

# அறப்போர் தீவிரக்கம்

அகிம்சை வழியில் ஒரு துவக்கம்

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## பத்திரிக்கை செய்தி

பாரத நெட் டெண்டர் - மீண்டும் தமிழக அரசு முறைகேடு - அறப்போர் புகார் ரூ 2000 கோடி பாரத்நெட் டெண்டர் கடந்த ஐஞ் மாதம் தமிழக அரசு பாரபட்சமான போட்டிக்கு எதிரான முறைகேடான ஊழலுக்கு வழிவகை செய்யும் டெண்டர் போட்டதால் அதன் மீது அறப்போர் இயக்கம் புகார் அளித்து அது ரத்தானது நாம் அறிந்ததே. அமைச்சர் உதயகுமார் புது டெண்டர் உடனடியாக 1 மாதத்திற்குள் போடப்படும் என்றார். பாரபட்சமாக இருந்த விதிகளை மட்டும் மாற்றி டெண்டரை உடனே மீண்டும் கொண்டு வந்திருக்கலாம். ஆனால் TANFINET துறையோ Turnover, அனுபவம் போன்றவற்றில் பாரபட்சமாக உள்ள விதிகளை நீக்கிவிட்டு, இம்முறை வேறு சில புதிய மாற்றங்களை பாரபட்சமாக செய்து அக்டோபரில் புதிய டெண்டரை வெளியிட்டுள்ளது. முக்கியமாக அந்த மாற்றங்கள் Technical ஆக ரெஸட்டர் போன்ற விஷயங்களில் செய்யப்பட்டுள்ளது. இவை அனைத்தும் வெளிநாட்டில் உள்ள ஒரு நிறுவனத்திற்கு சார்பாக செய்யப்படுள்ளது என்பது அறப்போர் இயக்கத்தின் கவனத்திற்கு வந்துள்ளது. அவற்றை தொகுத்து புகாராக தமிழக அரசுக்கும், மத்திய தொலைதொடர்பு துறைக்கும், DPIIT துறைக்கும் அனுப்பியுள்ளோம். அந்த புகாரில் தெரிவிக்கப்பட்டதை கீழே இணைத்துள்ளேன். கிராம மக்களுக்கு தரமான இணையதள சேவை கிடைக்க தமிழக அரசு முறைகேடு செய்வதை விடுத்து நேர்மையாக டெண்டர் கோர வேண்டும். எனவே புகாரில் குறிப்பிட்டுள்ள தேவையற்ற விதகளை அரசு நீக்க வேண்டும். தவறும் பட்சத்தில் மத்திய அரசின் DPIIT துறை அந்த மாற்றங்களை செய்ய வைக்க வேண்டும்.

### Gist of the Complaint

Arappor Iyakkam is a citizens organization working towards Transparency and Accountability in Governance

In my previous complaint dated 19/04/2020, I had raised about the illegality and irregularity in the Corrigendum changes made on 15/04/2020 brought in the 4 packages of Bharatnet tender by TANFINET

(NIT/TANFINET/001/PACKAGE-A with tender value of Rs 350 crores, NIT/TANFINET/001/PACKAGE-B with tender value of Rs 550 crores, NIT/TANFINET/001/PACKAGE-C with tender value of Rs 550 crores and NIT/TANFINET/001/PACKAGE-D with tender value of Rs 500 crores) to favour 2 specific companies. DPIIT did a video conference hearing on the complaint and after the hearing, Dept of Telecom and DPIIT had directed through its order that the tender was indeed restrictive and discriminatory and had sought for the tenders to be scrapped. DPIIT letter had further said that TANFINET may reinvite the bids with non-restrictive tender criteria

TANFINET has floated fresh tenders for Bharatnet again in 4 packages in October 2020. The 4 packages of Bharatnet tender are NIT/TANFINET/001/PACKAGE-A with tender value of Rs 500 crores, NIT/TANFINET/001/PACKAGE-B with tender value of Rs 450 crores, NIT/TANFINET/001/PACKAGE-C with tender value of Rs 500 crores and NIT/TANFINET/001/PACKAGE-D with tender value of Rs 400 crores. The final date for tender submission is 11/11/2020.

After the cancellation of the tender last time due to discriminatory and restrictive practise of TANFINET last time, it had reversed many of the discriminatory and restrictive tender eligibility criteria. TANFINET has brought down the Turnover, experience etc significantly from 100 to 120% of tender value to almost 40 to 50% of the tender value to meet the CVC guidelines. They have brought down the average annual turnover requirement to Rs 200 to 250 crores for each package while it was Rs 600 crores last time. They have brought down experience of fiber optic laying from almost 15000 Km to 4000 Kms. They have taken out the proof of concept that introduced subjectivity in the tender last time. They have restored the timeline back to 12 months. All these were possible because of the intervention of DPIIT and Department of Telecom.

However, TANFINET has retained some old restrictive clauses as well as introduced some new ones on the technical side that restricts and kills the competition almost completely. TANFINET has brought about a lot of changes on the technical side to ensure that a specific foreign OEM alone qualifies for the Electronics part. We have also learnt that many other domestic and foreign companies have raised the issues of restrictive criteria as well to the tendering authority

#### **Details of Restrictive Criteria:**

1. The clause 'All IP MPLS routers shall be from the same OEM' is highly restrictive and discriminatory when read along with the clarification that it also includes the NOC routers. In our complaint of the previous tender, we had specifically mentioned that this is a highly restrictive clause against domestic players when NOC router was also included as part of this. There would be a total of around 12500 Gram panchayat and 388 Block routers and around 2 NOC routers. The configuration of GP routers, Block routers and NOC router are all different and there

are many domestic manufacturers who make and supply the configuration of the GP Routers and Block Routers. However, the configuration of the NOC routers is different and only specific foreign players will be eligible. Combining both and to say that all of them have to be from 1 OEM will mean that all the domestic manufacturers who are capable of supplying GP or block routers will be eliminated and the entire 12500 GP routers have to be bought from the same foreign player from whom the 2 NOC routers are to be procured. All that is required is to ensure the compatibility between the NOC and GP, Block routers. In the last tender which was cancelled, this very issue was raised by domestic manufacturers after which TANFINET brought a corrigendum on 12/05/2020 which read as below

*"All IP MPLS routers of Block, GPs (Type 1 & Type 2) shall be from same OEM with an option of NOC router from same/ different OEM"*

Arappor Iyakkam had mentioned about this in our additional complaint dated 14/05/2020 as well about how TANFINET brought in this restrictive condition on 09/05/2020 and thereafter took it back through Corrigendum 5 dated 12/05/2020. When they have realized that it is a restrictive clause last time itself, what is the need to reintroduce it this time? In the response to query sheet of the current set of tenders at serial number 9 of page 3, this issue has been raised by domestic manufacturers as a restrictive clause again and had requested the below changes

*"Please note that Routers asked under NOC IT falls under different category of router and has different specification than the router asked in GP and Block. By allowing single OEM for all categories of Router will restrict participation of local manufacturer."*

*Please change this clause as "All IP MPLS - GP and Block Router shall be from the same OEM"*

The issue has been raised by other bidders as well in serial no 278 of page 78 as well in the response to query sheet.

Infact to allow free and fair competition, TANFINET should allow any number of OEMs for IP MPLS routers as long as the standard and compatibility of the routers are ensured.

2. The number of block routers have been brought down from 1515 in the previous tender to almost 388 in the current tender and instead the interfaces have been increased. While it could be their prerogative to do so, it is completely illogical for them to have a block interface of a total of 568 G ( $4*100G + 16*10G + 8*1G$ ) while the minimum non blocking capacity has been set at 400 Gbps only. It must be remembered that in

the previous tender it was 248G of interface and 294 Gbps capacity, clearly showing that the capacity was more than the interfaces last time. It is learnt that this change of block interface and capacity is to handover a major advantage to the product a specific foreign OEM.

3. Also, the operating temperature for aggregation routers at blocks has been fixed at 65 degrees while in reality it may not cross 45 or 50 degrees. This issue was raised during the last tender itself and has still not been addressed. It is reliably learnt that this criteria has been brought in to favour specific OEM

It is reliably learnt that the combination of the above conditions will result in almost nill competition with respect to Electronics part and that only one foreign OEM is likely to qualify.

Such discriminatory and restrictive clause will also result in elimination of all domestic OEMs. Therefore, this is against the Public Procurement (Preference to Make in India), Order 2017 since it discriminates against domestic suppliers.

**Prayer:**

I request Government of Tamilnadu, DPIIT and Department of Telecom to

1. To make the required amendments on the technical side immediately including the above to ensure free and fair participation of all eligible players, particularly the domestic players.
2. I request you to extend the tender submission end date until a decision is taken on the above complaint.
3. Request DPIIT and Dept of Telecom to initiate an enquiry into this on the compliance of Public Procurement (Preference to Make in India), Order 2017, CVC guidelines and other relevant laws/ rules and take necessary action on this tender

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Note:

Tender related documents are in the following link

[https://drive.google.com/drive/folders/1g3HhBV2mIJdxe-aaopMgTI5Cq95k2\\_1O?usp=sharing](https://drive.google.com/drive/folders/1g3HhBV2mIJdxe-aaopMgTI5Cq95k2_1O?usp=sharing)