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23rd January, 2024

TL2024/2301/1A

Executive Director,
Office of the Executive Director,
Jinnah Postgraduate Medical Centre (JPMC),
Government of Sindh,
Karachi.

Subject: <u>Violation of SPPRA Rules 2010, Executive Director, Jinnah Postgraduate Medical Centre (JPMC)</u>, Karachi's Tender Notice for Services.

Dear Sir,

This is with reference to your tender notice published in daily 'Jang' newspaper on 21<sup>st</sup> January, 2024. The said advertisement is in violation of SPPRA Rules 2010, Rule 45 'Announcement of evaluation reports'.

In the said tender notice, it is stated that; "Executive Director, Jinnah Postgraduate Medical Centre (JPMC) reserves the right to accept or reject any tender fully or part of it without assigning any reason."

As per SPPRA Rules 2010, Rule No. 45- Procuring agencies shall announce the results of bid evaluation in the form of a report giving reasons for acceptance or rejection of bids. Hence, it is a violation SPPRA Rule No 45.

The Rule is quoted below for your reference;

45. 'Announcement of evaluation reports' - Procuring agencies shall announce the results of bid evaluation in the form of a report giving reasons for acceptance or rejection of bids. The report shall be hoisted on website of the Authority and that of the procuring agency if its website exists and intimated to all the bidders at least seven (07) days prior to the award of contract.

Executive Director, Jinnah Postgraduate Medical Centre (JPMC) is requested to rectify the given mistake and issue corrigendum in accordance with SPPRA Rules 2010 to avoid mis-procurement under Rule 56.

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.

Ragards.

Advocate Daniyal Muxaffar,

Trustee/Legal Advisor

Transparency-Imernational Pakistan

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

- 1. Caretaker Chief Minister Sindh, CM House, Karachi
- 2. Chief Secretary, Government of Sindh, Karachi
- 3. Chairman, Prime Minister Inspection Commission, PMIC, Islamabad
- Managing Director, SPPRA, 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, 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"



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