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CVO's Desk:

Tender Evaluation is the most sensitive area susceptible for mistakes or corruption .With increasing complexity of compliances under various acts and licenses, importance of genuine documentation and its verification cannot be ignored for selection of L1. Transparency and fairness are underlined principles in public procurement and authorities are expected to establish it in selection process. To ensure that evaluation is done in most transparent and fair & open manner, following points should be taken care of

- Evaluation of tenders exactly as per the notified criteria. TEC to sit jointly and check submitted documents thoroughly. TEC constitution should have appropriate numbers of competent officials so that any recommendation/comments outside of TEC is not warranted.
- Once bids are submitted, there should not be any correspondences with bidder except clarifications on submitted documents and which should be part of tender terms .
- Timely decision within validity period.
- Complying with commission's circular regarding negotiation.
- Ensuring that conditions/specs are not relaxed once bid has been opened.
- Ensuring that L1 is not ignored on flimsy grounds.
- Compliance with the purchase preference policy of the govt.

Few of CVC guidelines in this regard have been issued vide following circulars-Circular No. 8(1)(H)/98(1) dated 18.11.98,

- Circular No. 98/ORD/1 dated 24.8.2000 / 15.3.99, • CVC'S Office Order No. 13/3/05 (005/VGL/4) dated 16.3.2005,
- Circular No. 06-03-02-CTE-34 dated 20.10.03, • Circular No.004/DSP/11-6594 dated 24-2-2005
- Circular No. 005/CRD/012 dated 3.03.2007

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Illustrative Check Points for Various Stages Of Public Procurement-Part 8

11.0 Contract Agreement

11.1 During course of technical examination of various contracts by CTE's Organisation, it was observed that officials, who are otherwise expert in their own technical domain, do not go through the complete contract document. During performance of the contract, their main focus could be on BOQ/specifications for various items. In other words, at times, the officials are more concerned with the technical aspects of the contract and as such, other important contract provisions, which are also essential for smooth operation of contract, get ignored. The contractors/vendors tend to take advantage of the ignorance of the officials for their benefit. Many a times, major financial irregularities occur during the performance of the contract because of the officials not being thorough with the contract conditions/provisions.

Besides quality, timely completion of the work is also the essence of the contract. While examining the correspondence files of some power projects, it was observed that many projects get unduly delayed due to contractor's fault such as non deployment of adequate plant & machinery, technical staff, material, labour etc. Officials have been found wanting in their action against the contractors/suppliers. Such actions in many cases lead to recoveries from the contractors/suppliers. In some projects, it was further observed that 'Extension of Time' was granted without claiming compensation i.e. 'Liquidated Damages', ignoring correspondence that could pin the delay to the account of contractor.

11.2 Following check-points are suggested:

- i. Whether proper agreement between the organization and the contractor / supplier has been entered into within the prescribed period or not?
- ii. Whether the contract agreement containing all the relevant papers has been properly sealed or not?
- iii. Whether irrelevant documents/papers have been made part of the agreement?
- iv. Whether various contract provisions such as labour laws, insurances, guarantees etc. are being complied by the contractor or not?
- v. Whether action has been taken against the contractor for non-compliance of the contract conditions?

contd...

- vi. Whether the payment is being made to the contractor strictly as per the contract?
- vii. Whether any overpayment/inadmissible payment?
- viii. Whether Bank Guarantees submitted by the contractor/supplier have been duly verified for their genuineness from the issuing bank?
- ix. Whether action has been taken/proposed against the contractor/supplier for delay?
- x. Whether the work is being carried out as per the detailed procedure/protocol for quality of the material/product provided in the contract and in case of any deviation, whether approval of Competent Authority highlighting the financial implication has been obtained?
- xi. In case of the contractor being a Joint Venture of two or more firms, whether representatives are being shared by each of the partner as per their disclosure at the time of bidding?
- xii. Whether sub-contracting of the work is allowed in the contract and if so to what extent? Proposal for sub-contracting should be scrutinised scrupulously to assess the competence of the sub-contractor. Indiscriminate sub-contracting that too the inexperienced/incompetent sub-contractors may lead to serious quality compromises besides delay in execution of the work?

- As Per CTE's Organization



Inspection at Ukwa Mine



Training on Vigilance Awareness at Beldongri Mine Mine



Vendor Meet at H.O. 24.05.2019



Inspection at Munsar Mine



Inspection at Gumgaon Mine



VIGILANCE DEPARTMENT, MOIL LIMITED

"MOIL BHAWAN", 1A, KATOL ROAD,
NAGPUR-440013. PBX :0712-2806100

Website : www.moil.nic.in CIN : L99999MH1962GOI012398

Toll free No. : 18002333606

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Any suggestion(s) /feedback may be mailed to cvo@moil.nic.in