

Role of Independent External Monitors in BBMB

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Chandigarh



Parasite of corruption attacks
moral, social and economic fibre of
the nation.

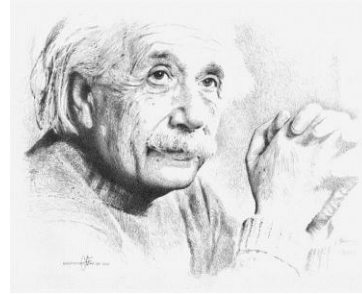


If you think you are too small an
entity to play any role in the fight
against corruption, think of the
potential of an atom.



On this Earth, there is enough for
everyone's need but not for their
greed.

— *M.K. Gandhi*



“Believe with all of your heart
that you will do
what you were made to do”

— *Albert Einstein*

Objective

To promote:-

A corruption free Public Procurement Regime

To have Compliance with:-

- a. All relevant laws of the land, rules and regulations.
- b. Economic use of resources.
- c. Fairness and transparency in dealings.

BBMB Introduces Integrity Pact concept for procurement of works equipment and services

- Integrity pact envisages a panel of Independent External Monitors (IEMs) for BBMB.
- BBMB appointed, duly approved by CVC, panel of two IEMs in February, 2012

to oversee

IP's implementation and its effectiveness.

and to use

IEMs advice as conflict resolution mechanism

Panel of IEMs constituted in BBMB

C. M. Walia

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**Former Member (Technical), HPSEB &
Director (Electrical), HPPCL**

N. S. Bal

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CVC formulated
Standard Operating Procedure
(SOP)
for adoption of Integrity Pact
in major Govt. Departments and Organizations
(Reference: Circular No. 10/5/09 dated 18.05.2009)

Section 4.0
of Circular No. 10/5/09 dated 18.05.2009
prescribes the

Role/Functions of IEMs

1. Access to all contract documents.
2. Structured meetings of IEMs with CEO.
3. IEMs would examine all complaints.
4. a) At least one IEM should be invariably cited in the NIT.
b) Complaints of tendering process to be examined by the full panel of IEMs.

Contd...

5.
 - a) IEMs' recommendation of advisory nature.
 - b) IEMs not consultant to the management.
 - c) IEMs having independent role.
 - d) Advice tendered not subject to review.
6. Role of CVO of the Organization shall remain unaffected.

Specific Role/Function of IEMs in BBMB in line with CVC

(Circular dated 18.05.2009)

1. IEMs will be responsible to oversee and implement programme to prevent corruption, bribes and any other unethical practices in BBMB.— * *Wish that none of these exists.*
2. IEM(s) will co-ordinate his efforts with other anti corruption institution such as CVC.
3. IEM would have access to all contract documents whenever required. Ideally, all IEMs of an organization should meet in two months to take stock of the ongoing tendering processes.

Contd...

4. It would be desirable to have structured meeting of the IEMs with Chief Executive of the organization on a monthly basis to discuss/review the information on tenders awarded in the previous months.

5. The IEMs would examine all complaints received by them and give their recommendations/views to the Chief Executive of the organization, at the earliest. They may also send their report directly to the CVO and the Commission, in case of suspicion of serious irregularities required legal/administrative action.

Contd...

6. At least one IEM should be invariably cited in the NIT. However, for ensuring the desired transparency and objectivity in dealing with the complaints arising out of any tendering process, the matter should be examined by the full panel of IEMs, who would look into the records, conduct an investigation and submit their joint recommendations to the BBMB Management.

7. The recommendations of IEMs would be in the nature of advice and would not be legally binding.

Contd...

8. If the IEM(s) observe or suspect an irregularity, he will inform the Chairman, BBMB. Once the IEM is satisfied that any irregularity has taken place, he may also inform Chief Vigilance Commissioner.
9. IEM(s) shall perform his/their function neutrally and independently.
10. The IEM's shall always treat the information and documents of the bidder(s)/ Contractor(s) /Sub contractor (s) with confidentiality and shall not disclose the same to any unauthorized person(s).



To take note please:-

1. IEM(s) will not have administrative or enforcement responsibilities.
2. IEMs are not consultants to the Management. Their role is independent in nature and the advice once tendered would not be subject to review at the request of the organization.
3. The role of the CVO of the organization shall remain unaffected by the presence of IEMs. A matter being examined by the IEMs can be separately investigated by the CVO in terms of the provisions of CVC Act or Vigilance Manual, if a complaint is received by him or directed to him by the Commission.

IEMs to follow guideline as laid down in:-

1. The Prevention of Corruption Act, 1988.
2. Circulars/Guidelines (amended upto date) issued by CVC in the matter of IP implementation
3. The Central Vigilance Commission Act, 2003 No. 45 of 2003
4. BBMBs Procurement Manual/Procedures.
5. Delegation of Financial Power applicable in BBMB.
6. Vigilance Manual.
7. IP agreement signed between the Principal (BBMB) and the Bidders/Contractors/Suppliers.



Violation by bidders and consequences thereof

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1. **Loss of bid security and performance bond.**
2. The Principal may terminate its current contract and business relationship with the vendor.
3. **Banning and exclusion of vendors from future dealings until the concerned IEMs are satisfied that the vendors will not commit violations in future.**
4. Criminal proceedings against the violating vendor(s), if necessary.
5. **Payment of damages as determined by IEM.**

Frequently Asked Questions about IEMs

1. What is Corruption?
2. What is an IEM?
3. What is the role of IEM?
4. What is the status of an IEM?
5. Is there any legal obligation to follow the advice of the IEMs?
6. Is the IEM a replacement of CVO?
7. Is there a role for Civil Society?
8. Who can give a complaint to IEM?

- 9 If any complaint goes to CVO, IEM and Court at the same time who will deal it?
- 10 Can a bidder complaint to IEM directly if he found any irregularity?
- 11 In case of receipt of complaints, is it necessary to keep on hold the processing of tenders?
- 12 What role IEM's play on tenders/ contracts on which no complaints are received?



Thank You All