

Undertaking

[To be provided if the Contractor is opting to submit Performance Guarantee other than Bank Guarantee, this Affidavit is mandatory to be provided on at least 100 judicial stamp paper]

Affidavit of Mr. , having **CNIC #** , as *on behalf of M/s* , having their registered office at

M/s participated in the Open Competitive Bidding process for procurement activity titled; **"Procurement of"** of Allama Iqbal Open University and happened to be the Most Advantageous Bidder for award of contract. Now whereof, pursuant to Special Condition of Contract Clause No. 10, **M/s** is obligated to furnish Performance Guarantee amounting to **Pak. Rs.**/- against Contract No. titled; **"Procurement of"** dated-.....-....., in the form of Bank Guarantee. However, due to certain operational/ functional procedures, the Supplier namely **M/s** is constrained to provide the Performance Bank Guarantee and could not provide further rational in this regard. However, **M/s** made a request to Allama Iqbal Open University (the Procuring Agency) to allow submission of **Performance Guarantee** in the form of **Demand Draft/ Pay Order/ Call Deposit Receipt** bearing **Bank Instrument No.** dated-.....-....., amounting to **Pak. Rs.**/-.

In the above context, I, the above-named deponent, do hereby solemnly state on oath that I am an authorized representative of **M/s** and, hereby on behalf of **M/s** declare, agree, understand, warrant and undertake that:

1. **M/s** is submitting a **Demand Draft/ Pay Order/ Call Deposit Receipt** bearing **Bank Instrument No.** dated-.....-....., amounting to **Pak. Rs.**/- as **Performance Guarantee** in lieu of **Bank Guarantee** for supply of goods and related services, viz., **"Procurement of"** in complete understanding of the **Notification of Award/ Letter of Intent** and the **Contract Agreement** dated-.....-..... respectively, issued by the Directorate of Purchase & Stores of Allama Iqbal Open University,
2. **M/s** has no objection if Allama Iqbal Open University encashes the above-referred **Demand Draft, Pay Order** or **Call Deposit Receipt** and deposits the amount in its account(s),
3. **M/s** hereby irrevocably and unconditionally undertakes and warrants that **M/s** shall neither have any claim or any interest of accused by depositing, after encashment of the Performance Guarantee instrument, the amount in its account(s) by the University nor **M/s** shall, in any whatsoever case, claim any interest, if accrued, from the University being cognizant of the fact that Allama Iqbal Open University has facilitated **M/s** for their compliance with the contractual terms & conditions,
4. **M/s** hereby further irrevocably and unconditionally undertakes and warrants that, Allama Iqbal Open University shall have full authority to take any punitive action it would deem appropriate, including blacklisting of the **M/s** for any duration Furthermore, **M/s** shall not challenge the decision of the University in any court of law if:

- (i) in the event the submitted Demand Draft, Pay Order or Call Deposit Receipt is found to be counterfeit,
- (ii) shall not pursue any institution public and/ or private, in the context of Clause-3 of this Affidavit in any manner besides challenging in any court of law,
- (iii) accepts full responsibility and strict liability for making any false declaration, not making full disclosure, misrepresenting facts or taking any action likely to defeat the purpose of this declaration, and
- (iv) shall not request Allama Iqbal Open University for release of performance guarantee amount prior to successful completion of warranty period of supplied goods and services, which shall invariably be complied with after acceptance of the supplies by the University as per Clause No. 11 of the Special Condition of Contract dated-.....-.....

DEPONENT