No. C-30013/15/2018-Ad.IVA
Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect Taxes and Customs

5th floor, HUDCO Vishala Building,
Bhikaji Cama Place, New Delhi
Dated, the 05th February, 2019

To

All Pr. Chief Commissioners/Chief Commissioners/
All Commissioners/Director General under CBIC.

Sub: Complaints regarding – indicating of foreign make/brands and/or restrictive conditions in tenders by Government entities, thereby excluding local manufactures from bidding process.

Sir/Madam,

I am directed to forward herewith a copy of D.O. letter No.330/31/C/64/2018-ES-I dated 03.01.2019 received from Shri Nripendra Mishra, Principal Secretary to Prime Minister on the subject mentioned subject for information and strict compliance.

Yours faithfully,

Encl. As above.

(B. Ginkhan Mang)
Under Secretary to the Govt. of India

Copy to: The DG (Systems & Data Management), New Delhi with the request to kindly upload this circular on the Website of CBIC.

(B. Ginkhan Mang)
Under Secretary to the Govt. of India
Dear Secretary,

Complaints are being received, alleging that Government entities are indicating foreign make/brands and/or restrictive conditions in their tenders, thereby excluding local manufacturers from bidding process.

2. It may be noted that such stipulation of foreign make/brands and/or restrictive conditions (like mandatory requirement of certification by foreign bodies) in the tenders is not only violative of Public Procurement (Preference to Make in India) Order, 2017 (PPP-MII Order 2017) issued by DIPP, but also in violation of the General Financial Rules. In this regard, it is necessary to follow the following general guidelines:

a. Indicating foreign make/brands in the tender, and thereby excluding local manufacturers and service providers from participation, is in violation of Public Procurement (Preference to Make in India) Order, 2017. Also, as per Rule 144(i) (b) of GFR 2017, procuring agency shall not indicate a requirement for a particular trade mark, trade name or a brand.

b. As per Rule 144(iii) of GFR 2017, the technical specifications shall, to the extent practicable, be based on the national technical regulations or recognized national standards.

c. Ministries/Departments should also ensure that their procurement entities do not incorporate any such restrictive and discriminatory eligibility criteria regarding turnover, specifications/testing/other standards in tender documents that exclude local manufacturers/service providers.

3. Please ensure compliance of the above guidelines strictly at the level of the Ministry/Department, as also by all attached/subordinate offices and PSUs/ Autonomous bodies under the administrative control of your Ministry/Department. Any violation in this regard shall be viewed seriously.

With regards,

Yours sincerely,

Shri A.B.P. Pandey,
Secretary,
Department of Revenue,
New Delhi.