

HOLIDAY LISTING GUIDELINES OF GREEN GAS LIMITED
(TO BE PUBLISHED IN GGL PUBLIC PORTAL)

1. Definition

1.1 Black listing/ Holiday listing/ Debarment/Banning/ Removing from approved panel

The meaning of “Black listing”, “Holiday listing”, “Debarment”, “Banning” and “Removing from approved panel” is legally one and the same. Hence, hereafter onwards the subject matter shall be referred as “Holiday listing” only.

1.2 Approving Authority for the recommendations of the duly constituted committee for Holiday Listing shall be Director-Commercial (DC) of GGL.

1.3 Appellate Authority shall be Managing Director (MD) of GGL.

1.4 Party herein shall mean Bidder/Licenser/Tenderer/Consultant/Vendor/Contractor/Sub-vendor/Sub-contractor/Sub-consultant and include a Proprietorship Firm, a Partnership Firm, Public Limited Company, Private Limited Company, Limited Liability Company, a Joint Venture, a Consortium, HUF, a Firm whether registered or not, an Individual, Cooperative Society or an association or a group of persons engaged in any Commerce, Trade, Industry etc.

2. Reasons for putting a Party on Holiday List

2.1 The purpose of putting a Party on holiday list is to protect GGL from dealing with an undesirable party. Reason for putting Party on holiday list may include any one or more of the following:

If a Party

- a) Has indulged in malpractices such as bribery, corruption, fraud and pilferage, bid rigging / price rigging, injury to reputation or any property of GGL, acting dishonestly causing wrongful financial loss to GGL or wrongful gain to the party.
- b) Is bankrupt or is being dissolved or has resolved to be wound up or proceedings for bankruptcy or liquidation or insolvency resolution process or winding up or dissolution have been initiated.
- c) Has submitted fake, false, fabricated or forged documents/ certificates at any stage of tender finalisation starting from bid submission to award of the contract.
- d) Has substituted materials in lieu of materials supplied by GGL or has not returned or has short returned or has un-authorisedly disposed off materials/ documents / drawings/ tools or plants or equipment supplied by GGL.
- e) Has obtained official company information or copies of documents, in relation to the tender/ contract overtly or covertly i.e. by questionable methods/ means.
- f) Has violated and circumvented the provisions of laws including labour laws/ regulations/ rules, safety, environment norms or other statutory requirements.
- g) Has indulged in construction and erection of defective works or supply of defective materials.
- h) Has not cleared GGL’s dues, if any.
- i) Has committed Breach of Contract or has failed to perform a contract or has abandoned the contract.
- j) Has not accepted Notice of Acceptance (FOA) / Letter of Acceptance (LOA) / Purchase Order / Work Order after the same is issued by GGL within the validity period of the Bid and / or as per agreed terms and conditions.

- k) After opening of the Bid, the techno-commercially qualified and acceptable bidder withdraws/ revises his bid upwards within the validity period of the Bid.
- l) Has parted with, leaked or provided confidential/ proprietary information of GGL given to any third party without prior consent of GGL.
- m) If the security consideration, including questions of loyalty of the party to the State, so warrants.
- n) If the Director/ Owner of the party, proprietor or partner of the party is convicted by a Court of Law under normal process of law for offences involving moral turpitude in relation to its business dealings during the last five years.
- o) if the party uses intimidation/ threatening or brings undue outside pressure on GGL or its official in acceptance/performances of the job under the contract.
- p) Poor/Unsatisfactory performance of the party in one or several contracts.
- q) Transgression of Integrity Pact for which in the opinion of GGL makes it undesirable to deal with the party.
- r) Based on the findings of the investigation report of any investigative agency, Government Audit, any law enforcement agency or government regulator.
- s) If CBI, or any other investigating agency(ies) recommends such a course along with credible evidence in respect of a case under investigation, and If a prima-facie case is made out that the party is guilty of criminal negligence or an offence involving moral turpitude in relation to business dealings which if established may result in business dealing with it being banned.
- t) Any other ground which in the opinion of GGL makes it undesirable to deal with the party.

NOTE: The grounds / reasons for Holiday Listing indicated above are merely illustrative and may extend to the prudence of GGL's Management.

2.2 Communication by Administrative Ministry and Promoters of GGL

- a) If a communication is received from the Administrative Ministry of GGL which is MoPNG (Ministry of Petroleum and Natural Gas) or any of the Promoter Company i.e. IOC Limited or GAIL India Limited to ban a party from dealing with GGL, the party shall automatically be put on Holiday List.
- b) Holiday Listing by other PSUs / Government Departments shall not automatically extend to GGL unless the Administrative Ministry of GGL or its' Promoter companies advises the same.
- c) Where a Ministry seeks to debar a vendor across Ministries / Departments, they will write to Department of Expenditure (DoE) who, in turn, will take action after due diligence at their end. In case DoE takes a decision to debar a vendor across Ministries / Departments, DoE will maintain list of such debarred firms, and display on the Central Public Procurement Portal (CPPP). This list needs to be followed by all and can be accessed from the CPP Portal (<https://eprocure.gov.in/eprocure/app>).

3. Show Cause Notice:

3.1 Before placing the party on Holiday List, a fair opportunity of hearing the party shall be given by means of a Show Cause Notice. This Show Cause Notice should be issued to the Party before placing the party on Holiday List except for cases under clause 2.2 above.

3.2 A proforma of the Show Cause Notice is Annexed here-with (Annexure-A). A reasonable time of 15 days for a reply to the Show Cause Notice shall be given to the Party. This time may further be extended at the request of the Party, if so warranted, for a period not exceeding 7 days.

3.3 The Show Cause Notice shall be issued to the Party and a copy may be endorsed to its' CEO (Chairman/President/Managing Director/Proprietor/ Managing Partner etc.).

3.4 The decision to place the Party on Holiday List shall be taken considering the reply, if any submitted by the Party against the Show Cause Notice served to the Party and by passing a reasoned Speaking Order in respect of all the allegations contained in the Show Cause Notice.

4. Effect of putting a Party on Holiday List

4.1 No enquiry/ bid / tender shall be issued to a party as long as the party's name appears on the current holiday list (i.e. within the holiday period).

4.2 If a party is put on holiday list during tendering (of works/ purchase):

- a) If a party is put on holiday after issue of the enquiry/ bid/tender but before opening of Technical bids, the bid security (EMD) submitted by the party shall be returned to the party.
- b) If a party is put on holiday after opening of Technical bids but before opening of the Price bids, the price bid of the party shall not be opened and the bid security (EMD) submitted by the party shall be returned to the party.
- c) In case a party is put on holiday after opening of price bids, the bid security (EMD) submitted by the party shall be returned, the offer of the party shall be ignored and will not be further evaluated. The party will not be considered for issue of order even if the party is the lowest (L1). In such situation next lowest shall be considered as L1.

4.3 If a party is put on Holiday List and is performing/executing any other job(s), the party should be allowed to complete such works which have already been awarded. In case of ongoing Rate Contracts on Single Party, party is allowed to execute the orders placed against these Rate Contracts till finalization of the new Rate Contract. If the Rate Contract for certain goods/services are placed on multiple vendors after matching of lowest rates, the party on Holiday List shall not be given further order to execute and orders under the Rate Contracts and such orders shall be executed by other parties.

4.4 The Holiday listing shall be party specific and when the party is put on holiday, all the offices of the party shall be on holiday for all locations of GGL & for all Services/ locations of the party.

4.5 The Managing Director in consultation with Director (Commercial) may however, if he considers this to be in the interest of the GGL, may remove the bar in respect of any specific service/ location of the party.

4.6 If the party placed on holiday, is proprietary concern, all the concerns of the same proprietor shall also be considered to be on holiday and if that proprietor is the Partner of any firm, such firm shall also be considered to be on holiday.

4.7 In case where a joint venture (formed specifically for the bidding process) / consortium is debarred, all partners of the joint venture / consortium shall stand debarred for the period specified in the debarment order. Communication for Holiday Listing shall be sent to all the Partners.

4.8 Every bidder at the time of submission of bid shall give a declaration in the proforma of the Declaration attached as Annexure-B. In case the declaration of a party indicates that either the Company or Proprietorship concern of the same Proprietor or a Partnership firm in which the Proprietor is also a Managing partner has been placed on Holiday either by GGL, IOCL, GAIL or its Administrative Ministry, the party shall be considered to be on holiday and further actions as per 4.2-b) above taken.

4.9 Removal of Party from Approved / Registered List of vendors, if any.

5. Delisting (from Holiday List) Procedure after expiry of the Holiday Period

5.1 Delisting (from Holiday list) after expiry of the holiday period should be automatic and will not need

further approval, unless any information towards extension of holiday period is received. The party may be considered for issue of enquiry/bid after specified holiday period is over.

5.2 However, where Approved/ Registered list of vendors are there, the party may, after expiry of holiday period, approach relevant Tender/Enquiry Issuing Authority (C&P) for getting itself re-listed.

6. Appeal and Review of Holiday Period (De-listing from Holiday List within the Holiday Period)

6.1 Appeal:

The holiday listed party may file an appeal along-with a non-refundable fee of Rs. 10,000/- before the Appellate Authority (MD of GGL) against the Speaking Order for Holiday Listing of the Party. Non-refundable Fee shall be paid by way of Demand Draft of requisite value in favour of Green Gas Limited and payable at Lucknow. Such an appeal shall be preferred within one months (30 days) from the date of Holiday Listing.

Appeal Process (concluding the case) may be completed within 60 days of filing of Appeal with Appellate Authority.

6.2 Review:

Suo-moto review of Holiday Period (De-listing from Holiday List within the Holiday Period) may be done in exceptional cases and in the interest of GGL only with the approval of Appellate Authority.

7. Intimation of holiday listing/ delisting to the Party

7.1 The party shall be informed by the indenting dept. about their inclusion in holiday list. A draft of the communication to be sent to the party is enclosed as **Annexure-C**.

7.2 Delisting from holiday list after expiry of the specified holiday period need not be communicated to the party.

7.3 If holiday period is changed after appeal/review, the party shall be informed accordingly.

7.4 In Holiday Listing cases, where the proprietor of the firm, its employee, partner or representative is convicted by a Court of law for offences involving moral turpitude in relation to business dealings, may be revoked if, in respect of the same facts, accused has been wholly exonerated by court of law.

8. Holiday Listing of PSU Company

8.1 Whether the party is Private or a PSU (CPSU/SPSU) Company, guidelines for Holiday Listing and De-listing shall remain the same.

9. Holiday Listing in Disposal Tenders

9.1 The above guidelines shall also apply to parties for disposal tenders. In such cases, "the Lowest Bidder (L1) shall mean "the Highest Bidder (H1).

10. Declaration of Holiday Listing

10.1 Every bidder shall, at the time of submission of bid, give a declaration in the proforma for the declaration annexed here-with (Annexure-B).

11. Holiday Listing in case of procurement through GeM

11.1 In case of procurements through GeM (Government e-Market Place), Incident Management (IM) Policy of GeM shall be applicable. Terminologies used in GeM shall be as defined in the relevant policy. Buyer (C&P) to ensure that vendor suspended due to GGL's incident raising is blocked in the system (SAP or any other used for Material Management) for the period for which they have been put on Suspension List of GeM and the same is also updated on GGL's e-tender portal (if provision available) as is done for the other Holiday Listed vendors.

12. Holiday Listing Period (Indicative)

12.1 The Committee constituted shall deliberate on duration for which the party is to be put on holiday. Ordinarily, the period for which a party is placed on holiday should not exceed 3 years. However, in

extra-ordinary circumstances, the period may be more than 3 years & specific reasons for the same shall be recorded.

13. Provision in the tender

13.1 A suitable clause (modified version of the clause if such clause already exists in the tender document) for the above Holiday Listing procedure shall be included in the tender document (Instructions to Bidders "ITB").

ANNEXURE - A

(PROFORMA OF SHOW CAUSE NOTICE)
BY REGD. POST / SPEED POST / COURIER/ E-MAIL

No:

Date :

To

M/s. _____

Attn : Shri _____

Subject: Show Cause Notice

Ref : (LOA No., Name of Job and all the correspondences made in this regard)

Dear Sir/Madam,

You are hereby required to show cause in writing within 15 days from the date hereof why you be not placed on the " Holiday List" and be debarred from entering into any contracts with Green Gas Limited (GGL)/ be not de-listed from the list of approved Vendors/ Contractors of GGL, for the following reasons:

(Give Detailed Reasons)

Your reply (if any) should be supported by all documents and documentary evidence which you wish to rely in support of your reply.

Should you fail to reply to this Show Cause Notice within the time and manner aforesaid, it will be presumed that you have nothing to say, and we shall proceed accordingly.

Your reply, if any, and the documents / documentary evidence given in support shall be taken into consideration prior to arriving at a decision.

You are also requested to provide the details of Firm(s)/Agency(ies)/Company (ies) where you are a Proprietor/Partner or Director.

Yours faithfully,

For & On behalf of Green Gas Limited

Signature

(Name)

(Designation)

(Seal)

(PROFORMA OF DECLARATION OF BLACK LISTING /HOLIDAY LISTING)**In the case of Proprietary Concern:**

I hereby declare that neither I in my personal name or in the name of my Proprietary concern M/s_____ which is submitting the accompanying Bid/ Tender nor any other concern in which I am proprietor nor in any partnership firm in which I am involved as a Partner, are presently on any Black List or Holiday List declared by GGL, IOCL, GAIL or MoPNG nor any inquiry is pending by GGL,IOCL, GAIL or MoPNG in respect of any corrupt or fraudulent practice(s) against me or any other of my proprietorship concern(s) or against any partnership firm(s) in which I am or was at the relevant time involved as a partner, except as indicated below:

(Here give particulars of blacklisting or holiday listing, and/or inquiry and in absence thereof state “NIL”).

In the case of a Partnership Firm:

We hereby declare that neither we, M/s_____, which is submitting the accompanying Bid / Tender nor any partner involved in the said firm either in his individual capacity or as proprietor or partner of any other firm or concern presently , are placed on any blacklist or holiday list declared by GGL, IOCL, GAIL or MoPNG nor any inquiry is pending by GGL, IOCL, GAIL or MoPNG in respect of corrupt or fraudulence practice(s) against us or any partner or any other concern or firm of which he is proprietor or partner, except as indicated below:

(Here give particulars of blacklisting or holiday listing and/or inquiry and in the absence thereof state “NIL”)

In the case of Company:

We hereby declare that we are presently neither placed on any holiday list or blacklist list declared by GGL, IOCL,GAIL or MoPNG, nor any inquiry is pending by GGL, IOCL, GAIL or MoPNG in respect of corrupt or fraudulent practice(s), except as indicated below:

(Here give particulars of blacklisting or holiday listing and / or inquiry and in the absence thereof state “NIL”)

In the case of Consortium:

We hereby declare that none of the members of the consortium are presently placed neither on any holiday list or blacklist list declared by GGL, IOCL,GAIL or MoPNG, nor any inquiry is pending by GGL, IOCL, GAIL or MoPNG in respect of corrupt or fraudulent practice(s), except as indicated below:

(Here give particulars of blacklisting or holiday listing and / or inquiry and in the absence thereof state “NIL”)

It is understood that if this declaration is found to be false in any particular, Green Gas Limited (GGL) shall have the right to reject my/ our bid, and if the bid has resulted in a contract, the contract is liable to be terminated without prejudice to any other right or remedy (including black listing or holiday listing) available to GGL.

Place : Signature of Bidder _____

Date : Name of Signatory _____

(PROFORMA OF INTIMATION OF PLACEMENT OF A PARTY ON HOLIDAY LIST)

No :
To
Ms. _____

Date :

Attn : Shri _____

Subject : Holiday Listing/ De-listing of Vendors/ Contractors – Intimation of Placement on Holiday List.

Dear Sir / Madam,

In spite of the opportunity given to you, you have failed to show cause as required * /your reply to the Show Cause Notice * (and the documents and documentary evidence submitted in support of your reply) has/ have been duly considered.

(Speaking order: either to agree or rebut the reply furnished by party, allegation wise)

After considering the allegations made in the Show Cause Notice and your reply to the Show Cause Notice * (and documents and documentary evidence furnished in support thereof), it has been decided that you be placed on Holiday List and debarred from entering into any contracts with Green Gas Limited (GGL) for a period ofmonths/ years * effective from the date hereof and be removed from the list of approved vendors/ contractors.

This Holiday order shall automatically stand revoked on 20.01.2028.

Yours faithfully,

Signature
(Name)
(Designation)
(Seal)

* Strike out if not applicable (the entire running underlined text)