/2021-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

264-C, North Block,
New Delhi Dated the 03rd August, 2021

OFFICE MEMORANDUM

Subject: Revised Consolidated Instructions regarding Global Tender Enquiry (GTE) under Rule 161(iv) of General Financial Rules (GFRs) 2017 upto Rs 200 crore.

Attention is invited to this Department's OM No. F.12/17/2019-PPD dated 15.05.2020 regarding amendment in Rule 161(iv) of General Financial Rules (GFRs) 2017 stipulating that no Global Tender Enquiry (GTE) shall be invited for tenders upto Rs.200 crore or such limit as may be prescribed by this Department from time to time. It further stipulates that in exceptional cases, where the Ministry or the Department feels that there are special reasons for GTE, it may record its detailed justification and seek prior approval for relaxation to the above Rule from the competent authority i.e. Secretary (Coordination), Cabinet Secretariat.

2. **Applicability:** Restriction on Global tenders as specified in the revised Rule 161(iv) of GFRs, 2017 will be applicable on all procurements including Goods, Non-consulting services, Consultancy Services and Works including turnkey projects. The instructions are applicable for all the tenders published in newspapers or website after 15.05.2020.

3. It is noted that 40-45 % of the proposals being sent by Ministries/ Departments are either not complete or not in accordance with the instructions issued by this Department and Cabinet Secretariat for submission of the proposals. Due to this, such proposals are returned to proposing Ministry/ Department for rectification. In order to avoid shuttling of the proposals and to save time, all instructions for submission of proposals have been consolidated as under for convenience of proposing Ministries/Departments:

3.1 The proposal for approval shall be submitted by Administrative Ministry with the **concurrence of Financial Advisor and approval of Secretary** concerned. The proposals submitted by individual offices/ organisations (e.g. autonomous bodies, Central Public Sector Undertakings and subordinate offices of Central Government etc.) will not be entertained.

3.2 The proposals shall be submitted along-with **duly filled format** (issued by Cabinet Secretariat vide ID No. 213/2/1/2020-C.A.IV dated 06.10.2020, Annexure-I). **Every page should be attested by Administrative Ministry.**

3.3 Proposals are to be simultaneously sent to the following:

- (i) Cabinet Secretariat, email: ca4-cabsec@gov.in,
- (ii) Department for Promotion of Industry & Internal Trade (DPIIT) emails: manmeet.nanda@ias.nic.in & rajesh.gupta66@gov.in, and
- (iii) Department of Expenditure, email: kanwal.irss@gov.in and sudesh.kumar85@gov.in

3.4 Before sending proposals for approval of the Global Tenders, following is to be ensured:-

- (i) Domestic open tender must be floated to identify the domestic manufacturers/ service providers for the items/ services for which approval is being sought for issuance of Global Tenders. In case, if the Ministry/ Department has not floated a domestic open tender after 15.05.2020 for the items to be procured through GTE, such proposals will not be entertained. **The proposal must contain the details of domestic open tenders, issued after 15.05.2020** (Tender Number, date of opening, number of offers received, details of offers received, reasons why domestic suppliers were not considered etc.)
- (ii) **The proposal must contain the details of deliberations with DPIIT/ relevant industrial bodies for identification of domestic manufacturers/ service providers.**
- (iii) **The 3/5-year procurement plan** as mandated by Public Procurement (Preference to Make in India) (PPP-MII) Order issued by DPIIT must be published on website, before forwarding proposals for the purpose of procurement through GTE. Web-link of published procurement plan should be provided in proposal.

4. Exemptions/Clarifications

4.1 For procurement of specialised equipments required for research purposes, and spares and consumables, for such equipments upto Rs. 200 crore for the use of Educational and Research Institutes, Secretary of Ministry/ Department concerned shall be the competent authority to approve issue of Global Tender Enquiries for such requirements subject to fulfilment of conditions as laid down in Annexure-II. The equipment should be of specialized nature required for research purposes and not the routine equipment used in offices. (OM No. 20/45/2020-PPD dated 08.01.2021)

4.2 **Special relaxation for procurement of Covid-19 related items/ equipments/ services etc. through GTEs till 31.10.2021:** Secretary of Ministry/ Department concerned shall be the competent authority to approve issue of such Global Tender Enquiries (OM No. 4/1/2021-PPD dated 11.06.2021).

4.3 Further, instructions issued vide this department OM No. 12/17/2019-PPD dated 15.05.2020 will not be applicable in following cases:

- (i) On procurement of spare parts of the equipments/ Plants & Machinery etc. on nomination basis from Original Equipments Manufactures (OEMs) or Original Equipment Suppliers (OES) or Original Part Manufacturers (OPMs) as no competitive tenders are invited in such cases (OM No. 12/17/2019-PPD dated 29.10.2020).
- (ii) Where procuring entities need to issue GTEs to fulfil contractual commitments/ obligations entered by them before 15.05.2020 i.e. bid has been submitted by them to their clients before 15.05.2020. Similarly, where procuring entities need to issue GTEs in view of existing collaboration agreements entered by them with foreign suppliers before 15.05.2020. (OM No. 4/1/2021-PPD dated 12.03.2021).

W
03/08/2021.

(Kanwalpreet)
Director (PPD)
Tel.No. 2309 3811
Email: kanwal.irss@gov.in

To,

All the Secretaries and Financial Advisers to Government of India

Format for seeking the approval of the Competent Authority as per DoE order on rule 161(iv) of GFR dated 15.05.2020 and 28.05.2020

S.No.	Particulars	Remarks
1	Name of the Ministry:	
2	Name of the Department:	
3	Name of the sub-ordinate office (If applicable):	
4	Detailed Description of the Item	
5	Use of the Item	
6	Life time of the item proposed (In years)	
7	Whether item is procured regularly? (If so, Details of procurement of the said item over the past three years (Three completed financial years or last three tenders and the current financial year) inclusive of supply details as per format at Annexure-A.	
8	Quantity required to be procured with justification for the quantity (State/UT/Region wise projection)	
9	Estimated procurement price along with basic of such estimation (International Price comparison chart)	

Stamp and Signature of the
Authorized officer of the proposing Department
Name and Designation

10	Justification to be submitted as under	
	a	Detailed justification for Global Tender and essentiality of import (Item wise)
	b	Who are the (possible) vendors of the item under procurement, in the global (including India) market?
11	1	Whether the Department has tried and floated the tender to identify the domestic suppliers in the past financial year (If not, the reason thereof)
	2	Capacity of all domestic local suppliers as per the domestic tender floated, if any
12	What are technical alternatives available within country and whether they can be used (<i>substituted</i>) for the proposed item under GTE?	
13	Whether the Department had in the past attempted at development of local suppliers/phased indigenization/promotion of alternative technology having sufficient local suppliers. (If so, details thereof)	

Stamp and Signature of the
Authorized officer of the proposing Department
Name and Designation

14	Consequences of non-procurement of the item through GTE.	
15	Whether BIS standards are available for the items proposed under procurement. If not, the efforts made to operationalize such standards.	
16	Whether the department had published procurement plan for next 5 years, for the item under discussion?	

The above proposal is submitted, with the approval of the Secretary of the Administrative Department/Ministry, for the consideration of the Competent Authority, as mandated by D/o Expenditure order dated 15th May, 2020 regarding Amendment in GFRs-2017, regarding Global Tender Enquiry.

Also, it is informed that the above proposal had been sent to Cabinet Secretariat (Via Email ID: ca4-cabsec@gov.in), D/o Expenditure (via Email ID: GTEnquiry-200@gov.in) and to DPIIT, for their consideration.

Stamp and Signature of the
Authorized officer of the proposing Department

Name

Designation

Contact Number

Email ID

FORMAT FOR GTE

Details of procurement of the said item over the past three years (Three completed financial years and the current financial year) inclusive of supply details.

Year of contract	Item	Contract No. & date	Supplier	Quantity of supply with unit	Rate per unit	Completion date of contract	Country of Origin of goods	Local content in %

Stamp and Signature of the
Authorized officer of the proposing Department.
Name and Designation

Efforts to locate domestic suppliers

Educational, Research institutions and other units will make full efforts towards reducing of imports in following manner. This will result in substantial effects both within the institutions and also through impact on the eco-system:

- (i) Identification of equipment being procured time and again from abroad, and help developing them in India by identifying potential manufacturers and providing them technical help and expertise for developing the equipment. This programme will be coordinated by the Empowered Technology Group (constituted by Cabinet and chaired by the PSA)
- (ii) Efforts to promote technology transfer through agreements or to encourage technological collaboration with foreign manufacturing in India at the Start-ups set up in Research Parks.
- (iii) Sharing and updating of information about the availability of research equipment across various Indian Institutes on a single portal (their I-STEM portal has been developed for this purpose) so that those can be utilized by the needy institutes.
- (iv) Without compromising quality, Institutes should indicate alternative/ equivalent technical specifications that could suit their requirement, so that there are more chances of local manufacturers participate in the tendering process.
- (v) Regular Interaction between academia and Indian industry organizations at the level of the institution about the requirement of equipment of foreign origin and for encouraging the domestic manufacturing.
- (vi) Regular requirement of proprietary/ non-proprietary research consumables may be assessed and domestic alternatives are explored for use.
- (vii) A national level programme for indigenous development of scientific equipment be initiated by the Office of PSA.
- (viii) Without compromising quality, Institutes should be flexible with specifications so that domestic manufacturers are encouraged to meet requirements.

2. Guidelines for resorting to GTE :

- (i) Market assessment should be done by the concerned institution, as certified by the Head of the Institution. Only after no Indian manufacturer is found, a GTE should be issued.
- (ii) In case no Indian manufacturer/ suppliers are found, procurement may be done, through GTE, subject to compliance of provisions of GFR and requirement of procurement through GeM.

- (iii) DEAN (R&D) or an appropriate authority within the institute will issue certificates as per para 3 below, before inviting GTE. As a reporting matter in the Board of Governors, such certificates should be tabled, and also shared with Office of the PSA, DPIIT and concerned Administrative Ministry.
- (iv) The information about the procurement of equipment should be shared across various Educational and Research Institutes, through the I-STEM portal, already established for this purpose by the PSA's office. This will allow the equipment to be used by other institutions too, for research purposes.
- (v) Analyze the equipment being procured time and again from abroad, and help developing them in India by identifying potential manufacturers and providing them technical assistance and expertise for developing the equipment. Half-Yearly reports on this action to be shared by the Institutes with the Office of the PSA, DPIIT and concerned Administrative Ministry. A national level scheme will also be initiated by the Office of PSA for indigenous development of scientific equipment.
- (vi) Preference to local suppliers over foreign supplier as per the existing GoI guidelines, should be observed as applicable.

3. Certificates to be issued

- (i) Confirmation of non-availability in India of particular equipment/ consumables of foreign origin through Government e-Marketplace (GeM) and other sources;
- (ii) Certification that locally available alternatives with equivalent specifications are not suitable for research purposes;
- (iii) The non-availability of such equipment for research purposes with nearby research institutes or within the institute.
- (vi) Certification of the requirement of proprietary items of foreign origin for research purposes (where applicable).

Sno.	Tender number	Tender ID	Name of tender	Name of the Agency	Name of the Ministry / Department	Tender value	Compliance	Parameters	Action Taken
1	IIMA/Contracts/TW-47/2020-21	2020_IIMA_600511_1	Supply, Installation Testing and Commissioning of CCTVs Network	Indian Institute of Management, Ahemdabad	D/o Higher Education	INR -	Non Compliant	MII Clause, Prior Experience/Restrictive Technical Specifications, Foreign Certification	No
2	NITK/CRF/CY/AMI/HFM/N/04	2020_NITK_591110_1	Integrated Lab Scale Hollow Fiber Membrane Spinning System	NIT Karnataka	D/o Higher Education	INR 75,00,000	Non Compliant	MII Clause, Specific Brands	No
3	MANIT_EM_2020_629	2020_MANIT_602585_1	Supply, Installation, Testing and Commissioning of 11/0.433 KV, 1 X 500 KVA Sub-Station at New Teaching Block, MANIT, Bhopal	Maulana Azad National Institute of Technology	D/o Higher Education	INR 26,96,879	Non Compliant	MII Clause, Turnover, GFR	No
4	ITD/WORKS(SP-3307)/2021	2021_IIT_607375_1	SITC of Different Capacity VRF/VRV System in NRF and Chemical Engg. Labs at IIT Delhi	IIT Delhi	D/o Higher Education	INR 31,69,311	Non Compliant	Specific Brands, GFR	No
5	No.F.NITA-25(19-DSA)-CATE-SERVICES-2013-14-Vol-II	2021_NITA_613297_1	Catering Services for NIT, Agartala	NIT Agartala	D/o Higher Education	INR 5,50,00,000	Non Compliant	MII Clause	No

6	CUJ_GA_THM_2021_35	2021_CUJ_615907_1	Hostel Mess Services	CUJ	D/o Higher Education	INR	5,00,00,000	Non Compliant	MII Clause, Specific Brands, GFR	No
7	1579-21	2021_IITRP_619195_1	Horticulture/Gardening Services	IIT Ropar	D/o Higher Education	INR	1,13,00,000	Non Compliant	MII Clause, Turnover, GFR	No
8	03/NITK/OS-PH/2020-21/A10	2021_NITK_618275_1	Outsourcing of pharmacy activities at the Institute health care	NIT Karnataka	D/o Higher Education	INR	1,00,00,000	Non Compliant	MII Clause, GFR	No
9	26/NBT/PROD/EMPL-OFFPRTS/2021	2021_NBT_642857_1	Empanelment of Offset Printers for Printing of NBT publications and miscellaneous jobs with paper	NBT	D/o Higher Education	INR	50,00,00,000	Non Compliant	MII Clause, GFR	No
10	e-Proc/DRC_16082021/SSEA_IEST/447R	2021_IEST_643653_1	Procurement of single side etcher and accessories (Custom fabricated)	IEST	D/o Higher Education	INR	3,00,00,000	Non Compliant	MII Clause, GFR	No
11	IG/RCD-1/Tender/RC Building/2021	2021_IGNOU_643325_1	Hiring of Office Building for IGNOU Regional Centre Delhi-1, Mathura Road	IGNOU	D/o Higher Education	INR	50,00,000	Non Compliant	MII Clause, GFR	No
12	BHU/GASTRO/2021-22/13	2021_BHU_644634_1	Supply of Medical Equipment (Endoscopy Systems)	BHU	D/o Higher Education	INR	<u>2,61,00,000</u>	Non Compliant	GFR	No
13	BHU/SSH/2021-22/15	2021_BHU_645619_1	Supply of Equipment suitable for Hospitals	BHU	D/o Higher Education	INR	-	Non Compliant	Foreign Certification, GFR	No

14	Anaesth/2021-22/e-Pro/01	2021_BHU_6445 13_1	Supply of Syringe Infusion pumps and DVT pumps	BHU	D/o Higher Education	INR	1,32,50,000	Non Compliant	Foreign Certification, GFR	No
15	BHU/GASTRO/2021-22/12	2021_BHU_6446 36_1	Supply of Transient Elastography Machine	BHU	D/o Higher Education	INR	2,72,00,000	Non Compliant	Foreign Certification, GFR	No
16	CUK/RPC/CRG/2019/004475/S1	2021_CUKL_644 764_1	Atomic Force Microscopy	CUKL	D/o Higher Education	INR	54,00,000	Non Compliant	MII Clause, GFR	No
17	DVC/CTPS/BOILER/Supply/00064	2021_IITM_8759 0_1	Face-lifting of Godavari Hostel at IIT Madras	IIT Madras	D/o Higher Education	INR	19,70,000	Non Compliant	MII Clause, GFR	No
18	17/2021-22/ELDB	2021_IITM_8839 2_1	Replacement by supply and installation of damaged solar water tanks in few hostels buildings in IIT Madras	IIT Madras	D/o Higher Education	INR	28,00,000	Non Compliant	MII Clause, GFR	No
19	IGNOU/CD/2021-22/01	2021_IGNOU_6 50496_1	Disposal of e-waste, old/obsolete/unserviceable computer hardware	IGNOU	D/o Higher Education	INR	4,00,00,000	Non Compliant	MII Clause, GFR	No
20	RandC/ CoE/ 168	2021_NITK_651 935_1	Setting up of Industry supported CoE for imparting high end Skill training, promoting Industrial Consultancy and Industry oriented Research	NIT Karnataka	D/o Higher Education	INR	2,00,00,00,000	Non Compliant	GFR	No

21	MPDD/IGN/PTG-ADMN./2020 21/07	2021_IGNOU_653454_1	Empanelment of Offset Printers	IGNOU	D/o Higher Education	INR	-	Non Compliant	MII Clause, Prior Experience/Restrictive Technical Specifications, GFR	No
22	IISER/PUR/1221/21	2021_IISRP_655110_1	Empanelment of Agency for Online and Face to Face training of Early Career Researchers strand of the Inspiring India in Research, Innovation and STEM Education programme	IISER	D/o Higher Education	INR	3,00,00,000	Non Compliant	GFR	No
23	e-Proc/PHYSICS_16112021/PS_DIP_IEST/468R	2021_IEST_658145_1	Supply and Installation of Probe Station and DI water plant	IEST Shibpur	D/o Higher Education	INR	11,80,000	Non Compliant	MII Clause, GFR	No
24	e-Proc/CIVIL_09112021/DAQ_IEST/461R	2021_IEST_656762_1	Procurement of Data Acquisition System and related accessories	IEST Shibpur	D/o Higher Education	INR	20,50,000	Non Compliant	MII Clause, GFR	No
25	e-Proc/DRC_09112021/DFM_IEST/467R	2021_IEST_656632_1	Supply and Installation of Inverted Darkfield Fluorescence Microscope	IEST Shibpur	D/o Higher Education	INR	12,00,000	Non Compliant	MII Clause, GFR	No

26	e-Proc/DRC_12112021/BMILL_IEST/479	2021_IEST_657501_1	Supply and Installation of Laboratory Ball Milling Machine	IEST Shibpur	D/o Higher Education	INR	7,30,000	Non Compliant	MII Clause, GFR	No
27	e-Proc/DRC_16112021/ECVP_IEST/462R	2021_IEST_658162_1	Procurement of Electrochemical CV Profiler	IEST Shibpur	D/o Higher Education	INR	90,00,000	Non Compliant	MII Clause, GFR	No
28	GEN-II/123/2021-22	2021_DU_657590_1	Empanelment of Offset Printers for Printing of Educational Books with Paper and without Paper	DU	D/o Higher Education	INR	5,00,00,000	Non Compliant	MII Clause, GFR	No
29	NA	GEM/2021/B/1652525	BOQ (Q3) (Central Heating System)	NIT	D/o Higher Education	INR	6,50,00,000	Non Compliant	MII Clause, Turnover	No
30	NA	GEM/2021/B/1539930	High Performance Computing Cluster	IIT	D/o Higher Education	INR	30,00,00,000	Non Compliant	Turnover, Foreign Certification	No
31	NA	GEM/2021/B/1434670	GPU Servers - High Performance Servers	IIT	D/o Higher Education	INR	19,20,00,000	Non Compliant	Turnover, Specific Brands	No
32	IIMU/Tender/2022/01	2022_IIMU_668500_1	Providing Housekeeping Catering and Technical services at IIM Udaipur	IIM Udaipur	D/o Higher Education	INR	5,50,00,000	Non Compliant	MII Clause, Turnover, Specific Brands, GFR	No

33	IITT/EU/2021-22/222	2021_IITTP_665347_1	Supply, installation, testing and Commissioning of High Performance Parallel Redundant with Inbuilt Galvanic Isolation Transformer UPS	IIT Tirupati	D/o Higher Education	INR	3,90,00,000	Non Compliant	Foreign Certification	No
34	CVSc/OHP/BSL-II/1983	2022_CAU_668891_1	Tender for supply of Establishment of BSL-II+ Laboratory	CAU	D/o Higher Education	INR	1,20,00,000	Non Compliant	MII Clause, Specific Brands, GFR	No
35	2020-3613/CMB/ADHO C-BMS	2022_DU_692235_1	Bacteriological Incubator Shaker	Department of Microbiology	D/o Higher Education	INR	-	Non Compliant	MII Clause	No
36	BHU/DENT/EQUIP/2022/02	2022_BHU_711344_2	Procurement of all-in-one collaborative clinical dental units	BHU	D/o Higher Education	INR	1,00,00,000	Non Compliant	MII Clause	No
37	IWD/IE/E-Tender/248	2022_IITR_719198_1	Renovation, Restoration, Face-Lifting, and Facade-Lighting of James Thomason Building, IIT Roorkee	IIT Roorkee	D/o Higher Education	INR	2,00,90,000	Non Compliant	Specific Brands	No

38	IWD/DI/eten/Elec/ GMZ2/25/RT/43	2022_IITR_7223 19_1	Electrical general maintenance, renovation, and re-wiring of existing building / departments / hostels in Zone-2 at IIT Roorkee	IIT Roorkee	D/o Higher Education	INR	95,00,000	Non Compliant	MII Clause, Specific Brands	No
39	IWD/DI/e- Tender/VRFAC/44	2022_IITR_7231 34_1	Supply, Installation, Testing and Commissioning of 258 HP VRF Air Conditioning System including required civil and electrical work	IIT Roorkee	D/o Higher Education	INR	1,57,36,249	Non Compliant	MII Clause	No
40	BHU/Nephro/Equip /2022-23/342	2022_BHU_7245 40_1	Supply of C- ARM Machine	BHU	D/o Higher Education	INR	1,70,00,000	Non Compliant	MII Clause	No
41	NITPY/CIVIL/077	2022_NITPY_72 4006_1	Procurement of equipment for structural dynamics laboratory multi axial sub assembly test system and wave generator for hydraulics laboratory	NIT Puducherry	D/o Higher Education	INR	2,04,00,000	Non Compliant	Prior Experience/Rest restrictive Technical Specifications	No