## Corrigendum No.17 to RCF Bid Document (Version-14)

Following conditions regarding **Code of Integrity/Conflict of Interest in Public Procurement, Misdemeanours and Penalties** will be applicable:

| Clause No. | Existing Provision | Amended/Modified/Added Provision |
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| 1.26 | New Clause ***ADDED*** | **Corrupt Practices:**<br>The bidder shall not offer or give or agree to give to any person in the employment of the Purchaser or working under the orders of the Purchaser any gift or consideration of any kind as an inducement or reward for doing or for bearing to do or for having done or for borne to do any act in relation to the obtaining the Contract or any other Contract with the Purchaser or Government or for showing any favour or for bearing to show disfavour to any person in relation to the Contract or any other Contract with the Purchaser or Government. Any breach of the aforesaid condition by the bidder, or any one employed by him or acting on his behalf (whether with or without the knowledge of the bidder) or the commission of any offence by the bidder or by any one employed by him or acting on his behalf under the Prevention of Corruption Act, 1988 (as amended) or under the Bharatiya Nyaya Sanhita, 2023 (as amended) or any other act enacted for the prevention of corruption by public servants shall entitle the Purchaser to cancel the contract and all or any other Contracts with the bidder and take further actions as per Clause 1.29 and 1.30 below. |
| 1.27 | New Clause ***ADDED*** | **Code of Integrity:**<br>Purchaser as well as bidders shall not indulge in following prohibited practices, either directly or indirectly, at any stage during the tender process:<br>(a) ***Corrupt practice***: making offer, solicitation or acceptance of a bribe, reward or gift or any material benefit, in exchange for an unfair advantage in the tender process or to otherwise influence the tender process.<br>(b) ***Fraudulent Practice***: any omission or misrepresentation that may mislead or attempt to mislead so that financial or other benefits may be obtained, or an obligation avoided. Such practices include a false declaration or false information for participation in a tender process or to secure a contract.<br>(c) ***Anti-Competitive Practice***: any collusion, bid-rigging or anti-competitive arrangement, or any other practice coming under the purview of The Competition Act, 2002, between two or more bidders, with or without the knowledge of the Purchaser, that may impair the transparency, fairness, and the progress of the tender process or to establish bid prices at artificial, noncompetitive levels; |

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| | | (d) ***Coercive Practice***: any coercion or any threat to impair or harm, directly or indirectly, any party or its property to influence the tender process;<br>(e) ***Conflict of Interest (COI):*** participation by a bidding firm or any of its affiliates who are either involved in the Consultancy Contract to which this procurement is linked; or if they are part of more than one bid in the procurement; or if their personnel have a relationship or financial or business transactions with any official of Purchaser who are directly or indirectly related to tender or execution process of contract; or improper use of information obtained by the (prospective) bidder from the Purchaser with an intent to gain unfair advantage in the Tender Process or for personal gain;<br>(a) ***Undue Advantage:*** improper use of information obtained by the bidder from the purchaser with an intent to gain an unfair advantage in the tender process or for personal gain. This also includes if the bidder (or his allied firm) provided services for the need assessment/ procurement planning of the tender process in which he is participating; |
| 1.28 | New Clause<br>***ADDED*** | **Obligations for proactive disclosures:**<br>(a) Purchaser as well as bidders are obliged under this Code of Integrity to suo-motu proactively declare any conflict of interest (coming under the definition mentioned above - pre-existing or as and as soon as these arise at any stage) in any Tender Process. Failure to do so shall amount to a violation of this code of integrity.<br>(b) Any bidder must declare, whether asked or not in a bid-document, any previous transgressions of such code of integrity during the last three years or of being under any category of debarment by the Central Government or by the Ministry/Department of the Procuring Organisation from participation in Tender Processes. Failure to do so shall amount to a violation of this code of integrity. |
| 1.29 | New Clause<br>***ADDED*** | **Misdemeanours:**<br>The following shall be regarded as misdemeanours-if a bidder, either directly or indirectly, at any stage during the tender process, commits any of the following misdemeanours:<br>(a) Violates the Code of Integrity;<br>(b) Convicted of an offence under the Prevention of Corruption Act, 1988 (as amended) or under the erstwhile Indian Penal Code, 1860 (as amended) or under the Bharatiya Nyaya Sanhita, 2023 (as amended) or any other law for the time being in force for causing any loss of life or property or causing a threat to public health as pad of the execution of a public procurement Contract;<br>(c) Employs a government servant who has been dismissed or removed on account of corruption; |

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| | | (d) Employs a non-official convicted of an offence involving corruption or abetment of such an offence, in a position where they could corrupt government servants;<br>(e) Employs a government officer within one year of his retirement who has had business dealings with him in an official capacity before retirement;<br>(f) ls determined by the Government of India to have doubtful loyalty to the country or national security consideration;<br>(g) Any other misdemeanour such as failure to abide by 'Bid Securing Declaration'. |
| 1.30 | New Clause<br>***ADDED*** | **Penalties for misdemeanours:**<br>Without prejudice to and in addition to the rights of the Purchaser to other remedies as per the Tender-documents, if the Purchaser concludes that a (prospective) bidder directly or through an agent has committed a misdemeanour in competing for the tender, the Purchaser shall be entitled, and it shall be lawful on his part to take appropriate measures, including the following, if his bids are under consideration in any procurement:<br>(a) Enforcement of Bid Securing Declaration in lieu of forfeiture or encashment of Bid Security;<br>(b) calling off of any pre-contract negotiations and;<br>(c) rejection and exclusion of Bidder from the Tender Process<br>(d) In addition to the above penalties, the Purchaser shall be entitled and it shall be lawful on his part to:<br>(i) File information against Bidder or any of its successors, with the Competition Commission of India for further processing, in case of anticompetitive practices;<br>(ii) Initiate proceedings in a court of law against Bidder or any of its successors, under the Prevention of Corruption Act, '1988 (as amended) or under the Bharatiya Nyaya Sanhita,2023 (as amended) or any other law for transgression not addressable by other remedies listed in this sub-clause.<br>(iii) Remove Bidder or any of its successors from the list of registered/approved suppliers for a period not exceeding two years. Suppliers removed from the list of registered/ approved vendors or their related entities may be allowed to apply afresh for registration after the expiry of the period of removal.<br>(iv) Debar a bidder from participation in future to purchaser's procurements without prejudice to legal rights and remedies. Debarment shall automatically extend to all the allied firms of the debarred firm.<br>(v) The Ministry/ Department may debar a bidder or any of its successors from participating in any Tender Process undertaken by Purchaser for a period not exceeding two years commencing from the date of debarment for misdemeanours listed above. The |

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| | | Ministry/ Department shall maintain such a list which shall also be displayed on their website.<br>(vi) Central Government (Department of Expenditure (DoE), Ministry of Finance) may debar a bidder or any of its successors from participating in any Tender Process undertaken for a period not exceeding two years commencing from the date of debarment for misdemeanours listed above. DoE shall maintain such a list which shall be displayed on Central Public Procurement Portal (CPPP).<br>(vii) Any dispute or difference in respect of either the interpretation effect or application or the above condition or of the amount recoverable thereunder, shall be decided by the Purchaser, whose decision there on shall be final and binding. |
| 1.31 | New Clause ***ADDED*** | Any dispute or difference in respect of either the interpretation effect or application or the above Clauses, shall be decided by the Purchaser, whose decision there on shall be final and binding on the bidder. |

Above Corrigendum has been issued with the approval of Competent Authority in e-office File No.291873 and will be applicable with immediate effect.