



PMC Cell – MM

Oil and Natural Gas Corporation Ltd

Corporate Materials Management
2nd Floor, Tower-A, Deendayal Urja Bhawan,
5, Nelson Mandela Marg, Vasant Kunj, New Delhi -110 070
Tel – (011)26752004 Fax – (011) 26129091

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Sub: Compliance of the provisions of the Public Procurement (Preference to Make in India) - Order 2017 in ONGC tenders.

Ministry of Petroleum and Natural Gas vide letter No. J-250112/2019-Gen dated 08.01.2019 has forwarded a copy of the communication No.330/31/C/64/2018-ES-I dated 03.01.2019 of PMO, mentioning that stipulation of foreign make/brand and /or restrictive conditions like mandatory requirement of certification by foreign bodies is in violation of Public Procurement (Preference to Make in India) order 2017 FPPP-MII Order 2017. Further directives have been issued that while inviting tenders following guidelines should be meticulously followed:

- (i) 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.
- (ii) As per Rule 144 (iii) of GFR 2017, the technical specifications shall, to the extent practicable be based in national technical regulations or recognized national standards.
- (iii) 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 may exclude local manufacturers/service providers.

In this regard, it may be noted that IMMM has guidelines similar to GFR 2017. Following provisions exists interalia in Para 5.0 "Specifications should be drawn up in general terms without quoting reference to any particular firm or taking it as model specifications The indentors should not ask for proprietary materials or draw up specifications that would result in proprietary procurement, except in cases, where proprietary procurement is unavoidable Specifications should normally be drawn in such a manner that there is a wide field of suppliers ... Before creating the Specifications/ Scope of Work, indentors should check if specifications for the particular requirement have been standardized within ONGC centrally.

Above guidelines should be meticulously followed by all concerned.

(S Viswanathan)

ED-Head PMC

Officiating ED-Chief MM Services

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