|--------|---------------------------------------------|
| प्राप्तकर्ता: | All Regional Heads  
             All Procurement Departments at  
             Head Office/HSMI  
             All EDs/GMs |

दिनांक: 18.01.2023


Ref: 1. Govt. of India, Principal Accounts Office (Admn.), Ministry of Housing and Urban Affairs, Nirman Bhawan, New Delhi’s E-mail dated 17.01.2023

With regard to the above, kindly find attached the E-mail dated 17.01.2023, Office Memorandum dated 13.01.2023 alongwith E-mail dated 11.01.2023 & Government-e-Marketplace -L1 Unworkable User Manual – Buyer & Seller V1.0 received from Govt. of India, Principal Accounts Office, Ministry of Housing and Urban Affairs, Nirman Bhawan, New Delhi, which are self explanatory, for information and further necessary action.

सभी क्षेत्रीय प्रमुख/मुख्यालय/एच एस एम आई के सभी प्रोक्योरेंट डिपार्टमेंट के सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित किया जाता है।

This issues with the approval of Competent Authority.

वेद प्रकाश
सहायक महाप्रबंधक (प्रशासन)

संलग्न: उपरोक्तानुसार
New Feature on GeM - Unworkable Rates - reg.

From: Pr.Accounts office <prao-mhua@gov.in>  
Subject: New Feature on GeM - Unworkable Rates - reg.

To: Harish Kumar Bangar <cpwd_ddg@nic.in>, abhishek bhagota <abhishek.bhagota@gmail.com>, gour sarkar <gour.sarkar@gov.in>, Suvasish Das Land and Development Officer <ldo@nic.in>, Umraw Singh Director General NBO <umraw.s@gov.in>, Rajeev Ranjan <ranjan.rajeev75@gov.in>, O/o CP, TCPO <cp-tcpo-mud@nic.in>, Bishamber Dhar <dca.giso@nic.in>, LUCY JYOTI BECK <acop-dep@nic.in>, duac1974@gmail.com, vcdda@dda.org.in, MS <ncrpb-ms@nic.in>, director@niua.org, gandhisamadhi@gmail.com, ska@bmtpc.org, cgewho <cgewho@nic.in>, nchf2001@yahoo.com, Ministry Coordination <min.coord@nbccindia.com>, admnhudco@hudco.org.in, hplcmd@gmail.com, MD DMRC <mdmetro@dmrc.org>, md cmrl <md.cmrl@tn.gov.in>, md@bmrc.co.in, mdlucknowmetro@gmail.com, cmd jmrc <cmd.jmrc@gmail.com>, Loknath Behera <md@kmrl.co.in>, md@gujaratmetrorail.com, md@mahamtero.org, md office <md.office@mmrcl.com>, md@kmrc.in, mmrcnoida@gmail.com, mpmetro@mpmrcl.in, md office <md.office@ncrtc.in>, apmetrorail@gmail.com, kvb reddy <kvb.reddy@ltmetro.com>

Cc: Jyoti Vinod <jyoti.vinod@nic.in>

Respected Sir/Madam,

Please find attached this office OM dated 13.01.2023 regarding the above-mentioned subject for your information and further necessary action.

Regards,

Senior Accounts Officer,
Principal Accounts Officer (Admin.),
Ministry of Housing and Urban Affairs,
Nirman Bhawan, New Delhi-110011.
Contact no. 011-23061283
No. D-13020/PrAO/HUA/GeMAdmin/2022-23/ 5447-4 8 Date: 3.01.2023

OFFICE MEMORANDUM

Subject: New Feature on GeM - Unworkable Rates - reg.

Reference is invited to Director GeM email, dated 11.01.2023 (copy enclosed), regarding dealing with cases of Unworkable L1 on GeM Portal.

2. In this regard, Director, Category Management - GeM has informed that there was no provision on GeM for dealing with cases of Unworkable L1. As a result, such requests were handled from the GeM backend. Feature to handle unworkable L1s has now been introduced on GeM and the User Manual is enclosed herewith for your information and further necessary action.

3. This issues with the approval of Competent Authority.

(Jyoti Vinod)
Sr. Accounts Officer

To,

1. All GeM Stakeholders aligned with MoHUA
2. SO (IT) Cell for uploading the OM on e-office Notice Board

Ends: As above.
New Feature on GeM- Unworkable Rates

From: Ayush Aggarwal <ayush.aggarwal@gem.gov.in>  
Subject: New Feature on GeM- Unworkable Rates  
To: ayush.aggarwal@gem.gov.in  
Cc: Sourav Banerjee <srtech-exec@gem.gov.in>  
Reply To: Ayush Aggarwal <ayush.aggarwal@gem.gov.in>

Dear Sir/Madam (in bcc),

As per DoE Manual for procurement of Goods:

'An Abnormally Low Bid is one in which the bid price, in combination with other
elements of the Bid, appears so low that it raises material concerns as to the capability
of the bidder to perform the contract at the offered price. Procuring Entity may in such
cases seek written clarifications from the bidder, including detailed price analyses of its
bid price in relation to scope, schedule, allocation of risks and responsibilities, and any
other requirements of the bid’s document. If, after evaluating the price analyses,
Procuring Entity determines that the bidder has substantially failed to demonstrate its
capability to deliver the contract at the offered price, the Procuring Entity may reject
the bid/proposal. However, it would not be advisable to fix a normative percentage
below the estimated cost, which would automatically be considered as an abnormally
low bid. Due care should be taken while formulating the specifications at the time of
preparation of bid document to have a safeguard against the submission of abnormally
low bid from the bidder.'

There was no provision on GeM for dealing with cases of Unworkable L1. As a result,
such requests were handled from the backend. Feature to handle unworkable L1s has
been introduced on GeM. User Manual is attached and may please be shared with the
concerned officials in respective organizations.

- There is no change in the Bid Creation and technical evaluation process flow for
  unworkable.
- Following the opening of the financial bid (Financial Ranking), the buyer will have
  the option to 'Seek Price Justification' for all sellers. However, the option to Reject
  as Unworkable will appear sequentially (L1, L2, L3, etc.).
- The 'Challenge Rejection Window' will function similarly to the 'Challenge
  Rejection Window.' in the Technical Representation Window’ following technical
  evaluation, except that it will be sequential here. That is, if L1 is rejected, the
  buyer must first respond with a decision on the challenge. Only then can he
  proceed with another seller (which could be another L1 (multiple L1) or L2). For
  bids with a duration of fewer than 10 days, the buyer will have the option to
  bypass this challenge rejection with a suitable advisory similar to technical
  evaluation
- When marking a seller as 'Unworkable', the reason in the dropdown will be
a. Abnormally Low Rate (for Goods and Services both)

b. Statutory Non-compliant (Only for Services)

followed by a mandatory text box (1000 char) and mandatory CA approval upload.

Note - Bid to RA cases will be continuing to handle from the backend

Thanks,
Ayush Aggarwal
Director, Category Management
Government E Marketplace
L1 Unworkable

USER MANUAL – Buyer & Seller
V1.0
1. OVERVIEW ................................................................. 3
2. USE OF L1 UNWORKABLE ........................................... 3
3. BID CREATION FLOW ................................................... 3
4. BID TECHNICAL EVALUATION ..................................... 3
5. BID FINANCIAL EVALUATION ....................................... 5
1. Overview

As per DoE Manual for procurement of Goods:

'An Abnormally Low Bid is one in which the bid price, in combination with other elements of the Bid, appears so low that it raises material concerns as to the capability of the bidder to perform the contract at the offered price. Procuring Entity may in such cases seek written clarifications from the bidder, including detailed price analyses of its bid price in relation to scope, schedule, allocation of risks and responsibilities, and any other requirements of the bid’s document. If, after evaluating the price analyses, Procuring Entity determines that the bidder has substantially failed to demonstrate its capability to deliver the contract at the offered price, the Procuring Entity may reject the bid/proposal. However, it would not be advisable to fix a normative percentage below the estimated cost, which would automatically be considered as an abnormally low bid. Due care should be taken while formulating the specifications at the time of preparation of bid document to have a safeguard against the submission of abnormally low bid from the bidder.'

Currently on GeM there is no provision to deal with cases of unworkable L1. Hence, such requests are dealt from backend.

2. Use of L1 Unworkable

2.1. This will be used by the buyer for the abnormally low bids

3. Bid Creation Flow

3.1. The bid creation flow will remain unchanged; there will be no changes to the bid creation flow.

3.2. It will be applicable for both products and services.

4. Bid Technical Evaluation

4.1. The Buyer proceeds with the Bid for Technical Evaluation of the bidders after Seller Participation ends.
4.2. Buyer can select a technical evaluator or can self-evaluate Technical and Financial

4.3. The List of Sellers participated in the Bid can be viewed in the “Technical Evaluation” page.

4.4. Buyer can view all the documents provided by the bidder, seek clarifications against them and can proceed with accepting or rejecting the offer during Technical Evaluation
4.5. After Technically Evaluating the Bidders, Buyer may proceed for the Financial Evaluation.

5. Bid Financial Evaluation

5.1. The system displays the L1 bidder out of all bidders who participated in the bid.
5.2. Open Financial Ranking.

5.3. Buyer may check the price quoted by the bidder after clicking on the "Details".

5.4. In case, Buyer finds the price quoted by the bidder is unjustified, then he may seek price justification for the same.
5.5. Buyer can also view history of the Justification claimed.

5.6. The respective bidder gets to respond back to the justification sent by the buyer on the participation page.
5.7. Seller needs to briefly explain and upload specific documents in favour of the price justification query.

<table>
<thead>
<tr>
<th>Bid Number: GEM/2022/R/9576</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request Received On: 20-12-2022 16:12</td>
</tr>
<tr>
<td>Last date for seller response: 22-12-2022 16:12</td>
</tr>
<tr>
<td>Price Justification Query: your price is below msp: give reasons</td>
</tr>
<tr>
<td>Justification File: 1671532930.pdf</td>
</tr>
<tr>
<td>Seller Response Description (Max: 1000 Characters): my rates are justified with respect to the documents I am sending.</td>
</tr>
</tbody>
</table>

Upload Supporting Document: (show profile of user who uploaded)
- [Generic File] ANEXE_F1_M.pdf

Advisory:
1. Clarify 7.5.7 of GoI Manual for procurement regarding consideration of Abnormally Low Bids: provides that an Abnormally low Bid is one in which the Bid price, in combination with other elements of the Bid, appears so low that it raises material concern as to the capability of the Bidder to perform the contract at the offered price. Procuring Entity may request the applicant to provide clarifications from the Bidder, including detailed price analyses of the bid price in relation to scope, schedule, allocation of risk and responsibilities, and any other requirements of the bid document. If, after evaluating the price analysis, Procuring Entity determines that the Bidder has substantially failed to demonstrate its capability to deliver the contract at the offered price, the Procuring Entity may reject the Bid Proposal.

5.8. Buyer can view the response submitted by the bidder by clicking on the “Price Justification History.”

5.9. Buyer gets to decide whether to disqualify the bidder and to move forward with the other bidder after getting the price justification response. In case, the bidder fails to show the price reasonability, the buyer can disqualify the bidder by clicking on “Action” tab with the approval of the Competent Authority.
Rejection Comment:

not feasible rates

Upload CA Approval (Only PDF Files of Less Than 2MB)

Choose File: 16678192825675.pdf

Advisory:
1) Clause 7.5.7 of DoE Manual for procurement regarding Consideration of Abnormally Low Bids provides that an Abnormally Low Bid is one in which the Bid price, in combination with other elements of the Bid, appears so low that it raises material concerns as to the capability of the Bidder to perform the contract at the offered price. Procuring Entity may in such cases seek clarifications from the Bidder, including detailed price analyses of its Bid price in relation to scope, estimates, allocation of risks and responsibilities, and any other requirements of the Bid document. If, after evaluating the prior analyses, procuring entity determines that the Bidder has substantially failed to demonstrate its capability to deliver the contract at the offered price, the Procuring Entity may reject the Bid/Proposal.
5.10. After the disqualification of L1 bidder due to unworkable price by the buyer, L2 becomes the new L1.

List Of Technically Qualified Sellers

<table>
<thead>
<tr>
<th>SL No.</th>
<th>Seller Name</th>
<th>Offered Item</th>
<th>M&amp;E Status</th>
<th>Total Price</th>
<th>Rank</th>
<th>Disqualified</th>
<th>Detail</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tushar Pat</td>
<td>Item Categories: computer mouse or Laptop</td>
<td>N/A</td>
<td>₹ 4350.00</td>
<td></td>
<td>Disqualified</td>
<td>Detail</td>
<td>View History</td>
</tr>
<tr>
<td>2</td>
<td>ASHOK HIREN SERVICES PRIVATE LIMITED</td>
<td>Item Categories: computer mouse or Laptop</td>
<td>N/A</td>
<td>₹ 5800.00</td>
<td>L1</td>
<td></td>
<td>Detail</td>
<td>View History</td>
</tr>
</tbody>
</table>

Actions:
1. Reset for Price match with L1. Price match requests will be initiated from the buyer panel and sent to suppliers/MSE/MIU/ Others in case of split bids sellers.

5.11. User can not mark the last bidder as disqualified. Following pop up shows while clicking on last action icon.

Advisory:
1. Please refer to the Technical Evaluation tab to bid plus promotion as per:

List Of Technically Qualified Sellers

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</tr>
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Actions:

**********End of Document**********