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23rd October, 2023

TL2023/1023/1A

Executive Director (AIMS),
Office of Executive Director,
Abbas Institute of Medical Sciences,
Government of the State of Azad Jammu & Kashmir
Muzaffarabad, Azad Kashmir.

Subject: Violation of AJ&K PPRA Rules 2017, Executive Director (AIMS), Abbas Institute of Medical Sciences, Muzaffarabad's Tender Notice for Purchase of Items.

Dear Sir.

This is with reference to your tender notice appeared in daily 'The News' newspaper on 19th October, 2023. The said advertisement is in violation of AJ&K Public Procurement Rules, 2017, Rule No. 13 'Response Time'.

In the tender notice, the submission/ opening dates for 3 Works is given as 28-10-23, where it does not fulfill the fifteen days of response time, and is six (6) days less. It is a violation of AJ&K PPRA Rules 2017, Rule 13; quoted below for your reference:

- 13. Response time.-(1) The Procuring Agency may decide the response time for receipt of Bids or proposals (including proposals for pre-qualification) from the date of publication of an advertisement or notice, keeping in view the individual procurement's complexity, availability and urgency. However, under no circumstances, theresponse time shall be less than fifteen days for national competitive Bidding and thirty days for international competitive Bidding from the date of publication of advertisement or notice. All advertisements or notices shall expressly mention the response time allowed for that particular procurement along with the information for collection of Bid documents which shall be issued till a given date, allowing sufficient timeto complete and submit the Bidby the closing date: Provided that no time limit shall be applicable in case of Emergency.
- (2) The response time shall be calculated from the date of first publication of the advertisement in a newspaper or posting on the web site, as the case may be.

Executive Director (AIMS), is requested to rectify the given mistake and issue corrigendum in accordance with AJ&K PPRA Rules 2017 to avoid mis-procurement under Rule 50.

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

Regards,

Advocate Daniyal Muxaffar,

Trustee/Legal Advisor

Transparency International Pakistan

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

- 1. Chief Secretary, Azad Jammu and Kashmir.
- 2. Chairman, Prime Minister Inspection Commission, PMIC, Islamabad.
- 3. Managing Director, AJK PPRA, Azad Jammu and Kashmir.



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, and a three member bench in case of Mukhtar Ahmad Ali vs the Registrar, Supreme Court of Pakistan, Islamabad, headed by Chief Justice Qazi Faez Isa in the landmark judgment on 16 October 2023, in CP No. 3532/2023, has declared that

"What previously may have been on a need-to-know basis Article 19A of the Constitution has transformed it to a right-to-know, and the Access to information is no longer a discretion granted through occasional benevolence, but is now a fundamental right available with every Pakistani which right may be invoked under Article 19A of the Constitution"

