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F 30-2/2008/KVS(HQ)/Audit / 270-2735

Date: 5.5.2019

The Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Mumbai

E-mail

Sub: Procurement of Sports items for KVS Regional/National Sports Meet-2019-Reg

Madam/ Sir,

This is with reference to your letter no. F 27355/KVS(MR)/Acad/18-18 dated 28.3.2019 seeking for clarification on procurement through GeM portal, of multiple items of Sports viz Track suits, Kits, Shoes, Equipments etc, of different sizes/colors/makes/customization of goods like sublimation/logo/emblem etc; while mentioning that GeM portal does not have the facility to float a single bid for items of different sizes and as a result multiple bids will have to be floated resulting in multiple items of multiple vendors for multiple sizes/colors of same products. It also does not allow flexibility for customization of goods as per our needs viz sublimation of colors /Logo/Emblem on sports Track suits/Kits/blazers etc. Also, a few references have been received from other ROs regarding mentioning of brand names of the sports items in the tender/quotation documents.

As such, it is clarified that as per GFR 149, it is mandatory to procure through GeM, such goods/services that are available on GeM portal, while certifying the reasonableness of the rates by the procuring authorities. As such, all public procurements are supposed to be firstly and mandatorily be made through GeM portal and hence the sports items as well as any other goods, to be effected through GeM only.

As per amended GFR 149 vide GoI, M/o Fin, D/o Exp OM no. F 1/26/2018-PPD dated 22nd April 2019, the GeM portal shall be utilized by the Government buyers for direct on-line purchase as (i) upto Rs 25000/- through any of the available suppliers on the GeM, meeting the requisite quality, specification and delivery period. (ii) Above Rs 25000/- and upto Rs 5,00,000/- through the GeM Seller having lowest price amongst the available sellers, of at least threeP different manufacturers, on GeM, meeting the requisite quality, specification and delivery period. The tools for online bidding and online reverse auction available on GeM can be used by the Buyers even for procurement of less than Rs 5 lakhs. (iii) Above Rs 5 lakhs, through the supplier having lowest price meeting requisite quality, specification and delivery period, after mandatorily obtaining bids, using online bidding or reverse auction tool provided on GeM.

However, as pointed out in ibid letter about non-availability of the sports items with bunching facility on GeM portal, as of now, the alternative defined modes of procurement as applicable/prescribed under respective provisions in GFR 2017, viz GFR 154 (Direct purchase), GFR 155 (LPC), GRF 159 (E-publishing) GFR 160 (E-Procurement), GFR 161 (Advertised Tender enquiry), GFR 162 (LTE) etc, may be resorted to, as applicable. Further, the respective procuring authority is required to take up the matter with GeM authorities for inclusion of desired items onto the portal which are not found available thereon.

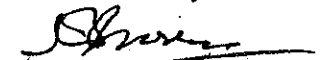
Further, the following broader illustrative principles of financial propriety as per GFRs/CVC mandates also need to be observed strictly by all the procuring authorities in KVS while dealing with all types of public procurements of goods/services:

1. The subject matter of procurement is described in tender document to be objective, functional, generic and measurable and specify technical, qualitative and performance characteristics. The technical specifications shall, to the extent practicable, be based on the national technical regulations or recognized National standards viz BIS etc.
2. All procuring authorities shall prepare Annual Procurement Plan before the commencement of the year and the same should be placed on their website. Accordingly, total purchases may be planned through GeM portal so as to mitigate the situation of urgency.
3. Tender/Quotation Inviting printed/soft document will not indicate/mention about a requirement for a particular Trade mark, trade name or brand. Hence, tender document/process containing any brand names/description for track suits/kits/shoes/equipments etc, or any other items of procurement, if any, will need to be subjected to review and dealt with accordingly by the respective procuring authorities.
4. The procuring authorities to satisfy itself that the selected offer adequately meets the requirement in all aspects and keep recorded a certificate on the comparative statement to the effect that price is reasonable and consistent with the quality required.
5. The reserved items and other purchase preference items as per MSME/Make in India/GoI directions are to be mandated from the designated agencies as per provisions contained in GFR 153. The condition of prior turnover and prior experience may be relaxed for Startups (as defined by DIPP) subject to meeting of quality and technical specifications and making suitable provisions in the bidding document. This will be extended based on the prescribed certificate by the GoI under its validity.
6. Negotiation with bidders after bid opening must be severely discouraged. However, in exceptional circumstances where price negotiation against ad-hoc procurement is necessary due to some unavoidable circumstances, the same may be resorted to only with the lowest evaluated responsive bidder.
7. Rejection of all Bids is justified when (i) effective competition is lacking, (ii) all Bids and Proposals are not substantially responsive to the Procurement Documents, (iii) the Bids' /Proposals' prices are substantially higher than the updated cost estimate or available budget; or (iv) none of the technical Proposals meets the minimum technical qualifying score.
8. Lack of competition shall not be determined solely on the basis of the number of Bidders. Even when only one Bid is submitted, the process may be considered valid provided following conditions are satisfied, (i) the procurement was satisfactorily advertised and sufficient time was given for submission of bids, (ii) the qualification criteria were not unduly restrictive; and (iii) prices are reasonable in comparison to market values.

The above provisions are merely illustrative and not exhaustive and hence the GFR 2017 provisions as contained and amended, to be complied in letter and spirit.

These issues with the approval of competent authority.

Yours faithfully,



(Dr E. Prabhakar)

Joint Commissioner (Trg/Fin)

Copy to:

1. The Dy Commissioner/Director, KVS, All ROs/ZIETs for information and similar action on the subject. The Principals of the KVs under their jurisdiction may also be directed accordingly.
2. Sh A K Kamra, Additional CEO, GeM SPV, for information through e-mail ak.kamra@gem.gov.in with the request to provide for the items as elaborated hereinabove.
3. The AC (EDP), KVS Hqrs with the request to take up the matter of bunching procurement on GeM portal with appropriate authorities wrt note dated 15.4.19. Also to upload the letter on the website of the KVS for information and compliance by all the concerned.
4. The Finance Officer, KVS, All ROs to observe the compliance during audit inspections.



Joint Commissioner (Trg/Fin)