TRANSPARENCY INTERNATIONAL - PAKISTAN

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1st August 2022

TL2022/0801/1G

Capt (R) Muhammad Khurram Agha
Secretary,
Ministry of Communications
Government of Pakistan,
Islamabad

Sub: Violation by Ministry of Communications in the Publication of the Contract Agreements on PPRA Website under Public Procurement Rules, 2004, Rule 47, Mis-Procurement Rule 50

Dear Sir,

Transparency International Pakistan has been monitoring the implementation of PPRA Rule 2004, and noted non-compliance of Rule 47 by all departments. PPRA Rule 47 requires all procuring agencies to upload all contract award agreements/documents along with rates/prices quoted/BOQ on the PPRA website.

> **47. Public access and transparency. -** As soon as a contract has been awarded the procuring agency shall make all documents related to the evaluation of the bid and award of contract public:

On the report of TI Pakistan, the Managing Director PPRA vide letter F. No. 1(5)/M&E/PPRA/2018 dated 11th November 2021 issued following directives to **all Procuring Agencies** to provide requisite documents pertaining to all procurements along with duly filled proformas, in compliance with Rule 47 **(Annex-A)**.

Quote
*"The Authority vide letter of even No. dated July 01, 2021, (copy attached) required all procuring agencies to submit documents related to the evaluation of the bid and award of the contract * without any reference to the contract amount) for uploading on the PPRA website, as enshrined under Rule 47 of Public Procurement Rules, 2004 and Regulation (2) of Public Procurement Regulations, 2009. However, it has been observed that procuring agencies are in partial compliance of the said requirement by submitting the requisite documents related to few procurements.*

You are once again requested to issue instructions to all procuring agencies under the administrative control of your Ministry/Division to provide requisite documents pertaining to all procurements along with duly filled proformas attached with the above referred letter, ***(which includes the requirement of a copy of the agreement to be attached)*** *so that the same may be uploaded on the Authority's website to ensure public access and transparency".*
Unquote

On 7th June 2022, TI Pakistan vide letter No. TL 2022/0607/1A requested the Prime Minister to issue orders for the compliance of PPRA Rule 47 by Ministry of Communications and all other Ministries to publish **a) Contract Evaluation Report; b) Form of Contract and Letter of Award; and (c) Bill of Quantities or Schedule of Requirement along with contracts on PPRA website (Annex-B)**.

On the orders from the Prime Minister House in response to TI Pakistan 7th June 20022 letter No. TL 2022/0607/1A, PPRA has issued the following instructions vide letter No. 01(23)/M&E/PPRA/2018/51 to the Ministry of Communication to comply with PPRA Rule No 47, as stated below **(Annex-C).**

Quote
"In terms of the Rule 47 of the Public Procurement Rules 2004, as soon as the contract has been awarded the procuring agency shall make all documents related to the evaluation of bid and award of contract public. It is clarified that documents related to evaluation of bid also include bill of quantities or schedule of

requirement, whereas the documents related to award of contract include form of contract and letter of award.

In view of the above, you are hereby required to upload all the documents related to evaluation of bid including bill of quantities or schedule of requirement, and documents related to award of contract including form of contract and letter of award on the Authority Website to ensure public access and transparency in accordance with Rule 47 of the public Procurement Rule, 2004".

Unquote

The Secretary Ministry of Communications is requested to issue directives to all the following departments to follow PPRA Rules 47, provide PPRA the requisite documents pertaining to all procurements along with duly filled proformas attached with the above referred letter, **(which includes the requirement of a copy of** the agreement to be attached) so that the same may be uploaded on the PPRA Authority's website to ensure public access and transparency. It may be noted that NHA vide letter No. 6(3)/2020-Road-I dated 18th July 2022 **(Annex-D)** informed TI Pakistan that Rule 51 and Rule 56 of SPPRA and BPPRA do not apply on NHA and that it will, however, voluntarily upload the Bill of Quantities along with contract award performas in future. PPRA instructions vide letter No. 01(23)/M&E/PPRA/2018/51 dated to the Ministry of Communication makes it mandatory for NHA to publish Bill of Quantities along with contracts on PPRA website.

1. Pakistan Post
2. National Highways & Motorway Police
3. National Transport Research Centre
4. Construction Technology Training Institute
5. Postal Life Insurance Company Limited

TI 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,

Ms Yasmeen Lari
Sitara-e-Imtiaz, Hilal-e-Imtiaz,
Fukuoka & Jane Drew Prize Laureate,
Chairperson
Transparency International Pakistan

Justice (R) Nasira Iqbal
Vice Chair, Sitara-e-Imtiaz
Transparency International Pakistan

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

1. PSPM, Prime Minister House, Islamabad
2. Chairman Public Accounts Committee, National Assembly, Islamabad
3. Chairman, NAB, Islamabad
4. Chairman, PMIC, Islamabad
5. Registrar Supreme Court of Pakistan, Islamabad
6. Heads of National Highways Authority, Pakistan Post, National Highways & Motorway Police, National Transport Research Centre, Construction Technology Training Institute, Postal Life Insurance Company Limited
7. MD PPRA, PPRA, Islamabad

Annex-A

Managing Director

F.No. 1(5)/M&E/PPRA/2018
PUBLIC PROCUREMENT REGULATORY AUTHORITY
CABINET DIVISION
GOVERNMENT OF PAKISTAN

Islamabad, the 11th November, 2021.

Subject: **PUBLICATION OF CONTRACT AWARDS ON PPRA's WEBSITE WITHOUT ANY REFERENCE TO THE AMOUNT OF CONTRACT**

The Authority vide letter of even No. dated July 01, 2021, (copy attached) required all procuring agencies to submit documents related to the evaluation of the bid and award of the contract (without any reference to the contract amount) for uploading on the PPRA's website, as enshrined under Rule 47 of Public Procurement Rules, 2004 and Regulation (2) of Public Procurement Regulations, 2009. However, it has been observed that procuring agencies are in partial compliance of the said requirement by submitting the requisite documents related to few procurements.

2. You are once again requested to issue instructions to all procuring agencies under the administrative control of your Ministry/Division to provide requisite documents pertaining to all procurements along with duly filled proformas attached with the above referred letter, so that the same may be uploaded on the Authority's website to ensure public access and transparency.

Encl: *as above*

(Rizwan Malik)

All the Federal Secretaries / Heads of the Organizations

CC:

Director (MIS), PPRA with the direction to upload the same on the Authority's website for compliance.

1st Floor, Federal Bank for Cooperatives Building, Sector G-5/2, Islamabad-Pakistan
Tel: +92-51-9224824, Facsimile: +92-51-9224823
e-mail: mdppra@ppra.org.pk

Annex-B

TRANSPARENCY INTERNATIONAL-PAKISTAN

4-C, Mezzanine Floor, Khayaban-e-Ittehad, Phase VII,
Defence Housing Authority, Karachi.
Tel: (92-21) 35390408, 35311897-8,
Fax: (92-21) 35390410
E-mail: ti.pakistan@gmail.com
Website: www.transparency.org.pk

June 7th, 2022 TL2022/0607/1A

Syed Tauqir Shah Sahib,
Principal Secretary to the Prime Minister of Pakistan,
Prime Minister House,
Islamabad

Sub: Violation by Ministry of Communication in the Publication of the Contract Agreements on PPRA Website under Public Procurement Rules, 2004, Rule 47, Mis-Procurement Rule 50

Dear Sir,

Transparency International Pakistan monitors implementation of PPRA Rule 47 (quoted below) which requires all procuring agencies to upload contract award agreements along with rates/prices quoted/BOQ on the PPRA website.

> **47. Public access and transparency. -** As soon as a contract has been awarded the procuring agency shall make all documents related to the evaluation of the bid and award of contract public:

On 22nd October 2021, Section Officer Ministry of Communication vide letter No. 6(3)/2020-Road-I addressed to Chair and Vice Chair Transparency International Pakistan stated the following quoted below and enclosed as **(Annex-A)**:

Quote
"However, it is pertinent to highlight that PPRA has circulated two proformas as Attachment-I and Attachment II (enclosed) for uploading the information regarding contract award in compliance of Rule 7 of Notification S.R.0.805 (I)/2008 of PPRA. PPPRA Rule 47 does not require uploading of BOQs rather it demands uploading the information i.e. tender cost, awarded cost and other details of bids"
Unquote

SPPRA Rule 51 and BPPRA Rule 56 are quoted below for your reference:

> **SPPRA Rule 50. Publication of the Award of Contract** - Within fifteen (15) days of signing of contract, procuring agency shall publish on the website of the Authority and on its own website, if such a website exists, the results of the bidding process, identifying the bid through procurement identifying number, if any, and the following information:
>
> (1) Contract Evaluation Report;
> (2) Form of Contract and Letter of Award;
> (3) Bill of Quantities or Schedule of Requirement.
>
> **BPPRA Rule 49. Publication of the Award of Contract** - Within forty-five (45) days of the award of contract, Procuring Agency shall publish on the website of the Authority and on its own website, if such a website exists, the results of the bidding process, identifying the bid through procurement identifying number, if any, and the following information:
>
> (a) Contract Evaluation Report;

(b) Form of Contract and Letter of Award; and
(c) Bill of Quantities or Schedule of Requirement.

TI Pakistan has consistently informed Ministry of Communications that PPRA Rule 47, SPPRA Rule 50 and BPPRA Rule 49 have been incorporated with a view that the rates, prices and monthly remuneration of consultants/experts are to be known to the public, whereby public can scrutinize any overpriced rate/purchase by comparing prices for similar procurements by different departments. It may also be noted that such attempts are the efforts by Ministry of Communication to hide the rates (BOQ rates) of the contracts awarded, and in accordance with PPRA Rule 50, non-compliance of any of PPRA Rules amount to mis-procurement.

The Managing Director PPRA vide letter F. No. 1(5)/M&E/PPRA/2018 dated 11th November 2021 has again issued following directives to all Procuring Agencies to provide requisite documents pertaining to all procurements along with duly filled proformas, in compliance with Rule 47 **(Annex-B).**

*"The Authority vide letter of even No. dated July 01, 2021, (copy attached) required all procuring agencies to submit documents related to the evaluation of the bid and award of the contract * without any reference to the contract amount) for uploading on the PPRA website, as enshrined under Rule 47 of Public Procurement Rules, 2004 and Regulation (2) of Public Procurement Regulations, 2009. However, it has been observed that procuring agencies are in partial compliance of the said requirement by submitting the requisite documents related to few procurements.*

*You are once again requested to issue instructions to all procuring agencies under the administrative control of your Ministry/Division to provide requisite documents pertaining to all procurements along with duly filled proformas attached with the above referred letter, (**which includes the requirement of a copy of the agreement to be attached**) so that the same may be uploaded on the Authority's website to ensure public access and transparency".*

However, the contracts award information along with BOQ rates of Ministry of Communications are still not uploaded under the "Procurement Contracts" section on the PPRA website.

TI Pakistan requests the honorable Prime Minister to issue orders for the compliance of PPRA Rule 47 by Ministry of Communications and all other Ministries to publish a) Contract Evaluation Report; (b) Form of Contract and Letter of Award; and (c) Bill of Quantities or Schedule of Requirement along with contracts on PPRA website.

TI 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,

Ms. Yasmeen Lari
Sitara-e-Imtiaz, Hilal-e-Imtiaz, Fukuoka & Jane Drew Prize Laureate,
Chairperson
Transparency International Pakistan

Justice (R) Nasira Iqbal
Vice Chair, Sitara-e-Imtiaz
Transparency International Pakistan

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

1. MD PPRA, PPRA, Islamabad
2. Registrar, Supreme Court of Pakistan

Annex-C

Government of Pakistan
Public Procurement Regulatory Authority
(Monitoring & Evaluation Wing)
<><><>

No: 01(23)/M&E/PPRA/2018/51 Islamabad, July 21, 2022

Subject: **VIOLATION BY MINISTRY OF COMMUNICATION IN THE PUBLICATION OF THE CONTRACT AGREEMENTS ON PPRA WEBSITE UNDER PUBLIC PROCUREMENT RULES, 2004, RULE 47, MIS-PROCUREMENT RULE 50**

Reference is invited to Transparency International – Pakistan letter dated June 07, 2022, wherein TI-Pakistan requested Prime Minister to issue instruction to all the procuring agencies to publish contract evaluation report, bill of quantities, form of contract and letter of award along with contract details on PPRA website.

2. It is apprised that this Authority has already issued instructions vide letter dated July 01, 2021 and November 11, 2021 (**copy attached**), wherein all the procuring agencies were directed to provide requisite documents pertaining to all procurements along with duly filled proforma's attached with the above referred letter, so that the same may be uploaded on the Authority's website to ensure public access and transparency.

3. In terms of Rule 47 of the Public Procurement Rules, 2004, as soon as the contract has been awarded the procuring agency shall make all documents related to the **evaluation of bid and award of contract public**. It is clarified that documents related to evaluation of bid also include bill of quantities or schedule of requirement, whereas the documents related to award of contract include form of contract and letter of award.

4. In view of the above, you are hereby required to upload all the documents related to evaluation of bid including bill of quantities or schedule of requirement, and documents related to award of contract including form of contract and letter of award on the Authority Website to ensure public access and transparency in accordance with Rule 47 of the Public Procurement Rules, 2004.

(Muhammad Ibrahim R. Khan)
Deputy Director-III (M&E)

Section Officer (General / Admin)
Ministry of Communications
Islamabad.

Cc:

1. **Ms. Yasmeen Lari**, Chairperson, Transparency International Islamabad
2. **PS to Managing Director**, Public Procurement Regulatory Authority, Islamabad.

Annex-D -

MOST IMMEDIATE

GOVERNMENT OF PAKISTAN
MINISTRY OF COMMUNICATIONS
*****

F. No. 6(3)/2020-Roads-I

Islamabad the 18th July, 2022

Subject: **VIOLATION BY MINISTRY OF COMMUNICATION IN THE PUBLICATION OF THE CONTRACT AGREEMENT ON PPRA WEBSITE UNDER PUBLIC PROCUREMENT RULES, 2004, RULE 47, MIS-PROCUREMENT RULES 50**

Reference Prime Minister's Inspection Commission letter No.F.1(1)/Member/PMIC/2022 dated 13th July, 2022. NHA's letter No. 2(536-01)/GM(P&CA) NHA/2022/403 dated 15-07-2022 on the subject noted above is enclosed, which is self-explanatory.

2. NHA being the procuring agency working under Ministry of Communications (MOC) has been regularly uploading proformas i.e. attachment-I and attachment-II circulated by PPRA vide PPRA letter No.1(5)/M&E/PPRA/2018 dated 11th November 2021, on the PPRA's website. The PPRA website with reference to Public Tenders PCN 3809, PCN 3157, PCN 3359, PCN 3690 can be checked wherein NHA has uploaded the Contract award Proformas.

3. It is stated that Transparency International (TI) Pakistan vide their letter No. TIP2022/0704 IA dated 4th July, 2022, have referred their earlier letter No. TLP2022 /0604/IA dated June 07, 2022 addressed to Principal Secretary to Prime Minister of Pakistan, by quoting Rule 51 and Rule 56 of SPPRA and BPPRA respectively, and requesting Ministry of Communications to follow these rules apart from Rule 47 of PPRA. It is hereby clarified that these provincial PPRA Rules do not apply on Federal Government Departments.

4. Foregoing in view, it is evident that NHA is complying with PPRA Rules by uploading requisite proformas. PPRA being a corporate body to regulate all procurement of works in the public sector has been fully coordinated by NHA, however, NHA will upload the Bill of Quantities along with contract award performas in future.

(Abdul Razzaq)
Section Officer (Roads-I)

Mr. Mohammad Naeem Jan Khan, Member, Prime Minister's Inspection Commission, Islamabad.
Ministry of Communications U.O. No. 6(3)/2020-Roads-I dated 18-07-2022

Copy to:-

- SPS to Secretary Communication, Islamabad.

18-7-22

18-07