

1st August 2022

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 2022 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