



# जेम

गवर्नमेंट ई मार्केटप्लेस

दक्ष • पारदर्शी • समावेशी



सत्यमेव जयते



प्रशान्त कुमार सिंह, भा.प्र.से.

मुख्य कार्यकारी अधिकारी

**P.K. SINGH, IAS**

Chief Executive Officer

भारत सरकार  
वाणिज्य एवं उद्योग मंत्रालय  
गवर्नमेंट ई मार्केटप्लेस  
द्वितीय तल, जीवन तारा बिल्डिंग  
पटेल चौक, नई दिल्ली-110001  
दूरभाष : 011-23349186  
ई-मेल : ceo-gem@gov.in

Government of India  
Ministry of Commerce & Industry  
Government e Marketplace  
2nd Floor, Jeevan Tara Building  
Patel Chowk, New Delhi-110001  
Tel : 011-23349186  
e-mail : ceo-gem@gov.in

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*Respected Ma'am/Sir,*

GeM is the National Public Procurement portal for procurement of Goods and Services by Government Departments. You would be aware that GeM crossed the INR 1 Lakh Crore of procurement in a single fiscal year in FY 21-22. Cumulatively GeM has facilitated more than 1 crore transactions valued at over INR 2.5 Lakh Crore. The platform continues to evolve with newly added functionalities and features.

2. GeM was created to facilitate procurement by different Government organisations across the country. However, few cases of misuse of the platform by buyers have come to light, where some buyers are opting for BoQ based bidding or custom catalogue-based bidding for cases that are possible through regular catalogue/category-based bidding.

3. Attention is also invited to Office Memorandum No. F. No.6/18/2019-PPD dated 23-July-2020, issued by the Public Procurement Division, Department of Expenditure, Ministry of Finance, regarding Restrictions under rule 144 (xi) GFR in respect of bidders having beneficial ownership interests in land Border sharing countries, which mandates the following in respect of GeM:

- "The Government E-Marketplace shall, as soon as possible, require all vendors/bidders registered with GeM to give a certificate regarding compliance with this order, and after the date fixed by it, shall remove non-compliant entities from GeM unless/until they are registered in accordance with this order."

4. As Custom / BoQ bids are manually created by Buyers, the Bidders and their Product Offerings in such bids are not validated by GeM. Such bidding may lead to violation of one or more of the following:

- Compliance of Restrictions under Rule 144 (xi) of GFR 2017: Restrictions on procurement from a bidder of a country which shares a land border with India:

GeM ensures compliance with Rule 144 (xi) of GFR 2017 and as such GeM GTC clause 26 regarding Restrictions on procurement from a bidder of a country which shares land border with India, stipulates that any bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority. While participating

in a bid, the Bidder must ensure compliance of this through an undertaking and any false declaration or non-compliance of can be a ground for immediate termination of the contract and further legal action in accordance with law. In case of GeM category-based procurement bids, the Bidder status for critical categories is pre-checked / verified by QCI teams.

○ MSE Purchase Preference:

In case of category-based bidding, the Bidder status, and its eligibility for MSE preference is pre-validated by GeM system. In BoQ and Custom bids such validations do not exist

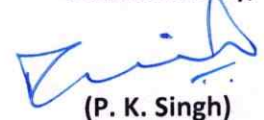
○ MII Purchase Preference:

Like in the case of MSE preference, the % of MII content etc. are declared by OEMs in case of category-based procurement. In BoQ and Custom bids such validations do not exist.

5. In Custom / BoQ bids, the credentials of sellers on their authorization by the OEM are not validated since there is no pre-uploaded catalogue or OEM mapping possible.
6. In view of the above, it is requested to kindly direct all officials under your administrative control to ensure that Custom catalogue and BoQ based bidding is not resorted to in respect of items for which regular categories exist on GeM. This is particularly important in respect of all Information Technology, Cyber Security, Surveillance and Medical Equipment categories etc. where there is possibility of data transfer through the equipment. In addition, adequate care needs to be taken by the Buyer to ensure compliance of the Restrictions under Rule 144(xi) of GFR, 2017, MSE and MII Purchase Preference while creating Custom or BoQ based bid for categories not available on GeM.
7. In respect of critical categories that are given in the attached list, GeM would be constrained to cancel any bid created by the Buyer using Custom / BoQ bid method for which regular categories exist on GeM, irrespective of the stage up to which the bid has progressed. This is an indicative list and GeM would continuously be identifying more such sensitive categories. Buyers are necessarily required to refrain from creating Custom / BoQ bids for any item for which regular category is available on GeM.
8. All buyers under your administrative control may kindly be sensitized about this issue to avoid any inconvenience or delay arising out of cancellation of the bid by GeM.

*warm regards,*

Yours sincerely,

  
(P. K. Singh)

To,  
Secretaries of all Ministries /Departments.