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CENTRAL VIGILANCE COMMISSION

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Circular No. 05/05/21

Subject: Revised Standard Operating Procedure to deal with Intensive Examination carried out by Chief Technical Examiners' Organization.

Ref: Commission's guidelines on Intensive Examination of Procurement & Other Contracts 2014

Central Vigilance Commission has revised the Standard Operating Procedure (SOP) to deal with Intensive Examination carried out by Chief Technical Examiners' Organization. The revised Standard Operating Procedure is enclosed as **Annexure-I**.

2. The Commission has directed that the procedure and time limit as prescribed in the revised SOP should be strictly adhered to by the authorities in the organisations concerned. The CVOs may bring the above SOP to the notice of the competent authorities for strict compliance.

(Rajiv Varma)
Officer on Special Duty

Encls: As above.

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC

Revised Standard Operating Procedure to Deal With Intensive Examination Carried Out by Chief Technical Examiners' Organization

Central Vigilance Commission has considered and revised Standard Operating Procedure (SOP) to deal with Intensive Examinations carried out by Chief Technical Examiners' Organization (CTEO). The revised Standard Operating Procedure would constitute of the following:-

- (i) Proposal containing procurement contracts of various Organizations to be taken up for Intensive Examination will be put up by Chief Technical Examiners through the Secretary, CVC for approval of the Commission.
- (ii) On approval of the proposal by the Commission, intimation will be sent to the Chief Vigilance Officers (CVOs) of respective Organizations for submission of relevant documents/details/information to the CTEO for study, before taking up Intensive Examination. Dates of Intensive Examination will be communicated to CVOs of the Organization concerned, who will be responsible for ensuring availability of all concerned persons, documents, testing equipments etc. during Intensive Examination.
- (iii) All necessary documents/information will be collected by the CTEO's team carrying out the Intensive Examination during the period of Intensive Examination itself. CVO of the Organization concerned shall be responsible for making such documents/information available during intensive examination to the CTEO's team.
- (iv) Samples collected during Intensive Examination will be handed over to the CVO of the organization concerned or his/her representative during Intensive Examination exercise itself alongwith a letter for the Laboratory (National Test House). Other reputed laboratories should be considered for the tests, where NTH does not have testing facility.
- (v) CVO of the Organisation concerned will ensure expeditious payment to the Laboratory towards testing charges for the above said samples.
- (vi) Within 15 days of the completion of the Intensive Examination exercise, a draft report containing various observations /paras will be prepared by the CTEO.
- (vii) A presentation will be made by CTEO before the Secretary, CVC within 15 days of completion of the Intensive Examination exercise. The presentation will be attended by the Additional Secretary and the Branch Officer concerned, besides the CVO of the Organization concerned. CMD/CEO of the Organisation concerned may also be invited to the presentation, if felt necessary by the Secretary, CVC.
- (viii) The Commission, depending upon its convenience, may like to attend the above presentation.

- (ix) After the presentation and based on the discussions during the presentation, a tabular statement of the observations will be prepared by CTEO, wherein various observations will be categorized as under-
 - (a) Observations having prima facie vigilance angle;
 - (b) Observations requiring recovery to be effected from the contractor;
 - (c) Observations requiring rectification of defects/quality compromises;
 - (d) Observations requiring systemic improvement(s); and
 - (e) Miscellaneous observations
- (x) In case of observations/paras having prima facie vigilance angle, proposal will be put by the Branch Officer concerned through the Additional Secretary concerned to the Secretary, CVC for Commission's approval within 7 days, before sending the case to the CVO of the Organization concerned for Investigation & Report. There may be some cases where instead of Investigation & Report, a factual report could be sought from the CVO, depending upon the gravity of the issues. While time for Investigation & Report will be 12 weeks, Factual Report will be required to be submitted by the CVOs within one month.
- (xi) Draft Intensive Examination Report containing all the observations including the observations prima facie having vigilance angle, along with above discussed tabular statement will be put up to the Secretary by the respective CTE for approval. The Intensive Examination Report will also contain observations/paras having prima facie vigilance angle, which will be distinctly marked as vigilance paras. The vigilance paras will be dealt separately on Branch file. While dealing with Investigation Report of the CVO on these para, comments of CTEO will also be obtained.
- (xii) On approval of the Intensive Examination Report, the same will be forwarded to the CVO of the Organization concerned for submitting Action Taken Report in respect of non-vigilance paras to the CTEO.
- (xiii) Copy of the Intensive Examination Report will also be forwarded to the CMD/CEO of the Organization concerned as well as to the Secretary of the Administrative Ministry/Department for necessary action at their end.
- (xiv) The Intensive Examination Report besides being sent in hard copy, will also be sent through the official email of the Technical Examiner concerned.
- (xv) CVOs will be required to submit the action taken report in respect of non-vigilance observations to the CTEO within one month from the date of issue of Intensive Examination Report. CVOs will be required to send their categorical and comprehensive recommendations on each observation/para without leaving any scope for further query from the CTEO.

- (xvi) CVO of the Organization concerned may take up any observation/para of the intensive examination report for vigilance investigation, with the approval of the Secretary, CVC through CTEO.
- (xvii) Notwithstanding the above, an observation can also be categorized as having vigilance angle on receipt of the action taken report/clarification from the CVOs. A call in this regard will be taken by the Secretary, CVC with the approval of the Commission.
- (xviii) Each non- vigilance observation/para will be concluded/closed with the approval of Secretary, CVC on the proposal of CTEO.
- (xix) Overall time limit for conclusion of the intensive examination case shall be six months from date of issue of Intensive Examination Report.
- (xx) Final closure of the Intensive Examination case will be with the approval of the Secretary, CVC. While putting the case for closure to the Secretary, CVC, CTEO will also put up updated tabular statement of observations highlighting the action taken in respect of each observation/para.
- (xxi) Timelines for various activities have been prescribed in the annexure to this SOP. Overall, one month bonus time will be available to deal with any eventuality in concluding the Intensive Examination cases.
- (xxii) If, any Intensive Examination case is not concluded within the prescribed time limit then such case will be put up to the Commission for review and further action as felt appropriate by the Commission.

Annexure

Time Schedule For Various Activities

Activity	Time Allowed
Period of Intensive Examination exercise	7 days
Preparation of Draft Report and Presentation before Secretary, CVC OR the Commission after completion Intensive Examination exercise	15 days
Finalization of the Intensive Examination Report including statement of observations/para after the above said presentation	7 days
Approval of the Intensive Examination Report by Secretary CVC	7 days
Issue of the final Intensive Examination Report	3 days
Processing of the case for approval of the Commission regarding vigilance para by the Branch Officer and issue of OM to the CVO of the Organization concerned by the Branch Officer after the presentation	7 days
Submission of Reply /Clarification /Action taken Report in respect of non-vigilance para by the CVO to the CTEO	One Month
Further query, if any, by CTEO on the Reply /Clarification /Action taken Report of the CVO with the approval of the Secretary, CVC.	One Month
Reply by the CVO to the CTEO on such query/queries raised by CTEO	One Month
Scrutiny of the final Reply/Clarification/Action Taken Report from the CVO by CTEO and submission of the case for approval of the Secretary, CVC	One Month

Submission of Investigation Report in respect of vigilance para by the CVO to the Secretary, CVC	Three Months
In case, decision is taken by Secretary, CVC to call for Factual Report from CVO of the Organization concerned, instead of Investigation & Report, on some observation(s)/para	One Month
If, vigilance angle is detected in some observation /para on scrutiny of the Reply /Clarification /Action taken Report received from the CVO, then with the approval of the Secretary, CVC, such observation(s)/para covering the issues comprehensively will be transferred to the Branch Officer concerned. Who, in turn, will put the same for Commission's approval through Additional Secretary concerned and Secretary, CVC. On approval of the same by the Commission, CVO will be required to submit Investigation Report on such observation(s)/para.	Three Months