

June 03, 2024

TIP2024/0603/1A

Chairman
Sindh Textbook Board
Jamshoro

Subject: Complaint against Allegations of Violation of SPPRA Rules 2010 in Tender Opening by the Sindh Textbook Board Jamshoro

Dear Sir,

Transparency International Pakistan has received a complaint against the allegations of violation of SPPRA Rules 2010 in the tender opening by Sindh Textbook Board Jamshoro.

The complainant has made the following allegations:

1. The Sindh Textbook Board Jamshoro conducted tender opening process on May 27, 2024, at 2 PM.
2. At the time of the tender opening, all procurement committee members were present, and the tender opening proceeded as scheduled. However, the EPADS website faced technical issues and the financial bids were not opened.
3. The committee decided to postpone the opening to 6 PM on the same day i.e. May 27, 2024. However, technical issues persisted, leading to a further delay and the opening was rescheduled for May 28, 2024, at 11 AM.
4. One of the procurement committee members had control over the EPADS portal until the postponed opening, potentially accessing all the financial bid prices submitted by bidders. At 11 AM on May 28, the committee member presented a laptop with all the bids PDF files already downloaded.
5. Instead of opening the bids on the EPADS website as required, the committee proceeded to open downloaded PDF files.

Transparency International Pakistan's Comments

Transparency International Pakistan has reviewed the allegations of the complaint, prima facie, the allegations seem correct.

Following are the comments of TI Pakistan.

1. The deviation from the standard procedure of opening bids through EPADS raises serious concerns regarding transparency of the tender process and must be investigated.
2. As per the SPPRA Rules 2010, Rule 41, procuring agencies are bound to open bids by the deadline and in the presence of all the bidders. Rule 41 is quoted below:

SPPRA Rule 41: Opening of Bids. (3)- The bids shall be opened within one hour of the deadline for submission of bids;

(4) All bids shall be opened publicly in the presence of all the bidders, or their representatives, who may choose to be present in person, at the time and place announced in the invitation to bid;

3. Any violation of SPPRA Rules 2010 amounts to mis-procurement under Rule 32(A), as quoted below:

Rule 32 (A): Declaration of Mis-Procurement and Its Consequences (1)(b) "The Authority may take notice of any material violation of provisions 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 Chairman Sindh Textbook Board Jamshoro to investigate the complaint in light of SPPRA Rules and if found correct, issue directives to re-invite tender in compliance with SPPRA Rules 2010 to ensure transparency and fairness in the tendering process.

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

With 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. Secretary Education, Govt of Sindh, Karachi
2. MD, SPPRA, Karachi
3. Registrar, High Court of Sindh, 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”



SINDH TEXTBOOK BOARD, JAMSHORO

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NATIONAL COMPETITIVE BIDDING

ISSUANCE OF BIDDING DOCUMENTS:
5th April 2024

SUBMISSION OF BIDDING
DOCUMENTS:
29th April 2024 @ 10:00 AM

OPENING OF BIDDING DOCUMENTS:
29th April 2024 @ 11:00 AM

SECRETARY
SINDH TEXTBOOK BOARD

NOTICE INVITING TENDER

The Sindh Textbook Board (STBB) was established through the Sindh Textbook Board Ordinance No. XII of 1970. The core objectives of STBB is to develop textbooks in accordance with the curriculum outlines designed by the Directorate of Curriculum, Assessment and Research, Jamshoro (DCAR) and to print and supply textbooks in all subjects for Class Kachi to X FREE OF COST to the students studying in public sector schools under Government of Sindh. The objectives of textbooks printing and supply in each specific public sector school in Sindh, at the beginning of academic year, are achieved through outsourcing services of the most suitable and eligible organizations, which are selected in a transparent manner and in accordance with procedure prescribed under Sindh Public Procurement (SPP) Rules, 2010 (Amended up to date).

In this view, STBB solicits sealed bids from prospective National Firms or Consortium/ Joint Ventures, fulfilling the eligibility criteria laid down below, for printing, binding, and supply of Textbooks for academic session 2024-2025 as per specification and outbound logistics plan for textbooks delivery available in bidding documents.

QUALIFICATION REQUIREMENTS

- As mentioned in Bidding Documents Criteria.
- Prospective firms must provide valid evidences as mentioned in bidding document.
- The STB reserves rights to cross-verify any document(s) and conduct manufacturing site visit, if deemed necessary, in order to ensure reliability of information and capability of service provider. Documents received without concrete evidence(s) will be marked as disqualified during preliminary evaluation of proposals.

Bidding documents can be purchased from the office of Secretary, Sindh Textbook Board with effect from the date of issuance of NIT, 5th April – 29th April, 2024, during office hours, upon submission of written application along with pay order amounting to PKR 5000/- or US \$50 (non refundable) in favor of Sindh Textbook Board. These documents can also be downloaded from the website of STBB i.e. www.stbb.edu.pk or SPPRA i.e. <http://ppms.pprasinhd.gov.pk/>. In case, bid documents are downloaded from the website, then at the time of bid submission, pay order (non-refundable) must be enclosed along with technical proposal.

All bids must be submitted in one best option under Rule-46(2) – Single Stage Two Envelope Procedure – specified under SPP Rules, 2010 (amended up to date). Envelope shall contain Technical Proposal and Financial Proposal sealed separately. Financial proposal must contain original copy of pay order/ demand draft i.e. 5% bid security (refundable) of total bid cost in favor of Sindh Text Book Board. Any bid found without bid security of less than 5% of total bid cost shall be rejected during or after technical evaluation. All bids along with requisite documents as mentioned in bidding document shall reach in the sealed envelope marked as 'Printing, Binding and Supply of Textbooks' to the below given address not later than 10:00 am on 29th April 2024. Sealed envelope(s) will be opened on the same date at 11:00 a.m. by the STBB's notified Committee as per SPP Rules, 2010 (Amended up to date). In case of public holiday or due to any unavoidable circumstances, bidding documents will be received/ opened on next working day on scheduled time and venue.

The procuring agency may reject any or all bids subject to relevant provisions of