



BLACK LISTING OF SUPPLIERS: -

01. Blacklisting means; temporarily or permanently, barring an entity or a person against whom proceedings have been initiated including but not limited to bidder, contractor, supplier, agent, consultant, company, partnership, company or firm; hereinafter referred to as, Respondent from participating in any future procurement (goods & services) proceedings conducted by OGDCL. The Respondent(s) individually or collectively as a consortium may stand blacklisted if found to have been involved in any or all of the following acts:

A) Undermines or adversely affects the operations of the company through willful failure by:

a) Withdrawing a bid during the bid validity period;

b) Failure or refusal to:

i. sign the contract;

ii. accept Purchase Order / Service Order Terms;

iii. execute work;

iv. submit Bank Guarantee as per tender terms;

v. make supplies as per specification agreed;

vi. fulfill contractual obligations as per contract;

vii. meet purchase order / service order terms and conditions; and/or,

viii. to remedy underperformance as per contractual obligations.

ix. Or any other non-compliance of obligations vital for the execution / compliance of the contract.

c) Repeated non-performance.

B) Indulgences in corrupt or fraudulent practices while obtaining or attempting to obtain contracts in the company.

C) Convicted of fraud, corruption, tax evasion or criminal misappropriation by a court of competent forum.

D) Notified blacklisted/debarred/cross debarred by any public sector organization or international agency. (Note: At the time of submission of bid a contractor shall submit an Affidavit Form 4 that he or his principal is not declared blacklisted / debarred / cross debarred by any public sector organization or international agency.)

E) Furnished information that was false and materially inaccurate or submitted forged or fake documents.

02. Committee on Procurement Rules Enforcement

- a) The Managing Director shall constitute a Committee on Procurement Rules Enforcement (Committee) with five members. The Chairman of the Committee and at least one member shall be an Executive Director (EG-IX) and GM (LS) will be a permanent member of the committee. The Head of Supply Chain shall act as the Secretary of the Committee. The quorum of the meeting shall at least three members including the chairman.
- b) The Committee will be competent and authorized to consider, process and finalize all matters regarding blacklisting/debarment of bidders and contractors. The committee may call for any document, file or record which it deems necessary and relevant for the purposes of the proceedings.
- c) The Committee shall submit an annual report to the Board of Directors for consideration.
- d) The Committee deliberations as a guiding principle should be based upon adequate evidence. Consideration should be given as to how much credible information is available, and its reasonableness in view of surrounding circumstances, and inferences which may be drawn from the existence or absence of affirmed facts. The assessment should include all documents available and presented.

03. Proceedings for blacklisting

- a) General Manager (Supply Chain Management) on his own accord or on receipt of information or a complaint shall refer the matter to the Committee on Procurement Rules Enforcement (Committee).
- b) The Committee after examining the material placed before it shall determine whether it is necessary and appropriate to initiate formal black listing proceedings.
- c) In case the Committee decides to initiate blacklisting proceedings Respondent shall be formally intimated in writing about the nature of complaint/matter and initiation of blacklisting proceedings.
- d) The Respondent shall be intimated by giving a seven days notice through courier services, registered post or fax or email and, shall be provided an opportunity of furnishing response either through written representation or personal hearing or both.
- e) In case the Respondent fails to furnish his defence or representation the committee may proceed exparte on the basis of information, record and material available before it provided that two subsequent notices at three working days intervals have been given.

- f) The Committee shall complete its proceedings within 30 days from the date of first notice given pursuant to paragraph (d) above.
- g) The Respondent against whom blacklisting proceedings have been initiated may be represented through:
 - 1) In case of an individual or sole proprietorship; in person.
 - 2) In case of a firm or partnership; by the Chief executive or the Managing Partner, duly authorized.
 - 3) In case of a company; by the Chief Executive or a Director or any officer duly authorized by the Company.

04. Findings & Decisions

- a) The Committee after finalizing its proceedings shall record its findings in writing and decide one of the following measures for implementation:
 - i) Temporarily debarred, specifying the time period;
 - ii) Blacklisted if the Respondent fails to take remedial action within the specified time; or,
 - iii) Blacklisted.
- b) The order of the Committee shall be communicated in writing as per Form 3.
- c) The documents, deliberations reduced in writing and all records of proceedings are to be maintained for five years by the Supply Chain Department.

05. Appeal

- a) The Respondent may appeal within three working days of intimation of decision of the Committee to the Managing Director in writing of any irregularity in the decision of the Committee.
- b) If there exists any substance in the appeal the Managing Director after recorded reasons may direct that Committee may review the case by providing opportunity of hearing to the Respondent provided that the review shall be completed within 15 days.

The Committee shall record its findings in writing and refer the same to the Managing Director for appropriate orders.
- c) If the decision at 4(ii) or (iii) materializes then the decision is fit to be publicised and communicated to PPRA, and any other department if deemed necessary, and also hoist on OGDCL website.

Form 1

Initiation of blacklisting Proceedings in furtherance of Rule 19 PPRA, 2004.

Initiator:

NAME
DESIGNATION
ADDRESS
CONTACT NUMBER

Against Respondent

NAME
ADDRESS

ENCIRCLE THE APPLICABLE

A) Undermines or adversely affect the operations of the company through willful failure:

- a) Withdrawal of bid during the bid validity period;
- b) Refusal to:

- i. sign the contract;
- ii. accept Purchase Order;
- iii. execute work;
- iv. submit Performance Security as per tender terms;
- v. make supplies;
- vi. fulfil contractual obligations as per contract;
- vii. purchase order terms and conditions; and/or,
- viii. failure to remedy underperformance as to contractual obligations.

- c) Repeated non-performance.

B) Involvement in corrupt or fraudulent practices while obtaining or attempting to obtain contracts.

C). Conviction of fraud, corruption, tax evasion or criminal misappropriation by a court or competent forum.

D). Notified blacklisted/debarred/cross debarred by PPRA or any other public sector organization or international agencies.

SUPPORTING DOCUMENTS/ AFFIDAVIT

GM(LS)

GM(SCM)

Form 2

OGDCL LETTER HEAD

Notice _/3

Through Registered AD, Courier service or email or FAX

A Committee in furtherance of Rule 19 Public Procurement Rules, 2004 has been constituted to investigate and decide upon the allegations at Para-2/below. You are required to appear in person or defend in writing with evidence on _____ at OGDCL HO as to why you should not be blacklisted for:

.....

2. You are being given an opportunity to be heard in person or through representation in writing and in case of your failure to attend the proceedings on the said date or failure to file necessary defence/ representation the Committee shall proceed ex-parte.

3.{To be added in the third notice} As of final notice you are directed to furnish a satisfactory explanation in writing with supporting evidence within three days of receipt of this notice, to show cause as to why the blacklisting penalty may not be imposed. Failing to pay heed to this last notice shall stand a presumption against you that you have no explanation to offer and the matter shall be proceeded ex-parte.

GM (LS)

Form 3

Composition of Committee	Members Signatures 1. 2. 3. 4. 5.
Date of Notice (s)	1. 2. 3.
Date of Hearing Start-End	
Attendance / Received Reply	Signatures
Documents Available/ Presented	1. 2. 3. . .
**** To be Conducted on Separate Sheets**** PROCEEDINGS OF THE COMMITTEE	
Decision	Majority Decision

Signed Member 1-3 All Pages

GM (LS)

MD

GM(SCM) For Record and Publication

Form 4

Mandatory for participation in Bidding Process

AFFIDAVITE

I,.....S/o....., aged.....year, working as Proprietor/Managing Partner / Director of M/s.....having its register office atdo hereby solemnly affirm and declare on oath as under:

- 1 That I am competent to swear this affidavit being proprietor/one of the partners/Director of M/s.....
- 2 That M/s.....is a proprietorship/partnership firm/company is participating in tender process conducted by OGDCL.
- 3 That I hereby confirm and declare that my/our group /sister concern/associate company is participating/submitting this tender.
- 4 That I hereby confirm and declare that my/our firm/company M/s.....and my/our firm group /company /sister concern / associate company M/s have not been black listed/de-listed any industrial agencies / Govt. Deptt. / Public sector undertaking.
- 5 That there is no change in the name & style, constitution and status of the firm, after pre-qualification.
- 6 That I further undertake that in case any of the facts contained above and in our application is found other-wise or incorrect or false at any stage, my/our firm/company / group/sister concerns/associate companies shall stand debarred from the present and future tender of the OGDCL.

(Signature of the proprietor / Managing Partner /Director with seal)

DEPONENT

Verified at on that the content of paras 1 to 6 of this affidavit are true and correct to best of my knowledge and no part of this false and nothing material has been concealed or falsely stated therein.

(Signature of the Proprietor/ Managing Partner/ Director with Seal)

DEPONENT

(Signature and Seal of Notary)