

WEST BENGAL BOOSTING LOGISTICS EFFICIENCY AND TRADE
FACILITATION PROGRAM [WBLETF]
(P174825)

Procurement Complaint Handling Protocol [P-CHP]

1. The Government of West Bengal, through the West Bengal Boosting Logistics Efficiency and Trade Facilitation Program (WBLETF), is committed to ensuring transparency, fairness, and accountability in the procurement of goods, works, consultancy services, and non-consultancy services from suppliers. The Program aims to ensure that procurement and contract management processes are conducted in a fair, effective, efficient and transparent manner, and with integrity.
2. Any stakeholder [including bidders] may submit a procurement/contract management related complaint in writing on bidding or selection process, or contract implementation and completion processes, including concerns related to the overall tendering and contract management process. The mere submission of a complaint shall not automatically result in suspension of the procurement or selection process. Complaints may also be submitted for post-contract award stage for an ongoing or a completed contract.
3. Any bidder who is not satisfied with a procurement/contract management process under WBLETF may lodge a complaint in writing to the Tender Inviting Authority/Contract Signing Authority, as appropriate and copied to the Project Director, WBLETF at email ID : vandana.yadav@wbidc.com and provide information in the following format, as well as any supporting documentation that they wish to include to substantiate the complaint.

Complainant Information

Name:	
Contact Details	
E-mail Address:	
Contact Phone Number:	
Address:	
Are you an actual bidder participating in this tender, or potential bidder, or a beneficiary under the WBLETF, or a member of civil society, or tax payer/resident in the State of West Bengal, etc. <i>[Please identify your role]</i> :	
Any previous communication related to this complaint made:	Yes ☐ No ☐
	<i>If yes, please summarize providing date[s] and references</i>

Current Date:	Click or tap to enter a date.

Project and Procurement/Contract Information¹

Project Name:	
Name of Procuring/Tendering Inviting Authority/Contract Signing Authority:	
Procurement/Contract Description:	
Procurement Plan Reference No. (from procurement plan):	
Bid/Tender ID/GEM Tender Reference No./Contract Reference Number:	
Current stage in procurement process ² :	
If related to on-going contract, contract reference number:	
Nature of Complaint ³	
Please state the alleged inconsistency with or violation of the applicable procurement rule [s]/contract clauses and provide/highlighting relevant pages of the part of tender document/contract agreement	
Any other information you wish to share	

All complaints shall be in writing.

Please try to provide as many details as possible in the above tables, which will help in expediting resolution of the complaint.

Anonymous Complaints shall also be examined by WBLETf. Anonymous complaints shall provide at least an email address. These will be dealt as per paragraph 7 below.

Fraud and Corruption complaints should be sent directly to the State Vigilance Commissioner, Government of West Bengal, in a sealed envelope at the following address:

*State Vigilance Commission, WB
Bikash Bhawan, 1st, 2nd and 3rd Floor
DF- Block, Sector-I Salt Lake City*

¹ The complainant should try to provide complete and accurate details, including the relevant procurement plan reference number/bid reference number/eProcurement Tender ID Number/GEM Tender ID Number, along with any supporting documents required

² Tender Documents as Issued; Expression of Interest; Opening of Technical Proposal/Minutes; Opening of Financial Proposal/Minutes; Signed Contract; Contract Completion, Miscellaneous [to be clarified by the Complainant]

³ Disqualification of Bid; Irregularity in Bid/Financial Proposal evaluation; Payments; Pre-qualification [Works]; Shortlist [Consultancy Services]; Technical Specifications [Goods and Work]; Contract Award; Allegation of Fraud and Corruption; Miscellaneous [Specify in your submission]

Kolkata 700091
West Bengal

TEL: +91 33 2334-0507, 2334-0508, 2334-0509, 2337-7910

Whistleblower Complaints shall be sent to the Secretary, Central Vigilance Commission [CVC], New Delhi, in a sealed envelope marked 'PIDPI'. These will be dealt with as per paragraph 8 below.

4. The procedure of handling procurement related complaints under the WBLETF is summarized below.

- All complaints shall be acknowledged in writing within 3 days [excluding public holidays] of receipt of the complaint
- All complaints shall be examined by the related Procurement Committee who will prepare a sufficient and point-wise analysis of the complaint in the format below that will form a part of response⁴ to the complainant within 15 days of receipt of complaint [excluding public holidays]. For complaints related to contract management/post-contract award stage, the complaints shall be acknowledged and responded to by the Contract Signing Authority within the same timelines.

Point No.	Complaint Reference Number	Points raised by [please provide name of complainant]	Response of [please provide name of Tender Inviting/Contract Signing Authority]	Applicable Clause Reference Number
1.				
2.				

- Complaint matters requiring further review beyond the Procurement Committee may be escalated to a higher-level review authority within the Government of West Bengal. The recommendations of the concerned authority will be communicated to the complainant by no later than 21 days of receipt of complaint.

5. Importance of Timeliness, Adherence to Timelines, Accuracy and Completeness of Information:

⁴ Sufficient information includes, as a minimum, a) *Statement of issue/s*: a clear, succinct statement of the issue/s raised by the complainant that needs to be addressed; b) *Facts and evidence*: a clear, succinct statement of the facts and evidence that, in the Borrower's view, are relevant to the resolution of the procurement-related complaint. The facts and evidence should be presented as a narrative and organized around the issue/s; c) *Decision and basis for the decision*: a precise statement explaining the Borrower's decision. This should include the basis for the decision, for example, the Borrower's interpretation of the facts, or citing a specific Procurement Regulation or provision in the procurement documents; d) *Analysis*: an explanation of the basis of the decision analysis. This should describe why the facts, circumstances and evidence to support the decision. This explanation should identify and address each question that has to be answered in order to arrive at the decision; and e) *Conclusion*: a clear statement of the resolution of the procurement-related complaint and a description of the next steps to be taken, if any.

- i. Every effort will be made to ensure that the complaint handling process does not delay the award or implementation of contracts. Bidders and consultants are encouraged to submit only genuine and substantiated complaints.
- ii. The absence of relevant information may lead to delays in the review of procurement-related complaints. Complaints should therefore include factual and verifiable information along with supporting documents.
- iii. Complaints should be specific and clearly articulated. Submissions that are vague or contain generalized allegations may hinder effective resolution.

6. Important Points:

- i. All procuring and contract signing entities shall maintain a complaints' register in a standardized format.
- ii. While responding to procurement-related complaints, the program authorities will maintain the confidentiality of the procurement process and protect proprietary information submitted by bidders.
- iii. Complaints received before the finalization of the technical and financial evaluation reports will be recorded and discussed in the evaluation reports along with their analysis and findings.
- iv. Complaints may be withdrawn at any time by submitting a written request to the designated program email address.
- v. Procuring/Contracting entities receiving procurement related complaints shall maintain a complaints' register with details of complaints, adherence to the above protocol and time taken to close complaints/disposal of complaints, and these details shall be shared with Program auditors and/or other officials as appropriate.
- vi. All complaints and their disposal shall be properly documented and shall be auditable.
- vii. For the WBLETf Program, the Government of West Bengal will ensure that the Program is carried out in accordance with the provisions of the Bank's Anti-corruption Guidelines (ACG) applicable to the Program, available on the program website.
- viii. In this connection, WBLETf has developed an ACG Protocol available on the program website. In case of any conflict between ACG and ACG Protocol, former shall prevail.
- ix. Bidders who are not satisfied with the resolution of complaint may write to wbindia@worldbank.org

7. Treatment of Anonymous Complaints

WBLETf shall review procurement-related complaints even if these are from anonymous sources. Anonymous complainants shall need to provide at least an email address in case WBLETf wants to contact the complainant for additional information or clarifications. In this case, the name in the complaints form shall be 'Anonymous' and all other details to substantiate the complaint shall be provided in accordance with the above forms.

8. Treatment of Whistleblower Complaints

Whistleblower complaints shall be handled in accordance with the Whistleblower Protection Act 2014⁵ as updated from time to time and Public Interest Disclosure and Protection of

⁵ <https://indiankanoon.org/doc/136321048/>

Informers (PIDPI) Resolution⁶. Central Vigilance Commission [CVC] of the Government of India is the designated agency to receive such complaints. As such, complaints under the PIDPI Resolution must be sent directly to the Secretary, CVC, New Delhi. The Commission will ascertain the identity of the complainant; if the complaint is anonymous, it shall not take any action in the matter. The identity of the whistleblower is protected, and they are advised not to enter into further correspondence with the CVC to prevent unintentional disclosure. As such, in order to protect the identity of the Whistleblower, no acknowledgement shall be sent to the complainant. The CVC is mandated to protect the whistleblower from retaliation, including harassment, transfer, or physical threats. If a whistleblower feels they are being victimized, they can file an application with the CVC, which can issue direct instructions to the authorities to provide security or reverse adverse actions.

Some of the key features on mode of making such a complaint (PIDPI) are as below:

- Complaints must be in a sealed envelope, sent by post only.
- The envelope should be superscripted with '**PIDPI**' or '**Complaint under the Public Interest Disclosure**'. Please see sample in following picture.
- The complaint should have the name and address of the whistleblower, but they should **not** mention their name in the body of the letter to maintain secrecy.
- Anonymous or pseudonymous complaints are **not** entertained under the PIDPI resolution.
- The whistleblower must provide concrete evidence and fully verifiable details.

⁶ **PIDPI vs. General Complaint:** If the envelope is not marked "PIDPI," the complaint is treated as a general complaint, and the special protections of the Whistleblower Act may not apply.

What Cannot Be Reported: Complaints regarding personal grievances (e.g., transfers, promotions, and service matters) are typically not treated as whistleblower complaints.

WHERE TO COMPLAIN:



Complaint may be addressed to:

The Secretary,
Central Vigilance Commission,
Satarkta Bhavan, Block-A,
GPO Complex, INA,
New Delhi - 110 023.

Sample Envelope:

