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

Dear Sir,
Transparency International Pakistan has been monitoring implementation of PPRA Rule 2004, and noted non-compliance of Rule 47 by various 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. In this regard, TI Pakistan letter TL2022/0801/1G dated $1^{\text {st }}$ August 2022 to Ministry of Communications is enclosed (Annex-A)
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:

While examining the Public Procurement Regulatory Authority (PPRA) website, it is observed that the Ministry of Communications is in non-compliance with PPRA Rule 47 in the award of contracts (Annex-B).

TI Pakistan refers to the mandatory requirement of Pakistan Public Procurement Regulatory Authority (PPRA) that the Standard Bidding Document (SBD) of Pakistan Engineering Council (PEC) be used by all Procuring Agencies, which includes in the Invitation of Tender, Bills of Quantity (BOQ) in case of Works and Goods Contract, and in case of Consultancy Services, in the Request of Proposal, requires the breakdown of rates for Form 1,2,3,4,5 and 6. These six forms are enclosed (Annex-C).

The requirement of disclosing the quoted rates and prices by all bidders shall be posted on PPRA website, for public access, in compliance with PPRA Rule 47.

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 so that the same may be uploaded on the PPRA Authority's website to ensure public access and transparency.

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

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.

With Regards,

(Advocate Daniyar Muzaffar)
Trustee/Legal Advisor
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

## 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, Justice Syed Mansoor Ali Shah in his landmark judgment in case of Ataullah Malik v. Federation of Pakistan includes following order.

Right to information is another corrective tool which allows public access to the working and decision making of the public authorities. It opens the working of public administration to public scrutiny. This necessitates transparent and structured exercise of discretion by the public functionaries. Article 19-A empowers the civil society of this country to seek information from public institutions and hold them answerable. FLD 2010 Lahore 605.

# Annex-A 

T RANSPARENCY
INTERNATIONAL - PAKISTAN
$1^{\text {st }}$ 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 $7^{\text {th }}$ 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).

[^0]$\qquad$ 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 $18^{\text {th }}$ 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. O1(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
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-B

Procurement Contracts

Public Contracts of Works, Services \& Goods Worth RS. 50 Million or More.
Organization Name: Ministy of Communiations
$\begin{array}{ll}\text { Contract No } & \text { Contract Title } \\ & \text { Ministry of Communications }\end{array}$
Road Work, Median and Footpath
Download Uploaded Date

PCN1580
TSE
(4) $4 / 10 / 2018$

Contract Award Amount (PKR):
Successful Bidder:
Beneficial 0wners Information
Ministry of Communications
Construction of BRT Common Corridor

PCN1577
TSE
Contract Award Amount (PKR):
Successful Bidder:
Beneficial Owners Information
Ministry of Communications
Construction of Flyorers

PCN1576
TSE
24/9/2018
Contract Award Amount (PKR):
Successful Bidder:
Beneficial 0 wners Information
Ministry of Communications
Providing and Laying

PCN1575
TSE
(4) $24 / 9 / 2018$

Contract Award Amount (PKR):
Successful Bidder:
Beneficial Owners Information
Ministry of Communications
Consultancy Services

## BREAKDOWN OF RATES FOR CONSULTANCY CONTRACT

Project: $\qquad$ Firm: $\qquad$

| Name | Position | Basic Salary per Cul. Month | Social Charges (5age of 1) | Overhend <br> (\%age of <br> 1+2) | Sub- <br> Tount $(1+2+3)$ | $\begin{aligned} & \text { Fee } \\ & \text { (\$age } \\ & \text { of } 4 \text { ) } \end{aligned}$ | Rate per <br> Month <br> for <br> project <br> Orfice | Field Allow. (Woge of 1) | Rate per Month for Field Work |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) |
|  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |

## Notes:

Item No. 1 Basic salary shall include actual gross salary before deduction of taxes. Payroll sheet for each proposed personnel should be submitted at the time of negotiations.
ttem No. 2 Social charges shall include Client's contribution to social security, paid vacation, average sick leave and other standard bencfits paid by the company to the employee. Breakdown of proposed percentage charges should be submitted and supported (see Form 2).

Item No. 3 Overhead shall include general administration cost, rent, clerical and junior professional staff and business getting expenses, etc. Breakdown of proposed percentage charges for overherd should be submitted and supported (see Form 3).

Iten No. 5 Fee shall include company profil and share of salary of partners and directors (if not billed individually for the project) or indicated in overhead costs of the Company.

Item No. 7 Normally payable only in case of field work under hard and arduous conditions.

Full Name: $\qquad$
Signature:
Tile: $\qquad$

Form 2

## BREAKDOWN OF SOCIAL CHARGES

| S.No. | Detailed Descriplion | As a \%age of Basic Salary |
| :--- | :--- | :--- |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

Form 3

## BREAKDOWN OF OVERHEAD COSTS

| S.No. | Delailed Description | As a क a age of Basic Salary <br> and Social Charges |
| :--- | :--- | :--- |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

Standard Procedure for Evaluation of Proposals for Procurement of Engineering Services
ESTIMATED LOCAL CURRENCY SALARY COSTS/REMUNERATION

| S.No. | Name | Position | Staff-Months | Monthly Billing <br> Rate | Total Estimated <br> Amount (Rs.) |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| I. | Professional Slaff |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

Standard Procedure for Evaluation of Proposals for Procuremens of Engineering Services
Form 4
Page 2 of 2

(47)
DIRECT (NON-SALARY) COSTS

| S.No. | Nomenclature | Unit | Quantity | Unit Price | Total Amount |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 1. | Rent for Office Accommodation |  |  |  |  |
| 2. | Office Utilities Costs |  |  |  |  |
| 3. | Cos/rental of Fumiturc/Furnishings |  |  |  |  |
| 4. | Cost of Office/Other Equipment <br> i) Computers and accessories <br> ii) Photo copy machines <br> iii) Communication equipment <br> iv) Drafting/Enginecring equipment <br> v) Surveying instruments <br> vi) Cost of Laboratory equipment <br> vii) Transport Vehicles/Rentals <br> viii). $\qquad$ |  |  |  |  |
| 5. | Cost of non-technical support staff not covered under remuneration charges |  |  |  |  |
| 6. | Travelling Costs |  |  |  |  |

(48)
Standard Procedure for Evaluation of Proposals for Procurement of Engineering Services
Form 5
Page 1 or 2
Standard Procedure for Evaluation of Proposals for Procurement of Engincering Services
Page 2 of 2

| S.No. | Nomenclature | Unit | Quantity | Unit Price | Total Amount |
| :---: | :--- | :--- | :--- | :--- | :--- |
| 7. | Communication expenses |  |  |  |  |
| 8. | Cost for Survey/Investigations |  |  |  |  |
| 9. | Cost for Model Studies |  |  |  |  |
| 10. | Cost for O\&M of Labs/Testing or Material |  |  |  |  |
| 11. | Legal/Accounting/Software/Special <br> Consultants and other similar Costs |  |  |  |  |
| 12. | Drafting/Reproduction of Reports |  |  |  |  |
| 13. | Professional liability cost |  |  |  |  |
| 14. | Orfice/Drafing Supplics |  |  |  |  |
| 15. | Similar other costs not covered under outher <br> Heads |  |  |  |  |

(49)

Form 6

## SUMMARY OF COST OF CONSULTANT

| S.No. | Description | Amount (Rs.) |
| :--- | :--- | :--- |
| I. | Salary CosU/Remuneration |  |
| 2. | Direct (Non-salary) Cost |  |
| 3. | Contingencies |  |
| 4. | Grand Total |  |


[^0]:    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

