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TL2024/0201/1A

Medical Superintendent, City Hospital, District Lakki Marwat, Bannu Division, Khyber Pakhtunkhwa

Subject: <u>Violation of KPPRA Rules 2014, Medical Superintendent, City Hospital, Lakki</u>
Marwat's Tender Notice for Car Parking/ Rikshaw/ Motor Cycle Stand.

Dear Sir.

This is with reference to your tender notice appeared in daily 'Aaj' newspaper on 23rd December, 2023. The said advertisement is in violation of The KPPRA Rule 2014, Rule 45 'Announcement of evaluation reports'.

In the said tender notice, under point No. 9, it is stated that; "Undersigned reserves the right to cancel any or all bids without assigning any reason."

However according to KPPRA Rule 2014, Rule 45; "Announcement of evaluation reports" requires procuring entities to announce the final results of a bid evaluation giving justification for acceptance or rejection of bids at least ten days prior to the award of a contract in the form of a report. Hence, it is a violation of Rule No. 45 of KPPRA Rule 2014.

The Rule is quoted below for your reference;

45. Announcement of evaluation reports.---Procuring entities shall announce the results of technical bid evaluation in the form of a report before opening of the financial bids, to all bidders. The procuring entity shall also announce the final results of a bid evaluation giving justification for acceptance or rejection of bids at least ten days prior to the award of a contract and place the same on its and Authority website.

Medical Superintendent, City Hospital is requested to kindly rectify the given mistake and issue corrigendum in accordance with KPPRA Rules to avoid mis-procurement under KPPRA Rules 2014 Rule 54.

ransparency 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.

Advocate Daniyal Muzaffar

Trustee/Legal Advisor

Transparency International Pakistan

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

- 1. Caretaker Chief Minister, Peshawar, Khyber Pakhtunkhwa.
- 2. Chief Secretary, Peshawar, Khyber Pakhtunkhwa.
- 3. Chairman, Prime Minister Inspection Commission, PMIC, Islamabad.
- 4. Managing Director, KPPRA, Peshawar.



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"

