

GOVERNMENT OF PAKISTAN  
MINISTRY OF INFORMATION AND BROADCASTING

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No. 2(15)/2023-M-I (PBC)

the Islamabad 18<sup>th</sup> April, 2023

**Subject: COMPLAINT AGAINST ALLEGATION OF VIOLATION OF PUBLIC PROCUREMENT RULES, 2004, BY PAKISTAN BROADCASTING CORPORATION (PBC) IN TENDER ENQUIRY: ENG/PROC-4(255-B)/23-SUPPLY AND INSTALLATION OF ELECTRICAL, ELECTRONIC EQUIPMENT WITH ACCESSORIES ON DDP TURNKEY BASIS UNDER PSDP PROJECT TITLED "UPGRADATION OF STUDIOS & MASTER CONTROL ROOMS"**

Reference TIP letter No. TIP 23/0903/IA, dated 09-03-2023 regarding the subject cited above.

2. Enclosed please find herewith a copy of reply received from PBC Headquarters Islamabad for necessary clarification on the subject matter.

  
(Muhammad Waqar Anwar)  
Deputy Director (M-1)

**Advocate Daniyal Muzaffar,**  
Trustee /Legal Advisor,  
Transparency International Pakistan  
**Karachi**

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**PAKISTAN BROADCASTING CORPORATION  
HEADQUARTERS-ISLAMABAD  
(PROCUREMENT CELL)**

No. ENG/PROC-4(Misc.)/23

Dated: 04-04-2023

Subject: **COMPLAINT AGAINST ALLEGATION OF VIOLATION OF PUBLIC  
PROCUREMENT RULES-2004 BY PAKISTAN BROADCASTING  
CORPORATION (PBC) IN TENDER INQUIRY: ENG/PROC-4(255-B)/23 -  
SUPPLY & INSTALLATION OF ELECTRICAL, ELECTRONIC EQUIPMENT  
WITH ACCESSORIES ON DDP TURNKEY BASIS UNDER PSDP PROJECT  
TITLED "UP-GRADATION OF STUDIOS AND MASTER CONTROL ROOMS"**

The undersigned is directed to refer to Ministry of Information & Broadcasting's letter vide No. M/o I&B U.O. No. 2(15)/2023-M.I (PBC) dated: 15-03-2023 enclosed with a copy of letter received from Transparency International dated 09-03-2023 on the subject matter and to submit clause-wise detailed report in annotated form attached herewith.

2. Submitted for kind perusal and onward submission to the quarters concerned, please.

Encl: As above.

*Naeem Arshad Khero*  
Naeem Arshad Khero  
Director (P&D)

✓  
Mr. Muhammad Waqar Anwar  
Deputy Director (M-1)  
Ministry of Information and Broadcasting,  
Islamabad.

Deputy Director (P&D)  
Dy. No. 11  
Dated 6-4-23

Tender No	Complaint Under Clause 3.12	Explanation
ENG/PROC-4(257-A)/23 14-02-2023 & ENG/PROC-4(255-B)/23 16-02-2023	<p><i>"The tenders are discriminatory and favoring state-owned entities; thus, discouraging competition and transparency and violating Public Procurement Rules-2004 (PPRA-2004)."</i></p>	<p>In clause 3.12, it has been stated that govt. officials/state-owned organizations participating in the bidding process will be given preference in order to safeguard the interests of the exchequer (PPRA rule No. 4) and saving PSDP funds from being lapsed. This condition is added keeping in view the prevailing economic conditions faced by the country with particular reference to drying up foreign currency, non issuance of LCs, ban on import of selective equipment etc. The bidding offer is open to all thereby providing level playing field to all interested vendors without any favor. The condition, as such, bars none from participating in the tendering process. Furthermore, framing of T&amp;Cs is at the sole discretion of procuring agency what best suits to its requirement while complying with PPRA-2004. However, the interested vendors have right to negotiate on any of the conditions during and before the opening of bids.</p>
	<p><b>Complaint Under Clause 4.3 &amp; 4.4</b></p> <p><i>"If the delivery of the equipment is late due to any conditions which come under the force majeure, then the contractor will have to submit a CDR of equal amount of the contract value to avoid the lapse of PSDP funds and to make the payment to the contractor in advance through AGPR."</i></p>	<p><b>Explanation</b></p> <p>This condition seems to have been misconstrued and misunderstood by the complainant. This is not a bid security value but Cash Deposit Receipt (CDR) equal to contract amount value. This condition may invoke in case late delivery of goods. Against CDR, the procuring agency may consider advance payment to the vendor through AGPR to avoid lapsing of public funds. The state-owned entities have been exempted from this condition because there is no risk involved in lapsing of public funds. Foregoing explanation in view, Rule No. 25 of PPRA does not apply here.</p>
	<p><b>Complaint Under Clause 1.2(a-c)</b></p> <p><i>(a) Offices of the company: if available in more than 15 different cities (15 marks)</i></p> <p><i>(b) Offices of the company: if available in more than 10 and less than 15 different cities (10 marks)</i></p>	<p><b>Explanation</b></p> <p>Any of the clauses or sub-clauses provided in Serial No. 1.2(a)-(c) of Technical Evaluation Criteria could have been amended or omitted had the aggrieved firm lodged its complaint or appeared or discussed with the procuring agency within the stipulated time as specified in the tender documents</p>

	<p><i>(c) Offices of the company: if available in more than 5 and less than 10 different cities (5 marks)</i></p>	<p>(clause 5 (i) &amp; (ii)). It may however be noted that the above criteria were made part of the bidding documents to avoid prolonged breakdown in transmission system in cases where compact equipment i.e. transmitters, generators, UPS, AVR, Antenna, etc. are required. Interestingly, none of the five other participating firms had raised any complaints against the subject tenders. PPRA rule No. 36 allows the procuring agency to revise, modify or add any aspects of technical requirements or evaluation criteria upon receipt of grievances from the bidders.</p>
	<p><i>Explanation note of Annex-G "Technical Evaluation Criteria"</i></p>	<p>The note at the end of Annex-G of "Technical Evaluation Criteria" is related to eligibility criteria, not technical evaluation criteria of the firms. Nevertheless, the ambiguity in question could have been cleared had the complainant approached the procuring agency well on time as specified in tender documents. However, PBC will try to leave no room for any ambiguity in future tenders or tender documents.</p>

  
 Director (P&D)