

ANNEXURE-1

Sub: - Procedure to be followed for taking action against a vendor (in case of deficiency stated in Para 1 of Appendix-1, Section 4A Chapter 4):

1. Vendor is found guilty of
 - (a) Submitting fake / forged Bank Instruments with the bid to meet terms & condition of tender in respect of tender fee. EMD.
 - (b) Certificate for claiming exemption for the same and detection of default prior to award of APO.
2. On noticing the default the executive in concerned unit inviting tender shall issue a letter (with the approval of tender approving authority) to the vendor asking him to explain his conduct on the noted default (Letter may be drafted using sample draft enclosed at Annexure-1A).
3. On receipt of the written reply/ explanation of the vendor:
 - 3.1 If reply is found to be satisfactory by the tender approving authority, then it may drop the case.
 - 3.2 In case either the explanation is not found satisfactory by the tender approving authority or the vendor does not reply/ respond to the letter, a Notice asking reasons/ justifications for the misconduct shall be served on the vendor. Giving him 7 days time to respond (Notice may be drafted using sample draft enclosed at Annexure-1B (i) or 1B (ii), as applicable).
4. On receipt of the written reply/ explanation stating reasons/ justifications for his misconduct of the vendor:
 - 4.1 If reasons/ justifications are found to be satisfactory by the tender approving authority then it may drop the case.
 - 4.2 If reasons/ justifications are not found acceptable by the tender approving authority then it will take necessary action to issue Business banning/ barring order. [Business banning/ barring order may be drafted using sample draft enclosed at Draft at Annexure-1C (i)]
5. In the case the vendor does not reply/ respond to the notice, then the tender approving authority will take necessary action to issue Business banning / barring order. [Business banning/ barring order may be drafted using sample draft enclosed at Draft at Annexure-1C (ii)].

Note 1:- In case of other defaults listed in Appendix-1, Section 4A Chapter 4, tender approving authority will take action in similar way as per above listed procedure.

Note 2:- The above penalties will be imposed provided it does not clash with the provision of the respective tender.

Note 3:- In case of clash between these guidelines & provision of invited tender, the provision in the respective tender shall prevail over these guidelines.

ANNEXURE- 1A

Letter to vendor intimating deficiency & asking him to submit his reply
(Sample Draft)

Regd. AD

Bharat Sanchar Nigam Limited

(A Govt. Of India Enterprise)

o/o..... (State full postal Address)

Tel. No..... Fax No..... E-mail:

To,

M/s.....

.....
.....

No..... Dated.....

Sub: Deficiency in EMD and/ or tender fee received from you.

Your Ref:- Offer/ bid received against BSNL tender no..... opened
on..... for procurement of.....

We find that.

- a) DD No.dated drawn on (Bank & Branch) received from you towards EMD and/ or tender fee along with your bid/ offer against the above mentioned tender is fake/ forged.
- b) This is based on the report received from (Designation of officer) of (Bank's name and address).

As a genuine bidder you are expected to submit a genuine bank instrument for EMD which you have not done.

Kindly explain your conduct in this regard and submit a written reply

Your reply should reach the undersigned within 7 days of receipt of this letter or 15 days from the date of issue of this letter.

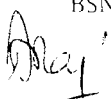
Yours sincerely,

Signature

Name

Designation: DGM

Copy to: - 2) O/c.



ANNEXURE-1B (i)

Notice to vendor who has replied to the letter and his reply is not found satisfactory by the Tender Inviting/ Approving Authority (Sample Draft)

Regd. AD

Bharat Sanchar Nigam Limited

(A Govt. Of India Enterprise)

O/o..... (State full postal Address)

Tel. No..... Fax No..... E-mail:

To.

M/s.....

.....

.....

No..... Dated.....

NOTICE

Sub: Deficiency in EMD and/ or tender fee received from you.

Your Ref.: - 1) No..... dated..... from

2) Offer/ bid received against BSNL tender no..... opened on..... for procurement of.....

We are in receipt of your above referred letter explaining the reasons for deficiency noted in DD submitted by you towards EMD and/ or tender fee against our tender No..... opened on.....

We find that the reasons furnished by you in your reply for submission of fake / forged DD are not acceptable.

It will be relevant to mention that submission of fake / forged DD indicates that you are not a trustable firm & invites penalty of banning of business dealing with your firm.

You are hereby given a notice to submit your written reply indicating any further reason/ justification for submission of fake/ forged DD.

Your reply should reach the undersigned within 7 days of receipt of this letter or 15 days from the date of issue of this letter, failing which we will be constrained to initiate action for banning of business dealing with your firm.

Yours sincerely,

Signature

Name

Designation: DGM

Copy to: - 2) O/c.



ANNEXURE-1B (ii)

Letter to vendor who has not replied to the letter issued by the Tender Inviting/
Approving Authority asking him to submit his written reply (Sample Draft)

Regd. AD

Bharat Sanchar Nigam Limited

(A Govt. Of India Enterprise)

O/o..... (State full postal Address)

Tel. No..... Fax No..... E-mail:

To.

M/s.....

.....

.....

No..... Dated.....

NOTICE

Sub: Deficiency in EMD and/ or tender fee received from you.

Our Ref.:- Letter no. Dated From

Your Ref.:- 1) Offer/ bid received against BSNL tender no.....opened
on.....for procurement of.....

Kindly refer to our above mentioned letter wherein we had asked you to explain your conduct on the deficiency noted by us in you offer/ bid.

We have not received any reply from you which implies that you accept the error intimated to you and you have nothing to submit /say on the matter.

Submission of fake /forged DD as EMD and or tender fee is a grave default from a responsible firm and invites serious penalties like banning of business dealing.

You are hereby given a notice to submit your written reply indicating any further reason/ justification for submission of fake /forged DD.

Your reply should reach the undersigned within 7 days of receipt of this letter or 15 days from the issue of this letter, failing which we will be constrained to initiate action for banning of business dealing with your firm.

Yours sincerely,

Signature

Name

Designation: DGM

Copy to: - 2) O/c.

May

ANNEXURE-1C (i)

Business banning order to vendor for submission of fake/ forged DD towards EMD and or tender fee (in case written reply received against Notice is not acceptable)
(Sample Draft)

Regd. AD

Bharat Sanchar Nigam Limited

(A Govt. Of India Enterprise)

O/o..... (State full postal Address)

Tel. No..... Fax No..... E-mail:

To,

M/s.....

No..... Dated.....

Sub: Banning of business dealing with your firm.

Your Ref: 1) No..... dated..... from.....

2) Offer/ bid received against BSNL tender no..... opened on..... for procurement of.....

We are in receipt of your reply vide above mentioned letter in response to our Notice intimating deficiency in EMD and/ or tender fee received from you.

We find that the reasons/ justifications furnished by you in your reply for submission of fake / forged DD are not acceptable and warrant necessary action as per policy of BSNL.

I am directed to intimate that the competent authority has found the deficiency to be serious and thereby decided to ban business dealings with your firm for a period of three years which will be effective from.....(date) which may please be noted.

Yours sincerely,

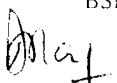
Signature

Name

Designation: DGM

Copy to: - 2) O/c.

3) GM (MM), BSNL CO, New Delhi for infn.



ANNEXURE-1C(ii)

Business banning order to vendor for submission of fake/ forged DD towards EMD
and or tender fee (in case written reply against Notice is not received)
(Sample Draft)

Regd. AD

Bharat Sanchar Nigam Limited

(A Govt. Of India Enterprise)

O/o..... (State full postal Address)

Tel. No..... Fax No..... E-mail:

To.

M/s.....

.....
.....

No..... Dated.....

Sub: Banning of business dealing with your firm.

Our Ref.:- Notice no..... Dated..... From.....

Your Ref: 1) Offer/ bid received against BSNL tender no.....opened
on.....for procurement of.....

Kindly refer to our above mentioned Notice wherein we had asked you to
submit your written reply indicating reason/ justification on the deficiency intimated
to you in your offer/ bid.

We have not received any reply from you against our notice under reference
which implies that you accept the default committed by you and you have nothing to
say/ submit further.

I am directed to intimate that the competent authority has found the deficiency
to be serious and thereby decided to ban business dealings with your firm for a
period of three years which will be effective from.....(date) which may
please be noted.

Yours sincerely,

Signature

Name

Designation: DGM

Copy to: - 2) O/c.

3) GM (MM), BSNL CO, New Delhi for infn.

