POLICY GUIDELINE FOR ACTION IN CASE CORRUPT/FRAUDULENT/COLLUSIVE/COERCIVE PRACTICES

1. **Definitions:**

i. "GGL" means Gujarat Gas Limited

ii. "Corrupt Practice" means the offering, giving, receiving or soliciting, directly or indirectly, anything of value to improperly influence the actions in selection process or in contract execution.

"Corrupt Practice" also includes any omission or misrepresentation that may mislead or attempt to mislead so that financial or other benefit may be obtained or an obligation avoided.

iii. "Fraudulent Practice" means and include any act or omission committed by an Agency or with his connivance or by his agent by misrepresenting in order to influence a tendering process or during tenure of Agreement/Contract/ Purchase Order/ Work Order.

"Forged document" or "False document" or "Fake document" shall also include submission of False/Forged/Fake documents and/ or false information or concealment of facts or to deceive tendering process or during tenure of Agreement/Contract/ Purchase Order/ Work Order.

iv. "Collusive Practice amongst bidders (prior to or after bid submission)" means a scheme or arrangement designed to influence discovery of competitive price levels and to deprive the GGL of the benefits of free and open competition.

v. "Coercive practice" means impairing or harming or threatening to impair or harm directly or indirectly, any Agency or its property to influence improperly actions of an Agency, obstruction of any investigation or auditing of a procurement process.

vi. "Vendor/Supplier/Contractor/Consultant/Bidder" is herein after referred as "Agency"

vii. "Competent Authority" shall mean "Tender Committee/Committee of Key management persons" as the case may be.

2. **Actions against bidder(s) indulging in corrupt /fraudulent/ collusive /coercive practice**

Category	Description	Proposed Actions
C-1*	Tendering process completed but Contract Not Awarded	1. Cancellation of tenders and Short Open re-Tendering for the entire tender. 2. Consequences of submission of false/forged docs: EITHER (i) payment equivalent to 2 times of respective EMD value as per tender (irrespective of whether the bidder is required to/exempted from payment of EMD) and also forfeit EMD, if any submitted by the Bidder **OR** (ii) 1 (one) Year Debarment. 3. Bidder will be allowed to participate in future tenders only on compliance of either of the options in point no. 2 above. 4. PBG, if any, for the Tender to be released after exercise of option as per point no. 2 above.
C-2	Tendering process completed; Contract Awarded but Work Not Started	1. Terminate Contract / LOA. 2. Short Open re-Tendering of affected GA's / location(s) / Cluster / Group /SOR. 3. Consequences of submission of false/forged docs: EITHER (i) payment equivalent to 2 times of respective EMD value as per tender (irrespective of whether the bidder is required to/exempted from payment of EMD) and also forfeit EMD, if any submitted by the Bidder **OR** (ii) 1 (one) Year Debarment. 4. Bidder will be allowed to participate in future tenders only on compliance of either of the options in point no. 3 above. 5. PBG, if any, to be released after exercise of option as per point no. 3 above.

* By way of abundant caution, it is clarified that if any bidder has submitted forged/ false/ fake documents/ details and the same comes to the notice of Company prior to opening of the price/ commercial bids; bids submitted by such bidders shall be rejected and the Company will continue with bidding process. In all such cases, further action shall be taken as per C-1 (Point No. 2, 3, & 4) above.

3. If any Bidder/Contractor again commits Corrupt/Fraudulent Practices in subsequent cases after the date of implementation of the Policy, such situation of repeated offense to be dealt with more severity and following shall be the period of banning/blacklisting/debarment:

1	Repeated once	5 years
2	Repeated twice or more	10 years

4. **Effect of banning/blacklisting/debarment on other ongoing contracts/ tenders**

   i. If an Agency is put on Banning/blacklisting/debarment as per Clause No. 2 mentioned above, bid of such Agency shall not be considered in ongoing tenders/future tenders.

   ii. If an Agency is already executing other order (s)/ contract (s) where no corrupt/fraudulent/ collusive/coercive practice is found, the said Agency shall be allowed to continue the said contract till its completion without any further increase in scope except those incidental to original scope mentioned in the contract.

5. **Show Cause Notice**

The Company will issue Show Cause notice identifying the relevant issues and give an opportunity to the bidder to respond to the specific issues raised in the Show Cause notice. The bidder may submit a representation to the Tender Committee/Expert Committee, as the case may be, which will consider the same on merits in due course of time.