



Indian Institute of
Corporate Affairs
Partners in Knowledge. Governance. Transformation.

(Under Ministry of Corporate Affairs, Govt. of India)



Indian Institute of Corporate Affairs (Ministry of Corporate Affairs, Govt. of India)

Organizes Three Day Capacity Building Program (35th Edition)

**“Navigating Procurement via Government e Marketplace (GeM),
Strategic Contracts in Procurement - Drafting, Negotiation,
Enforcement & Dispute Resolution”**

03-05 September, 2024 - ibis Hotel, Pune



GeM
Government
e Marketplace

Efficient • Transparent • Inclusive



ABOUT IICA

Indian Institute of Corporate Affairs (www.iica.nic.in) is a 21st century unique world-class institution established by the Ministry of Corporate Affairs, Government of India. Its aim is to provide holistic treatment of all issues that impact corporate functioning to help today's business and shape tomorrow's. The Hon'ble Minister of Finance and Corporate Affairs is the President of IICA. Secretary, Ministry of Corporate Affairs is the Chairperson of the Board of Governors, which has many eminent personalities. The state-of-the-art campus of IICA is located at IMT Manesar, Dist. Gurugram, Haryana.

The Centre for MSME, an integral part of Indian Institute of Corporate Affairs (IICA), has been established to foster understanding of the regulatory framework, encourage innovative responses to business environments and focus on all other relevant issues affecting the MSMEs. It enables capacity building through training and interactions such as seminars and workshops, engages in documentation and research on MSMEs practices, encourages cluster development initiatives and uses its pivotal crosscutting position to create synergy among various facets of the MSME sector.

OVERVIEW

GeM – Government e-Market place is the national portal to make public procurement transparent & simple. Conceived by Government of India, GeM is an end-to-end e-commerce platform for procurement of goods & services by Government organizations. GeM offers all modes of procurement (direct purchase, LI, bid & reverse auction) in a paperless and cashless manner. The GeM portal is currently being used by almost all departments/ organizations of Central and State Governments as mandated mandatory by the Government of India.

"GeM has harnessed digital capabilities and has emerged as a one-stop-shop for procurement of all possible goods & services that may be required by Government buyers at various levels of administration".

Navigating Procurement via Government e Marketplace (GeM) is crucial for any organization in 2024

The portal currently has 1.45 lakh primary buyers and 2.13 lakh secondary buyers. In terms of categories, nearly 12,000 product categories and 320 service categories enable the procurement of different goods and services.

Micro and small enterprises are getting major business from public procurement portal GeM and they are expected to sell goods and services worth over USD 20 billion by the end of this fiscal.

Procurement of services through Government e-Marketplace (GeM) has grown from nearly ₹8,500 crore in FY21 to nearly ₹66,000 crore in FY23 to nearly ₹1,82,000 crore in FY24 (as on February 22, 2024) – a significant increase of nearly 176% from last fiscal year.

Hence, intensive training on “Navigating Procurement via Government e Marketplace (GeM), Strategic Contracts in Procurement - Drafting, Negotiation, Enforcement & Dispute Resolution” should be a vital part of any business plan/ buying plan in 2024, as procurement impacts everything from customer satisfaction and product quality to cash flows and profitability. With supply chains becoming more complex and constrained, leveraging critical skills is essential for success in today's business landscape.

Key Stakeholders of GeM

Buyers

- Central Govt.
- Central PSUs
- State Govt.
- State PSUs
- Autonomous Bodies

Sellers

- OEMs
- MSE
- Startup
- Authorized Resellers
- Service Providers

The program outline covers the essential aspects of operating and handling the GeM web portal for both buyers and sellers, including floating tenders, evaluation, award, and advanced features as well as Recent Guidelines & General Financial Rules (GFR) application w.r.t. GeM, its process flow, challenges & complexities. It also allows for a comprehensive understanding of the platform and hands-on practice to ensure participants are conversant with GeM operations.

Risk Management

It goes without saying that risk management is an essential component of procurement training. In today's challenging business environment, procurement professionals must be equipped with the skills to identify, assess and mitigate the different types of risks that could impact their organizations. These include supply, price, financial, legal and safety risks.

We must take provisions to manage the following types of risks:-

- Supply Risk – the possibility of production line shutdown, failure to meet customer requirements, and/or other catastrophes due to the non-availability of certain goods or services at a particular time.
- Price Risk – the possibility that prices for goods or services could be adjusted to your organization's disadvantage.
- Financial Risk – your organization could possibly lose existing assets, future revenue, or potential income due to a financial or economic event or series of events. This risk category appears to be eminent.
- Legal Risk – the possibility that your organization could be a party to a lawsuit, particularly in which your organization has a lower-than-average probability of prevailing
- Safety Risk – the possibility that a person could be injured or killed or property damaged or destroyed.

Spend Management

Spend Management is a crucial skill for procurement professionals in today's business landscape. It involves the formulation and execution of an annual buying plan that includes forecasting demand for different categories of products and services, assessing the market for each commodity, determining the method for procuring each commodity and identify the resources needed for successful procurement.

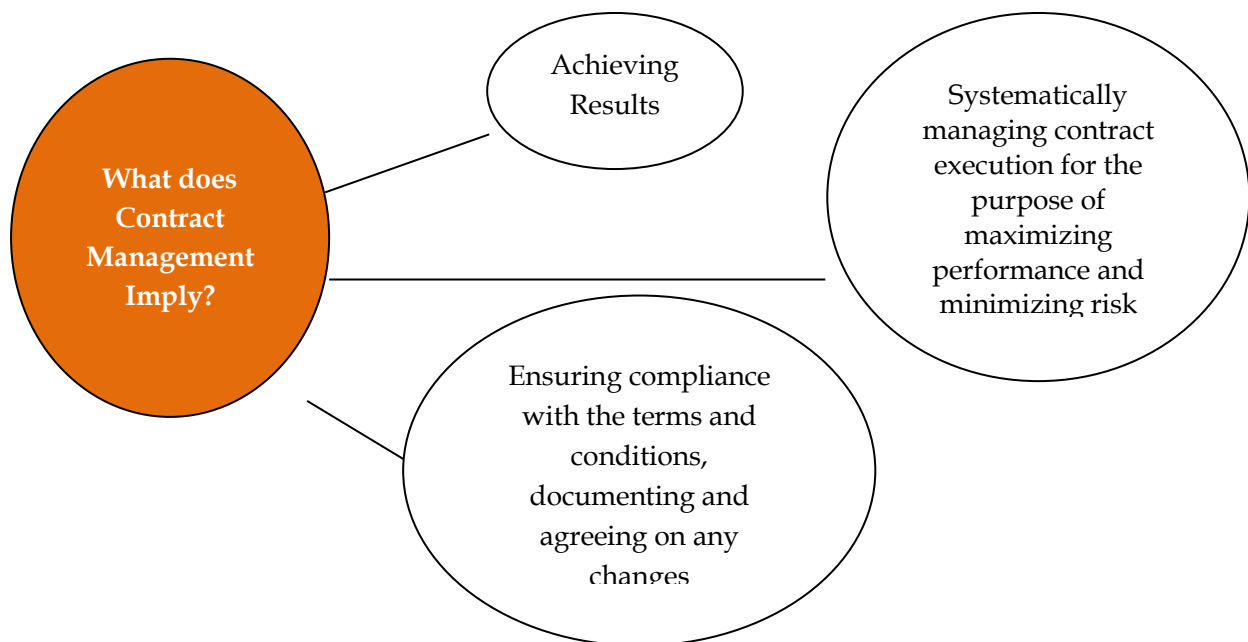
Decisions around Supplier Selection

Decisions around supplier selection are a critical aspect of procurement, with a significant impact on an organization's bottom line. Procurement professionals must possess the skills to assess the suitability of potential suppliers, evaluate their capabilities and reliability and negotiate contracts that align with organizational goals. Not having a robust strategy for supplier selection can result in suboptimal business outcomes, including delivery delays, increased costs, and quality issues.

Thus, procurement training is vital. It equips professionals with skills to understand and anticipate customer needs. This enables them to source and acquire goods and services that meet requirements.

What does Contract Management Imply?

Every contract seems to provide adequate protection when it is negotiated and signed. However, during contract performance, disputes often arise between buying organizations and their suppliers. Not having a good contract management process in place has consequences to both the buying organization and the consuming departments. If no one is managing the performance of the contract, an organization is likely to fail to meet its goals that it had for the project associated with the contract. Such failures may include delayed timelines, cost overruns, and more.



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Commercial contracts form the backbone of business transactions and partnerships, playing a pivotal role in defining the terms, obligations, and rights of parties involved. Drafting, negotiating, and enforcing these contracts are crucial aspects of any successful business venture. In the ever-evolving global business landscape, keeping abreast of recent trends and best practices in the field of commercial contracts is essential for businesses and legal professionals.

The said program also offers a unique opportunity to enhance contract management skills, stay current with the latest trends, and network with industry professionals

The understanding of the legal framework that controls the acquisition of goods and services by organizations, particularly those in the public sector, is referred to as contractual & legal expertise.

The year 2024 presents a unique opportunity for companies to upskill their procurement teams and enhance their abilities to navigate the complexities of Procurement via Government e Marketplace (GeM) and Strategic Commercial Contracts.

OBJECTIVES

- Gain an overall understanding of the Government e-Marketplace (GeM)
- To make participants conversant in operating and handling the GeM web portal in terms of floating of tenders, evaluation & award in all types of procurement.
- Provide Government users the speed and flexibility of e-commerce site in sourcing its requirement
- Relieve government users from mundane tendering activities
- To have technology enabled dynamic, self-sustaining, user friendly, fair and transparent procurement system
- To promote standardization of products, demand aggregation, Make in India
- Identify the document that becomes a legally enforceable part of a contract
- Identify and prevent common risks and inherent risks allocated between Seller and Purchaser and how these risks can be mitigated.
- Determine the most appropriate form of agreement for a particular situation including Contract / Agreement towards Consultancy Services
- Reduce the risk of delaying a project by using contract negotiations.
- Understand how the importance of contracts will differ among international suppliers
- Negotiating Contracts and pricing
- Managing Contracts throughout their lifecycle, from negotiation to termination to ensure that contracts are legally valid, enforceable and compliant with relevant laws and regulations.

WHO WILL ATTEND

- Responsible Officers / Officials / Asst. Secretary to Joint Secretary of Central Government Ministries / Departments / State Governments including its attached/subordinate offices, Central Public Sector Units (CPSUs) / PSUs and Autonomous Bodies.
- Head of Procurement, Purchasing & Supply Chain Leaders & Professionals
- Directors / Associated Directors / GM / DGM / Managers / Finance & Accounts Managers, Contract Managers, Procurement Managers, Category Managers, Business Development Managers, Operation Managers, Project Managers, Commercial Managers, Head of Sourcing, Auditors & Supply Controllers, Administrative Officers, Managers involved in Purchasing Operations in PSUs, Defence, Railways, CPWD, Health, Aviation, Telecom, Construction, Smart City Development Corporations and other Central & State Govt. Departments.
- Procurement Analyst, Divisional Head of Finance, Stores & Purchase / Logistics from Municipalities, Hospitals, School Boards & Academic Institutions, Deputy Registrar to Registrar from Self Financing Technical Institutes (SFTIs) / Universities,
- Corporate Legal Heads/General Counsels, Public service, utility managers, Executives and legal experts, Corporate Legal Advisors, Company Secretaries, Corporate Lawyers, Arbitrators & Mediators
- CEOs & CFOs, Finance Manager & Senior Professionals from Corporate houses, PSUs, Statutory / Autonomous Bodies
- National, Regional & Local Government Officials, Ministerial, State transport authorities, Commissioners of various Regulatory bodies, Decision Makers.
- Procurement Staff of bilateral and multilateral international organizations, international financial institutions, unilateral agencies, Embassies' etc.
- All Public Procurement Practitioners of National & International Agencies
- Project Directors & Procurement Staff of projects funded by National & International Financial Institutions: World Bank, Asian Development Bank, African Development Bank, European Development Bank, SIDBI & other development partners.

WHY PUNE FOR OUTBOUND TRAINING



Pune is a sprawling metropolitan city in the western Indian state of Maharashtra. A growing cosmopolitan culture and strong public and private infrastructure have made Pune an attractive destination. The month of September is the best time to visit this sprawling city of Maharashtra. The weather remains cool and pleurably calm.

Pune is known for its educational facilities, having more than hundred educational institutes and nine universities. Pune has well-established glass, sugar and metal forging industries. Pune city has its own airport which is nearly at a rough distance of 10-11 Kms from the main city centre and accounts for domestic and international flights. All the prime airlines have direct flights from various major metro cities of India.

PROGRAM COVERAGE

Day - I
(03 September, 2024 - Tuesday)

TIMINGS	SESSIONS
01:30 pm onwards	Check in (Residential Delegates) at the training venue
01:30 pm - 03:00 pm	Lunch at the assigned hall in the hotel
03:00 pm - 03:15 pm	Setting the Context & Welcome Remarks Introduction among the participants
03.15 PM to 06.00 PM	<p>Overview of Government e-Marketplace & Registration Process</p> <ul style="list-style-type: none"> • Evolution of GeM • Legal and Regulatory Framework • Navigating the GeM Portal • Buyer Registration Process • Primary User Registration, Secondary User Registration • Buyer, Consignee, Indentor • DDO/PAO • Understanding Product and Service Offerings • Benefits to Buyer • Types of Procurement on GeM <ul style="list-style-type: none"> ○ Direct Purchase Process ○ LI purchasing ○ Bid/ Bid to R.A. ○ P.A.C. Procurement ○ Custom Bid ○ Push Button Procurement • Workflow & Timeline of GeM • Category creation/modifications <p>Exploration of GeM functionalities</p> <ul style="list-style-type: none"> • General Terms and Conditions (G.T.C.) of GeM • Placement of Order for Goods • Receipt of Goods, accepting the Goods and issuing C.R.A.C. on the GeM portal • Procedure for Payment and Payment initiation in GeM • Creation and finalisation of Bid and Reverse Auction on the GeM portal • Placement of Order for Services with terms and conditions • Incident Management, Buyer/Seller Ratings • Seller's Perspective <ul style="list-style-type: none"> ○ Registration process for sellers on GeM ○ Creating and managing seller profile ○ Uploading products/services on GeM ○ Vendor onboarding & assessment • Buyer's Perspective <ul style="list-style-type: none"> ○ Registration process for buyers on GeM ○ Navigating the buyer dashboard

Day - 2
(04 September, 2024 - Wednesday)

TIMINGS	SESSIONS
10.00 AM to 01.00 PM	Exploring categories and products available on GeM <ul style="list-style-type: none"> • Modifications in Available Category • Category creation
	Floating Tenders on GeM <ul style="list-style-type: none"> • Types of tenders on GeM (Single packet bid / two packet bid) • Understanding tender documents and specifications • Creating and publishing tenders • Creation and Finalization of Bid and Reverse Auction on the GeM Portal Preparation of Customized bid <ul style="list-style-type: none"> • Template for customized bid • BOQ, Terms & Conditions Between Buyers and Sellers, Payment Terms • Bid Evaluation / Qualifying Criteria • Handling Representation in the Event of Non- Qualification • Vendor Grading system
	Evaluation and Award of Contracts Tender Evaluation <ul style="list-style-type: none"> • Bid opening and evaluation process • Criteria for bid evaluation • Selecting the winning bid • Price reasonability and discovery • Reverse Auction on Gem Portal • Best practices for efficient procurement on GeM Award of Contracts <ul style="list-style-type: none"> • Contract management on GeM • Approving and awarding contracts • Handling disputes and grievances • Raising Incident In Case Of Dispute
01.00 PM to 02.00 PM	Lunch
02.00 PM to 04.30 PM	New features on GeM <ul style="list-style-type: none"> • Single packet bid • Unworkable LI • Transfer of Bids • Draft Bid duration • Seller debarment before contract generation in D.P. • Item-wise evaluation of services • Make in India (MII) for Services • Option of fund blocking for service orders - G.P.A. & P.F.M.S. • Minimum floor price for minimum wage-based Manpower outsourcing service. • Hindi doc in Bid and contract. • Number of month increased in E.P.B.G. from 62 to 122 • BOQ in services • GeM Reporting
04.30 PM to 05.30 PM	Recent Guidelines & General Financial Rules (GFR) application w.r.t. GeM, its process flow, challenges & complexities

Day - 3
(05 September, 2024 - Thursday)

TIMINGS	SESSIONS
10.00 AM to 01.00 PM	<p>A Hands-on Guide to Drafting Commercial Contracts</p> <ul style="list-style-type: none"> • Essentials of drafting a contract • Importance of structuring contract and legal aspects relating to L/D, B/G, Indemnity, Force Majeure, Dispute Resolution, termination, jurisdiction etc. • Structuring the Agreement • Types of contract (contract of guarantee and indemnity, wagering and contingent) • Review of relevant clauses of the agreement before signature
	<p>Contract administration & management: Advanced Contracting Issues</p> <ul style="list-style-type: none"> • Ensuring submission of pre-conditions under the contract (BG, PG, Indemnity Bond etc.). • Periodic Review of contract, checklist, delay analysis with case studies • Economic evaluation of business Contracts, monitoring the price contracts. • Establish and improve work System for Continuous review and maintenance of all standard documents and evaluate existing contracts • Indemnification • Insurance • Amendments, addendum • Ensuring fulfillment of contractual obligations including warranty obligations by the supplier • Monitoring of Contract, Termination, extension, waiver, notice for damages etc. • Installation, Testing and Commissioning, Delay analysis • Determination of Purchaser's L/D Claim, Settlement of Price Variation in terms of PVC • Release Performance Security • Breach, Remedy
01.00 PM to 02.00 PM	Lunch
02.00 PM to 05:30 PM	<p>Commercial Contracts and Dispute Resolution Mechanism and Resolution of Disputes- Arbitration proceedings: Invocation to Enforcement</p> <ul style="list-style-type: none"> • Dispute resolution (emphasis on arbitration) • Jurisdiction • Court views on amended Arbitration Act • Need for Arbitration, • Arbitration clause • Amendment in The Arbitration Act • Strategies for successful arbitration
	<p>Managing Strategic Procurement issues, complexity and uncertainty : Strategic Choices and Options</p> <ul style="list-style-type: none"> • Procurement & Liquidated Damages • Procurement & Total Cost of Ownership • Procurement & Demand Management • Procurement & Suppliers Competition – RFP • Managing Bid Evaluation Process (Tendering Process, • Bidding Document, Evaluation of Bid, Acceptance of Bid and Award of Work) • Overview of Procurement Sequence / Procurement Actions
	Conclusion: Wrap-up and Feedback Closing remarks

METHODOLOGY

The methodology of the training program would be participative in nature. The sessions would be based on Frontal lectures, conceptual deliberations, case studies, and group exercises/discussions.

PROGRAMME FEE & VENUE

Location / Venue	ibis Pune Hinjewadi Rajiv Gandhi Infotech Park, Hinjewadi, Phase II, Pune – 411057
Training Date	03-05 September, 2024
Residential Program Fee	INR 42,480/- (INR 36,000 + 18% GST) per participant
Non-Residential Program Fee	INR 24,780/- (INR 21,000 + 18% GST) per participant
<ul style="list-style-type: none"> • For Individual Nomination - No Discount is applicable • For Standard Group of min. 2 & upto 3 nominations from one organization - We will be offering a discount of 5% on Program Fee • For Prime Group of minimum 4 & above nominations from one organization - We will be offering a discount of 10% for the additional participants. (Example: in case of 6 nominations from one organization, out of 6, 3 nominations will be eligible for 10% discount) 	

- IICA's Residential Program Fee includes 3 nights' accommodation, Breakfast, Lunch, Dinner on Buffet set up, AM & PM Tea/Coffee with cookies.
- IICA's Non-Residential Program Fee includes Buffet Lunch, AM & PM Tea/Coffee with cookies.
- The above program fee does not include transfer to the hotel/venue and airport, local travel and air-travel.
- Seats are limited & on a first-come first-serve basis. The last date for receiving nominations is 25th Augsut, 2024.

IICA RESIDENTIAL PROGRAMME SCHEDULE

03 Sept., 2024 Day 1	04 Sept., 2024 Day 2	05 Sept., 2024 Day 3	06 Sept., 2024
Arrival day- Check in from 01:30 pm onwards	Breakfast Forenoon sessions	Breakfast Forenoon sessions	Departure day- check out by 11:00 am
Lunch (01:30pm-03:00pm)	Lunch (01:00pm-2:00pm)	Lunch (01:00pm-02:00pm)	
1/2 day post lunch sessions	Post Lunch sessions	Post Lunch sessions	
Dinner	Dinner	Dinner	

PAYMENT DETAILS

S. No.	Particulars	Details
1.	Name of the Beneficiary	Indian Institute of Corporate Affairs
2.	Account Number	604810210000007
3.	Type of Account	Saving Account
4.	Bank Name & Branch	Bank of India, Manesar Branch, Haryana
5.	NEFT IFSC Code	BKID0006705

GENERAL INSTRUCTIONS

- Due to a limited number of seats, it is recommended to send the nominations at the earliest, for ensuring availability.
- Acceptance of the nominations is subject to the seat availability and receipt of the programme fee latest by the last date for nominations.
- The program fee once deposited is non-refundable, however, substitutions are allowed.
- IICA shall not bear any charges towards participants to & fro travel from their residence / place of stay and the training venue. All participants shall make their own arrangement to reach the training venue on time as per the program schedule.
- IICA will not provide boarding and lodging before and after the dates of the programme. Participants planning to stay longer than the scheduled duration should arrange the same at their own cost.
- The participants shall be awarded a Certificate of Participation on successful completion of the programme.
- Participants are requested to assure their health and safety during the training period and IICA will not be liable for medical expenses incurred by the participants during the program
- The program is subject to alterations/cancellations/changes etc. at the sole discretion of Indian Institute of Corporate Affairs.

PROGRAM DIRECTOR & FACILITATOR



Mr. Rajesh Batra
Head-Centre for MSME
Indian Institute of Corporate Affairs
(Ministry of Corporate Affairs)

Rajesh Batra is currently responsible for several development activities through Capacity Building measures by taking serious initiatives in Entrepreneurship Education, Information, Research and Consultancy, Collaboration for Policy Facilitation, professional endeavours for institutional strengthening, Sector guidelines and advocacy to develop best practices for SMEs.

Over the last 29 years, he has worked in different verticals / domains including 15 years of operational experience in public sector financial organization i.e. The National Small Industries Corporation Limited (NSIC) & Indian Institute of Corporate affairs (IICA), established by Ministry of Finance & Corporate Affairs, extensively in the Policy development work, Business Strategy, Project Management, Imports, Programme management, Procurement / Supply Chain Management (SCM) and Business development. His work required focused attention to the credit analysis, fixing of credit limits for clients, disciplined approach to the collections and recovery, wherever practicable particularly combining critical competencies to fine tune internal operations especially working capital management, regulatory risk and rationalizing the business and financial structure as well as in areas such as promotion, development and financing of Micro, Small and Medium Enterprises as well as Agriculture Rural Industries segments, SME competitiveness enhancement and institutional strengthening.

He was appointed Sole Arbitrator under the Arbitration & Conciliation Act 1996 by the Chairman-cum- Managing Director of NSIC Limited for adjudication of disputes and differences between NSIC Ltd. and Private Business units. Besides, as a member of core team, he worked closely to lead / oversee the matters related with large scale implementation of Activity Plan / Programmes including govt. grant monitoring and administration under the Centrally Sponsored large Schemes of Govt. of India.

Rajesh has done his masters in commerce and postgraduate management courses in the areas of Foreign Trade and Marketing. Currently, Rajesh is with Indian Institute of Corporate Affairs (IICA) as Head, Centre for MSME since 25th April 2014. He is working very closely with the industry and with different GOI offices at the Ministry level, State bodies, industry associations/chambers of commerce, entrepreneurship development institutes, SMEs, national and international supporting partners and banks/financial institutions to ensure capacity building at both ends: at the government level as well as at the industries. He gets invited to speak and chair sessions by organizations such as Ministry of MSME and its constituent institutions, Industry Associations and other leading Institutions as well as for select interaction meeting.

Before joining IICA – an autonomous institution under the Administrative Control of Ministry of Corporate Affairs, Government of India, he was working as Dy. General Manager with India's apex SME development organization – The National Small Industries Corporation Ltd. (NSIC) – The Premier Mini – Ratna Government of India Enterprise under Ministry of Micro, Small & Medium Enterprises.



Rajesh Batra is conferred with “National Award for Excellence in the field of Public Services – MSMEs taking into Global Arena” by H.E. Governor of Mizoram on 7th February, 2020



CONTACT

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