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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



राजमार्ग भवन, जी.पी.ओ. कॉम्प्लेक्स,
सतर्क-ए, आई.ए.ए.ए., नई दिल्ली-110023
Satarika Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023

No. 10-11-CTE-104-Policy(Pt)/392136

Date: 23.08.2018

To,

The Chief Executive Officer (GeM),
Government e Marketplace,
Ministry of Commerce & Industry,
"Jeevan Tara" Building, 5-Sansad Marg,
New Delhi - 110 001.

23 Aug 2018

Sub: - Comments on the procurement procedure adopted in Government e-marketplace (GeM).

Ref: - Your D.O. letter No.50/CEO-GeM/2018 dated 29th June 2018 .

Madam,

I have been directed to convey the views of the Commission as per enclosed Annexure on the issues raised vide your above referred letter on the subject please.

Yours faithfully,

Tarun Mittal
23/8/18

(Tarun Mittal)
Technical Examiner

Encl: As above

(2 sheets)

अस. मुख्यालय (CEO) का कार्यालय
O/o Adg. CEO (GeM/ANM)
सं/नं. 6-153
दिनांक/Date 21/8/2018

for (L. H. Ch.)

Ag. CEO (R3) in process. Please inform after committee file.

Ag. CEO (R3)

27/8/18

Annexure

S. No.	CVC Guidelines	Procedure Adopted in GeM	CVC's View	
1.	Consideration of Indian Agents Circular No. 03/01/12 dated 13.01.2012	<p>a) In a tender, either the Indian Agent on behalf of Principal / OEM or Principal / OEM itself can bid but both cannot bid simultaneously for the same item / product in the same tender.</p> <p>b) If an agent submits bid on behalf of the Principal / OEM, the same agent shall not submit a bid on behalf of another Principal / OEM in the same tender for the same item / product.</p>	<p>a) GeM is an e-Marketplace wherein the multiple authorized Sellers in the open Market by the OEM as well as the OEM can offer and list their products on the GeM portal competing each other and quoting competitive rates. In some of the cases, where OEM is not directly listing their products, the multiple authorized Sellers across the country are listing and competing each other in a transparent manner and creating healthy competition.</p> <p>b) Enabled in GeM – one Seller can only select one OEM in one bid.</p>	<p>i) The Commission differentiated between the role of " Agent" and "Dealer", viz. that agent performs actions on behalf of the Principal and agent's actions are legally binding on the Principal firm, whereas this is not so in case of a dealer.</p> <p>ii) CVC guidelines on agents issued vide its circular dated 13.01.2012 are specifically in context of imports and relate to Indian agents of foreign principals /OEMs.</p> <p>iii) The Commission is of the view that GeM may continue to enlist/register sellers as per extant guidelines on registration of vendors for procurement of goods.</p>
2.	Common	To allow 4-6 weeks in Advertised /		