



MOIL LIMITED
(A Government of India Enterprise)

VIGILANCE VANI

MONTHLY NEWS LETTER OF VIGILANCE MOIL

Issue : March 2019

Volume : 13



CVO's Desk:

Several instances come to notice when finalization of tenders get delayed or wrongly finalised due to lack of clarity in prequalification conditions or inclusions of random prequalification conditions. Being government organization, it must be understood that proper procedures are followed with ample clarity and transparency. Eligibility conditions require due care so that they are not random or arbitrary and also the same can be verified. If credential related with experience are asked as part of eligibility than it needs to be reconfirmed from issuing authority before award /agreement. As a practice experience of government sector is universally asked and given weightage for evaluation of tenders. Credential from private agencies, if at all required, needs more detailed confirmation as it may so happen that certifying authority and bidding agency are one and the same and carrying out business to take benefit of various government policies. In such case, objectivity is compromised. Similarly, drafting and inviting bids needs careful examination of all forms and supporting documents. Sufficient details should be provided in technical and financial bids so that speaking requirement is reflected in bid itself. Asking irrelevant document consume time for confirmation. Time is essence of any government project and timely executed bidding process ensures that work undertaken shall also be concluded within scheduled time without cost overrun. With e-procurement in practice everywhere, it is all the more important to devote time in preparation of bids so that portal gives the desired comparison and evaluation. Finally, it's the organization which has to be dynamic enough while taking a final call in award keeping in view the criteria, clarity and natural justice.

Sharat Chandra Tiwari, ITS

EDITORIAL BOARD

Shri Sharat Chandra Tiwari (ITS)
Chief Vigilance Officer,
Chief Editor

Shri N. M. Shesh
Dy. Chief Vigilance Officer,
Editor

Members

Shri Manoj Tewari
Sr. Vigilance Officer

Shri B. S. Karpe
Sr. Vigilance Officer

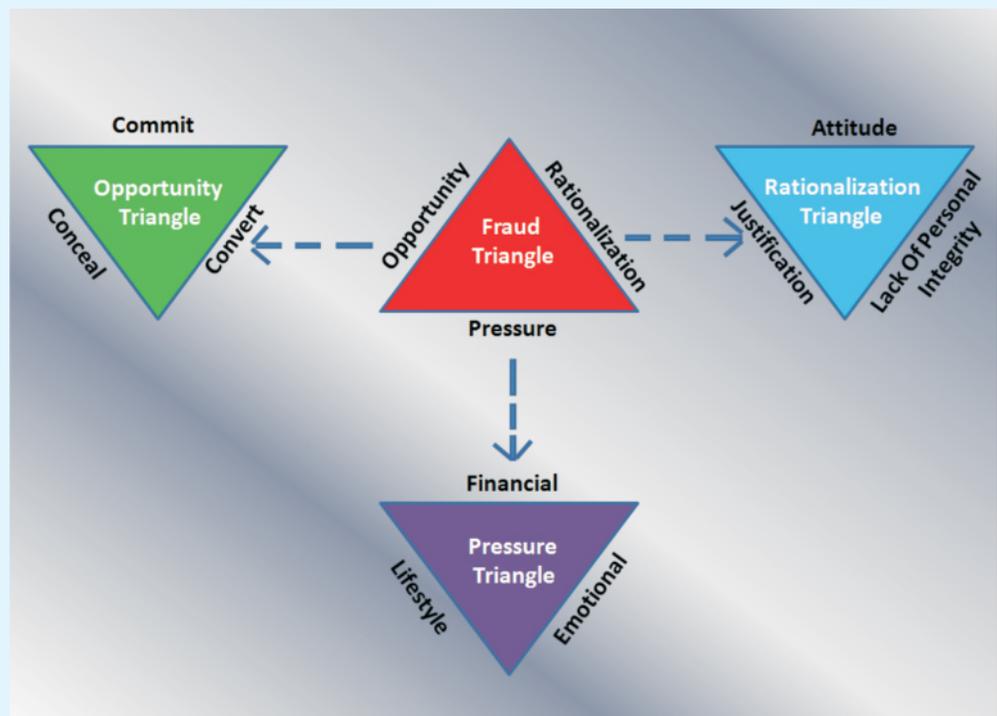
Shri U. M. Charpe
Vigilance Officer

Shri Prashant Sawai
Vigilance Officer

Shri Shivam Dutt Rishi
Vigilance Officer

Shri Ashish Suryawanshi
Vigilance Officer

Shri M. M. Patil
Asst. Vigilance Officer



Illustrative Check Points for Various Stages Of Public Procurement-Part 6

9.0 Inviting & Opening of Tenders

9.1 The award of Public Contract through open tender is to ensure - transparency in public procurement, to maximize economy and efficiency in public procurement, to promote healthy competition among tenderers, to provide for fair and equal treatment to all the tenderers and to eliminate irregularities, interference and corrupt practices by authorities concerned. This is also required by the Article 14 of the Constitution of India.

9.2 Normally three modes of tendering are adopted. Namely:

- Open Tenders
- Limited Tenders
- Single Tender/Nomination Basis

In an open tender, bids are invited giving wide and adequate publicity. This is the most preferred mode of tendering.

In the case of small value works, urgent works and in case only a few bidders are available in the market, limited tenders from such bidders who have been empanelled are invited.

In case of Limited Tenders the empanelment should be done in a transparent way and updated periodically.

Award of contracts on nomination basis, which is also called a single tender is to be resorted to only under exceptional circumstances such as natural calamities and emergencies or there were no bids to repeated tenders or where only one supplier has been licensed (proprietary item) in respect of goods sought to be procured.

9.3 In a judgment of the Hon'ble Supreme Court [Meerut Nagar Nigam, Meerut Vs Al Faheem Meat Exports Pvt. Ltd.] it has been emphasized that all the public tenders should be in an open and transparent manner with adequate publicity. Consequent to this judgment, the Commission has issued Office Order No. 23/7/07 dated 05.07.2007 laying down the circumstances where award through nomination is admissible.

9.4 The Commission vide its Circular No. 06-03-02-CTE-34 dt. 20.10.2003 and Circular No. 15/5/06 issued vide letter no. 005/CRD/19 dt. 9th May 2006 has emphasized upon open

contd...

tendering as the most preferred mode of tendering and insisted on transparency in the preparation of panel in case of limited tenders.

9.5 Widest possible publicity is essential for greater transparency in open tenders. In addition to the existing rules and practices regarding publicity, the Commission vide their circular No. 98/ORD/1 dt.18.12.2003 has instructed for up loading the Notice Inviting Tender and also tender documents in a down loadable form on the web site. The web site publicity is to be given even in the case of limited tenders.

9.6 In the various booklets issued by the CTE Organization of the Commission, the need to maintain transparency in receipt and opening of tenders has been emphasized and it has been suggested therein that suitable arrangements for receipt of sealed tenders at the scheduled date and time through conspicuously located tender boxes needs to be ensured. The Commission vide their Circular No. 05-04-1-CTE-8 dt. 8.6.2004 has further instructed that in case of bulky tender documents the provision for submission of bids to designated officials by hand should be made in the tender document itself.

To maintain transparency in the opening of tenders, the Commission in its circular dated 8.6.04 has instructed to open the bids in the presence of bidders.

9.7 Following check-points are suggested:

- i. Whether proper publicity has been given to the tender as per the guidelines of the organization?
- ii. Whether the guidelines of the organization for publicity of the tender are adequate?
- iii. Whether NIT has been posted on the organization's website?
- iv. Whether place of tender receipt as notified in the NIT is conspicuous?
- v. Whether the committee to open the tenders has been duly notified by the Competent Authority?
- vi. Whether the tenders are opened in presence of the bidders or their authorized representatives?
- vii. Whether cutting/overwriting /insertions are accounted for on each page of the price bid?
- viii. Whether the members of the Tender Opening Committee have signed on each page of the price bid?



Inspection at Balaghat Underground Mine



Inspection at Balaghat Mine Siding



Inspection at EMD Plant, Dongri Buzurg



Stores Inspection, Dongri Buzurg Mine



Grievance redressal meeting, Dongri Buzurg Mine



Review meeting with HODs 27.03.19



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

Views and opinion published in News Letter do not necessarily reflect the Management's Policy/Views.

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