

COMPLAINTS AND VIGILANCE

HPRIDC has established a system dealing with external complaints on procurement, fraud/corruption and construction quality. This system will include maintaining files to monitor status of follow up of each received comments, suggestions and grievances. The implementation of the system will be monitored by Chief Vigilance Officer of the PWD (who shall act Vigilance Officer (VgO) for the HPRIDC). The mechanisms will include provision for follow up investigations of substantial complaints to ensure independency and reliability of the system.

For the complaint mechanism to function efficiently, the information concerning the alternative conduits for complaint (dedicated email address and physical mailing box) are being publicized. Complaints, suggestions and grievances handling system has been included at HPRIDC website: <http://himachal.nic.in/hpridc/>. An Information Officer who has been designated by HPRIDC as a full-time Assistant Public Information Officer under the RTI Act is responsible for monthly updates of the system on the website.

If as a result of any such information provided by the member of the public, cost savings are achieved or charges of misconduct and misappropriation are proven, such members of the public will be awarded some recognition such as a certificate of excellence or felicitation. HPRIDC will formulate general policy in this regard and after due approvals of the GOHP, announce these to the public as aforementioned. Simultaneously strict disincentives will be announced for the erring members of the corporation. HPRIDC will establish the remedial actions and sanctions for cases of fraud and corruption that are reported and for which evidence is found and charges established after due process of investigation. This will include sanctions to HPRIDC or government staff proven to be involved in such cases.

Any entity that is found to have misused funds, or not effectively carried out key elements of the anti-corruption plan, may be excluded from subsequent participation in other works being carried out by the HPRIDC. Information regarding such cases, where lessons are learned and funds are retrieved, will be widely published for information of the members of public. Strict procedures to ensure anonymity of informants will be enforced.

Tracking of the status of investigations and measures taken will be reported in monthly reports to management. Complaints deemed possible serious infringements may be referred to the Vigilance Department of the Government of Himachal Pradesh for further investigations.

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(1) Responding to Procurement Complaints

Procurement related inquiries and complaints from suppliers, contractors or consultants may occur from time to time. Complaints require prompt, careful and consistent responses from the Chief Vigilance Officer of the HPPWD appointed by the Government of Himachal Pradesh (who shall act as Vigilance Officer (VgO) in the same capacity for the HPRIDC), HPRIDC staff and the GOHP if necessary.

General inquiries about HPRIDC procurement policy, procedures and guidelines are dealt with by the CE-cum-PD within 20 working days of receipt.

Complaints received directly from bidders relating to a specific procurement shall be in writing. They are to be received and then reviewed by SE (Works) cum Chief Vigilance Officer of HPPWD, and dealt with in the following way.

i) The VgO shall record all complaints, whether they are referred from other recipients or directly, in a register to be maintained in a secure location in his own office. The email and physical address of the VgO is to be made public on the HPRIDC website and noted in all pre bid and pre-proposal meetings

ii) The VgO shall, within 5 working days of receipt of complaint, acknowledge receipt in writing to the complainant indicating that the HPRIDC is considering the issues raised and will discuss them with the concerned officers of the HPRIDC.

iii) The VgO shall then consult with the relevant officers of the HPRIDC and, after thorough review of the documents in question as well as interviewing of officers concerned as necessary, shall make a judgment as to the validity of the complaint.

iv) Within 20 working days, the VgO shall submit a report to the CE-cum-PD, HPRIDC with his own assessment as to the validity of the complaint and a clear recommendation on how any substantiated complaint should be remedied.

v) In the event that any documents or decisions are changed as a result of the VO's recommendations, the CE-cum-PD must notify all prospective bidders on any changes in the bidding documents or bidding conditions within 5 working days of receipt of such recommendations from the VgO.

vi) If the VgO receives the bidder's communication after the HPRIDC has submitted its evaluation report to the competent authority, the VgO ascertains whether the complaint was satisfactorily addressed in the report. If they were not, the VgO asks the HPRIDC to address the issues and resubmit its evaluation report within 20 working days before submitting such report to the competent authority. The VgO shall satisfy himself that the evaluation report has indeed adequately addressed the complaint.

vii) If on the other hand the complaint is received after the successful bidder is notified of the contract award, the VgO responds to it in broad terms, without compromising the confidentiality of other bids and a copy of the correspondence is then sent to the HPRIDC. The Board shall then be consulted and shall determine, after consultation with appropriate legal counsel, as to how best to proceed.

viii) In the event that the CE-cum-PD does not agree with the recommendations of the VgO, the case shall be referred to the MD, HPRIDC whose decision shall be final.

ix) All complaints received in relation to procurement where the competent authority is the Board, must be reviewed by the MD, HPRIDC in addition to the VgO.

x) The VgO shall write to all complainants within 40 working days of the receipt of such complaint as to the final decision of the competent authority.

xi) If any complainants do not concur with the decision of the competent authority, they should be advised to approach the relevant Appellant Authorities under the RTI Act 2005.

xii) In the event that a complaint is received concerning an externally funded contract, the relevant funding agency shall be informed at each stage of the complaint handling process.

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(2) Responding to Allegations of Fraud or Corruption

Fraud or corruption can manifest itself in many varied ways and HPRIDC operations are not expected to be immune. All staff and contractors should be alert for indicators that fraud or corruption may have occurred. These include suspicious or unexplained transactions, rumors of favored bidders, bid-rigging, the use of shell companies to mask interests or ownership, lax enforcement of procurement rules, and other suspicious circumstances.

Allegations received in writing by the State Government, VgO, of the HPRIDC, shall be dealt as per rules and regulation of the State.

In the event that an allegation refers to fraud or corruption of bidders, the procedure prescribed above shall be followed. Where allegations are shown to be valid, sanctions shall be imposed as per the relevant GOHP instructions.

Individuals who choose to report allegations of fraud or corruption may remain anonymous or request that their identity not be disclosed outside of any investigating team. Note, however, that a full investigation of the circumstances complained is made significantly more difficult where the complainant remains anonymous, since it will not be possible to seek any clarifying information from the complainant.

In the event that an allegation is received concerning an externally funded contract, the relevant funding agency shall be informed at each stage of the complaint handling process.

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(3) Responding to Complaints on Construction Quality

Complaints received directly from the public relating to the quality of a specific work, good or service shall be in writing. They will be received and then reviewed by CE-cum-PD or if applicable, Zonal Chief Engineer of HPPWD concerned and dealt with in the following way.

- i) The CE-cum-PD shall record all complaints, whether they are referred from other recipients or directly, in a register to be maintained in a secure location in his own office. The email and physical address of the CE-cum-PD is available on web site.
- ii) The CE-cum-PD shall, within 5 working days of receipt of complaint, acknowledge receipt in writing to the complainant indicating that the HPRIDC is considering the issues raised and will discuss them with the concerned officers of the HPRIDC.
- iii) The CE-cum-PD shall then consult with the relevant officers of the HPRIDC and, after thorough review of the facts as well as interviewing of officers concerned as necessary, shall make a judgment as to the validity of the complaint.
- iv) Within 20 working days, the CE-cum-PD shall instruct the relevant officer to take remedial action as necessary.
- v) The CE-cum-PD shall write to the complainant within 30 working days of the receipt of such complaint as to the final decision of the competent authority.

vi) In the event that a complaint is received concerning an externally funded contract, the relevant funding agency shall be informed at each stage of the complaint handling process.

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