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Circular No. 09 of 2018

No. IFA/21

Dated: 24.05.2018

To

All PIFAs/IFAs
(Through CGDA Website)

Sub: Amendment to Defence Procurement Procedure (DPP) 2016.

A copy of MoD ID No. 1(13)/D(Acq)/13-Pt.II dated 08.05.2018 received under Government of India, Ministry of Defence (Acquisition Wing Secretariat), New Delhi regarding on the above subject is enclosed herewith for information, guidance and further necessary action.

This issues with the approval of Sr. Jt.CGDA(Fin).

AO (IFA Wing)

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IMMEDIATE

Ministry of Defence
[Acquisition Wing Secretariat]

Subject: Amendment to Defence Procurement Procedure (DPP) 2016.

Defence Procurement Procedure (DPP)-2016 came into effect from 01st April, 2016. Subsequently, Chapter-VII of DPP 2016 titled as "Revitalising Defence Industrial Ecosystem through Strategic Partnerships" was promulgated vide MoD ID No.1(1)/D(Acq)/16(Pt-VI) dated 31.05.2017.


2. Besides, consequent upon consideration and approval of DAC, the following amendments to DPP-2016 are hereby notified:

A. Chapter III-A: Procedure for 'Make-II' sub-category of 'Make' Procedure:
Appendix-A.

B. Amendments in existing Chapter-III 'Make' Procedure: Appendix-B.

3. The above amendments in DPP-2016 come into effect immediately.

Encl. As above


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CISC	VCOAS	VCNS	VCAS	DG(CG)
AS(BM)	AS(JN)	AS(DP)	AS&FA(Acq)	CGDA
JS&AM(LS)	JS&AM(MS)	JS&AM(Air)		
FM(LS)	FM(MS)	FM(Air)		
TM(LS)	TM(MS)	TM(Air)		

MoD ID No. 1(13)/D(Acq)/13-Pt.II dated 08.05.2018

Copy to:-

- (i) Director, RM Office
- (ii) PS to RRM
- (iii) SO to Defence Secretary
- (iv) PPS to Secretary(DP)
- (v) PPS to Secretary(R&D)
- (vi) PPS to FA(DS)
- (vii) PS to DG(Acq)



Copy also to: US, D(IT), Room No.217, 'B' Wing, Sena Bhavan for uploading this ID on MoD website immediately.

CHAPTER III-A: PROCEDURE FOR 'MAKE-II' SUB-CATEGORY OF 'MAKE' PROCEDURE

Background:

1. The 'Make' procedure for indigenous design, development and manufacture of defence equipment/ weapon systems, was simplified in 2016 and promulgated as Chapter-III of DPP-2016. A new sub-category 'Make-II (Industry Funded)' was introduced under this procedure with primarily focus upon development of equipment/system/platform or their upgrades or their sub-systems/sub-assembly/assemblies/components with focus on import substitution. In this sub-category, no Government funding is envisaged for prototype development purposes but has assurance of orders on successful development and trials of the prototype. However, there was no separate, exclusive procedure outlined for 'Make-II' sub-category.
2. A need was felt to have a separate, simplified procedure for sub-category 'Make-II' as it does not envisage any funding by the Government for development of prototype.
3. The 'Make-II' procedure, outlined in this chapter, seeks to address the objectives of wider participation of Indian industry, impetus for MSME/start-ups sector, simplified implementation, and timely induction of equipment into Indian Armed Forces.
4. Indian vendors as detailed in Annexure-I to this chapter, are eligible for participation for capital acquisition cases being progressed under 'Make-II' sub-category of 'Make' Projects.
5. Successful development under this scheme would result in acquisition, from successful Development Agency/Agencies (DA/DAs), through the 'Buy (Indian – IDDM)' category with indigenous design and development, and a minimum of 40% IC, by inviting commercial bid which is to be submitted prior to Commencement of User Trials. Thereafter, the procedures detailed in Chapter II of DPP will be followed except for the procedure outlined in subsequent paras.
6. Projects under Make-II category will involve prototype development of equipment/system/platform or their upgrades or their sub-systems/sub-assembly/assemblies/components, primarily for import substitution/innovative solutions, for which no Government funding will be provided for prototype development purposes. Cases where innovative solutions have been offered, shall be accepted and progressed, even if there is only a single individual or a firm involved.
7. Projects under the Make-II sub-category, with estimated cost of prototype development phase not exceeding ₹3 Crores, will be earmarked for MSMEs. However, if no MSME expresses interest for a Make-II program of less than ₹3 Crores, the same may be opened up for all.

Make - Project Management Unit (PMU):

8. 'Make-PMU' established for Make projects as per provisions given at para 7 of Chapter-III will also oversee the projects categorised as Make-II. The head of 'Make – PMU' may hire domain experts/consultants such as finance, legal and technology, from public and private sectors. Expenses for hiring the services of experts/consultants shall be borne by the SHQ concerned.

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- i. A preliminary assessment of capability of Indian industry to undertake design and development of the requisite equipment/system/platform or their upgrades and subsequently supply the quantities envisaged for procurement during the 'Buy (Indian-IDDM)' phase and timelines.
 - ii. Estimated time period for development.
 - iii. Estimated Cost of prototype development phase and for subsequent procurement phase under 'Buy (Indian-IDDM)' category.
 - iv. Any other aspect considered important.

15. SHQs may, if required, engage Standing Consultancy firms to provide assistance in Feasibility Study, Industry outreach programmes, preparation of EoI and evaluation of EoI etc. Expenses for engaging Standing Consultancy firm will be borne by SHQ.

Preliminary Services Qualitative Requirements (PSQRs):

16. Based on the feasibility study, the SHQ concerned would formulate the PSQRs, specifying essential and desirable parameters. These PSQRs shall form part of the Statement of Case (SoC) while seeking AoN for 'Make-II' projects.

Constitution of Project Facilitation Team (PFT):

17. SHQ will constitute a PFT under Head of 'Make-PMU' or suitable officer belonging to the 'Make-PMU' prior to fielding Statement of Case (SoC) before the Categorization Committees. PFT will consist of representatives from SHQ, DDP, DGQA/DGAQA/DGNAI, MoD(Finance)/IFA as required and other experts if considered necessary. PFT will function under overall control & directions of Chairman of Make-PMU of respective SHQ.

18. The PFT, through Principal Staff Officer (PSO) of the concerned SHQ shall submit six-monthly progress report to the Defence Production Board (DPrB). The DPrB shall provide policy guidance as may be required in 'Make-II' cases. The PFT's responsibilities shall inter-alia, include the following important functions:

- i. Preparing EoI, obtaining approval in SHQ and issue of EoI.
- ii. Receipt & evaluation of EoI responses.
- iii. Preparation of draft Project Sanction Order, obtaining requisite approvals and issue of Project Sanction Order.
- iv. Monitoring and reporting of aspects relating to prototype development including generation of Intellectual Property.
- v. Any other responsibilities as entrusted by the SHQ/Ministry.

Categorisation & Accord of AoN:

19. SHQ shall prepare the Statement of Case (SoC) and will refer the cases to SCAPCC/SCAPCHC as per Para 16 to 19, Chapter II of DPP – 16. Cases up to ₹150 Crores will be referred to SCAPCC. After evaluating the recommendations of the SHQs/initiating departments, the SCAPCC will recommend the SoC for accord of AoN to SCAPCHC. For cases beyond ₹150 Crores the SHQs/initiating departments will refer cases to the SCAPCHC, which will carry out the task of categorisation, based on the recommendations of SHQs/initiating departments and refer the cases between ₹150 Crores to ₹300 Crores to the DPB and refer cases beyond ₹300 Crores to DAC for accord of AoN. PSQRs and Draft EoI shall be enclosed with SoC. Following would be highlighted by the SHQ in the SoC seeking AoN:-

26. PFT will issue Project Sanction Order with Nil financial implications.

Time Overrun:

27. The approval of extension of timelines for any 'Make-II' project may be accorded by CISC/VCOAS/VCNS/DCAS/DG(ICG), based on the recommendations of Head-PMU. In case of only single vendor having offered the prototype within timelines stipulated in the Project Sanction Order, not more than two time extensions will be accorded and thereafter the case is to be progressed as resultant Single Vendor Case (SVC).

Design and Development of Prototype for Make-II Sub-category:

28. PFT are to act as the primary interface between the SHQ and the industry during the design and development stage under Make-II subcategory projects and are to facilitate the following:-

- i. Finalization of trial methodology.
- ii. Provision of requisite professional inputs/documentation to industry.
- iii. Providing clarifications related to functional or operational aspects of the equipment under development, as may be sought by the DAs from time to time, during the design and development of prototype.
- iv. Provision of trial range/test facilities/consumables, etc., as mentioned in the EoI.
- v. Conversion of PSQRs to SQRs, prior to commencement of Users trials.
- vi. Issue of Commercial Offer in consultation with SHQ.
- vii. Coordinating user trials with the SHQs, based on the trial methodology. SHQ will formulate the Trial Directive and constitute the Trial Team. The Trial Directive must specify the fundamental points that need to be addressed for validating the 'essential' parameters.

29. After the prototype has been developed, the PFT would carry out user trial readiness review of the prototype before offering it for user trials.

Solicitation of Commercial offers:

30. A commercial Request for Proposal (RFP) for 'Buy (Indian-IDDM)' phase, duly vetted by Acquisition Wing/ concerned SHQ, will be issued to all Development Agencies for submission of their commercial offer prior to commencement of User trials.

31. The quantities in the 'Buy (Indian-IDDM)' phase cannot be reduced from the quantities indicated in EoI issued for the prototype development phase.

User Trials:

32. User trials would be carried out by the SHQ in close consultation with PFT to validate the performance of the system against the parameters/ specifications approved after the development of prototype. SHQ will formulate the trial directives and constitute the Trial Team. The 'trial directive' must specify the fundamental points that need to be addressed for validating the 'essential' parameters.

33. The SQRs of the equipment would therefore be a part of the trial directives, and only the essential parameters as detailed in the SQRs will be tested. The validation of the support system and maintainability trials, integral to and complimenting the trial programme of the defence equipment/upgrades/product/system should be held simultaneously, wherever feasible. Representatives of DRDO, QA agency may also be part of the field evaluation, based on

Intellectual Property Rights (IPRs):

42. DA shall retain title or ownership and all other rights in intellectual property generated during the development of project. However, the Government shall have March-in rights under which the Government can require the contractor to grant, or may itself grant license for, inter alia, the following reasons:-

- i. Where health and safety requirements so require the Government to act in public interest;
- ii. For National Security Reasons;
- iii. To meet requirements for public use not reasonably satisfied by the contractor;
- iv. For failure of the contractor to substantially manufacture the products embodying the subject invention in India; or
- v. For failure of the contractor to comply with any of the requirements laid down under these guidelines.

Project Management, Review and Monitoring:

43. The progress of the 'Make-II' project would be monitored by the PFT under overall guidance of respective PMU as defined in EoI responses. The Government may engage services of independent consultants/experts for assessing the physical and/or financial progress of the Make project. PFT, through respective 'Make-PMU' will also periodically apprise the progress of the project to PSO concerned at SHQ or to DPrB through PSO concerned at SHQ, as the case may be.

Foreclosure:

44. No Foreclosure of the Project will be done after issue of Project Sanction Order, other than for reasons of default/ non-adherence to Project Sanction Order by Vendors.

45. All deviations on matters concerned with 'Make-II' cases not covered under this chapter, as well as all cases of deviations, shall require prior approval of the DPrB.

46. Any DA developing an item under 'Make-I' procedure, if desires, would be allowed to migrate to Make-II procedure, after due consultations and if it is found to be in the interest of the project and if no payment/reimbursement has been made to the DA against the development cost.

47. Typical expected timelines for undertaking 'Make-II' Projects are contained in Annexure-II.

48. Any clarification or difficulty arising during execution of prototype development phase, shall be referred to Secretary (Defence Production) who may refer it to DPrB, for final decision, if required.

Tentative Time lines for Make-II Projects

Sr. No	Activity	Time in weeks from collegiate discussions (T ₀)
1.	Approval of proposals as POTENTIAL 'Make-II' projects by Collegiate to be headed by Secretary (DP) and uploading on MoD/DDP website	T ₀
2.	Completion of Feasibility study	8
3.	Preparation of PSQRs	4
4.	Preparation of SoC + Constitution of PFT	4
5.	Categorisation and Accord of AcN	8
6.	Issue of EoI	8
7.	EoI Response submission	6
8.	EoI response evaluation	5
9.	Issue of Project Sanction Order	2
10.	Design & development of prototype	12-30
11.	Conversion of PSQRs to SQRs/ Solicitation of Commercial offer	4
12.	User trials & Staff evaluation	8-26
	Total	69-105 weeks

15.	60-61	May be deleted.
16.	62-68	No change.
17.	69	Last line " <i>Project management, review and monitoring arrangements may be suitably tailored for Make-II sub-category, based on the nature of the project and involvement of IPMT, as outlined in DPR.</i> " to be deleted
18.	70-74	No change except replace 'Make' Projects by 'Make-I' projects.
19.	75-76	To be deleted.
20.	77-80	No change except replace 'Make' Projects by 'Make-I' projects.
21.	Appendix-J of Ch-III	Reference related to Make-II to be deleted.
