

OFFICE OF THE ENGINEER-IN-CHIEF (CIVIL), ORISSA,  
NIRMAN SOUDHA, KESHARI NAGAR, UNIT-V, BHUBANESWAR

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From

**Er.Nalinikanta Pradhan**  
Chief Engineer, World Bank Projects,  
Orissa, Bhubaneswar.  
Tel: - 0674-2396783, Fax: 91674-2391476  
Email: [pmuosrp@gmail.com](mailto:pmuosrp@gmail.com); [osrp@sify.com](mailto:osrp@sify.com).

To

**The Engineer-in-Chief-Cum-Secretary,**  
Works Department, Govt. of Orissa,  
Bhubaneswar.

**Sub:** - Governance and Accountability Action Plan (GAAP) under OSRP (World Bank Projects) –  
Complaints Handling System (CHS).

**Ref:** - 1. Government letter EAP (cell) – 35/09 (Part-II) 16859/W dt. 18.12.09 and No.15559/W  
dt.25.11.09.  
2. World Bank Mission note 25-30 Nov'09

**Sir,**

With reference to the above, the Complaints Handling System (CHS) for OSRP has been developed by PMU after detailed discussions with the interim support mission of the World Bank consisting of Mr. Ernst Hunning and Mr. K. Srinivas an (25-30 Nov'09). The CHS incorporates the internal vigilance mechanism of OWD and discussions made by the World Bank team with the JS-cum-CVO, Addl. Secretary, OWD and PMU. As suggested by the World Bank, the CHS is based on the model of Complaints Handling System agreed by the World Bank for Himachal Pradesh.

The Complaints Handling System (CHS) for OSRP (World Bank Projects) is submitted for approval of Government for uploading on the OSRP website as agreed with the World Bank.

Yours faithfully

*Sd/-*  
4/1/10

**Chief Engineer**  
**World Bank Projects, Orissa.**

**Memo No.**

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**dt.**

04-1-2010

Copy along with the CHS forwarded to Mr. Rajesh Rohatgi, Senior Transport Specialist, Sustainable Development (South Asia Region), the World Bank, 50-M, Shantipath, Chanakyapuri, New Delhi – 110021. for information and reference.

*Sd/-*  
4/1/10

**Chief Engineer**  
**World Bank Projects, Orissa.**

**OSRP**  
**Complaints Handling System (CHS)**

Dealing with External Complaints on Procurement, Fraud/Corruption and Construction Quality.

1. Introduction:

1.1. The OSRP/OWD has established with assistance from the Bank a system dealing with external complaints on procurement, fraud/corruption and construction quality. This system includes maintaining a project log and filing to monitor status of follow up of received comments, suggestions and grievances. The implementation of the system will be monitored by the Bank. The mechanisms include provision for follow-up investigations of substantial complaints by Internal Auditors, or third party audit to ensure independency and reliability of the system.

1.2. Categories of complaints – For the CHS, the complaints from Public/staff are categorized on follows :-

- (i) Complaints related to designs, layouts etc.
- (ii) Complaints related to procurement.
- (iii) Complaints related to execution like quality, quantity, environment, social and safety issues.
- (iv) Miscellaneous complaints like behaviour towards public, staff.
- (v) Complaints related to fraud and corruption.

2. Complaint Handling officer (CHO), OSRP:-

2.1 For the complaint mechanism to function efficiently, the information concerning the alternative conduits for complaint (dedicated email address and physical mailing box) shall be widely publicized. Web-based campaigns, newspaper advertisements and displays on hoardings at highly visible locations will encourage public to report information on any misconduct, misappropriation and grievances to the OSRP. Complaints, suggestions and grievances handling system are to be uploaded on the OSRP website: [www.osrp.gov.in/](http://www.osrp.gov.in/) . An Executive Engineer in the PMU who has been designated as Public Information Officer under the RTI Act shall act as the complaint Handling Officer and be responsible for monthly updates of the system on the website.

2.2 The CHO shall receive, record, analyze and channelise the complaints as per the categories in Para 1.2 for remedial action by the respective officers in OSRP/OWD.

2.3 Telephonic receipt of complaints: A telephone operator shall receive and register all telephonic complaints and assist the CHO in record keeping and monitoring of the follow-up actions on the complaints related to OSRP.

3. Vigilance related complaints:-

3.1 Internal vigilance unit, OWD – OWD has created an internal vigilance unit in Works Department to expedite the vigilance cases vide O/o No. II-M-36/09 -5953 dt. 22.05.09. The unit consists of the Desk Officer, Section officer in charge of confidential Branch and the Asst. Section Officer dealing with vigilance cases in the Confidential Branch. The internal vigilance unit shall be subsequently augmented with technical manpower.

3.2 Chief vigilance officer, OWD :- OWD has notified a dedicated officer of the rank of Joint Secretary in the Deptt as the Chief Vigilance officer of OWD vide Govt. order No. con (v)-3109- 754 dt. 15.09.09. The duties and responsibility of the CVO will be as per Annexure-1.

4. Reward and punishment:

4.1 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 with recognition such as a certificate of excellence or felicitation at a public ceremony. Simultaneously strict disincentives will be announced for the erring members of the departments. OWD shall 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 government staff proven to be involved in such cases.

4.2 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 the project being implemented under the Bank funding as well as for other works being carried out by the OSRP. 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.

5. Reporting: Tracking of the status of investigations and measures taken will be reported in monthly reports to OWD and the Bank. Complaints deemed possible serious infringements may be further investigated by the Bank.

6. Process and time-line:

6.1 General inquiries about OSRP procurement policy, procedures and guidelines shall be dealt by the CE (WBP) within 20 working days of receipt.

6.2 Complaints received directly from bidders relating to a specific procurement shall be in writing. They are to be received and then reviewed by Chief Vigilance Officer of OWD, and dealt with in the following way.

- (i) The CVO 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 CVO is to be made public on the OSRP website and noted in all pre-bid and pre-proposal meetings.
- (ii) The CVO shall, within 5 working days of receipt of complaint acknowledge receipt in writing to the complainant indicating that the OSRP /OWD is considering the issues raised and will discuss them with the concerned officers of the OSRP.
- (iii) The CVO shall then consult with the relevant officers of the OSRP and, after thorough review of the documents in question as well as interviewing of officers concerned as necessary, shall make a judgment as to be the validity of the complaint.
- (iv) Within 20 working days, the CVO shall write to the CE (WBP), OSRP 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 CVO's recommendations, the CE (WBP) must notify all prospective bidders on any changes in the bidding documents or bidding conditions with 5 working days of receipt of such recommendations from the CVO.
- (vi) If the CVO received the bidder's communication after the OSRP submitted its evaluation report to the competent authority, the CVO ascertains whether the complaint was satisfactorily addressed in the report. If they were not, the CVO asks the OSRP to addressing the issues and resubmit its evaluation report after adequately addressing the complaint.
- (vii) If on the other hand the complaint is received after the successful bidder is notified of the contract award, the CVO responds to it in broad terms, without compromising the confidentiality of other bids and a copy of the correspondence is then sent to the OSRP. The OSRP shall then be consulted and shall determine, after consultation with appropriate legal counsel, as to how best to proceed.
- (viii) CVO shall report on monthly basis to EIC-cum-Secretary OWD on all cases whose decision shall be final.
- (ix) All complaints received where the competent authority is the OSRP shall be reviewed by the EIC-cum-Secretary, OWP in addition to the CVO on monthly basis.
- (x) The CVO 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.

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.

7. Responding to Allegations of Fraud or Corruption

7.1 The officers of OSRP shall be sensitized to remain alert for indicators of fraud and corruption like suspicious or unexplained transaction, rumours of favored bidders, bid-rigging, the use of shell companies to mask interests or ownership, lax enforcement of procurement rules, and other suspicious circumstances.

7.2 Allegations may be received in writing by the Chief Vigilance office of OWD.

7.3 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 Government rules.

7.4 Individuals who choose to report allegations of fraud or corruption may remain anonymous or request that the identity not be disclosed outside of any investigating team.

7.5 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.

8. Responding to Complaints on Construction Quality

8.1 Complaints received directly from the public relating to the quality of a specific work, goods or service shall be in writing. They are to be received by CHO and then reviewed by the Chief Engineer (WBP) and dealt with in the following way.

- (i) The CHO 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 CHO is to be made public.
- (ii) The CHO shall, within 5 working days of receipt of complaint, acknowledge receipt in writing to the complainant indicating that the OSRP is considering the issues raised and will discuss them with the concerned officers of the OSRP.

- (iii) The CHO under instruction of CE (WBP) shall consult with the relevant officers of the OSRP 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 and recommend to CE the remedial action.
- (iv) Within 20 working days, the CE (WBP) shall instruct the relevant officers of OSRP / functionary to take remedial action as necessary.
- (v) The CHO 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 get informed at each stage of the complaint handling process.

**Annexure – 1**

Duties and responsibilities of the Vigilance Officer.

(Vide OWD O/o No. con(v) /3/09/754/W dt. 15.09.09.

- (i) To see that the existing system of working and procedures in the respective department / offices are examined with a view to eliminating factors which provide opportunity for corruption or malpractices.
- (ii) To ensure that regular inspections are planned and carried out by inspecting officers and the inspection remarks received due and prompt attention with a aim of detecting failures in quality or speed work which would be indicative of procedural defects facilitating corruption or malpractices.
- (iii) To spot out officials or persons against whom reasonable ground for suspicion of corruption or malpractice exists and promptly to initiate and pursue all such cases;
- (iv) To keep watch over the speedy progress of departmental inquiries and observance of procedural requirements.
- (v) To see that all correspondence received from the Directorate of vigilance or irregularities in procedure are examined and remedies suggested where necessary;
- (vi) To see that returns and statements and other information required by the Directorate of vigilance are forwarded to the Director, Vigilance in time;
- (vii) To check the disposal of cases monthly with a view to ascertaining extent of delay in disposal of disciplinary cases and to suggest remedial measures and to this end take up one or two test cases at irregular intervals for causing a probe in to the cause for the delay in finalization of cases and to suggest remedial measures.
- (viii) In general to be vigilant over the activities and business in their respective departments or offices and take note of routine and chronic nature of defects in the functioning and to initiate remedial measures.