

22nd September, 2023

TL2023/0922/1A

Barrister Murtaza Wahab,
Mayor Karachi,
Karachi Metropolitan Corporation,
Karachi.

Sub: RFP For Selection of Consultants for Planning and Design and Construction Supervision of Roads, Bridges, Flyovers, Underpasses, Storm Water Drainage System, Buildings for Various Projects in Mega City of Karachi from SPPRA, Govt. of Sindh'

Dear Sir,

Transparency International Pakistan refers to Assistant Director (IT), SPPRA, Govt. of Sindh's letter dated 13th September, 2023 addressed to The Director General (Technical Services), Karachi Metropolitan Corporation, Karachi on the above mentioned subject, which is, 'Issuance of RFP Documents for the Project of "RFP For Selection of Consultants for Planning and Design and Construction Supervision of Roads, Bridges, Flyovers, Underpasses, Storm Water Drainage System, Buildings for Various Projects in Mega City of Karachi from SPPRA, Govt. of Sindh' (Annex-A).

The Assistant Director (IT), SPPRA through his letter No. PPMS (IT)/ SPPRA/ T01915-23-0009/0156 dated 13th Sep' 23 KMC was advised as under;

That;

1. M/s Atif Nazir (Pvt) Ltd. raised the concern that the modified RFP document of the subject procurement was not uploaded on the SPPRA website.
2. KMC on the SPPRA-PPMS website had uploaded a corrigendum dated 29.8.2023 wherein it is mentioned that "modified RFP documents will be available in the office of the Director General (Technical Services), KMC during office hours", however, the modified documents was not uploaded on SPPRA-PPMS website till to date i.e. 13.09.2023 which is in violation of Rule-21 (4), of the SPP Rules, 2010.
3. The KMC has not furnished the replies of the observations conveyed through PPMS.
4. It is advised that the Karachi Metropolitan Corporation, (KMC), Karachi, shall upload the modified RFP document on SPPRA- PPMS website and extend the response time which shall not be less than fifteen days as required under Rule- 18 of the SPP Rules 2010, through publication of Corrigendum in the Newspapers and SPPRA website, prior to the date of opening of bids, failing to which the procurement process shall be declared as Mis-Procurement under Rule-32(A) of the SPP Rules, 2010.

In response to the above mentioned allegations KMC through letter No. Dir. (Acctt)/ Engg Deptt/ KMC/ 22/ 2023 replies are as follows;

1. That the pre-bid conference in connection thereof was held on 24-08-2023, and the questions put up by the firms regarding clarification in bidding documents were promptly given.



2. In response to pre-bid conference the minutes of the meeting was promptly delivered to all the participants and was also uploaded on SPPRA's website these replies to queries raised during pre-bid conference has been an integral part of the RFP documents and no major changes appears in the original RFP documents so there is no need of issuance of modified RFP document.
3. The KMC had extended the date of submission of proposals till 14-09-2023.
4. Also, the allegation regarding the concerns in transparency and fairness in the bidding process are totally baseless therefore processing the ease through CRC forum will be a waste of time.

Transparency International Pakistan's Comments;

Transparency International Pakistan has reviewed the complaint and following are TI Pakistan comments:


1. Vide its letter No.TI 2023/0913/1A on 13.9.2023, TI Pakistan forwarded a complaint on this procurement worth about half Billion rupees, on wrong Evaluation Criteria and Rule 11, but no response was received from KMC.
2. SPPRA letter was issued on 13th September' 23 to Director General (Technical Services), Karachi Metropolitan Corporation, Karachi, and KMC was bound to issue corrigendum and extend the response time by extending the response time which shall not be less than fifteen days. Even otherwise Rule 23 is also violated by KMC.
3. Violation of not uploading the modified RFP on SPPRA website may amount to declare this procurement as Mis-Procurement.
4. Not holding CRC, is not only violation of SPPRA, but also indicate that KMC may be favoring a preselected firm.

Transparency International Pakistan's Recommendations;

Prima facia on the basis of violation of SPPRA Rule and specific instruction dated 13.9.2023, this procurement comes under Mis-Procurement of Rule No 32(A) 1(b), and may be reinvited as fresh procurement complying all SPPRA Rules. .

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption, and achieve Zero tolerance against corruption.

With Regards,


(Advocate Daniyal Muzaffar)
Trustee/Legal Advisor
Transparency International Pakistan

Copies forwarded for the information with request to take action under their mandate to:

1. Chief Secretary, Government of Sindh, Karachi.
2. Director General, Sindh Building Control Authority (SBCA), Karachi.
3. Chairman, National Accountability Bureau (NAB), Islamabad.
4. Registrar, High Court of Sindh, Karachi.
5. Managing Director, Sindh Procurement Regulatory Authority, Karachi.



Note:

This is to clarify that Transparency International Pakistan is not a complainant, it acts as a whistleblower and operate under Article 19-A, of the Constitution of Pakistan which gives the right to public to know how government is being run by public officers. Article 19-A makes the right to access of information pertaining to a public authority a fundamental right, Justice Syed Mansoor Ali Shah in his landmark judgment in case of *Ataullah Malik v. Federation of Pakistan* includes following order.

Right to information is another corrective tool which allows public access to the working and decision making of the public authorities. It opens the working of public administration to public scrutiny. This necessitates transparent and structured exercise of discretion by the public functionaries. Article 19-A empowers the civil society of this country to seek information from public institutions and hold them answerable. PLD 2010 Lahore 605.

R-799-23

19-09-23.



**KARACHI METROPOLITAN CORPORATION
OFFICE OF THE DIRECTOR (ACCOUNTS)
ENGINEERING DEPARTMENT**

No. Dir. (Acctt)/Engg. Deptt./KMC/22/2023

Dated: 18/09/2023

The Assistant Director (IT)
SPPRA Stadh,
Karachi.

Subject: ISSUANCE OF REP DOCUMENTS FOR THE PROJECT OF "REF FOR SELECTION OF CONSULTANTS FOR PLANNING AND DESIGN & CONSTRUCTION SUPERVISION OF ROADS, BRIDGES, FLYOVERS, UNDERPASSES, WATER SUPPLY LINES, SEWERAGE SYSTEM, STORM WATER DRAINAGE SYSTEM, BUILDINGS FOR VARIOUS PROJECTS IN KARACHI.

Reference: Letter No.PPMS(IT)/SPPRA/T01915-23-0009/0156 dated 13-09-2023.

I am directed to refer to your above noted letter on the subject matter and to inform that the pre-bid conference in connection thereof was held on 24-08-2023 whereas 08 (Eight) Numbers of consultancy firms attended the meeting in the presence of the consultant selection committee. Certain questions were put up by the firms regarding clarification in bidding documents in the reply of the same was promptly given.

It is also pointed out that M/s Atif Nazar (Pvt.) Ltd. neither had there been any query received in writing prior to holding of the Pre-bid conference and raised a lot of irrelevant queries in this meeting.

In response to pre-bid conference the minutes of the meeting has been promptly delivered to the all participants and also uploaded on SPPRA's website these replies to queries raised during pre-bid conference has been an integral part of the RFP Documents and no major changes appears in the original RFP Documents so there is no need of issuance of modified RFP Documents.

The procuring agency also extends the date of submission of Proposals till 14-09-2023 as per SPPRA's Rule regarding the clarification and modification of RFP Documents.

It is also to mention that the allegation regarding the concerns in transparency and fairness in the bidding process are totally baseless therefore processing the case through CRC forum will be a waste of time.

Director (Accounts/Secretary)
(Member) Selection Committee
Engineering Department, KMC

C.C to:-

1. The Metropolitan Commissioner, KMC
2. Director General (PS), KMC.
3. Secretary to Mayor, KMC
4. M/s Atif Nazar (Pvt.) Ltd, D-11 A, Block-17, Gulshan-e-Iqbal, Karachi.
5. Office File.



Government of Sindh
Sindh Public Procurement Regulatory Authority



No. PPMS(TT)/SPPRA/T01915-23-0009/0156

Karachi, dated 13th Sept, 2023

The Director-General (Technical Services),
Karachi Metropolitan Corporation,
Karachi

Subject: ISSUANCE OF RFP DOCUMENTS FOR THE PROJECT OF "RFP FOR SELECTION OF CONSULTANTS FOR PLANNING AND DESIGN AND CONSTRUCTION SUPERVISION OF ROADS, BRIDGES, FLYOVERS, UNDERPASSES, STORM WATER DRAINAGE SYSTEM, BUILDINGS FOR VARIOUS PROJECTS IN MEGA CITY OF KARACHI"

I am directed to refer to the subject cited above and to enclose herewith a copy of complaint received from M/s Atif Nazar (Pvt) Ltd. vide letter Ref No: ANPL/ KHI/ RFP/ KMC/ 607-23 dated 06.09.2023 wherein the complainant has informed that modified RFP documents of the subject procurement are not uploaded on SPPRA Website.

2. From the perusal of documents uploaded by the Procuring Agency (KMC) on SPPRA-PPMS Website, it has been observed that the Procuring Agency has uploaded a corrigendum dated 29.8.2023 wherein it is mentioned that "*modified RFP documents will be available in the office of the Director General (Technical Services), KMC during office hours*" whereas, the modified documents have not been uploaded on SPPRA-PPMS website till to date i.e. 13.09.2023 which is in violation of Rule-21(4) of the SPP Rules, 2010, reproduced below;

Rule-21(4): All procuring agencies shall hoist the bidding documents or prequalification documents or shortlisting documents, as the case may be, on or before the first date of issuance of such documents on Authority's website as well as on the website of procuring agency, in case it has its own website.

3. Moreover, it has further been observed that the Procuring Agency has not furnished the replies of the observations conveyed through PPMS (Annex-A).

4. In view of the above, it is advised to furnish the replies of the observations of SPPRA, upload the modified RFP documents on SPPRA-PPMS Website and extend the response time which shall not be less than fifteen days as required under Rule-18 of the SPP Rules, 2010, through publication of Corrigendum in the Newspapers and SPPRA Website, prior to the date of

opening of bids, failing to which the procurement process shall be declared as Mis-Procurement under Rule-32(A) of the SPP Rules, 2010.


Assistant Director (IT)

Copy for information to;

1. Municipal Commissioner, KMC, Karachi.
2. M/s Atif Nazar (Pvt) Ltd, D-11/A, Block-17, Gulshan E Iqbal, Karachi.