

File No.Z.28018/67/2010-EPW(Part)

F. No.Z-28018/67/2017-EPW

Government of India

Ministry of Health & Family Welfare

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Nirman Bhawan, New Delhi

OFFICE MEMORANDUM

Sub: Public Procurement (Preference to Make in India) Order, 2017.

The undersigned is directed to refer to Public Procurement (Preference to Make in India) Order, 2017 issued by Department of Industrial Policy and Promotion, Ministry of Commerce and Industry on 15.06.2017 on the above subject (copy enclosed). As you are aware that Ministry of Health and Family Welfare has been identified under above Order as Nodal Department for implementing the provisions related to procurement of goods and services related to "Medical Devices" sector. DIPP in its 2<sup>nd</sup> Meeting of Standing Committee held on 6.12.2017 for implementing the policy related to "Public Procurement (Preference to Make in India) Order, 2017 has discussed the issues raised by various stake holders. The Committee in its meeting has noted that a 'mandatory' requirement of 'USFDA' approval in the tenders floated by various procuring entities is clearly untenable though the public procurers are free to set quality requirements and prescribe others, less prescriptive ways of assuring themselves about quality of supplies.

The Committee decided that in view of Public Procurement (Preference to Make in India) Order, 2017 that while USFDA approval may be a sufficient condition, it cannot be a mandatory eligible condition for bid participation. It is requested that all procuring entities under the State Governments and State PSUs may be advised to implement the above decision.

Encl: As above.

(B.L. MEENA)

Under Secretary (EPW)

To:

The Secretaries of all State Governments and Union Territories.

Copy to:-

1. Secretary (HFW).
2. Secretary (DIPP).

Signature valid

Digitally signed by  
BARJMOHAN LAL MEENA  
Date: 2018.01.14 11:36:37  
eST  
Reason: Approved