

INDEPENDENT EXTERNAL MONITOR (IEM)

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ADOPTION OF INTEGRITY PACT IN MORMUGAO PORT AUTHORITY

The Central Vigilance Commission (CVC) has been promoting integrity, transparency, equity and competitiveness in transactions by various organizations of the Government of India. Public procurement is an area of concern for the CVC, and many steps have been taken to put proper systems in place. In this context, Integrity Pact (IP), a tool conceptualized and promoted by Transparency International, an international NGO, aimed at preventing corruption in public contracting, has been found useful.

It has been decided by Ministry of Ports, Shipping and Waterways that all organizations under the Ministry will implement IP. IP should cover every tender / procurement above a specified threshold value. The threshold value of contracts / procurements / transactions incorporating IP would be such that it covers 95% by value of all contracts / procurements / transactions of the organization in the last 3 years.

IP essentially envisages an agreement between prospective vendors / bidders, and Mormugao Port Authority (MPA), committing the persons / officials of both sides not to resort to any corrupt practice in any aspect of the contract at any stage. Only those vendors / bidders, who commit themselves to IP with MPT, would be considered competent to participate in the bid process. Any violation would entail disqualification of the bidders and exclusion from future business dealings. IP, in respect of a particular contract should cover all phases of the contract, from the stage of Notice Inviting Tender (NIT) / pre-bid stage, till the conclusion of the contract, i.e., final payment or the warranty / guarantee period.

IP would be implemented through Independent External Monitors (IEMs), who are eminent persons appointed by the organization, with approval of CVC. The term of appointment for an IEM would be 3 years. Name of the IEM will be mentioned in NIT. The IEM would review independently and objectively assess, as to whether and to what extent parties have complied with their obligations under the IP. IEM would have access to all contract documents, whenever required. The bidders may raise disputes / complaints if any, with the IEM. The IEMs would examine complaints received and give his recommendations / views to Chairman/MPA. Recommendations of IEMs would be in the nature of advice and would not be legally binding. Their role is independent in nature and the advice once tendered would not be subject to review at the request of the organization.

Implementation of Integrity Pact is envisaged to raise the standards of ethical practice in Mormugao Port Authority.
