

No. C-13011/8/2021-Vig.
Government of India
Ministry of Food Processing Industries

Panchsheel Bhawan, August Kranti Marg,
New Delhi, dated: 31.05.2024

OFFICE MEMORANDUM

Sub: Inclusion of names of members of Committee of Independent External Monitors (CIEMs) in the tenders/bid published by MoFPI.

The undersigned is directed to refer to this Ministry's OM dated 29.12.2023 on the subject cited above and to say that, the Integrity Pact (IP) as per the latest CVC guidelines is "The Pre-bid and Post-Contract Integrity Pact is a tool to help governments, businesses and civil society to fight corruption in public contracting. It binds both procuring entities and sellers to ethical conduct and transparency in all activities from pre-selection of bidders, bidding and contracting, implementation, completion and operation related to the contract. This removes insecurity of Bidders, that while they themselves may abjure Bribery, but their competitors may resort to it and win contract by unfair means".

2. The IP will be the part of the text of bid so floated for tendering RFP. The pact essentially envisages an agreement between the prospective contractors/bidders and the Procuring Entity, committing the persons/officials of both sides, not to resort to any corrupt practices in any aspect/stage of the contract. Only those contractors/bidders, who commit themselves to such a Pact with the Procuring Entity, would be considered competent to participate in the bidding process. In other words, entering into this Pact would be preliminary qualification.

3. The Integrity Pact envisages engagement of Independent External Monitors (IEMs) by the Government Organisations to monitor the smooth implementation of IP. Accordingly, details of the CIEMs engaged by MoFPI are as follows:

- (a) Shri Bharat Kumar Jog (E-mail: bkjog123@gmail.com)
- (b) Shri Vinit Kumar Jayaswal (E-mail: gkvinit@gmail.com)
- (c) Shri Vinay Ranjan Mishra (E-mail: vinay.mishra@gov.in)

4. As per CVC guidelines the following points are essential for inclusion in IP:

- Promise on the part of the principal not to seek or accept any benefit, which is not legally available;
- Principal to treat all bidders with equity and reason;
- Promise on the part of bidders not to offer any benefit to the employees of the Principal not available legally;
- Bidders not to enter into any undisclosed agreement or understanding with other bidders with respect to prices, specifications, certifications, subsidiary contracts, etc.
- Bidders not to pass any information provided by Principal as part of business

- relationship to others and not to commit any offence under PC Act / IPC;
- Foreign bidders to disclose the name and address of agents and representatives in India and Indian Bidders to disclose their foreign principals or associates;
 - Bidders to disclose the payments to be made by them to agents / brokers or any other intermediary;
 - Bidders to disclose any transgressions with any other company that may impinge on the anti-corruption principle.
 - The parties signing IP shall not approach any court while representing the matters before IEM and they shall wait for the decision in the matter.

5. Any violation of Integrity Pact would entail disqualification of the bidders and exclusion from future business dealings, as per the existing provisions of GFR, 2017, PC Act, 1988 and other Financial Rules / Guidelines, etc. as may be applicable to the organization concerned.

6. Integrity Pact, in respect of a particular contract, shall be operative from the date IP is signed by both the parties till the completion of contract. After award of work, the IEMs shall look into any issue relating to execution of contract, if specifically raised before them.

7. It is, therefore, requested that, all concerned divisions to mention the names of CIEMs in every tender/bid value of Rs 5 crores above. They are also requested to ensure that, the Integrity Pact to be signed by every bidder of bid value of Rs 5 crores above and it will be part of the contract. The guidelines of Integrity Pact issued vide OM dated 07.01.2020 (Copy enclosed).

8. It is further, informed that Shri Ajay Kumar, Deputy Secretary, MoFPI has been designated as Grievance Officer for receiving representations/ grievances/ complaints from bidders / promoters and forwarding the representation to CIEMs of the Ministry. All bidders / promoters are requested to submit their representations/ grievances/ complaints to Shri Ajay Kumar, Dy. Secretary @ ajay.kr69@nic.in

9. This issues with the approval of the competent authority.

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(D.S..S Srinivasa Rao)

Under Secretary to the Government of India

To

1. All Divisions of the MoFPI.
2. The Director, NIFTEM, Kundli
3. The Director, NIFTEM, Tanjavur
4. Website of MoFPI- For information of bidders / promoters