



Challenges of the Public Procurement System of India

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Abstract

E-procurement is a vital tool in modernizing public procurement processes, streamlining operations, enhancing transparency, and minimizing corruption. By integrating technology, governments can ensure more efficient, accountable, and cost-effective procurement methods. Despite these benefits, e-procurement in India still faces significant challenges, including legal, regulatory, and operational hurdles. This research identifies key shortcomings in India's public procurement system, particularly in e-procurement. The methodology involves two approaches: a thorough analysis of the legal and regulatory framework, supported by reports from institutions like CVC, CAG, UNODC, and World Bank, along with major national scams such as the 2G spectrum and coal block allocation scandals. Additionally, a survey and interviews were conducted with 48 respondents from the public and private sectors, focusing on procurement and legal teams, to uncover practical challenges. This dual approach provides comprehensive insights into the gaps and challenges in the existing e-procurement system.

Keywords: Public Procurement, E-Procurement, Legal Framework.

Introduction

The term public procurement is of a wide ambit. It comprises of the acquisition of goods, works or services or any combination thereof through purchase, lease or license to be undertaken directly or through an agency with which contract is entered. This also includes within its ambit PPP projects. However, the same cannot be without consideration. Public procurement is not a concept, but it is a process with different stages, in which each stage is unique in itself. Beginning from need assessment of goods /works/services to preparation of tender designs and finalization of bid till the award of contract and its implementation, the Public Procurement process undergoes various stages as mentioned below:

- Assessing the need for goods/works/services
- Availability and allocation of Funds and Statutory Clearances as required
- Finalizing Commercial conditions & technical considerations
- Finalizing the type of Bidding
- Inviting Bids (invitation to offer)
- Submissions and receipt of bids
- Evaluation of Bid
- Awarding of Contract & setting up the terms
- Work Monitoring/Follow up
- Acceptance of Work/Goods/Services • Invoice submission and verification • Payment.

The procurement process in itself is a complex process starting from determining the need for a certain service and issuing the invitation to register the bid and granting the award/contract, which further extends till ensuring the execution of a contract and assuring timely payment till the finality of work or contract whichever comes first. Moreover, the aforesaid process undergoes the same cycle in every Public Procurement project undertaken between the bidder and the Public Procurement agency.

Fundamentals of Public Procurement

In a broader sense, the fundamentals of public procurement can be classified into the following principles, i.e. (a) Transparency, (b) Professionalism, (c) Broader Objectives Principle (d) Legal Responsibility, and (e) Public Accountability.

(a) Principle of Transparency in procurement: It is the duty of procuring authorities to ensure transparency, fairness, and equality in the system in order to promote fair and equitable treatment of the potential suppliers. It includes providing information to bidders, making available the proper means of bidding opportunities, prescribed time limit for bid submission, effective grievance redressal mechanism and efficient contract management.

(b) Professionalism: Professionalism principle ensures that it is the responsibility of procurement agencies to ensure efficiency, effectiveness, and integrity in the process. It is the duty of government/procurement agencies to provide guidelines and specify relevant professional standards and certification and training requirements for procurement officials.

(c) Broader Objectives Principle: It emphasizes ensuring the achievement of broader objectives of the procurement authorities as per the prevailing guidelines of the government. It includes the procurement of services from less privileged areas, support to economic policies, ease of doing business, facilitating administrative goals of the government department, preferential procurement from local manufacturers, MSEs, or through certain nominated CPSEs or Government Organisations.

(d) Legal Responsibility: The legal responsibility principle is specific to adhering to the constitutional principles of equality and ensuring the protection of the stakeholders' and bidders' fundamental rights. Moreover, it also includes setting up of reasonable contractual conditions and facilitates fair competition devoid of any arbitrariness.

(e) Public Accountability Principle: This principle emphasizes the procurement authorities to be accountable to follow the above-mentioned principles. Moreover, it makes the authorities accountable to the statutory bodies, e.g., Central Vigilance Committee, Comptroller and Auditor General of India, Central Bureau of Investigation, etc. In other words, Public Accountability Principle ensures that every public procurement action is subjected to the public as well as government or departmental scrutiny for a free and fair functioning and implementation of the procurement process.

Moreover, such principles also ensure to provide an efficient governance system for dispute resolution. However, achieving economic efficiency and value for money also forms an important facet of public procurement, which is further discussed in this research paper .

An efficient public procurement system can enhance government function and also enhance the relationship between government and private sector enterprises. Also, a fair and transparent public procurement system can result in greater participation of enterprises in bidding, and since efficiency in system results in innovation and enhanced technology, it may also lead to providing improved products to the end-users hence, resulting in socio-economic development. In order to ensure smooth functioning of the public procurement process, implementation of laws in an effective manner may also lead to an increase in the public as well as supplier's confidence and also, in turn, allow the government to deliver better services and utilize public funds in an optimum manner. Therefore, a public procurement system, along with adhering to the abovementioned fundamental principles, should also lay its emphasis on achieving the socioeconomic goals.

The efficiencies in a public procurement may be determined by various factors such as the means of a procurement contract to be adopted, i.e., a traditional procurement contract or a concession or lease contract or a public, private partnership. The renegotiation of contracts seriously impairs the benefits of competitive tendering processes. Increasing the professionalization of public buyers and project managers by imparting training and necessary skill set can go a long way in making efficient public procurement decisions.

Innovations in Public Procurement

Considering the technological advancement and a need to provide efficient resources to the public in a cost-effective manner and to provide the best value of money on public utility goods and services, the public authorities are keen on investing in innovative concepts of public procurement.

In order to streamline the appraisal and approval mechanism, the Government of India has created the PPPAC, Public-Private Partnership Appraisal Committee which is responsible for appraisal of PPP projects in the Central Sector. Detailed guidelines have been provided for the formulation, appraisal, and approval of the central sector public-private partnerships project in order to eliminate delays and ensure uniformity in appraisal mechanisms. Along with the advantages of the PPP projects, there are numerous challenges which a PPP project may face. These need to be resolved with more focused attention and policy formulation by introducing more transparency, development of national sense, and rising above vested interests. This has also been highlighted by the researcher in the forthcoming chapter wherein the shortcomings in the public procurement regime, including PPP, has been discussed.

Sustainable Public Procurement ("SPP")

Sustainable public procurement as “A procurement wherein the procuring entity makes its purchases taking into account the life cycle of the product and the benefit it generates not only for the organisation but also society and environment at large” Sustainable procurement at the local level seeks to achieve a balance among the social, economic, and environmental levels of public procurement The economic factors herein being the cost of

procurement of the goods and services, maintenance of the goods, operations and management costs, and good financial management. Social factors include social justice, safety, equity, and fostering human rights and adhering to the labor law standards. However, environmental factors include adhering to environmental law and policies for the protection of biodiversity, natural resources, water, air, etc.

Issues & needs for reforms in Public Procurement

Since public procurement forms a core part of any government program, various international bodies including the United Nations Commission for International Trade Law ("the UNCITRAL"), the World Bank, and the WTO have drafted various Laws, Guidelines and Plurilateral agreements, all aimed at promoting the integrity of public confidence in the system of procurement. India still lacks comprehensive legal, policy, and regulatory framework dealing with various aspects of public procurement. The non-existence of umbrella legislation coupled with multiple issues plaguing the system, such as lack of accountability, transparency, issues of collusion and various irregularities plaguing the system makes it an area for significant reforms. Therefore, the current framework legal, policy, and regulatory have been discussed in the forthcoming chapters, and the various issues/ shortcomings looming the system and international best practices have been looked to establish a case for reforms.

Research Methodology

The methodology adopted to identify these shortcomings by the researcher has been twofold:

- a. The researcher has identified these shortcomings after analyzing the legal & regulatory framework and judicial pronouncements on the subject as discussed by the researcher in the previous chapters, relying upon the annual reports of CVC, CAG on practical cases studies as available in the public domain, relying upon various survey reports as conducted by United Nations Office on Drugs and Crime (UNODC), World Bank, and Transparency International and also looking at the major scams that hit the country including fodder scam, commonwealth games scam, 2010, 2-G spectrum scam, coal block allocation, etc.
- b. The researcher has also conducted a small survey and interviews to understand the grassroots challenges within a sample size of 48 Respondents from both public and private sector organizations. The respondents represented the procurement / legal team holding positions at various levels.

Limitations

However, there are limitations that the researcher faced while conducting this survey. Challenges were confronted in eliciting information and opinions from the government officials. Most of the officials were silent/ cautious about questions pertaining to corruption. Further, the survey was limited only to a few Central Government Departments/Ministries/PSUs from sectors such as oil, power, coal, civil aviation, railways, telecom, roadways, etc. and private sector companies. Further, only a limited number of questions have been put to the respondents though covering diverse issues in public procurement as there was a lack of readiness to record. However, formal and informal conversations with the respondents have proved to be beneficial in substantiating this survey.

Data Collection

Questionnaires were sent online to officials dealing with public procurement in different government departments/ministries/PSUs and private sector enterprises. Questions on malpractices at different stages of public procurement, the impact of these on organization, the existence of grievance redressal mechanism, e-procurement, awareness of competition act, 2002, and role of CCI, were common. From out of around 100 requests sent, a total of only 48 responses have been received from both public and private sector enterprises

spread across various sectors such as petroleum and natural gas, aviation, Power, Railways, IT, etc. Apparently, the reason for the lower level of response is the sensitive nature of the subject involved.

A total of 21 questions were put to government organizations/ Ministries/PSU officials, and a total of 16 questions were put to private sector participants.

- A.** 100% of the Respondents answered yes, which is a positive development as the absence of procurement manuals and guidelines may lead to arbitrariness and unreasonableness in the decision-making process.
- B.** 40% of the Respondents answered that the procurement manuals are revised in every one year, and 40% answered in every six months. However, 20% answered every two years. Updating procurement manuals from time to time is essential to make the procurement regime more compliant with the changing legal and regulatory scenario. Further, the removal of ambiguous terms that can be misinterpreted should be removed from time to time. The organizations should extensively review their procurement practices from time to time and bring about systemic changes in the procurement manuals and guidelines in order to achieve the best value for public money.
- C.** Imparting specialized training to procurement officials is imperative for efficient public procurement regime. In India, the professionalization of public procurement is not taken very seriously. Sometimes, the officials dealing with procurement are inexperienced and have negligible knowledge of the processes involved. Treating public procurement as a specialized area and focusing on the same would go a long way in infusing efficiency and transparency. 50% of the participants chose not to answer. 33.33 % said yes, and 16.67% said no.
- D.** 66.67% of the participants answered yes, and 33.33% answered no. Corruption and collusion or any other form of irregularity are common at every stage of the tender process, as discussed earlier. The responses received also reflects this fact. Identifying the various forms of irregularities at every stage of the procurement process and bringing in systemic changes is the need of an hour. The presence of corruption/collusion/ any form of irregularity or illegality in public procurement would cause irreparable damage to the nation as a whole because of the public money that goes into it. Any delays in the project not only deprives the public of its benefit but have a larger impact on the nation's development.
- E.** 33.33% of the participants answered in affirmative. 16.67% answered in negative, and 50% chose others. The changing dynamics of public procurement and a shift towards allocative efficiency from technical efficiency can go a long way in using public procurement as an instrument for meeting the long term societal, environmental, and sustainable development goals.
- F.** 33.33% of the participants have said yes, and 66.67% have said no. Generally, post-bid renovations/ post contract modifications are not allowed in the tender. However, in order to address certain exigencies, modifications to the extent to which 5-10 % are generally allowed. Hence, the terms and conditions of the tender documents should be strictly interpreted, and any deviations may be exceptionally allowed and only for the benefit of the project and the organization and not for the vested interest of the parties involved.
- G.** 100% of the participants answered in affirmative. Having a strong and independent grievance redressal forum for aggrieved bidders can go a long way in saving time, money, and resources that go into unwanted litigation after issuance of every tender and contract. The expeditious disposal of grievances, along with the right to a fair hearing, is an important facet of efficient public procurement and should be imbibed in every procuring authority manuals and policies. In addition to the above, questions were asked on awareness of the Competition Act and the role of CCI in identifying bid-rigging/ cartels in public procurement.

- H.** 70% of the participants were aware of the Competition Act and the concept of cartels under the same. However, 30% were unaware.
- I.** 66.67% answered in affirmative, and 33.33% answered in negative. It is seen that most of the cases involving collusion/ bid rigging amongst enterprises remain undetected. This may be either due to lack of proper expertise, training, and resources with the procuring entity or involvement of procuring entity itself. Further, the majority of Respondents have answered that the introduction of e-procurement has brought in transparency, efficiency, and competitiveness in tenders.

Broadly the following questions were put to participants from the private sector and their responses are highlighted herein –

1. 60% of the respondents answered the bid evaluation stage, 40% project bidding and execution stage, and 20% answered it to be the monitoring stage.
2. The majority of the Respondents answered complex tender specifications, collusion amongst prospective bidders and officials, lack of knowledge, and market research in framing tender conditions as malpractices in this phase. The others had mentioned restrictive policies/tender designs and drafting of tender specifications to favor particular bidders.
3. The majority of Respondents chose biasness of the decision-makers and asymmetry in information sharing with the bidders as malpractices prevailing in this stage. Further, submission of false documents to prove eligibility – Technical / Financial has been considered as prevalent malpractice in this phase by 20% of the Respondents.
4. 100% of the Respondents chose ambiguity in the contractual terms leading to multiple interpretations as an irregularity existing in this phase. Further, 60% of the Respondents mentioned price increases due to change orders often facilitated by collusion between contractor and official as another common malpractice observed in this phase. The other reasons include contract renegotiations introducing substantial changes and compensating bribes and extra payments with substandard works / with different specifications.
5. 100% of the Respondents blamed it on weak monitoring systems as a reason for the above malpractices. Further, the majority of the Respondents attributed it to lack of transparency in the bid screening procedures and lack of accountability of decision-makers as other reasons for the existence of malpractices in public procurement.
6. 80% of the Respondents answered it as financial loss to the Government and delay in delivery of services to the public at large as major consequences of these malpractices. The others being the loss of reputation, poor quality of services, contract awarded to non-eligible companies, etc. Further, questions were asked on general practices in public procurement and grievance- redressal mechanisms:
7. 100% of the Respondents answered that new practices are not part of procurement manuals or guidelines. Further, procurement committee members are comfortable working with old practices and avoiding change, taking ownership of introducing new practices is difficult are some of the other reasons that block innovation in public procurement.
8. 100% of Respondents answered that subjectivity in evaluation parameters that are open to interpretation is the major concern while entering into government contracts. Further, prequalification framed to suit one or more bidders is another major concern amongst the bidders. Majority of the sample respondents mentioned enabling e-procurement across sectors as an effective solution to promote transparency in public procurement. Further, greater public scrutiny by means of the public hearing, public scrutiny of documents relating to the project before

final decision making has been considered an important solution for infusing in transparency and accountability in public procurement. The existence of these malpractices has adverse effects not only on the organization but also public at large. Weak monitoring systems, coupled with a lack of accountability and transparency at the decision-making level, are some reasons for its existence.

For Buyers

- a) Product Selection through Filter condition is slow.
- b) Incorrect/Fake Listing within a particular category of Products hampers the selection.
- c) Selection of Grey Parameters doesn't alter the product Selection/ reflect in the Bid document.
- d) Bunch Bidding with different Categories of Items is not possible.
- e) Bid Evaluation Entirely depends on the Buyers.
- f) Bid Evaluation Committee Formation is not possible on GeM
- g) EMD comes in a GeM predefined Template. Verification further delays the process.

However, the researcher is of the view that despite the innovative changes brought about the shortcomings as discussed above exists due to reasons as enunciated hereinbelow-

- a. The public procurement regime of India is largely governed by the General Financial Rules, 2017, which are made in the form of executive directions or instructions by the Ministry of Finance and which are generally adhered to by all the Central Government Ministries, PSUs, and Government Departments.

However, these are general guidelines on government expenditure and are not mandatorily enforceable and, as such, do not contain specific penalties/ sanctions for contravention of their provisions, unlike a statute wherein penalties and offenses, are defined. This entails unbridled discretion while framing procurement policies, which sometimes leads to irregularities, as discussed hereinabove.

- b. In the absence of a robust legal and regulatory framework coupled with a strong oversight mechanism, the best value for public money cannot be achieved. It has been observed that the international models on Public Procurement, i.e., the UNICTRAL Model law and the Govt. Though internal grievance redressal cells are established within most of the organizations, and that of centralized grievance cells are constituted under CPPP and by the Ministry of MSME for dealing with complaints under Government's Purchase Preference Policy, Make in India Policy, etc. In the majority of cases, the disputes remain unresolved, which are then referred to Arbitration. This leads to prolonged litigation and wastage of time and expenses.

- c. Difficulties to ascertain/detect instances of irregularities at different stages of the tender process. A peculiar situation that may arise in any government tender is to delineate corrupt and collusive behaviour from acts done in 'good faith' for the best interest of the organization.

Many administrative decisions which may have larger financial implications/cause losses to the organization might have been taken by the officials involved by weighing its pros and cons and as per the rules in vogue and the considerations which weighed with it while making a procurement decision. The fear of vigilance amongst public officials may hinder their day to day functioning leading to a logjam in the decisionmaking process.

Further, in many cases where the charges of criminal nature are not established, the disciplinary authorities also do not proceed with the internal proceedings, thereby dropping all the charges of misconduct, etc. Such instances may not act as a deterrent, and the serious acts of collusion/ corruption maybe not taken seriously by the procuring entities as well as the bidders. In such cases, it is important to draw a fine balance between the free and fair decisionmaking process and creating a culture of transparency, accountability, and fairness in the public procurement processes.

Closer cooperation amongst the regulatory and administrative bodies, including CVC, CBI, and CCI, is the need of an hour. The procuring entity may not have sufficient expertise and resources to identify the acts of collusion/ corruption/ irregularities, and therefore, the expertise of the said agencies is required to be effectively utilized.

The researcher is of the view that though these principles exist in the Indian regime, however, there is an imminent need for capacity building of procurement officials and endowing them with the requisite skillset and knowledge and competitiveness in order to achieve the best value for public money. Tailor-made training programs and professional accreditation of the officials involved at different levels is the need of an hour. The introduction of integrity pact is one such step in the right direction. However, a lot is required to be done.

Conclusion and Suggestions

The researcher through this research paper has attempted to explore public procurement as a broad concept wherein, and it is explained that it is the acquisition of goods, works or service or any combination including PPP Projects through purchase, lease, license or any other method by a procuring entity, either directly or through an agency with which a contract for procurement services is entered. Furthermore, the researcher has also highlighted the fundamental principles of the Public Procurement, as stated in Rule 144 of the GFRs, 2017 being:

(a) Transparency, (b) Professionalism, (c) Broader Objectives Principle, (d) Legal Responsibility, and (e) Public Accountability.

The Researcher has also provided an overview of the economics involved in Public Procurement. It has been highlighted that any Public Procurement expenditure incurred by the authorities ought to achieve economic efficiency by providing an optimum value of money to the procurers as well as its ultimate utility users.

Considering the mammoth contribution of public procurement in a country's GDP, it has an impact on functioning and market structure beyond the routine demandsupply of the goods. Therefore, the procurement policies have a direct impact on the competition in the market. Therefore, an efficient procurement system also ought to aim to foster an economic competition in the market. The researcher also highlighted the fact that any procurement system strives to achieve technical efficiency and allocative efficiency.

Furthermore, the researcher has highlighted in this chapter the innovative perspectives on public procurement that came with the dawn of technological advancement and awareness. Public-Private Partnership (PPP), Sustainable Public Procurement (SPP), and Green Public Procurement (GPP) were observed to have been gaining momentum in the country. The researcher also suggests in this chapter that considering a major portion of public spending is done on the Public Procurement sector, India can really make a mark in the global market by leading by example.

Moreover, the researcher has observed that even though the agenda of Public Procurement is to mutually achieve socio-political and economic goals, there are certain impediments existing in implementing the same. The absence of the *suigeneris* system results in diversified and heterogeneous procedures making it an easy target for

unfair practices. Delays in the procurement cycle, corruption, and anticompetitive elements have also been noted by the researcher as a hindrance to the smooth implementation of the procurement procedure.

The researcher in this present research paper recommends the Indian Government for introducing welcoming measures to reform the public procurement system of the country.

It is seen that India doesn't have a dedicated legal, policy and regulatory framework governing public procurement and which is largely governed by the executive instructions and departmental manuals of goods, works and services manuals of the government departments/ ministries/P.S.U.s and technical/ commercial instructions issued from time to time.

The researcher notes that public Procurement in India is based on five principles, i.e., Transparency Principle, Professionalism Principle, Broader Objectives Principle, Legal Responsibility Principle, and Public Accountability Principle. The researcher observed that with the technological advancements and dawn of reason, there came a need for growth of innovative practices within the procurement process. Therefore, it is imperative that India shifts its focus from traditional means of public procurement to an innovative and solution-oriented approach.

Further, most of the issues that may arise are post-contractual in nature and which are resolved through arbitration and which the researcher had discussed has not been a very effective tool in resolving the disputes and leads to prolonged litigation. However, the discussion on the cases before the arbitral tribunal is outside the scope of this research.

The researcher finally concludes that Public Procurement despite amounting to 26% of G.D.P. there are various impediments in the system being an absence of sui-generis system results in diversified and heterogeneous procedures making it an easy target for various irregularities and illegalities. The researcher finally concludes the existence of various issues during all the phases of public procurement, including need assessment, preparation, pre-contractual, award phase, and execution & implementation phase. The possible reasoning for the existence of such shortcomings has also been discussed at length in the chapter on shortcomings.

Suggested Reforms

The researcher has conducted an extensive examination of aspects of the public procurement system of India proposes the following reforms-

In India despite the number of initiatives to bring in transparency, accountability, and fairness in public procurement regime, a clause still exists in the majority of government tenders specifying the acceptance/rejection of bids/ cancellation of tenders without assigning any reasons thereof. This unbridled discretion on the part of public authorities may give rise to avoidable litigation, wastage of public money, and resources. Hence such archaic clauses should be removed from the procurement manuals/tenders. The bidders have explained the procurement selection and evaluation process openly, followed by the strengths and weaknesses of the suppliers bid in order to improve their understanding. Bidders are then given an opportunity to raise concerns and questions.

The disclosure of complete information through the public procurement portal is sinequa-non for a transparent and accountable procurement regime. The availability of complete tender information including the bid analysis report awarded contracts along with supporting documents, reasons for rejecting bids, performance evaluation, etc. may be made available to the public at large, which will go a long way as a control mechanism that empowers civil society organizations, the media, and society to scrutinize government procurements.

Managing and ensuring transparency in renegotiation or post-contractual modifications In India, renegotiations of contracts are generally not allowed. However, in practicality post, contractual modifications are very common, either to adjust to the exigencies or any other reason. Since risk of renegotiation cannot be eliminated completely, as it also helps in improving upon initial contract, it becomes important and adherence to renegotiation rules and transparency are maintained. Given the framework of public Procurement in India, where still a culture of transparency, especially during the contract execution phase, is lacking, the introduction of provisions like these in the existing rules may certainly be useful.

The professionalization of public procurement is an aspect that is largely ignored. No emphasis is laid on specialized training of officials engaged in public procurement. It is observed that contracts of lesser value are usually handled by inexperienced professionals making it difficult for them to understand the nuances involved. This may also enhance the possibilities of corruption and collusion. Enhancing professionalization by focusing upon roles and accountability of procurement officials may go a long way in streamlining the processes and procedure of public procurement.

Updating Procurement Manuals from time to time It is observed that the procurement manuals are sometimes not updated to adjust to the changing needs and circumstances. Further, the eligibility criteria, tender specifications, and cost estimates should be formulated after extensive research and market study and past experiences of the procuring entity. Any lacuna here would have adverse financial implications for the organization.

The tender clauses should be drafted with the utmost care, leaving no scope for ambiguity and interpretation. There should be utmost clarity in the nature of documents sought as a means of proof for eligibility, as any burdensome condition might lead to unnecessary exclusions.

As most of the irregularities are connected with the tender conditions leaving scope for both the procuring agency and the participants, special emphasis should be laid on the training of the officials involved in the tendering process and imparting them with the necessary skill set.

Hence, as one of the world's fastest-growing economies with an eye on the international table, it is entirely in India's interest to introduce an effective, workable regime in its Procurement policies, which not only takes stock of the existing ground realities but also keeps abreast of international best practices. It is also imperative for the regulatory bodies involved in overseeing procurement to work in tandem with one another to achieve the targeted goals and achieve the best value for public money.

Hence, there is an imminent need to relook into the prevailing public procurement policies and evaluate and award tenders on the basis of most economically advantageous ones, as discussed under the E.U., the U.K., and U.S. Regime. The participation of greater number of buyers and sellers and addressing the challenges faced in usage of portal from time to time by improvised versions can unlock value and save money for nations development as it helps in putting in place transparent, seamless, easy, efficient and faster procurement regime.

However, it is observed that there is a lack of awareness amongst procurement agencies regarding the power, functioning, and jurisdiction of CCI. Most of the cases involving bid-rigging/ collusion are not referred to the Commission and are internally investigated by the procuring agency, who would not have the necessary expertise and skills in dealing with the same.

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