



TRANSPARENCY INTERNATIONAL - PAKISTAN

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April 25, 2024,

TL2024/0425/1A

Federal Secretary
Ministry of Housing and Works
Govt of Pakistan
Islamabad

Subject: Complaint against Allegations of Violation of PPRA Rules 2004 by the Executive Engineer, Central Civil Division, Pak PWD Hyderabad, in two NITs No. EE/HCCD/HYD/111, Dated: 08-04-2024, and NIT No. EE/HCCD/HYD/ 112 Dated: 08-04-2024

Dear Sir,

Transparency International Pakistan has received a complaint from M/s Arman Developers Construction Company Hyderabad against the allegations of violation of PPRA Rules 2004 by the Executive Engineer, Central Civil Division, Pak PWD Hyderabad in two NITs No. EE/HCCD/HYD/111, NIT No. EE/HCCD/HYD/112 Dated: 08-04-2023 (**Annex-A**).

The complainant has made the following allegations:

That;

1. The Executive Engineer, Central Civil Division, Pak PWD invited sealed tenders for different works through Single Stage, Single Envelope Invitation to Bid dated 08-04-2024 and opening date 02-05-2024
2. M/s. Arman Developers participated in subject 02 NIT's through application vide Ref: No. 222/2024 dated 17.04.2024 & Ref: No. 224/2024 dated 17.04.2024 and submitted pay orders for tender fees in favour of the procuring agency/XEN Central Civil Division Pak PWD Hyderabad.
3. Despite approaching the office of the Executive Engineer several times for the issuance of the tender documents, the procuring agency has refused to issue tender documents in violation of the Clause No.2 of the NIT, which states that "a complete set of Bidding Documents may be purchased by an interested eligible bidder on submission of a written application with valid PEC 2023-24 upon payment of a non-refundable fee of Rs.2000/- in shape of pay order/cash for each tender".
4. However, the tender documents are only being issued based on favoritism and nepotism to selected contractors.

Transparency International Pakistan's Comments

Transparency International Pakistan has reviewed the allegations of the complaint and prima facie allegations seem to be correct. Following are TI Pakistan comments:

1. Rule 23 of the PPRA Rules 2004 requires an immediate availability of bidding documents after the advertisement.

23. Bidding documents. -

(1) Procuring agencies shall formulate precise and unambiguous bidding documents that shall be made available to the bidders immediately after the publication of the invitation to bid.

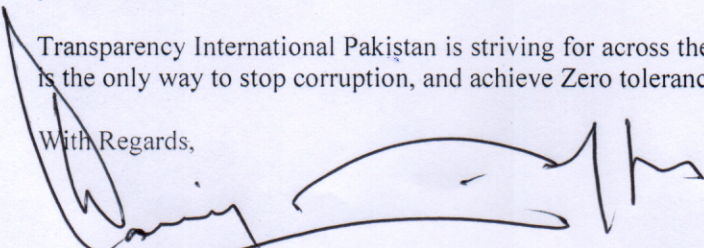


Transparency International Pakistan Recommendations

Transparency International Pakistan requests the Federal Secretary Housing and Works to examine the allegations and if these are found to be correct, direct the concerned department to reinstate the NIT and ensure timely availability of bidding documents in compliance with PPRA Rules 2004 to avoid mis-procurement.

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. Chief Minister, Govt of Sindh, Karachi
2. Chief Secretary, Govt of Sindh, Karachi
3. Executive Engineer, Central Civil Division Pak PWD, Hyderabad
4. 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”



Ref: No.226/2024

Dated: 18.04.2024

To,

The Senior Officer,
Pak PWD Karachi.
Chairmen GRC

SUBJECT:

REQUEST FOR REDRESSAL OF GRIEVANCES AND SETTLE THE DISPUTE UNDER RULE -48, COMPLAINT AGAINST EXECUTIVE ENGINEER, CENTRAL CIVIL DIVISION PAKISTAN PWD HYDERABAD AND HIS CASHIER REGARDING NON ISSUING OF TENDERS / BIDDING DOCUMENTS TO MY COMPANY WHICH IS CLEAR VIOLATION OF PPRA RULE -23 (1 & 2) OF PUBLIC PROCUREMENT RULES, IN THE TENDERS (NIT # EE/HCCD/HYD/ 111, DATED: 08-04-2024, PPRA ID # TS536959E ON DATED: 09-04-2024 & (NIT # EE/HCCD/HYD/ 112, DATED: 08-04-2024, PPRA ID # TS536983E ON DATED: 15-04-2024).

R/Sir,

1. That, the Executive Engineer, Central Civil Division Pak PWD Hyderabad has invited 02 NITs Vide No. EE/HCCD/Hyd/ 111, Hyd Dated: 08-04-2024 Containing Thirty Six (36- works), 2nd Nit No. EE/HCCD/Hyd/ 112, Hyd Dated: 08-04-2023 Containing Seventeen (17-works), (Photo Copies of Nits are attached).
2. That Sir, we had applied to participate in the above NIT's through application vide our Ref: No. 222/2024 dated 17.04.2024 & Ref: No. 224/2024 dated 17.04.2024. Pay orders for Tender Fees shown against each work in favour of the Procuring Agency / XEN Central Civil Division Pak PWD Hyderabad and other relevant documents as per requirement of the NIT. (Photo copies of Application, pay orders are attached).
3. Further, the issuance date, receipt and opening of tenders are fixed on dated 30.04.2024, and received back on 02-05-2024, on 17-04-2024 I approached to the office of undersigned and met with the concerned cashier for issuance of the Standard Bidding Documents (SBD) for the above mentioned Nit, but Mr. Rashid Soomro, concerned cashier, totally refused to oblige and said that he could not issue the tender unless the approval and signature of Engr, Ghulam Mustafa Laghari, XEN Central Civil Division Pakistan PWD Hyderabad. It is sheer violation of the PPRA RULE -23 (1 & 2). However, the Procuring Agency / XEN are bound to issue the tender / bidding documents as per rules. Therefore, the authority and department are requested to take stern action against the Procuring Agency (PA) and his Tender Clerk / Cashier as per law.

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4. That sir, when the XEN clearly mentioned in his NIT at serial No: 2- "A complete set of Bidding Documents may be purchased by an interested eligible bidder on submission of a written application with valid PEC 2023-24 upon payment of a non-refundable fee of Rs.2000/- in shape of pay order/cash for each tender. Bidders may acquire the Bidding Documents from the office of the Employer situated at Executive Engineer, Central Civil Division, Pak PWD, Bungalow # 21-A, G.O.R Colony, Hyderabad Up to 30-04-2024 during office hours. But they failed to issue us bidding documents and also they have not published Complete Bidding Documents at PPRA Website only they uploaded B.O.Q's at www.ppra.org.pk Website. It is clear violation of PPRA rule-33 of 2004. Therefore, the authority and department are requested to take stern action against them.
5. Moreover, when Mr. Rashid Soomro, Cashier, refused to issued tender / Bidding Documents to me then I contact for complain with concerned XEN Engr. Ghulam Mustafa Laghari, continuously, but he was not present at his office and even he did not received my calls. Then after I continuously contacted to **Superintending Engineer** at his office and he was also not present in his office.
6. That it comes in my knowledge that **Engr, Ghulam Mustafa Laghari (XEN)**, on the basis of favoritism and nepotism issued the tenders/ bidding documents only to its blue eyed persons under the table. Such practices are not only big hurdles in the way of open and fair competition but also are against the terms of Public Procurement Rules, 2004, for which the authority may take notice against them and put the responsible in the dock as per rules.
7. That the policy of the present Procuring Agency /XEN Central Civil Division Pakistan PWD Hyderabad is not fair with the bidders and also against the principles of procurements. However, procuring goods, works or services and the procurements are not held in a fair and transparent manner in terms of **Rules of Public Procurement Regulatory Authority**, for which the authority may take notice and dealt with in accordance with the rules.
8. That the XEN Central Civil Division Pakistan PWD Hyderabad various time cancelled the same tenders without any suitable reasons that I have apprehension that the **Engr, Ghulam Mustafa Laghari (XEN)** is not fair with bidders and he is trying to award the tenders to his favorite bidders.
9. That in pervious nit's the tender amount was suitable and in approached for bidders but latest Nits which is invited by XEN Central Civil Division Pakistan PWD Hyderabad the amount has been reduced each on every work without any suitable reasons. The details of works and difference of amount is mentioned below:-

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S#	Work Name	Old /Cancelled Nit			New/Current Nit		
		Nit No:	Work #	Tender Amount	Nit No:	Work #	Tender Amount
1	Construction Of Tuff Paver Streets At Uc Jhando Mari District Tando Allahyar.	2489	1	7,500,000/-	111	1	5,595,602/
2	Construction Of Tuff Paver Streets At Uc Mirabad District Tando Allahyar	2489	2	7,500,000/-	111	2	5,595,602/
3	Construction Of Tuff Paver Streets At Uc Sutanabad Station District Tando Allahyar	2489	3	7,500,000/-	111	3	5,595,602/
4	Construction Of Tuff Paver Streets At Uc Missan District Tando Allahyar	2489	4	7,500,000/-	111	4	5,595,602/
5	Construction Of Tuff Paver Streets At Uc Mail Mori District Tando Allahyar	2489	5	5,000,000/-	111	5	3,733,530/
6	Construction Of Tuff Paver Streets At Uc Shah Pur Rizvi District Tando Allahyar	2489	6	5,000,000/-	111	6	3,733,530/
7	Construction Of Tuff Paver Streets At Uc Tando Somaro District Tando Allahyar	2489	7	5,000,000/-	111	7	3,733,530/
8	Construction Of Tuff Paver Streets At Uc Usman Shah Huri District Tando Allahyar	2489	8	7,500,000/-	111	8	5,595,602/
9	Construction Of Tuff Paver Streets At Uc Dasori District Tando Allahyar	2489	9	7,500,000/-	111	9	5,595,602/
10	Construction Of Tuff Paver Streets At Uc Hingorani District Tando Allahyar	2489	10	5,000,000/-	111	10	3,733,530/
11	Construction Of Tuff Paver Streets At Uc Jarki District Tando Allahyar	2489	11	7,500,000/-	111	11	5,595,602/
12	Construction Of Tuff Paver Streets At Uc Began Jarwar District Tando Allahyar	2489	12	5,000,000/-	111	12	3,733,530/
13	Construction Of Tuff Paver Streets At Uc Landhi District Tando Allahyar	2489	13	7,500,000/-	111	13	5,595,602/
14	Construction Of Tuff Paver Streets At Uc Rawat Laghari District Tando Allahyar	2489	14	7,500,000/-	111	14	5,595,602/
15	Construction Of Tuff Paver Streets At Uc Maso Bozdar District Tando Allahyar	2489	15	7,500,000/-	111	15	5,595,602/
16	Construction Of Tuff Paver Streets At Uc Dad Jarwar District Tando Allahyar	2489	16	7,500,000/-	111	16	5,595,602/
17	Construction Of Tuff Paver Streets At Uc Naseer Khan Laghari District Tando Allahyar	2489	17	5,000,000/-	111	17	3,733,530/
18	Construction Of Tuff Paver Streets At Uc Darya Khan Mari District Tando Allahyar	2489	18	5,000,000/-	111	18	3,733,530/
19	Construction Of Tuff Paver Streets At Uc Kamaro Sharif District Tando Allahyar	2489	19	7,500,000/-	111	19	5,595,602/
20	Construction Of Tuff Paver Streets At Uc Pak- Sanghar District Tando Allahyar	2489	20	5,000,000/-	111	20	3,733,530/
21	Construction Of Tuff Paver Streets At Uc Ghulam Khan Sanjrani District Tando Allahyar	2489	21	7,000,000/-	111	21	5,226,347/
22	Construction Of Tuff Paver Streets At Uc Khokhar District Tando Allahyar	2489	22	4,000,000/-	111	22	2,980,925/
23	Construction Of Tuff Paver Streets At Uc Shaikh Moosa District Tando Allahyar	2489	23	5,000,000/-	111	23	3,733,530/
24	Construction Of Tuff Paver Streets At Uc Dhingano Bozdar District Tando Allahyar	2489	24	7,500,000/-	111	24	5,595,602/
25	Construction Of Tuff Paver Streets At Uc Shah Inayat Rizvi District Tando Allahyar	2489	25	5,000,000/-	111	25	3,733,530/
26	Construction Of Tuff Paver Streets At Ward No. 1 To 10 Town Committee Nasarpur District Tando Allahyar	2489	26	7,500,000/-	111	26	5,595,602/

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27	Construction Of Tuff Paver Streets At Ward No. 1, 2 & 3 Town Committee Sultanabad District Tando Allahyar	2489	27	4,000,000/-	111	27	2,980,925/
28	Construction Of Tuff Paver Streets At Ward No. 1 to 6 Town Committee Piaro Lund District Tando Allahyar	2489	28	5,000,000/-	111	28	3,733,530/
29	Construction Of Tuff Paver Streets At Ward No. 1 to 4 Town Committee Chamber District Tando Allahyar	2489	29	5,000,000/-	111	29	3,733,530/
30	Construction Of Tuff Paver Streets At Ward No. 1 to 4 Town Committee Sanjar Chang District Tando Allahyar	2489	30	5,000,000/-	111	30	3,733,530/
31	Construction Of Open Drain At Village Loung Baladi Uc Dasori District Tando Allahyar	2489	31	2,000,000/-	111	31	1,480,878/
32	Construction Of Open Drain At Village Amin Muhammad Kakepoto Town Committee Nasarpur District Tando Allahyar	2489	32	2,000,000/-	111	32	1,480,878/
33	Construction Of Open Drain At Village Chattan Aresar Uc Jarki District Tando Allahyar34	2489	33	2,000,000/-	111	33	1,480,878/
34	Construction Of Water Pond At Village Rashid Alam Mari Uc Jhando Mari District Tando Allahyar	2489	34	7,000,000/-	111	34	4,844,983/
35	Construction Of Open Drain At Municipal Committee Ward No.17 District Tando Allahyar	2489	35	2,000,000/-	111	35	1,480,878/
36	Construction Of Tuff Paver Streets At Uc- Bukera Sharif District Tando Allahyar	2490	1	10,000,000/-	111	36	7,462,007/
37	Rehabilitation / Construction Road At Village Murad Ali Zahoor And Mataro Dars U/C Ali Akbar Shah Taluka Mirpur Bathoro, District Sujawal.	2491	33	21,404,000/-	112	1	16,164,046/
38	Construction Of Metalled Road At Village Allah Bux Shah District Sujawal.	2491	39	17,404,000/-	112	2	13,162,401/
39	Rehabilitation / Construction of Road At Village Lukman Sekhro U/C Makhlabeen Taluka Jati District Sujawal.	2491	40	20,761,000/-	112	3	15,678,147/
40	Rehabilitation / Construction Of Road At Village Ahmed Rapar U/C Shah Mohammad Shah Taluka Mirpur Bathoro, District Sujawal.	2491	45	10,702,000/-	112	4	8,081,424/
41	Construction Of Metalled Road At Village Soomar Malah U/C Kheeral District Sujawal.	2491	46	17,404,000/-	112	5	13,162,401/
42	Construction Of Metalled Road At Village Sadiq Thahimere Taluka Jati District Sujawal.	2491	48	19,095,000/-	112	6	14,427,240/
43	Construction Of RCC Bridge Village Bachal Rind U/C Keenjhar District Sujawal.	2491	50	3,500,000/-	112	7	2,613,554/
44	Construction Of RCC Bridge Village Gullo Parhari U/C Amroo Taluka Mirpur Bathoro District Sujawal.	2491	51	3,500,000/-	112	8	2,613,554/
45	Construction Of Metalled Road At Village Bachal Rind To Sawan Rind U/C Keenjhar District Sujawal.	2491	56	17,404,000/-	112	9	13,162,401/
46	Construction Of Metalled Road At Village Nabi Bux Khoso U/C Mureed Khoso District Sujawal.	2491	57	17,404,000/-	112	10	13,162,401/
47	Rehabilitation / Construction Of Metalled Road At Village Sadiq Kalrai U/C Shah Bunder District Sujawal.	2491	59	16,053,000/-	112	11	12,121,631/
48	Construction Of Metalled Road At Village Ali Chanio, Solangi To Azhar Shah Uc Ali Akber Shah District Sujawal.	2491	62	17,404,000/-	112	12	13,162,401/
49	Construction Of Tuff Paver At Ladyion City Uc Ladyion District Sujawal.	2491	53	20,856,000/-	112	13	12,589,195/
50	Construction Of Tuff Paver At Village Arab Sheedi U/C Mehar Shah District Sujawal.	2491	54	9,600,000/-	112	14	7,169,145/
51	Construction Of Tuff Paver At Village Qasim Hatyar U/C Ghataro District Sujawal.	2491	55	9,600,000/-	112	15	7,169,145/
52	Construction Of Tuff Paver And Drainage At Village Umer Katiar And Usman Memon Uc Mughalbeen District Sujawal.	2491	61	9,600,000/-	112	16	7,169,145/
53	Construction Of Tuff Paver At Village Saeed Pur U/C Ali Bahar Taluka Sujawal District Sujawal.	2491	52	10,000,000/-	112	17	7,870,771/

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10. That, I have a apprehension that the XEN will again cancel the above Nits like previous practice without any suitable reasons and he waste the time of government as well as the time of the contractors, it is requested that kindly give direction to the XEN to show the Administrative Approval (A.A) and budget / Funds released by the government for above works for the satisfaction of the bidders.

11. That, I have a right to participate in above tenders and my company registered with PEC in category C-3, but according to this situation when tender documents not issued to my company, I have a apprehension that they will award contracts only to specific and their favorite contractors by exchanging huge bribes and perks, which is Clear violation of PPRA rules. The concerned officers have no legal right to use power to decide the tender-related matters yet they audaciously violates the rules, regulations, procedures and policies set by the government and the authority, I realized that they only want to do this act to away my company to participate from Nit's.

Hence, the PA/XEN has made clear violation of the Constitution and deprived the applicant / bidder from his fundamental rights, for which department and authority may take notice and prosecuted against them as per law.

Keeping in view the position, it is requested to kindly take legal action against the Procuring Agency / XEN Central Civil Pakistan PWD Hyderabad for his criminal negligence during tendering process and violations of the PPRA rules set by the authority. Otherwise, the matter will be brought to the kind notice of the Honorable Chief Justice Supreme Court of Pakistan against this miscarriage of justice. You are also requested to call for GRC meeting within stipulated time about my complaint.

An early action is requested.

Yours sincerely,



(M/S ARMAN DEVELOPERS)
(CONSTRUCTION COMPANY)

Copy submitted for information and necessary action to:-

01. The Federal Secretary Housing and Works, Islamabad.
02. The Chairman, Enquiries & Anti-Corruption Establishment, Govt. of Sindh, Karachi
03. The Direct General Pakistan Works & Development Department Islamabad.
04. The Managing Director, PPRA Public Procurement Regulatory Authority
- 05. The Executive Director, Transparency International Pakistan, Karachi.
06. The Chief Engineer South Pak PWD Karachi.
07. The Superintending Engineer, Project Civil Circle No. II Pak PWD Karachi
08. The Superintending Engineer, (QS) DG's Office Pap PWD, Islamabad.
09. The Deputy Director, Anti-Corruption Establishment, Hyderabad.
10. The Circle Officer, Anti-Corruption Establishment, Hyderabad.
11. The Executive Engineer, Central Civil Division Pak PWD Hyderabad.