

2nd January, 2024

TL2024/0201/4B

Director (Admin),
Public Service Commission,
Muzaffarabad, Azad Kashmir.

**Subject: Violation of AJ&K PPRA Rules 2017, Director (Admin), Public Service Commission,
Muzaffarabad's Tender Notice for Supply of Miscellaneous Items.**

Dear Sir,

This is with reference to your reply dated 22.12.2023 on TI- Pakistan's letter No TL2023/1211/4A dated 11th December, 2023 addressed to you on the above mentioned subject (ANNEX-A).

Your reply stating that, "AJ&K PPRA has published/ uploaded the tender notice on the same day on their website. However, the advertisement experienced an unforeseen delay by Information Department, resulting in its appearance in newspapers four days later," is still a violation of Rule 13(1) of AJ&K PPRA Rules 2017, which clearly states that under no circumstances, the response time shall be less than fifteen days for national competitive Bidding from the date of publication of advertisement or notice.

The Rule is 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, the response 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.

(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.


This Rule ensures the widest possible competition, bringing value for money for the procuring agency and ensuring that no supplier is put at a disadvantage.

Procuring agencies, while fulfilling 14 days response time shall also ensure that the procurements are conducted in a fair and transparent manner, and the object of procurement brings value for money to the agency and the procurement process is efficient and economical.

Non-compliance to AJ&K PPRA Rules 2017 is considered as 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 Muzaffar,
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. Managing Director, AJK PPRA, Azad Jammu and Kashmir.

A NON-PARTISAN, NON-PROFIT COALITION AGAINST CORRUPTION

Donations exempted from tax U/5 2 (36) (c) of I. Tax Ordinance 2001



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”

Azad Jammu & Kashmir Public Service Commission
Muzaffarabad

No./PSC/Admin/ 15572-26 2023Date: 22-12-2023

To,

Advocate Daniyal Muzaffar,
Trustee/ Legal Advisor,
Transparency International Pakistan.

Subject: Violation of AJ&K PPRA Rules 2017, Director (Admin), Public Service Commission, Muzaffarabad's Tender Notice for Supply of Miscellaneous Items.

Dear Sir,


This is with reference to your letter No TL2023/1211/4A dated December 11th, 2023, It is to bring into your notice that AJK Public Service Commission has diligently dispatched the tender publication request to the information department and AJ&K PPRA on Nov. 29th, 2023. AJ&K PPRA has published/ uploaded the tender notice on same day on their website. However, the advertisement experienced an unforeseen delay by Information Department, resulting in its appearance in newspapers four days later than anticipated. AJK Public Service Commission proceeded with the tender opening in accordance with the response time procedure as stipulated in rule 13 and sub-rule (1) (2) of AJ&K PPRA rules 2017, ensuring strict compliance. We emphasize our dedication to Transparency in all procurement process to avoid any potential miss-procurement.

Yours support in expediting the process is highly appreciated.

(Necessary documents are attached)

Enclosed 7 pages

Regards,


19/12/23
Director (Admin)
AJK Public Service Commission
Muzaffarabad

Copy to;

- 1- PS to the Chief Secretary Azad Jammu & Kashmir Muzaffarabad.
- 2- Secretary AJK Public Service Commission Muzaffarabad.
- 3- Managing Director, AJ&K PPRA, Azad Jammu & Kashmir.
- 4- Office Copy.

Director (Admin)