



Revision date 31.12.2024

ONGC's "Policy for Banning/ provisional Suspension of Business dealings with erring Firms"

1.	Policy for Banning/provisional Suspension of Business dealings with erring Firms In these Guidelines, unless the context otherwise requires: - Firm shall mean Bidder/Contractor/Vendor/-Supplier etc., including but not limited to, a public limited company, a private limited company, a partnership firm (whether registered or not), Limited Liability Partnership, any individual/person, a cooperative society, an association or a group of persons engaged in any commerce/ trade industry, constituents of an unincorporated Joint Venture/ Consortium, sole proprietor etc. Allied firm: <u>All concerns which come within the sphere of effective influence of the debarred firms shall be treated as allied firms. In determining this, the following factors will be taken into consideration:</u> <u>Whether the management is common;</u> <u>Majority interest in the management is held by the partners or directors of Banned/suspended firm;</u> <u>Substantial or majority shares are owned by the banned/ suspended firm and by virtue of this it has a controlling voice.</u> <u>Directly or indirectly controls, or is controlled by or is under common control with another bidder</u> <u>All successor firms will also be considered as allied firms.</u> <u>Note: "Allied Concern(s)" and "Allied Firm(s)" have same meaning.</u>				
1.1	<table><tr><th data-bbox="391 1534 1077 1590">Grounds</th><th data-bbox="1077 1534 1396 1590">Duration of Banning Period</th></tr><tr><td data-bbox="391 1590 1077 1908"> (I) Resulting from breach of tender/contract conditions: a) Termination of contract on account of non-execution/Unsatisfactory performance of contract, b) Termination of contract on account of non-mobilization or delay in mobilization, </td><td data-bbox="1077 1590 1396 1908"> Min. 06 months and max. 02 Years </td></tr></table>	Grounds	Duration of Banning Period	(I) Resulting from breach of tender/contract conditions: a) Termination of contract on account of non-execution/Unsatisfactory performance of contract, b) Termination of contract on account of non-mobilization or delay in mobilization,	Min. 06 months and max. 02 Years
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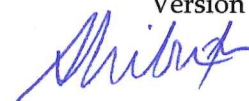
	c) Termination of contract on account of Contractor's rights, title and interest to the Unit are transferred or <i>assigned</i> without the ONGC's consent, d) Termination of contract on account of insolvency of the firm, e) Annulment of the award due to non-submission of Performance Security leading to cancellation of Notification of Award (NOA)	
	(II) Transgression of relevant provisions of Integrity Pact	Minimum 06 months and maximum 03 years depending upon the severity of the transgression.
	(III) In case firm commits any of the following: Fraudulent activity, forgery, gross negligence, wilful mis-conduct/ mis-representation/ mis-declaration, false declaration etc. IV) In case of adverse vigilance report or CBI complaint Govt. instructions etc. against the Contractor V) Failure on part of contractor to honour the commitments under 'Warranty & Guarantee' requirements	Min. 06 months and max. 03 years depending upon the severity of the action(s) and/or omission(s).
1.2	Methodology to be adopted for Initial/provisional Suspension of business dealings with defaulting Firm, pending banning proceedings :	
1.2.1	In the event any of the grounds mentioned at 1.1 (I) and/or 1.2.2 below is noticed against the Firm (during tender process or after award of contract) and ONGC intends to initiate banning of business dealing against such Firm, it may suspend business dealings with the firm pending completion of inquiry contemplated under para 1.3 to 1.8 below.	
1.2.2	Following are the grounds on which provisional suspension of business dealings (pending enquiry for banning of business dealings) with firm shall be done, a. Fraudulent Activity b. Forgery	
1.2.3	(i) In case of the grounds, mentioned at 1.2.2 above, noticed during processing of Tender: Whenever any of the ground(s) mentioned at 1.2.2 above is noticed during processing of tender, the Tender Processing Group (TPG) shall deliberate (in consultation with Indentor / NTA, wherever required) on the issue and after approval of CPA (full powers to L-1), inform the Firm about such ground(s) and consequences thereto along with the document(s) and an opportunity shall be provided to Firm to submit its response. Thereafter, TPG (in consultation with Indentor / NTA, wherever required) shall deliberate and arrive at a considered	

	view on the issue. If <i>prima-facie</i> a case is thus made out against the firm, then offer of such firm shall be rejected with approval of Competent Authority along with invocation of EMD. Tender process shall be continued and not held up during the Enquiry process. (ii) In case of the grounds, mentioned at 1.2.2 above, noticed after award of work: Whenever any of the ground(s) mentioned at 1.2.2 above is noticed after award of work/contract, the Procurement Evaluation Committee (PEC) in consultation with Indentor / NTA, shall deliberate on the issue and after approval of CPA (full powers to L-1) inform the Firm about such ground(s) and consequences thereto along with the document(s). An opportunity shall be provided to Firm to submit its response Thereafter, PEC in consultation with Indentor / NTA, shall deliberate and arrive at a considered view on the issue. If <i>prima-facie</i> a case is thus made out against the firm, then the contract shall be terminated with approval of Competent Authority along with invocation of SD/PBG(If SD/PBG not submitted by the firm, EMD shall be forfeited). (iii) In case, any of the ground(s) mentioned at para 1.2.2 above is noticed after expiry of the contract, Procurement Evaluation Committee (PEC) in consultation with Indentor / NTA, shall deliberate on the issue and after approval of CPA (full powers to L-1) inform the Firm about such ground(s) and consequences thereto along with the document(s). An opportunity shall be provided to Firm to submit its response Thereafter, PEC in consultation with Indentor / NTA, shall deliberate and arrive at a considered view on the issue. If <i>prima-facie</i> a case is thus made out against the firm, then the PEC shall take action as per para 1.2.4.
1.2.4	The provisional suspension of business dealing (pending enquiry for banning process) with a defaulting firm shall be applicable for grounds mentioned under para no. 1.1-(I) and 1.2.2. The following methodology shall be applicable for provisional suspension of business dealings. In case of situations as mentioned at 1.1-(I) and 1.2.2 (subsequent to actions mentioned in respective para i.e. 1.2.3(i) and 1.2.3(ii)), the case will be submitted to concerned L-1 executive for initiating banning process against the erring Firm and suspension of business dealings pending completion of Enquiry.
1.2.5	After obtaining approval from the concerned L-I Executive, the provisional suspension Order, duly vetted by the Legal department, shall be issued to the erring firm. This order will specify that the period of suspension will be adjusted against the final banning period determined after the Enquiry. The provisional suspension period of six months shall be mentioned in the provisional suspension order, pending enquiry for banning process. The provisional suspension order should also indicate the maximum period of Banning as stipulated at para 1.1. It will be mentioned in the suspension order issued to the firm that along with them (Firm) their allied concern(s), partners(s) or associate(s) or director(s) or proprietor(s) involved in any capacity shall also be banned after conducting the enquiry from the date of banning order till the period for which the vendor is being banned. A copy of the suspension order should also be provided to the Enquiry officer nominated to conduct the Enquiry against the erring firm. The concerned Level-II executive of TPG shall issue the provisional Suspension order, which should be issued to company's official e-mail(s) (including that



	indicated in the offer), followed by registered post with acknowledgement or speed post or courier.
1.2.6	Thereafter, the banning process as defined below at para 1.3.2 and onwards shall be followed. However, approval for initiating banning process shall not be required again as the same has already been taken while seeking approval for suspension of business dealings.
1.3	Methodology to be adopted for banning of business dealings:
1.3.1	Approval for initiating banning process: Upon occurrence of an event not covered under suspension category at para 1.2, TPG shall submit the case to the concerned Key Executive for approval for initiating banning process against the erring firm.
1.3.2	<u>Appointment of Enquiry Officer (EO):</u>
1.3.2.1	Subsequent to approval for initiating the banning, the concerned L-I Executive shall seek nomination of an Enquiry Officer from Head PMC. For conducting the Enquiry in a case, the Independent Enquiry Officer, who has had no prior involvement in the case, shall be selected and nominated by the Head PMC. This selection will be made from the panel of Enquiry officers maintained by PMC, through a computer based automated system in randomized manner while taking care of distribution of work load among empanelled enquiry officers. Enquiry Officer deputed for Enquiry of a case shall be from a Work Centre other than the Work Centre initiating the Banning process. As the nominated EO should have no prior involvement in the case, an Undertaking shall be required to be submitted by the EO in the automated system, that Enquiry Officer have no prior involvement in the case. In case EO confirms having prior involvement in the case, such EO will not be counted as engaged for the case and another EO shall be selected through automated system.
1.3.2.2	While issuing office order for appointment of Enquiry officer to conduct Enquiry, the Key Executive of concerned Work Centre must mention in the order itself that the Enquiry should be completed within the prescribed time norms. Dealing Officer of the case will enter the available details (such as "case details", "Initiation of Banning Process", Delegation of Enquiry Officer ("EO") etc.) using transaction code ZMM_VENDBANENQ in SAP. Dealing Officer shall also ensure that 'Request number' generated through said SAP transaction is invariably incorporated in the Officer Order issued to the Enquiry Officer for initiating the Inquiry.
1.3.2.3	The progress of the Enquiry process in time bound manner shall be monitored by Head MCoDP Cell.
1.3.2.4	In case during the course of Enquiry, appointed Enquiry officer is transferred to another location, the same Enquiry officer shall continue to handle the case till its conclusion.

1.3.2.5	In case during the course of Enquiry, appointed Enquiry officer is superannuated/ separated from service, another Enquiry officer shall be got nominated by Head PMC through automated system, however Enquiry will not be started de novo and continue from where earlier EO left the same.
1.3.2.6	In case Enquiry Officer is not able to discharge his duties due to any exigencies, Head PMC will immediately nominate an alternate Enquiry Officer through automated system.
1.3.2.7	The enquiry shall be conducted by ONGC (through the Enquiry officer appointed), in quasi-judicial manner.
1.3.2.8	Enquiry Officer deputed for Enquiry of a case shall be from a Work Centre other than the Work Centre initiating the Banning process. However, all activities/approvals relating to the Enquiry process shall be obtained from the Head MCoDP Cell.
1.3.3	Empanelment of Enquiry Officers: • The Enquiry Officer shall not be less than the E-6 level executive. • Enquiry Officer should not have handled the case in any capacity. • Enquiry Officer should have minimum three years of service left at the time of Empanelment. • Empanelment of Enquiry Officer shall be for a period of two years. However, the Enquiry of already allotted case can continue even beyond two years. • Two Enquiry Officer shall be nominated by L-I executive of each Work Centre for empanelment. • Empanelment of Enquiry Officer shall be approved by Head MCoDP Cell. • Empanelled Enquiry Officers shall Work location agnostically.
1.4	Duties of Enquiry Officers: The Enquiry Officer shall adhere to the Principles of Natural Justice while conducting the banning proceedings. Note: A detailed 'Legal Check list' may be referred for various guidelines for conducting enquiry with fairness and justice and for Templates/Formats of Show cause notice and banning order, suspension order etc.
1.4.1	The Enquiry Officer shall issue a legally vetted show cause notice to the erring firm, using the proforma prescribed by Corporate Legal. The firm will be given 15 days to furnish its reply. The notice should be issued to company's official e-mail(s) (including that indicated in the offer), followed by registered post with acknowledgement or speed post or courier.
1.4.2	The show cause notice shall include the following: • The relevant / applicable provisions of the Contract/Tender under which the proposed enquiry for banning of business dealings with the firm is being initiated. • Relevant documents (barring confidential document/information) regarding the alleged misconduct of the firm, detailing the allegations and asking an explanation as to why business dealings with the firm should not be banned.



	- Specify duration of banning which may be imposed upon the firm after completion of enquiry on account of the default/violation of the Vendor. - that the firm shall be informed that along with the firm, its allied concern(s), partner(s) or associate(s) or director(s) or proprietor(s) involved in any capacity may also be banned. - The Show cause notice should mention that Enquiry process is to be completed in time bound manner, hence the firm has to submit the reply within cut-off date stipulated in the show cause notice, - Specify that, an option for personal hearing is available to firm, if requested by the firm.
1.4.3	In the event, the firm request for the personal hearing, the Enquiry Officer shall send a separate letter/communication intimating the time, date and venue of such hearing. Enquiry Officer shall duly record the attendance of the Contractor and/or its representative(s) and other person(s), if any, in writing. In case, Contractor and/or its representative(s) intends to make any statement and/or provide any documents, it may submit the same within 07 days from such hearing.
1.4.4	Enquiry Officer shall include the records of above personal hearing in its enquiry report.
1.4.5	Contractor may be granted maximum extension of 2 weeks from submission of its response against Show Cause Notice issued by Enquiry officer on the request of the firm considering the merit of the case.
1.4.6	The Enquiry Officer shall also monitor the receipt of the reply within the given time frame.
1.4.7	In case, there is any delay in completing the Enquiry process beyond the stipulated period, the Enquiry Officer shall seek an extension for the completion of the Enquiry from the Head MCoDP Cell.
1.4.8	Upon completion of the Enquiry process, the Enquiry Officer shall submit enquiry report to Head MCoDP Cell with Clear recommendations whether to ban or not to ban the erring Firm. The report shall also provide detailed justification for any delays beyond the prescribed time.
1.4.9	If the concerned firm seeks the final enquiry report, the same may be shared with the firm after decision of CoL1-B on banning.
1.4.10	No period/duration of banning will be recommended by Enquiry Officer or any other authority except CoL1-B which is empowered to decide the period/duration of Banning.
1.4.11	If the Firm requests for providing any relevant document in possession of ONGC which have not been already provided along with the Show Cause Notice, such documents (barring confidential document/information) may be provided to the Firm.
1.4.12	If no reply is received from the Firm within the stipulated time period the enquiry shall be proceeded with and be completed based upon the information/documents available with the enquiry officer and decision regarding banning may be taken <i>ex parte</i> . For such situations Enquiry officer shall ensure that the show cause notice has been delivered to the erring firm.
1.4.13	While conducting Enquiry and submitting recommendations for banning, following aspects would need to be kept in mind: i. Impact on competition in ONGC's tenders. ii. Past performance of the firm. iii. Intention of the defaulting party. iv. Reasons for default. v. Type of goods/services/LSTK tenders which would get affected.

	For the cases processed by CPD, the Enquiry Officer should gather the information through official mail from CPD, NTA and MIND (only for the categories associated with MIND). In other cases, the information should be sought from the key executives of the work centres through official mail in addition to publishing on ONGC Reports portal.
1.4.14	The Enquiry officer shall fill the other available details at the time of submission of Enquiry Report using same transaction code ZMM_ VENDBANENQ in SAP as mentioned at para 1.3.2.2. After CoL1-B approval, the details pertaining to CoL1-B shall be entered by Dealing Officer.
1.5	The Head PMC through Head MCoDP Cell shall forward the enquiry report including the replies submitted by the firm, and all other related documents to the Regional Legal of the concerned work centre from where Banning process has been initiated. The Regional Legal of concerned work Centre will forward the report with his observations to Chief Legal Services for further examination and onward submission to Head MCoDP Cell. Thereafter, the report shall be submitted by Head PMC through Head MCoDP Cell to CoL1-B for approval. However, where based on the findings/recommendation of the Enquiry Officer and the replies submitted by the firm and all other related documents of the subject case, if the Enquiry Officer recommends not to ban business dealings, then also above process as applicable for banning will be followed. However, in such cases, file be routed through Chief Legal where court is involved or Legal opinion is necessary.
1.6	<u>Competent Authority for approving Banning of Business dealings or otherwise:</u> The Committee of L-Is for Banning (CoL1-B), consisting of the Head MIND, Chief Inventory Stock and Disposal Management and Chief Corporate Finance is competent authority for approving proposals for banning of business dealings with erring firms or otherwise. Head PMC shall be the nodal officer to assist this Committee. All proposals/recommendations from the Work Centre/Enquiry Officer shall be first examined on procedural aspects by Head PMC before being presented to the Committee of L-Is for Banning (CoL1-B). In case of difference of opinion among the L-Is in the CoL1-B, the case shall be further processed on the basis of majority decision. Banning period shall be decided by the CoL1-B in line with the guidelines at para 1.1. The period of Banning shall be considered starting from the date of provisional suspension order pending completion of enquiry, wherever applicable.
1.7	<u>Issuance of final banning order:</u> Consequent to approval of CoL1-B, the L-I Executive of the Work Centre (from where Banning process has been initiated) shall issue the detailed/speaking banning order to the firm in the proforma prescribed by Corporate Legal. While issuing the such banning order it should be ensured that banning order is a speaking order, explicitly stating the reasons for banning, period of banning, vendor code(s) of the erring firm, effective date of commencement of banning period. This order must be duly vetted by the Legal Section of the concerned Work Centre. Work Centre should ensure proper serving of the banning order on



	the erring firm by Registered Post with acknowledgement or speed post or courier in addition to sending to official email address of the firm. Banning order are to be issued for banning of the erring firm along with its allied concern(s), partner(s) or associate(s) or director(s) or proprietor(s) involved in any capacity.						
1.8	<u>Commencement date of period of banning business dealings:</u> Banning period shall be counted from the date of issue of provisional suspension order pending completion of enquiry or banning order, whichever is earlier.						
1.9	<u>Appeal/Review/modification/Revocation of Banning decision:</u> Firm will have option to file an appeal against the banning order within 10 calendar Days from the date of issue of the banning order. For appeal / review / modification / revocation, if any, of the banning decision, the L-I Executive shall submit the case with due justification along with recommendations, through the Legal Section of the concerned Work Centre and Chief Legal Services, to Head- MCoDP Cell for obtaining the approval of Competent Authority as under: <table border="1"> <thead> <tr> <th>Reduction in Banning period</th><th>Approving Authority</th></tr> </thead> <tbody> <tr> <td>Upto one (01) year</td><td>Committee of Directors (Director-I/c MM, Director concerned and Director (F))</td></tr> <tr> <td>More than one (01) year</td><td>MCoD</td></tr> </tbody> </table> Any request submitted by the banned firm for appeal / review / modification / revocation of the banning decision shall be first put up to CoD. Reduction in banning period upto one (01) year shall be decided by CoD. In case, CoD opines that there is merit in the case to reduce the banning period for more than one (01) year, then only the case shall be put up to the MCoD for approval.	Reduction in Banning period	Approving Authority	Upto one (01) year	Committee of Directors (Director-I/c MM, Director concerned and Director (F))	More than one (01) year	MCoD
Reduction in Banning period	Approving Authority						
Upto one (01) year	Committee of Directors (Director-I/c MM, Director concerned and Director (F))						
More than one (01) year	MCoD						
1.10	<u>Time limit for completion of enquiry process and issuing final banning order:</u> - Submission of Enquiry report by Enquiry Officer: within 70 days from the date of appointment of Enquiry Officer - Examination & Scrutiny of enquiry report by PMC, seeking deficient information/clarifications from EO and forwarding to Regional Legal of the concerned work Centre that initiated the Banning process: 10 days - Examination by Regional Legal of the concerned work centre: 4 days - Examination by Chief Legal: 7 days - CoL1-B Approval through Head PMC: 20 days - Issuing of legally vetted speaking/ detailed Banning Order by concerned Work Centre: 7 days						

1.11	Instructions to be strictly complied for effective implementation of provisional suspension of firm, pending completion of enquiry process /banning process: (i) Uploading names of provisionally suspended/banned firms on MM portal and blocking their vendor codes thereof: - Scanned copy of the provisional suspension order pending completion of enquiry process / banning order, indicating therein the vendor code(s) of the concerned firm, shall be sent by the concerned Work Center to Vendor Cell through ICE system using transaction code ZMM_VMS for blocking the vendor code(s). - Copies of approval for provisional suspension of business dealings pending completion of enquiry process by concerned L-I Executive or approval for banning of the firm by CoL1B must invariably accompany the provisional suspension pending completion of enquiry process/banning order sent to Vendor Cell, PMC, Delhi. - For the purpose of identifying the corresponding vendor codes of the provisionally suspended pending completion of enquiry process or banned firm from the SAP system, transaction code MK03 or ZMMVENDHELP should be used. All such vendor codes should be mentioned in the suspension/banning order. - Vendor Cell shall ensure uploading the details of the erring vendors on the MM website under the heading "Names of Erring vendors with whom Business dealings have been Banned" or "Names of Erring vendors with whom Business dealings have been suspended" (as the case may be). - Pursuant to provisionally suspended firm, pending completion of enquiry process, if on conclusion of Enquiry it is decided not to ban business dealing with the firm, after approval of CoL1B such decision shall be communicated to the firm by concerned Work centre (L-II of TPG) from where case is initiated and shall also be immediately conveyed to Vendor Cell in PMC, New Delhi along with the approval of concerned authority i.e CoL1B as per Para 1.6 using transaction code ZMM_VMS in ICE system for unblocking the vendor code. Thereafter Vendor Cell in PMC shall unblock the vendor code of the firm. The name of such firm shall also be struck through from the list containing "Names of Erring vendors with whom business dealings have been suspended" appearing in the MM portal. (ii) The list containing the name of banned firms/ provisionally suspended firms pending completion of enquiry process, available on MM portal should be checked by all concerned while processing of offers/placing the LOA/NOA/PO/OLA in GeM cases as well as non GeM cases irrespective of value. (iii) Vendor Cell, PMC, New Delhi shall monitor the banning period of various banning orders uploaded on the MM website. After expiry of banning period against a particular banning order, Vendor Cell shall ensure that the name of the banned firm in the list of banned firms appearing on the MM website is struck through and the vendor code of the concerned firm is unblocked in the system.
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	(iv) In cases where orders/ judgement has been passed by a Court on ONGC's decisions for <i>provisionally suspended/ provisional suspension, pending completion of enquiry process</i> / banning business dealings with a firm, the court order should be properly examined at the work centre in consultation with work centre legal and thereafter forwarded to Head PMC through Chief Legal Services and Head MCoDP Cell with clear recommendations duly approved by concerned L-1 on priority, for any modification in the list of suspended/banned firms and blocking/unblocking of vendor code.
1.12	Initiating banning process where decision has been recorded by Chairman/ any recommendations of Investigating agency to process the banning action against a firm: In such cases, consequent to Chairman's decision / any recommendations of Investigating agency to initiate proceedings for banning business dealings with a firm, the concerned Key Executive at the Work Center shall process implementation of the decision, without any back reference for initiation of a de-novo case and immediately initiate the proceedings for banning of business dealings with the firm as per prescribed methodology mentioned above. The decision of Enquiry process after due approval of CoL1-B will be intimated to Chairman/CVO by the concerned Work Centre.
1.13	Consequences of Suspension/Banning of business dealing: i) During the period of <i>provisional suspension, pending completion of enquiry process /banning</i> of business dealings, the firm shall not be eligible to bid, directly or indirectly through any Joint Venture/Consortium/Partnership with any other bidder etc. in any type of tender of ONGC and their offer, if any, in any ongoing tender shall not be considered. If the Firm has been put on <i>provisional suspension, pending completion of enquiry process /Banning</i> against any other tender (and participates in any other ongoing tender) during the tendering process: a. If the Firm is put on Suspension/Banning after issue of NIT but before opening of Techno-Commercial Bid (Unpriced bid), the unpriced bid of such Firm shall not be opened and EMD/Bid Security, if submitted shall be returned. If vendor is suspended/banned after opening of unpriced bid but before opening of price bid, the offer of the bidder shall be rejected and the price bid of the vendor shall not be opened and EMD/Bid Security submitted by the vendor shall be returned. b. If business with the <i>Firm</i> is suspended/banned after opening of price bid but before the NOA is issued, the offer of the Firm shall be ignored and will not be further evaluated and the EMD/Bid Security if any submitted by the Firm shall be returned. The Firm shall not be considered even the status of the Firm is L-1. In such situation next lowest bidder shall be considered as L-1. Note: In case of QCBS, 'L-1' is to be read as 'B-1' and 'next lowest bidder' as 'the bidder with next highest total score'. ii) Banning of business dealings with a firm shall not have any effect in ongoing Contract(s)/PO(s), which shall continue till expiry of their term(s).

1.14	To prevent a banned firm from participating in the tender process indirectly, undertaking on the firm's/company's letter head duly signed by the authorized signatory of the bid shall be obtained from all bidders as part of tender conditions as per the appendix-BP1, BP2 and BP3 provided in tender documents.
1.15	<i>Provisional suspension order, pending completion of enquiry process /</i> Banning order served on any manufacturer of equipment shall not restrict procurement of OEM spares/OEM services from the firm against single tender basis for the equipment supplied in the past. To facilitate the process for procurement of OEM spares/OEM services from such a provisionally suspended firm pending completion of enquiry / banned firm, on the request of work center with the prior approval concerned L-I Executive, Vendor Cell shall unblock the vendor in the system for the purpose of creation of RFQ, submission of bid, award and payment etc. as and when required. Immediately after completion of each activity, the work centre shall inform Vendor Cell to again block the vendor till the time of next activity.
Note: - Tender Processing Group in Banning / provisional Suspension Policy means the Department/Group/Section processing the tender including the CPD. - This policy is applicable for all tenders processed through GepNIC and all other type of non-GeM tenders irrespective of value - This policy is applicable for all tenders processed through GeM valuing > Rs 10 lakhs. For GeM tenders <=Rs 10 lakhs, incident management policy of GeM will be applicable.	



FORMAT FOR UNDERTAKING ON ACCEPTANCE OF ONGC's 'Policy for Banning/provisional Suspension of Business dealings with erring Firms'

(to be submitted on Bidder's/Firm's Letterhead)

I _____, age ____ years Son/ Daughter of _____, resident of _____ do solemnly affirm and state as under:

1. That _____ (*Name of the Bidder/Firm*) is desirous of submitting its bid against tender no _____ dated _____ for _____ item / works (*Name of tender*).
2. That I _____ is a Bidder/Authorized signatory of Bidder, and being duly authorized, I furnish this undertaking on behalf of Bidder.
3. That (*Name of the Bidder/Firm*) has read, understood and accepts the ONGC's Policy for Banning/provisional Suspension of Business dealings with erring Firms as available at ONGC portals <https://tenders.ongc.co.in> and <https://ongcindia.com>.
4. That (*Name of the Bidder/Firm*) hereby accepts the ONGC's Policy for Banning/provisional Suspension of Business dealings with erring Firms, without any demur, protest, reservations and agree to be bound by the said Policy.
5. That (*Name of the Bidder/Firm*) hereby agrees that in the event of Bidder/Firm is banned under the *ONGC's Policy for Banning/provisional Suspension of Business dealings with erring Firms* then in such case the banning order shall also be applicable upon its *allied concern(s), partner(s) or associate(s) or director(s) or proprietor(s) involved in any capacity*.

(Bidder/Authorized signatory of Bidder)

Seal:

Date:

Place:



**FORMAT FOR UNDERTAKING ON CURRENTLY NOT SERVING ANY BANNING ORDER(S)
ISSUED BY ONGC**

(to be submitted on Bidder's/Firm's Letterhead)

I _____, age ____ years Son/ Daughter of _____, resident of _____ do solemnly affirm and state as under:

1. That I _____ is a *Bidder/Authorized signatory of Bidder*, and being duly authorized, I furnish this undertaking on behalf of Bidder/Firm.
2. That _____ (*Name of the Bidder/Firm*) is desirous of submitting its bid against tender no _____ dated _____ for _____ item / works (*Name of tender*).
3. That (*Name of the Bidder/Firm*) hereby undertakes as under:
 - i. That neither the Bidder/Firm itself, nor any of its allied concerns, partners or associates or directors or proprietors involved in any capacity, are currently serving Banning order issued by ONGC debarring them from carrying on business dealings with ONGC.
 - ii. That Bidder/Firm is not eligible to submit its bid in the tender of ONGC, directly or indirectly with any Joint Venture/Consortium/Partnership with any other bidder etc., which is currently serving Banning order of business dealings with ONGC.
4. I disclose the following allied concern(s), partner, or associate(s) or director (s) or proprietor(s) involved in any capacity in terms of the definition of allied Firms given in "Policy for Banning/provisional Suspension of Business dealings with erring Firms":

Sl No.	Name	Address	PAN No. (if allotted)	GST No. (if allotted)	Vendor code in ONGC (if available)

(Bidder/Authorized signatory of Bidder)
Seal:

Date:

Place:



**FORMAT FOR UNDERTAKING ON CURRENTLY NOT SERVING ANY SUSPENSION
ORDER(S) ISSUED BY ONGC****(to be submitted on Bidder's/Firm's Letterhead)**

I _____, age ____ years Son/ Daughter of _____, resident of _____ do solemnly affirm and state as under:

1. That I _____ is a Bidder/Authorized signatory of Bidder, and being duly authorized, I furnish this undertaking on behalf of Bidder.
2. That _____ (Name of the Bidder/Firm) is desirous of submitting its bid against tender no _____ dated _____ for _____ item / works (Name of tender)
3. That (Name of the Bidder/Firm) hereby undertakes as under:
 - i. That the Bidder/Firm is not currently serving Suspension order of business dealings with ONGC, pending enquiry of banning process business.
 - ii. Firm is not eligible to submit its bid in the tender of ONGC, directly or indirectly through any Joint Venture/Consortium/Partnership with any other bidder etc., which is currently serving Suspension order of business dealings with ONGC, pending enquiry of banning process.

(Bidder/Authorized signatory of Bidder)

Seal:

Date:

Place:

