

March 29, 2024

TIP 2024/0328/1A

The Secretary,  
Services and General Administration Department,  
Civil Secretariat,  
Quetta, Balochistan

**Subject: Complaint Against the Allegations of Violation of BPPRA Rules 2014 for the Procurement of Uniform for Entitled Staff of S&GAD (Summer & Winter) Tender No. TSE-232401370781**

Dear Sir,

Transparency International Pakistan has received a complaint from M/s Nasar Enterprises against the allegations of violation of BPPRA Rules 2014 for the procurement of uniform for entitled staff of Services and General Administration Department S&GAD (Summer & Winter) tender No. TSE-232401370781 (**Annex-A**).

The complainant has made the following allegations:

1. The tender notice under TSE-232401370781 invited e-bids through the EPRS single stage two envelope procedure under BPPRA Rules 2014, closing date 29<sup>th</sup> January 2024 (**Annex-B**)
2. M/s Nasar Enterprises participated in the tender and submitted a bid proposal in accordance with bidding documents, eligibility criteria and technical specifications outlined by the S&GAD through EPRS System.
3. On 14<sup>th</sup> March 2024, the bid evaluation report was published on the BPPRA website, which states that among 06 bidders who participated in the tender, M/s Nasar Enterprises was declared non-eligible for the reason "Sales Tax registration as wholesaler only" (**Annex-C**)
4. The eligibility criteria listed in the bidding documents comprises of 06 eligibility factors including:
  - a) Experience
  - b) Financial Capacity
  - c) Status As Active Tax
  - d) Sales Tax Registration
  - e) Non-Blacklisted Certificate
  - f) Small Industries Department Registration
5. Under the Sales Tax Registration, the bidding documents only specify GST Registration Certificate as a required document and that no specific categorization or additional criteria have been mentioned in the bidding documents (**Annex-D**).
6. The evaluation criteria for Sales Tax Registration lacked clarity and specificity in the bidding documents in violation of BPPRA Rules 2014, unfairly declaring M/s Nasar Enterprises non-responsive.

**Transparency International Pakistan Comments**

Transparency International Pakistan has reviewed the allegations of the complaint, prima facie the allegations seem correct. Following are TI Pakistan comments;

1. As per the BPPRA Rules 2014, Rule 34, a procuring agency shall formulate appropriate and unambiguous evaluation criteria, which must be clearly listed in the bidding documents. These criteria serve as the basis against which bids are evaluated, and any failure to provide such clear and unambiguous evaluation criteria constitutes mis-procurement. Rule 34 is quoted below:

**BPPRA Rule 34: Evaluation Criteria.**— The Procuring Agencies shall formulate an appropriate and unambiguous evaluation criteria, listing all the relevant information against which a bid is to be evaluated and criteria of such evaluation shall form an integral part of the



bidding documents. The failure to provide a clear and unambiguous evaluation criteria in the bidding documents shall amount to mis-procurement.

2. Any violation of the BPPRA Rules 2014, may amount to mis-procurement as per BPPRA Rule 57 (b), quoted below

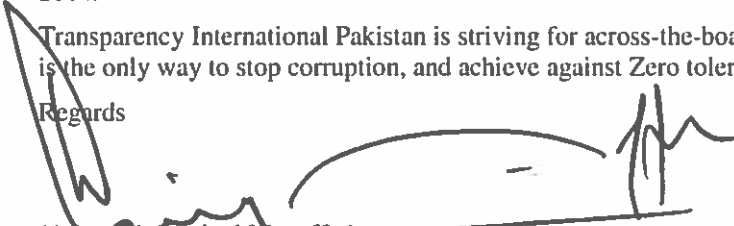
**BPPRA Rule 57 (b) Declaration of Mis-Procurement and consequences:** The Authority may take notice of any material violation of the Act, rules, regulations, orders, instructions, or any other law relating to public procurement and declare the case to be of mis-procurement if such violation has been established.

**Transparency International Pakistan's Recommendations**

Transparency International Pakistan requests the Secretary S&GAD to examine the allegations in light of BPPRA Rules 2014 and if found correct, issue directives to reinstate the tender as per BPPRA Rules 2014.

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 Minister, Government of Balochistan, Quetta
2. Chief Secretary, Government of Balochistan, Quetta
3. MD, BPPRA, Quetta
4. Registrar, Balochistan High Court, Quetta

**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”



**Nasar Enterprises**®

Annex-A  
Govt. Contractor &  
General Order Suppliers

ناصر انٹرنیٹرز گورنمنٹ کنٹریکٹنگ ایجنڈ جنرل آرڈر سپلائرز

To,

The Chairman,  
Complaint & Rederssal Committee,  
Through the Secretary Services & General Administration  
Department Civil Secretariat, Quetta.

**Subject:- APPLICATION FOR GRIEVANCES UNDER RULE 56 OF THE BPPRA  
RULE-2014 FOR THE PROCUREMENT OF UNIFORM FOR ENTITLED  
STAFF OF S&GAD (SUMMER & WINTER) TSE-232401370781**

R/Sir

In continuation of our grievances even dated 14/03/2024 addressed to Secretary S&GAD Quetta against the procurement of Uniform FOR ENTITLED STAFF OF S&GAD (SUMMER & WINTER) TSE-232401370781.(copy enclosed)

That, the impugned Evaluation Report for the Procurement of Uniform for Entitled Staff S&GAD (Summer & Winter) issued by the Procurement Committee is illegal, unlawful, without proper scrutiny of record and contrary to laws & fact available on record, thus the same is liable to be set aside. The applicant is hereby submit their grievances against the same is as under:-

1. We M/s Nasar Enterprises Quetta is duly registered with the Federal Board of Revenue Income Tax Department and the General Sales Tax Department. Our firm has a longstanding track record of working with various government departments as a General Order



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Supplier, specializing in the procurement and supply of a wide range of goods and equipment.

2. The Tender Notice under TSE-232401370781 published by the Services & General Administration Department (S&GAD) in leading newspapers Quetta as well as published on the BPPRA website. The tender notice invites e-bids through the EPRS Single Stage Two Envelope procedure under BPPRA Rule-2014 for the Purchase of Uniform for Entitled Staff of S&GAD for both summer and winter seasons, with the indicated closing date of 29<sup>th</sup> January 2024 at 12:00 pm.

3. In response of above advertisement we M/s Nasar Enterprises, has successfully participated in the tender competition for the Purchase of Uniform for Entitled Staff of S&GAD, as advertised under tender notice TSE-232401370781 and the bid proposal prepared and submitted in accordance with bidding documents, eligibility criteria and technical specifications outlined by the S&GAD through EPRS System.

4. As stated that the Evaluation Report published on the BPPRA website explicitly states that our firm was declared non-responsive on the basis in the eligibility assessment factor of Sales Tax Registration. The reason provided for unjust determination is that our Sales Tax Registration is categorized as that of a wholesaler without any justification. (copy of evaluation report is enclosed)

5. We wish to draw your attention to the fact that the department has clearly violated the Rule-34 of the BPPRA Rule-2014 by unlawfully non-responsive our firm during evaluation of eligibility

assessment. According to the eligibility criteria outlined in the bidding documents, the requirement for Sales Tax Registration solely necessitates a valid Sales Tax Registration certificate. No specific categorization or additional criteria were mentioned in the bidding documents. (Copy of bidding documents is enclosed)

6. As per Rule-34 of the BPPRA Rule-2014, it is mandated that Procuring Agencies formulate appropriate and unambiguous evaluation criteria, which must be clearly listed in the bidding documents. These criteria serve as the basis against which bids are evaluated, and any failure to provide such clear and unambiguous evaluation criteria constitutes mis-procurement is as under:-

**According to Rule-34 of BPPRA Rule-2014 that Evaluation Criteria.— The Procuring Agencies shall formulate an appropriate and unambiguous evaluation criteria, listing all the relevant information against which a bid is to be evaluated and criteria of such evaluation shall form an integral part of the bidding documents. The failure to provide a clear and unambiguous evaluation criteria in the bidding documents shall amount to mis-procurement.**

7. In the tender evaluation process, it has become apparent that the evaluation criteria for Sales Tax Registration lacked clarity and specificity in the bidding documents. Our firm was unfairly deemed non-

responsive based on the assertion that our Sales Tax Registration was categorized as that of a wholesaler without any justification. However, it is evident that such categorization was not clearly mentioned in the bidding documents.

Keeping in view the above mentioned facts, it is humbly requested that the above mentioned grievances may kindly readdressed in the interest of fair justice

**Thanking you**

Regards

**MUHAMMAD ANWAR NASAR**

Chief Executive

M/s Nasar Enterprises

**CC.**

- The Chief Secretary Government of Balochistan Civil Secretariat Quetta for information and necessary action.
- The Managing Director BPPRA Quetta with request for necessary action.
- The Secretary S&GAD Civil Secretariat Quetta for information and necessary action.
- Mr. Advocate Danyal Muzaffar Trustee/ Legal Advisor Transparency International Pakistan. Address: Plot 72F/2, Floor 1, 9th Street, Jami Commercial Street 11, D.H.A. Phase 7 Phase 2 Commercial Area Defence Housing Authority, Karachi, Karachi City, Sindh 75500.

## Invitation Letter

Sealed Tenders are invited under the Balochistan Public Procurement Rules (BPPR) - 2014 by the **S&GAD** from "Eligible Bidders" dealing in Sales and after - sale services(as applicable) of **Clothing & Liveries** as per details contained here - under:...

Headers	Particulars
Designation of Procurement Officer	Section Officer
Postal Address of the Procuring Agency	block 1 civil secretariat Queta
Phone Number & Fax Number	0081920280
E-Mail Address & Website (If Available)	afzalsarparah@gmail.com
Method of Procurement	Open Competitive Bidding
Bidding Procedure	Single Stage Two Envelope Bidding Procedure
Evaluation Mechanism	R2 - Eligibility check with responsiveness based on Yes/No Evaluation then Financial Evaluation.
Evaluation Type	Package Wise
Issuance of Bidding Documents	<b>TSE-232401370781 Bidding Document is freely Accessible to all at <a href="http://bppra.gov.pk">bppra.gov.pk</a> for electronic bid submission Bidder Shall be required to bid through the User id of EPPS of the Government of Balochistan.</b>
Deadline for Submission of Bids	Bid Can Only be submitted electronically latest by 29 January, 2024 12:00 PM through E-Submission.
Opening Date/Time of bids	29 January, 2024 01:00 PM Through <b>EPPS</b> .
Opening Date/Time of Financial bids	<b>Shall be communicated by the Procuring Agency on the completion of technical evaluation</b>
Bidding Document Fee	Amount:2,000 PKR. Manner of Payment: Green Challan, Beneficiary: S&GAD <b>Submission of Bidding Document fee is not a requirement for issuance of the Bidding Document. It will be checked during the eligibility assessment</b> <div style="border: 1px solid black; padding: 2px;">             Account Title: Secretary S&amp;GAD              Account Number : C03870-41           </div>
Bid Security	Amount: <b>5%</b> of the Estimated Value (%age of Estimate Cost) Manner of Payment: Deposit at Call, Beneficiary: S&GAD
Performance Security	Not Required
Allow Financial Bids In Foreign Currencies	No
Scope of bidding	National
Bid Validity Period (Days)	90
JV-Consortium Allowed	No

S.No	Bidder Factor	Eligibility	Fulfill Requirement Yes/No	Reason of Ineligibility
1	Small Industries Department Registration		YES	AK Askari International fulfils requirements of Small Industries Department Registration
2	Non Blacklisted Certificate		YES	AK Askari International fulfils requirements of Non Blacklisted Certificate
3	Sales Tax Registration		YES	AK Askari International fulfils requirements of Sales Tax Registration
4	Status As Active Tax Payer		YES	AK Askari International fulfils requirements of Status As Active Tax Payer
5	Financial Capacity		YES	AK Askari International fulfils requirements of Financial Capacity
6	Experience		YES	AK Askari International fulfils requirements of Experience

**M/S. Nasar Enterprises (16152506)**

S.No	Bidder Factor	Eligibility	Fulfill Requirement Yes/No	Reason of Ineligibility
1	Small Industries Department Registration		YES	Nasar Enterprises fulfils requirements of Small Industries Department Registration
2	Non Blacklisted Certificate		YES	Nasar Enterprises fulfils requirements of Non Blacklisted Certificate
3	Sales Tax Registration		NO	Sales Tax Registration as wholesaler only
4	Status As Active Tax Payer		YES	Nasar Enterprises fulfils requirements of Status As Active Tax Payer
5	Financial Capacity		YES	Nasar Enterprises fulfils requirements of Financial Capacity
6	Experience		YES	Nasar Enterprises fulfils requirements of Experience

**M/S. Syed Muhammad & Sons (14590085)**

S.No	Bidder Factor	Eligibility	Fulfill Requirement Yes/No	Reason of Ineligibility
1	Small Industries Department Registration		YES	Syed Muhammad & Sons fulfils requirements of Small Industries Department Registration
2	Non Blacklisted Certificate		YES	Syed Muhammad & Sons fulfils requirements of Non Blacklisted Certificate
3	Sales Tax Registration		YES	Syed Muhammad & Sons fulfils requirements of Sales Tax Registration
4	Status As Active Tax Payer		YES	Syed Muhammad & Sons fulfils requirements of Status As Active Tax Payer
5	Financial Capacity		YES	Syed Muhammad & Sons fulfils requirements of Financial Capacity
6	Experience		YES	Syed Muhammad & Sons fulfils requirements of Experience



## Eligibility Criteria for Bidders:

S No.	Eligibility Factors	Requirement	Document Required
1	Experience	3 Assignments of Similar Nature and Complexity 9,000,000 in Previous 3 Years	Copy's of Supply Order's with relevant completion certificate's or Inspection Report's or delivery challan (items must cross-verify with supply order)
2	Financial Capacity	Turn over of at least 4,000,000 PKR in 3 Subsequent Previous Years	Supporting Bank Certificate of Company's Bank Account
3	Status As Active Tax Payer	Presence in Active Tax Payer List	NTN Certificate (Verifiable as Active Tax Payer at FBR Web Portal)
4	Sales Tax Registration	Sales Tax Certificate	GST Registration Certificate
5	Non Blacklisted Certificate	The bidding firm must not be currently blacklisted by any procuring agency of Pakistan	Declaration of non blacklisting on company letter head by the bidder
6	Small Industries Department Registration	Registration/Certificate from Small Industries Department in Clothing/Liveries.	Valid Registration Certificate

**NOTE: It is mandatory for the bidders to meet all the above mentioned requirements of eligibility. In case of not meeting any single requirement, the Bid shall be declared IN-ELIGIBLE / NON-RESPONSIVE**