

Ref: No.CE(Projects)/Tech/Debar-Blacklist Policy/ No 24055

Date:
15 SEP 2022

Circular

Sub: Revised Policy and Procedure for debarring/blacklisting of Agencies from business dealings with MSEDCL.

Ref : 1) ED(Infra)/Tech/Debar Policy/No.14238 dt.11.06.2018
2) CE(Projects)/Debar-Blacklist Policy/F-2021008633/2021
3) MSEDCL Board Resolution No.2434 dtd.28.01.2022

MSEDCL deals with various agencies like Turnkey Contractors/ Suppliers/ Service providers to execute various projects. These agencies are repeated to perform, in letter and spirit of the conditions of Standard Bidding Documents and deliver in line with best corporate governance practices. Learning from the past experiences, the new initiatives were taken, to avoid delay in execution of works and to achieve further improvement in quality of the material and work. Various agencies are expected to adopt ethics of highest standard and very high degree of integrity, commitment and sincerity towards the work undertaken.

The Standard Bidding Document (SBD) has provision of termination of defaulting agency but there is no specific policy for debarring/blacklisting of defaulting agency whose past performance is not satisfactory or whose previous contract was terminated.

The Board of Directors has accorded the approval for the implementation of revised Policy and Procedure for debarring/Blacklisting of Contractor/ agency /Supplier/vendor from business dealings with MSEDCL vide Board Resolution no.2434 dtd. 28thJan2022. Details of revised debar/blacklist Policy are as under:

- 1) The grounds & procedure for debarring/blacklisting the Agency, Contractor, Vendor etc from business dealings with MSEDCL are elaborated in said revised policy.
- 2) The following changes are incorporated in revised Debar/Blacklist policy are as
 - a) LOA issuing Authority will only issue show cause notice to agency.
 - b) The provision of blacklisting , in addition to debar is incorporated in this policy.
 - c) The provisions of penal actions viz; warning, fine, banning, deregistration, with details of grounds for taking actions on agency prior to debarring/blacklisting is incorporated.
 - d) The period of debar/blacklisting shall be specified as per the severity of an offence as decided by Competent authority.

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3) The additional grounds for debaring/blacklisting of agency substituted in revised policy are as under

- a) The agency is repeatedly found to be non performing in execution of 1(one) or more terminated/partial terminated contracts and/or in rectification of critical/major as specified in Annexure A, pointed out by MSEDCL or any person authorized by MSEDCL in last 5 (five) years, instead of existing provision of 3(three) or more terminated contracts.
- b) Penal actions viz; warning, penalty , banning etc. has been imposed on agency one time or more, then agency shall be liable for debaring/blacklisting.
- c) Partial termination cases shall also be considered for debaring/blacklisting of agency.
- d) Competent Authority, if required will set up an enquiry committee on case-to-case basis, while debaring /blacklisting.

4) For the purpose of debarment /blacklisting, the powers delegated to the following designated officers of MSEDCL as Competent Authority (CA) and as Appellate Authority (AA) for debaring/blacklisting of business dealings with the defaulter Agency.

Sr. No.	Purchase Order Issuing Authority (LOA)	Competent Authority for Penal actions/Debaring /Blacklisting (CA)	Appellate Authority for Penal actions/Debaring / Black listing(AA)
1	Up to Executive Engineer (EE)	Chief Engineer (O&M)	Regional Director (RD)
2	Superintending Engineer (SE)	Regional Director (RD)	Director(Project)/ Director (Operation)
3.	Regional Director & Chief Engineer(O&M) And at Corporate Office (below 10 Cr.)	Director(Project)/ Director (Operation)	Chairman & Managing Director (CMD)
4	All Orders from Corporate Office (above 10 Crs)	Chairman & Managing Director (CMD)	Board of Directors

*Competent Authority will form Enquiry committee (if required on case to case basis) while debaring/blacklisting. *

The provision of appeal against debarment/blacklisting order is incorporated in the said Policy.

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This policy shall be applicable for all the existing and upcoming tenders as well as for existing & newly registered vendors from date of issue of this revised policy. This policy document shall be construed to be a part of standard bidding document for all future tenderization.

This Policy and Procedure for Debarring /Blacklisting of Agencies will come in force with immediate effect. This policy is available on <https://www.mahadiscom.in>

Encl: Policy for Debarring/ Blacklisting of Agencies from business dealing with MSEDCL.


Chief Engineer (Projects)
MSEDCL Mumbai

Copy s.w.r.to - 1. The Director (Project/ Operations/Commercial/Finance), MSEDCL, Mumbai
2. The Joint Managing Director, Regional Office, Aurangabad/Kalyan.
3. The Regional Director (Pune/Nagpur) MSEDCL.
4. The Executive Director (Commercial/Distribution/IT),MSEDCL,Mumbai.

Copy f.w.c.to - 1. The Chief Engineer (O&M), All Zones
2. Chief Engineer(MM/Dist./PP/HVDS/SPD) MSEDCL, Prakashgad,Mumbai
3. The Chief Legal Advisor, MSEDCL, Prakashgad,Mumbai
4. The Chief General Manager (TRD), MSEDCL,Nashik
5. Chief General Manager (I/A)/(CF)/(CA),MSEDCL,Prakashgad,Mumbai

Copy to - 1. OSD to Hon.CMD MSEDCL, Mumbai
2. Superintending Engineer (O&M) / Infra, All Zones.