

**INDIAN RAILWAYS
OFFICE OF THE PRINCIPAL CHIEF MATERIAL MANAGER
CHITTARANJAN LOCOMOTIVE WORKS
CHITTARANJAN - 713331. (WEST BENGAL)**

No. CMM/TM /GeM

Date-10/07/2024

Sub:- Guidelines issued for dealing mainly GeM service contract .

On dtd 03.07.2024 a presentation of GeM was made. Guidelines for dealing mainly GeM procurement contract to help the improvement in process of GeM service contract for CLW user.

Can buyer pass over the offer which has unworkable rate?

Yes, DoE letter no F.12/17/2019-PPD dated 06.02.2020 there is option for buyer, which allows buyer to clarify for detailed price analysis of such bidder who has offered their price much below the estimated price. In case, price is found unworkable such bidder can be passed over by utilizing appropriate option available on GeM. In case option is locked, buyer has to clarify from all the bidder whose rate seems unworkable and finalize the tender either DA/TC in which unworkable rate of bidder to be passed over and same to refer to GeM authority by authorised e-mail (Director-gem@gem.gov.in) with requesting to passed over the bidder as per TCM for deletion from back end on GeM. GeM authority will delete such unworkable bidder from back end and recommended bidder will be kept as L-1 for ordering by buyer on GeM.

Can buyer cancel the contract if found not satisfactory within contract period?

Yes, if the contractor is not performing satisfactory then buyer sent their consent to the contractor for accepting cancellation. There is option for contractor - yes/no.

If contractor opt yes, then contract will be cancelled on mutual consent.

If contractor opt no, then buyer has to refer to GeM authority by authorised e-mail (Director-gem@gem.gov.in) with appropriate reason for cancellation of contract, GeM authority will provide the cancellation of the contract by using back end support.

If contractor does not opt yes/no, then buyer has to wait for 5 days and then refer to GeM authority with appropriate reason for cancellation of contract, GeM authority will provide the cancellation of the contract by using back end support.

What is the precedence for applicability of Terms & Conditions of GeM?

Terms & Conditions in STC (Special Terms & Condition) will supersede those in GTC (General Terms & Condition) if conditions infringe.

Terms & Conditions in ATC (Additional Terms & Condition) will supersede those in GTC & STC if conditions infringe.

Can a Buyer prescribe additional SLA clauses to the already existing SLA of the category related to a Particular Bid of Services.

Yes, Buyer can prescribe additional SLAs pertaining to a particular Bid on need basis through "Buyer Added Bid Specific SLA" in the "ATC Section" .

How can Buyer incorporate Buyer specific terms and conditions?

Buyer Specific Terms and conditions may be added by buyer in Additional Terms and Conditions section while creating the bid. Option for uploading the document (word and pdf format) as well as Text based inputs is available to the buyer.

Can a buyer provide the details for Pre-Bid interaction meeting while bid creation?

The Pre-bid functionality is now available in all services. The Buyer may call for a Pre-Bid interaction with all the prospective Service Providers specifying the Pre-Bid venue and Pre-Bid date. Pre-Bid interaction may be called with an objective to discuss, clarify and understand the scope of the service from the Buyer's perspective. Changes, if any, may be made through the Corrigendum to Bid based on the minutes of the Pre Bid meeting. It is advisable to provide sufficient time gap between the pre Bid meeting and bid end date.

Can a Buyer split the Service order among multiple Bidders?

The splitting functionality is presently available only for Custom Bid for Services. However, the buyer can declare the intent of splitting in the bid document through ATC and GeM will provide necessary Technical support at the time of ordering for all standard Service categories. Alternatively, the buyer can also use the functionality of item/schedule wise evaluation for this purpose.

Can a service bid be created for amount less than 5 Lakh?

Yes, Service Bid can be created for any amount, earlier it was above 5 Lakhs.

Can Buyer mandate Service Providers to provide certificates or other documents to fulfill eligibility criteria of bid participation?

Yes, buyer can mandate service provider to provide mandatory certificates or other documents along with the bid. During bid creation, the buyer can select requisite documents to be submitted by the bidder pertaining to Turnover and Past Experience. In addition to above, he can also seek additional documents through Additional Terms and Conditions (ATC).

Can a Buyer use Past Experience as an eligibility criteria for his Bid?

Yes, prior Government Experience can be selected as an eligibility criteria. Buyer may define the eligibility criteria while creating the bid. However, evaluation of the bid with respect to the eligibility criteria needs to be done by the buyer during technical evaluation. It is not done through system by GeM.

In case, the buyer selects Yes for Past Experience of Similar Services then following project experience clause is printed in the bid document: Past Experience of Similar Services: The bidder must have successfully executed/completed similar Services over the last three years i.e. the current financial year and the last three financial years(ending month of March prior to the bid opening): -

1. Three similar completed services costing not less than the amount equal to 40% (forty percent) of the estimated cost; or

2. Two similar completed services costing not less than the amount equal to 50% (fifty percent) of the estimated cost; or
3. One similar completed service costing not less than the amount equal to 80% (eighty percent) of the estimated cost.

Can turnover be selected as an eligibility criteria by the Buyer?

Yes, annual turnover can be selected as an eligibility criteria. However, buyer will have to verify the turnover of the bidder from the submitted documents during technical evaluation.

Does estimated Bid value includes GST?

Yes, estimated bid value includes GST. GeM has now provided an option to the buyer to choose whether they want to print the Estimated Bid Value in the bid document or not.

How can a Buyer ask for the price breakup in Lumpsum price based Services?

If the buyer opts for the Price Breakup option, they will have to upload the price breakup format during Bid document creation. All the bidders will have to mandatorily upload the PDF of the filled price breakup in the given format while participating in the bid. L-1 evaluation will be done on the basis of the Lumpsum price quoted by the bidder and price breakup will not have any impact on the L-1 discovery.

Is it mandatory to give MSE & Startups exemption for turnover and project experience?

No, Its not mandatory. Buyer has an option to decide whether he wants to give exemption to MSE & Startups for turnover and project experience.

Is MSE purchase preference available for service bids?

Yes, Buyer can select MSE purchase Preference while creating the Bid document(as per the applicable GoI guidelines). Since the functionality of splitting of orders in service Bids is still under development, full quantity order can be placed on eligible MSE Bidder falling in L1+15% range who agrees to match L1 price.

What are different methods of Evaluation available in Service Bids?

Besides L1 selection, the buyer can also choose Least Cost Method(LCS) or Quality & Cost Based Selection(QCBS) as method of evaluation of bids depending upon the type of service.

(i) for both LCS and QCBS, The buyer will have to declare in the bid document the details of technical parameters on which scoring will be done and also the documents required for such assessment.

(ii) The bidders will get an option to upload the documents against each parameter as sought by the Buyer.

(iii) In case of Single Packet Bids, only L1 based evaluation is available and LCS and QCBS cannot be used.

What is the minimum estimated Bid value for which Buyer can opt ePBG in a service Bid?

Buyer can opt for ePBG during Bid creation if the estimated bid value is greater than Rs 5 Lakh.

I am not able to create a bunch bid for the service. What can be the possible reason for this?

There can be multiple reasons for this:

1. It is possible that the service categories selected by buyer are not enabled for bunching by GeM.

Only the categories which are enabled by GeM for bunching can be bunched together. Buyer may raise the request for enabling the bunching of services by sending a mail to request-bunch@gem.gov.in

2. Please ensure that buyer has selected "Intent of Buying" as "Bid" for bunching multiple services.
3. Contract Start Date & Contract End Date selected by buyer during creation of bid should be same for all the schedules. Multiple schedules with different Start & End dates can not be bunched together.

Which all service categories can be bunched together?

Below are the criteria for bunching of service categories:

1. Buyer can bunch multiple items within the same service category with each other.
2. Categories which have been enabled for bunching by GeM can be bunched together. The criterion for enabling the bunching is mainly the nature of services & the possibilities of having common service providers for these services.
3. "Custom Bid for Services" can not be bunched with any other category.
4. Buyer can bunch multiple items of "Custom Bid for Services" with each other.

Can a buyer opt for Item wise Evaluation incase of Services

Yes, This option is available, Buyer needs to select Evaluation method as "Item wise evaluation" on bid details page while creating bid

What can a Buyer do if EMD is not provided by service provider during technical evaluation?

During Technical evaluation, Buyer should verify if the service provider is exempted from submission of EMD. If not, Buyer may choose to disqualify such bidder.

Can a buyer disqualify a bidder after financial opening on the basis of unworkable rates?

If the Buyer is of the opinion that the rate quoted by L1 bidder appears to be on lower side or unworkable, he can seek price justification from that bidder. After getting the response from the bidder, the buyer can decide whether the quoted rate is unworkable and accordingly that bidder can be disqualified. In such case, the next eligible Bidder will be considered for award of contract. However, this functionality is, at present, not available for QCBS, LCS, and single-packet bids.

Can Buyer access email id or contact details of service providers in Financial Evaluation?

Buyer can view email ID of L1 or H1 as the case may be, after opening of financial bid.

Can Buyer negotiate below the minimum floor price?

Negotiation will not be allowed in Bid/RA if bidder has quoted minimum floor price as set by the Buyer/System.

How L1 is identified in Service Bids where there are multiple L1 bidders quoting the same price?

In case of multiple L1 bidders against a service bid, the buyer will have to use 'Run L1 selection' feature wherein the system would randomly identify a L1 seller. It works on pseudorandom

number generator algorithms which is the system generator based on linear congruential algorithm.

How Run L1 option works In case of multiple L1 bidders with both MSE and non MSE bidders?

(i) If the buyer has selected MSE purchase preference then Run L1 option will give priority to MSE bidders.

(ii) If the buyer has not selected MSE purchase preference, the Run L1 option will choose the successful bidder among all MSE and non MSE L1 bidders.

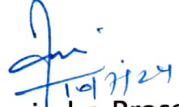
How is the Negotiation carried out in service bids with MSE Purchase Preference?

In case L1 bidder is MSE then the buyer can proceed for negotiation with that bidder.

(ii) In case L1 bidder is non MSE then the buyer will have to first negotiate with that bidder and then price match request is sent to MSE bidders in L1+15% band.

Is RA(Bid to RA) Possible for Services where categories have Minimum Floor price enabled?

Yes, RA (Bid to RA) is possible for services with categories that have a minimum floor price configured. However, during the RA, if the minimum floor price is reached, no further reduction is possible in the offered price.


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