

File No.16-09/2018-IP-Part(2)

Standard Operating Procedure (SOP) for handling complaints regarding non implementation /selective implementation of DoT PPP MII Notification 2018

1. The Department of Telecommunications (DoT) has issued a notification dated 29.08.2018 (called DOT PPP MII notification) and as per clause 15 of the said notification, a Committee in DoT has been constituted for vetting the restrictive and discriminating terms and conditions against domestic manufactures of telecom products, services and works with following Committee members:

- (i) Joint Secretary (T), Chairperson
- (ii) DDG(IC), Vice-Chairperson
- (iii) One representative of TEC, Member
- (iv) One representative of C-DOT, Member
- (v) Director (IP), Member Secretary

2. If local suppliers* of telecom products, services or works have complaint against procurement process by any specified procuring entity*, they may make a written complaint to the Member Secretary of the Committee i.e. Director (IP), DoT (either in hard copy or via email at dirip.hq-dot@nic.in) clearly defining their complaint and specifying the respective clause of DoT PPP MII notification which the local supplier determines is being violated by the procuring entity. The complainant will be required to provide the information in a template format along with their representation as at Annexure-I. Once, an online module** is operational local suppliers will be required to send their complaints only through the online portal.

[Note:

* Local supplier, procuring entity are as per definition of DIPP's Public

Procurement (Preference to Make in India) Order, 2017 dated 28.05.2018.

** The Department is in process of preparing an online module.]

3. On receipt of complaint, it will be scrutinized in the Investment Promotion Cell of DoT and if the complaint is found pertaining to the procurement of telecom products, services or works by a procuring entity, the same will be forwarded, at the earliest, to the procuring entity and the concerned administrative Ministry/Department in a standard O.M. (Annexure-II) for their comments to be provided within fifteen days. A copy will also be sent to the complainant.

4. After fifteen days, if the complaint still remains unresolved, the same will be put up before the DoT Committee alongwith the comments of the procuring entity and/or the concerned Ministry/Department. Even in case where no comments are received after the stipulated time period, matter will be taken up by the Committee.
5. In order to address unresolved complaint the Committee will meet on every 1st and 15th day of the month. In case these days happen to be holiday, then the Committee will meet on the immediate next working day. The notice for the meeting of the Committee will be issued normally a week prior to the procuring entity, concerned Department/Ministry and complainant, by the Investment Promotion Cell.
6. In case, there is no representative(s) of complainant or procuring entity before the Committee, the Committee will consider the individual case based on documents available on record and pass necessary orders.
7. The Decision of the Committee will be communicated by Investment Promotion Cell, to the procuring entity and the concerned Ministry/Department for ensuring compliance and a request to furnish Action Taken Report, within a week. A copy of the decision shall also be communicated to the complainant.
8. If the issue still remains unresolved owing to the failure of the procuring entity to comply, the same will be referred to the Standing Committee of DIPP, as under Clause 16 and 17 of DIPP PPP-MII order dated 28.05.2018.

Annexure-I**Template for complainants**

Sr. No.	Complainant	Procuring Entity	Tender/ Subject	Complaint	Whether domestic value addition norms are cleared by the complainant entity	Relief Sought

Annexure-II

No.
Government of India
Ministry of Communications
Department of Telecommunications
(Investment Promotion Cell)
20, Ashoka Road, Sanchar Bhawan,
New Delhi-110001

Dated:.....

OFFICE MEMORANDUM

Subject: Complaint raised by alleging non-compliance of ‘DoT PPP MII notification’ in Tender floated by – reg.

Procuring Entity and its Administrative Ministry/Department	
Complaint from	
Tender No./Subject	

The undersigned is directed to forward herewith a complaint from the above complainant regarding the above mentioned procurement alleging non-compliance of DoT PPP MII notification, 2018. (refer enclosure)

2. In this context, I would like to invite your kind attention to the “Public Procurement (Preference to Make in India) Order 2017- Notification of Telecom Products, Services or Works” (in short DoT PPP MII notification, 2018) dated 29th August, 2018 issued by Department of Telecommunications which was forwarded to all the nodal Ministries/ Departments. A copy of the same is enclosed for reference. (May also refer to DoT’s website: ‘<http://www.dot.gov.in> > Investment Promotion > Telecom Equipment Manufacturing’ to see the notification).

3. In this connection it may be noted that all the procurement entities are required to certify compliance of DIPP PPP-MII Order alongwith DoT PPP MII notification before uploading tenders on CPPP. Further, disciplinary action may be considered against erring officers where restrictive conditions against domestic telecom manufacturers have been imposed in malafide fashion.

4. It is requested that the above complaint may kindly be examined and comments may be furnished to this Department urgently within 15 days.

5. It is also brought to your notice in case the complaint is not resolved and/or the complainant is not satisfied with the redressal, then this complaint is to be taken up during the forthcoming meeting of the Internal Committee of the DoT on constituted for vetting the restrictive and discriminatory terms

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against domestic manufacturers of telecom products, services and works and in case there is no representation either from your side or from the complainant side, the case shall be decided based on the documents available with/ received by the Committee.

Encl.: As above.

(Manish Shukla)

ADG (IP)

Tele: 23036401

To

Concerned Administrative Ministry/Department

Copy to:

- **Concerned procuring entity**
- **Complainant**