



टेलीकम्युनिकेशन्स कंसलटेंट्स इंडिया लिमिटेड
(भारत सरकार का उद्यम)
Telecommunications Consultants India Limited
(A Government of India Enterprise)



प्रभाग
DIVISION

टी. सी. आई. एल. भवन, ग्रेटर कैलाश-I
नई दिल्ली-110048

TCIL Bhawan, Greater Kailash-I,
New Delhi-110048

CIN : U74999DL1978GO1008911

TCIL/DT/PC/OCAC-VC/03/01/Banning

15.03.2023

To,

1. M/s Polycom Asia Pacific Pte Ltd,
9 Changi Business Park Vista #07-01, Singapore 486041
2. M/s Polycom Asia Pacific Pte Ltd,
(Sales and Marketing office)
Building No. 10C,
DLF Cyber City Ph II,
Gurgaon-122002

Kind Attention: Mr. Ankur Goel, Managing Director, email - ankur.goel@hp.com,

Subject - Banning of Business Dealing with M/s Polycom Asia Pacific Pte Ltd (M/s Polycom)

- Ref: 1.) OCAC Tender OCAC-SEGP-INFRA-0037-2022-22076 dated 08.01.2023
2.) TCIL EOI: TCIL/2022-23/IT&BD/ OCAC-VC dated 14.01.2023
3.) TCIL Emails to M/s Polycom dated 01/02/2023, 08/02/2023, 09/02/2023, 13/02/2023.
4.) M/s Polycom Email to TCIL dated 31.01.2023 (regarding Tender Date Extension and Polycom assurance to provide required Supporting Documents for OCAC tender).
5.) M/s Polycom Email to TCIL dated 07/02/2023 (regarding datasheets and OEM eligibility documents) and another email on the same day wherein Technical Compliance was provided
6.) M/s Polycom Email to TCIL dated 10/02/2023 (regarding Technical Compliance)
7.) Email from End Client (OCAC) dated 17/02/2023 regarding non-submission of required MAF as per Tender Document.
8.) TCIL Email to M/s Polycom dated 17/02/2023 regarding submission of required MAF by 20/02/2023 13:00 hrs.
9.) M/s Polycom Email to TCIL dated 20.02.2023
10.) TCIL Show Cause Notice (SCN) No. TCIL/DT/PC/OCAC-VC/01 dated 20.02.2023 to M/s Polycom
11.) M/s Polycom Response dated 21.02.2023 on TCIL SCN
12.) TCIL Mail dated 22.02.2023
13.) M/s Polycom email dated 28.02.2023

1. Whereas Odisha Computer Application Center(OCAC) floated a tender vide No OCAC-SEGP-INFRA-0037-2022-22076 dated 08.01.2023 for Selection of PSU for Establishment of Video Conferencing (VC) Infrastructure at Gram Panchayat Including the Up-gradation of existing Video Conferencing (VC) Infrastructure at BHQs under OSWAN Project.

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Sajeewa



2. Whereas, to participate in the aforesaid tender, an EOI vide reference no TCIL/2022-23/IT&BD/OCAC-VC dated 14.01.2023 was floated by TCIL for pre-tender tie up with a suitable partner for participation in the OCAC Tender. The OCAC tender was intrinsically made an integral part of this EOI by reference, incorporation and attachment.
3. Whereas in response to the TCIL's EOI, M/s Printlink Computer & Communication Pvt. Ltd.(M/s Printlink) submitted its bid which contained a MAF issued by M/s Polycom in the name of M/s Printlink, addressed to TCIL, whereby M/s Polycom agreed to and warranted that M/s Printlink can independently offer their quotation, negotiate and conclude the contract with TCIL against the TCIL EOI as well as OCAC tender.
4. Whereas several discussions were held with M/s Polycom team including Managing Director and other senior officials. M/s. Polycom's MD along with other senior officials held discussions with officers of TCIL regarding the OCAC Tender (Project) at TCIL Office and each time officials of M/s Polycom assured their full support as OEM to TCIL for this OCAC tender including M/s Polycom email communication dated 31.01.2023 wherein M/s Polycom had assured TCIL that "M/s Polycom shall start sharing the supporting documents shortly".
5. It is important to mention here that during the preparation of the said bid/offer of TCIL, further documents/specifications were also provided by M/s Polycom directly to TCIL through various communications/correspondences exchanged between TCIL and M/s Polycom.
6. Whereas, during preparation of its bid/offer, TCIL on several occasions sought MAF in favor of OCAC to fulfill the conditions of aforesaid tender of OCAC. However M/s Polycom failed to provide the said MAF directly or through M/s Printlink to TCIL and always resorted to dilatory and diversionary tactics to avoid its commitment to provide the MAF.
7. Whereas on 14.02.2023 i.e. before the last day of submission of bid to OCAC, TCIL again followed up with M/s Polycom for issuing of MAF in the name of TCIL. Mr. Sarthak, the concerned Officer of M/s Polycom, informed that the MAF was being vetted by their Legal Team and the same shall be provided before the last date of submission of bid.
8. Whereas as TCIL did not receive MAF from M/s. Polycom and also Mr. Sarthak stopped responding to TCIL's calls, the matter was escalated to Director (Sales), M/s Polycom who assured that the same shall be facilitated.
9. Whereas in anticipation of delay in issuing of MAF due to reasons internal to M/s Polycom, TCIL submitted its bid without MAF with an undertaking that the MAF shall be submitted to OCAC before opening of financial bid, based on the assurances received from M/s. Polycom.
10. Whereas it has come to the notice that M/s Polycom has issued MAF to other three PSUs except TCIL which is unfair, unethical and restrictive practices on the part of M/s Polycom. At no point of time Polycom informed TCIL of its intentions of not issuing MAF to TCIL but made to believe that MAF shall be issued to TCIL.

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11. Whereas TCIL even after the submission of bid was frantically pursuing with both M/s Printlink and M/s Polycom to arrange the MAF. In the meanwhile, TCIL received an email dated 17-02-2023 from OCAC directing TCIL to submit the MAF from M/s Polycom by 17:00 hrs of 21-02-2023, failing which TCIL's bid will be rejected.
12. Whereas TCIL conveyed the directions from OCAC to M/s Polycom and M/s Printlink, and was constantly pursued MAF with both of them. An email request was also sent to M/s Polycom on 17-02-2023 requesting M/s Polycom to provide the MAF by 20.02.2023; 13:00 hrs. However, MAF was not provided to TCIL and a reply based upon extraneous, unrelated and irrelevant things was communicated to TCIL and at the last moment TCIL was asked to pursue the matter with M/s Printlink and also M/s Polycom conveyed that "Documents were provided to support M/s Printlink EOI participation, however Poly go to market in India is indirect". As M/s Polycom did not provide MAF either directly to TCIL or through M/s Printlink, till end of the day of 20.02.2023, a show cause notice was issued by TCIL to M/s Polycom on 20.02.2023 evening, as to why TCIL shall not bar/blacklist/ ban M/s Polycom. It was also mentioned that if bid/offer of TCIL is rejected, M/s Polycom shall be responsible for same.

To utter shock and surprise of TCIL, Polycom vide email dated 21.02.2023, stated that MAF was not issued due to incomplete EOI and also falsely stated that they had given no commitments to TCIL.

13. Whereas, TCIL requested OCAC to grant extension up to 23.02.2023 for submission of MAF from M/s. Polycom and OCAC granted the extension sought. Hence, TCIL again requested M/s. Polycom, vide mail dated 22.02.2023 to provide MAF latest by 22.02.2023 but MAF was not provided till the end of the extension period granted by OCAC. Due to non-submission of MAF by TCIL, TCIL's bid was rejected by the client M/s OCAC.
14. Whereas during the last phase of the preparation of bid, M/s. Printlink was maintaining that "OEM M/s. Polycom is delaying MAF for the reasons best known to only them". M/s. Printlink's senior official who was present in TCIL for supporting TCIL in bid preparation asked TCIL to call senior officials of M/s. Polycom several times, thereby indicating that the MAF was held up at OEM's end only. Accordingly, TCIL made umpteen numbers of calls to several senior officials of M/s Polycom including Director Sales, Head Govt. Business, Head North East and Managing Director, etc. for issuing MAF in favour of TCIL.
15. Whereas, on the other hand it was conveyed by M/s Polycom that M/s. Printlink was not giving a go ahead to them for issuing MAF in the name of TCIL. These clearly showed that both M/s. Printlink and M/s. Polycom were hand in glove with malafide intention of thwarting TCIL's attempt in participating in the OCAC tender. The same could be corroborated from the two emails dated 21.02.2023 received from M/s. Printlink wherein M/s. Printlink asking TCIL to revoke the showcause notice issued to M/s. Polycom.



16. Since TCIL could not submit the MAF before the extended time line given by OCAC i.e. by 12.00 hrs of 23.02.2023, TCIL lost its opportunity in successfully competing in the OCAC tender for which M/s Polycom is squarely responsible.
17. Whereas, vide system generated e-nivida (e-tendering portal) notification dated 28.02.2023 16:42 hrs, it was informed that TCIL bid has been disqualified for OCAC tender.
18. Whereas M/s Polycom vide email dated 28.02.2023; 16:58 hrs had provided the MAF directly to TCIL. By this time TCIL bid had already been rejected by OCAC and the financial bids of other bidders were already opened. M/s Polycom had provided the MAF directly to TCIL contrary to their stand conveyed vide email dated 20.02.2023.
19. Whereas it is evident from above that M/s Polycom in connivance with M/s Printlink, did not provide MAF to TCIL whereas MAF was provided to other 3 PSU bidders despite being the single OEM for the relevant product. This act indicates unfair, unethical and restrictive practices followed by M/s Polycom for this tender. M/s Polycom had indulged in an act which jeopardized TCIL chance of successful participation and winning the tender.
20. In view of the above, after review of the case under extant guidelines of TCIL, TCIL is constrained to take appropriate action in respect of its dealing with M/s **Polycom Asia Pacific Pte Ltd.** so that TCIL does not suffer similar losses in future.
21. Accordingly, **M/s Polycom Asia Pacific Pte Ltd** is hereby banned from participation in future/new works/tenders of TCIL for 2 years from the date of Issuance of this Letter. This Banning Order shall not be applicable for the works under execution by M/s Polycom.

This notice is without prejudice to any other rights of TCIL which may be available to it as per law.

For Telecommunications Consultants India Limited

Sanjeeva
Sanjeeva Goyal 15/3/2023
ED (IT & T-III)



- Copy to :
1. All Divisional Heads in TCIL Headquarter
 2. All Project Directors
 3. TCIL Website