

PROCUREMENT- RELATED GRIEVANCE REDRESSAL MECHANISM FOR KARMAYOGI BHARAT

1. Complaint Handling during Bid Process

In case of grievances of any bidder / prospective bidder who claims to have suffered or who is likely to suffer, loss or injury due to a breach of a duty by the entity conducting the procurement process, can access the grievance redressal mechanism as described here. A two-tier redressal process for addressing grievances of bidders includes addressing of grievances at the Karmayogi Bharat level and thereafter by a Complaints Review Committee.

2. Valid Grounds for Complaint

The bidder/ prospective bidder will be allowed to complain on the following grounds:

- a. If the bidder is not satisfied with the decision of the administrative authority or that authority fails to give a decision in due time clearly stating the reasons for the dissatisfaction of the bidder with the decision.
- b. Deficiency / deviation in the procurement process
- c. Non-payment or inordinate delay in return of bid security to unsuccessful bidders
- d. Any procurement in contravention of provisions of the governing Rules as communicated in writing by the Karmayogi Bharat
- e. Official(s) responsible for conducting procurement is receiving directly or indirectly improper inducement.
- f. Official(s) responsible for conducting procurement is engaging in corrupt or fraudulent practice or involving in such act,
- g. Intervening in the participation by competing bidders or proponent to be involved in any way in the proceedings relating to bid or proposal.
- h. Any threat directly or indirectly to cause harm to the bidder, person, or property of any person to be involved in the procurement proceedings or coercive act,
- i. Collusion or involving in groupism prior to or after submission of bid or proposal with the objective of allocating procurement contract among the bidders or proponents or fixing the price of bid or proposal artificially or non-competitively or otherwise forbidding the Procuring Entity of the benefit of open and free competition,
- j. An irregularity in the confidentiality clause wherein a bidder has been found contacting the Procuring Entity from the time of the opening of bid or proposal until the notice of acceptance of bid or proposal is given with the objective of causing interference upon bid or proposal or committing an act of interference in the examination or evaluation of bid or in the evaluation of proposal.

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3. Redressal

- a. The complaint by the Bidder should not be entertained by the Karmayogi Bharat unless submitted within 15 working days after the supplier/service provider became aware of circumstances/ should have become aware of circumstances.
- b. Complaints by Bidders should be submitted to the Chief Operating Officer (COO) / Or any official as appointed by CEO Karmayogi Bharat in writing. It must necessarily contain the bidder's name and contact details, a statement of all factual and legal grounds for the protest and an explanation of how the Bidder was wronged; copies of relevant documents supporting protester's statement; all information establishing that the protestor is an

interested party for the purpose of filing a protest; and all information establishing the timeliness of the protest.

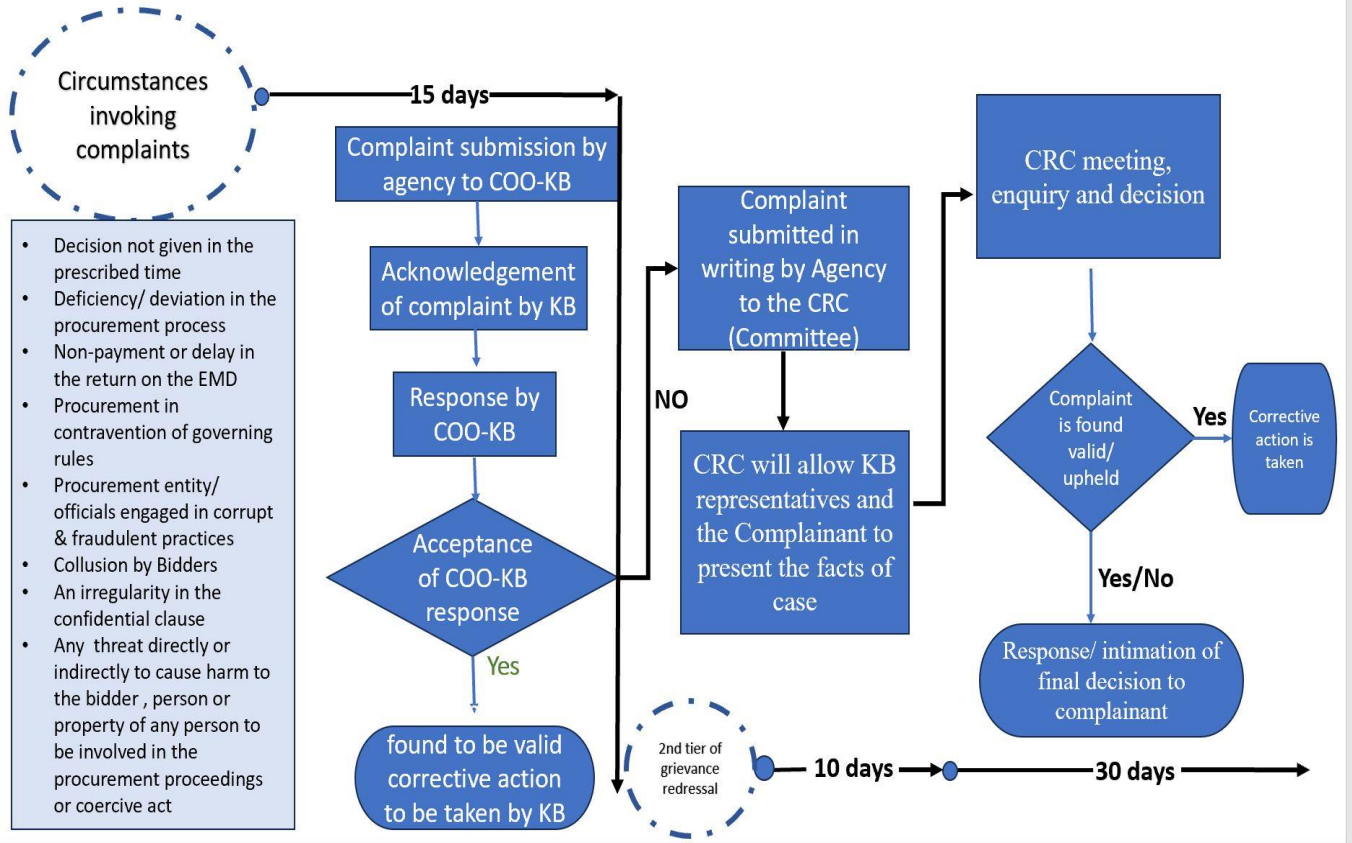
- c. The COO/OR ANY OFFICIAL AS APPOINTED BY CEO should acknowledge receipt of the complaint and file a copy of the complaint in a complaint register. For this purpose, every Instruction to Bidders (ITB) issued should also bear the contact details of a nodal person for complaint management from the Karmayogi Bharat.
- d. The complaints should be investigated, and appropriate remedial action should be initiated by the Karmayogi Bharat in case the complaint is found to be correct. The COO/OR ANY OFFICIAL AS APPOINTED BY CEO should issue his response in 15 working days of receiving a complete application.

4. Complaint Review Committee

- a. In case the grievances are not addressed to the satisfaction of the complainant at the COO/OR ANY OFFICIAL AS APPOINTED BY CEO level or addressed within the prescribed time period, then the complaint can be filed to the Chief Executive Officer (CEO) citing the previous complaint number and relevant papers including the COO/OR ANY OFFICIAL AS APPOINTED BY CEO decision. However, this may be done within 10 working days from receiving the COO/OR ANY OFFICIAL AS APPOINTED BY CEO decision.
 - b. Thereafter complaint of the bidders shall be put up to the Complaint Review Committee (CRC) constituted under Karmayogi Bharat to review and provide decision/ action on the complaint.
 - c. The CRC should entertain complaints within 15 working days from the date the complaint has been submitted to the CRC..
 - d. The CRC should aim to provide a response within 30 working days of having received a completed written complaint with all necessary supporting documentation.
 - e. The CRC should conduct an enquiry on the basis of the information and comments received, the evidence submitted by the applicant along with the application and if necessary, by hearing both the parties i.e. both the Karmayogi Bharat representatives and the Complainant to present the facts of the case.
 - f. On the basis of the evaluation, if the complaint is found as valid the CRC should suggest remedial/ corrective measures for Karmayogi Bharat, if any. In cases where an application is dismissed, proper response to the complainant should be issued with intimation of final decision.
 - g. The response of the CRC should be binding on both the Procuring Entity as well as the Bidder.
5. The detailed SOP for Complaint Redressal Mechanism and related Standard formats are annexed.

Disclaimer: Any deviation and contradiction observed in the Karmayogi Bharat Procurement related Complaint Redressal Mechanism with World Bank Procurement-related Complaint handling mechanism, the World Bank guidelines and specified procedure shall prevail in all the procurements financed or to be financed by the World Bank.

Grievance Redressal Mechanism



STANDARD OPERATING PROCEDURES (SOP) FOR HANDLING OF PROCUREMENT COMPLAINTS OF KARMAYOGI BHARAT

Summary of Procedure:

This SOP sets out the procedure to be followed in dealing with complaints from suppliers/ Consultants/ Bidders/ Prospective bidders related to procurement under Karmayogi Bharat.

Applicable to:

Karmayogi Bharat

Objectives of Procedure:

One of the guiding principles of a clearly defined public procurement process with standardized procedures is transparency. Providing a grievance handling mechanism is a necessity for ensuring equality of opportunity, fairness and transparency in procurement.

Personnel:

The written Complaints shall be made to the Chief Operating Officer (COO)/ OR ANY OFFICIAL AS APPOINTED BY CEO, Karmayogi Bharat at the given email id/ address in the tendering document. In case the matter is not resolved at the COO/OR ANY OFFICIAL AS APPOINTED BY CEO, and the COO/OR ANY OFFICIAL AS APPOINTED BY CEO is unable to satisfy the complainant to a mutually acceptable decision, then the complaint shall be referred to the Complaint Review Committee. The constitution of the committee shall be as given under:

- i. Chief Executive Officer (CEO), Karmayogi Bharat- Chair
- ii. One independent member from Board of Directors- Karmayogi Bharat
- iii. Joint Secretary/ Director, DoPT- Member
- iv. Chief Finance Officer (CFO), Karmayogi Bharat- Member
- v. Chief Operating Officer (COO)/OR ANY OFFICIAL AS APPOINTED BY CEO, Karmayogi Bharat- Member Secretary

Committee may also co-opt any other external/ independent member for the committee.

Step-by-Step Guidelines:

1. A Complaint Review Committee shall be constituted to address the complaints of bidders that may occur at bidding stage, prior to entry into procurement contract into force.
2. For the procedure to begin, a complaint must be made in writing. The complaint must clearly identify the complainant. Anonymous complaints about a specific procurement will not be enquired but must be passed to the Competent Authority (There may be circumstances where the appropriate authority decides that an enquiry of an anonymous complaint should be done, if it alleges misconduct or actions by a member of the procurement staff that could bring the contracting department to disrepute).
3. Redressal of grievances by the procuring agency- Aggrieved bidders should lodge a written complaint with the Karmayogi Bharat no later than fifteen (15) days after the announcement of the result tender evaluation.

4. Karmayogi Bharat need to incorporate details of the Complaint Procedure by the bidders in the Instructions to Bidders in all of their Bidding Documents.
5. After receiving a written complaint, an officer designated by the competent authority of the Karmayogi Bharat for this purpose, will acknowledge receipt of the complaint in writing. The complaint will then be examined by the COO/OR ANY OFFICIAL AS APPOINTED BY CEO and a determination will be made as to whether the complaint has substance.
6. The Complaint Review Committee will consist minimum three (3) members. In order to minimize the risk of Conflict of Interest, or the perception of such Conflict of Interest, at least 1 member should be from DoPT or from any other organisation outside the Kramayogi Bharat and the committee shall be headed by the CEO.
7. The COO/OR ANY OFFICIAL AS APPOINTED BY CEO, Karmayogi Bharat will have fifteen (15) working days to draw up written submissions in rebuttal.
8. These written submissions will be provided to the complainant and if the response is acceptable to the complainant, the matter shall be disbursed there. However, if the complainant is not satisfied with the decision, then he can refer the decision to the CEO, Karmayogi Bharat for review within ten (10) working days of receiving such decision from the COO/OR ANY OFFICIAL AS APPOINTED BY CEO.
9. The matter shall be escalated to the Complaint Review Committee whose decision shall be final and binding on both the Karmayogi Bharat and the Complainant.
10. The Complaint Committee will render its decision, and will either reject, or uphold, the complaint. The decision will be communicated to the complainant in writing.

Action in the event that a Complaint is Justified and likely to be Upheld:

A: Effect on the Procurement in Question:

If the Competent Authority, when first examining a written complaint, is of the opinion that the complaint has substance, he should seek advice as to what action should be taken with regard to the continuation of the procurement in question.

There are four options:

1. To declare a misprocurement and cancel the procurement to re-tender.
2. To suspend the procurement pending a decision from the Competent Authority
3. To permit the procurement to continue with no alterations in arrangements.
4. Depending on the nature of the complaint, to permit the procurement to continue, but to disbar certain bidders targeted by the complaint from consideration.

In the event of malfeasance or corrupt practice, the preferred option in terms of fairness and transparency would be to declare a misprocurement and to re-tender. However, this may not be desirable in terms of the delay caused by re-bidding. It may be possible to continue the process, subject to discussion with all concerned bidders.

B: Effect on the Staff Involved:

Where the Complaint Committee upholds a complaint against the staff of a procurement unit the matter should be referred to the Competent Authority for disciplinary action. In case of a complaint against the highest authority of the Karmayogi Bharat, the same may be brought to notice of DoPT by the bidder.

It is important that procedural fairness and the principles of natural justice should be observed during entire enquiry process for a complaint.

Records Keeping:

All records should be carefully collected and maintained.

Refer to Standard Procurement Form (SPF) for Complaint Review Mechanism and Complaint Register Templates

SPF 1: Complaint Handling Mechanism

A. File Specific Information

- Name of Supplier/ Firm /Bidder**
- Name of Complainant**
- Date of Complaint**
- Date of Review**
- Reviewer's Name**
- Date of when event complained about occurred**

Complaint Description

Complaint Category

- Technical Specifications of Goods/Works/Services tendered for
- Tender Management
- General Administrative Complaint
- Clearance of Invoices or pending charges
- Fraudulent or Corrupt Practices being followed
- Other: Please specify.....

Enquiry Process:

- The complaint was resolved at level 1 (COO/OR ANY OFFICIAL AS APPOINTED BY CEO level)
- The complaint was resolved at level 2 (at Complaint Review Committee)

Complaint resolution feedback system: (to be filled in by the complainant)

- Was the complaint satisfactorily resolved?
- Were you given a fair hearing and an interactive session with the Reviewer of your complaint?

- Was the complaint resolved in the suggested timeframe?

Comments, if any.....

SPF 2: Complaints Register Template

Name of Procuring Entity: KarmayogiBharat

Name of Department:

Procurement Title			
Entity	Procurement of Goods/Works or Services	Method of Procurement	Financial Year Unique Tender Number

Complaint No.	Date of Receipt of Notice	Date of filing of the Complaint	Unique Tender Number	Reference No. for details of the Complaint Form so attached	Financial Year