



May 29, 2024

TIP29/11-S1/1A

Mr. Awais Manzur Sumra,
Secretary Planning
Ministry of Planning, Development & Special Initiatives
Plot # 21, Mauve Area, G-9/1,
Islamabad

Subject: Complaint against Allegations of Violation of PPRA Rules 2004 in Tender Establishment of Datacenter on Turnkey Basis [PD.1(10)/2022-Misc/DC] by Pakistan Bureau of Statistics

Dear Sir,

TI Pakistan has received a complaint from the M/s National Engineers against the allegations of violation of PPRA Rules 2004 in the tender Establishment of Datacenter on Turnkey Basis [PD.1(10)/2022-Misc/DC] by Pakistan Bureau of Statistics (**Annex-A**).

The complainant has made the following allegations:

1. The Pakistan Bureau of Statistics (PBS) published tender notice for the tender establishment of Datacenter on Turnkey Basis, on April 4, 2024 and issued tender documents on April 9, 2024, one day prior to the commencement of the Eid holidays (**Annex-B**).
2. The technical proposal was opened on 26th April 2024 and the financial proposal was opened on 30th April 2024. During this time, the PBS has not published technical evaluation sheet/report, in violation of PPRA Rules 2004, Rule 35 and published it after the opening of financial proposal (**Annex-C**).
3. The PBS also failed to hold pre-bid meeting in violation of tender documents clause which required pre-bid meeting to be held on 16th April 2024.

Transparency International Pakistan's Comments

Transparency International Pakistan has reviewed the allegations of the complaint, prima facie, the allegations seem correct.

Following are the comments of TI Pakistan.

1. As per the PPRA Rules 2004, Rule 35, the procuring agencies are bound to announce the results of technical proposal. Rule 35 is quoted below:

PPRA Rule: 35. Announcement of evaluation reports.- ...in case where technical proposal is to be evaluated separately, prior to opening of financial proposal, the technical evaluation report shall be announced before opening of the financial proposal.

2. As per PPRA Rules 2004, Rule 48, procuring agency must address concerns raised by any aggrieved bidder. Rule 48 is quoted below;

Rule 48: Redressal of grievances by the procuring agency "Any bidder feeling aggrieved by any act of the procuring agency after the submission of his bid may lodge a written complaint concerning his grievances not later than fifteen days after the announcement of the bid evaluation report under Rule 35".



Transparency International Pakistan's Recommendations

Transparency International Pakistan requests the Secretary Ministry of Planning, Development & Special Initiatives to investigate the complaint in light of PPRA Rules and issue directives for compliance with PPRA Rules 2004.

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. Prime Minister's Inspection Commission (PMIC), Islamabad.
2. MD, PPRA, Islamabad
3. Registrar, Supreme Court of Pakistan, 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, 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”

Annex-A



Empowering the future.

Date: 30th April 2024

To,
DGIADMINI
Pakistan Bureau of Statistics,
Pakistan Bureau of Statistics House,
Z-1 Mauve Area, G-3/1, Islamabad

SUBJECT: Grievance Letter - Tender Establishment of Datacenter on Turnkey Basis IPO.1110/2022-MHC/DCI

Dear Sir,

With reference to the subject cited above, we would like to draw your attention on following points:

Subject Tender ad was published by PBS on 4th April 2024, whereas final tender document was received on 9th April 2024 a day prior to Eid holidays that left us with only 9 working days for queries, clarification, and submission that were very limited for this scale of project. However, we have submitted bid after working rigorously on 26th April 2024 before 11:00am as per tender document that was followed by the technical opening at 11:30am same day.

After technical opening and before financial opening, we have received no clarification, no technical evaluation sheet, and no technical scoring/result or any correspondence from PBS and nothing was uploaded at PPRA/PBS website in this regard which is a violation of PPRA.

Instead, we have only received a telephone call on 30th April 2024 from PBS office that we are technically qualified and financial opening is scheduled today 30th April 2024 at 02:30pm. Where, we have requested to PBS team before financial opening to reveal technical marks because its inter-related and will impact transparency of whole bidding process, but they refused which is violation of PPRA. So, technical marks were concealed and not announced before financial opening to participated bidders due to which we are unable to evaluate final score/winning that raises serious concern over the whole process because award criteria is based on these marks.

The whole tender process seems to be completed in a Haphazard with reference to measures taken and evaluation process followed. Overall, it does not seem to us a fair play which have grey areas, lacks transparency and clarity.

In addition to above, there are multiple points that would be shared at a later stage if required such as pre-bid meeting, tender queries, extension etc.

We look forward for your kind consideration on above mentioned points. Which are in the best interest of your respected institution. Thanks

NB: With reference to above, if we didn't receive a satisfactory response by or before Friday 3rd May 2024 than we will escalate this matter further to following authorities:

- > Secretary Planning & Development
- > Chairperson - Transparency International
- > Chairperson /MD- PPRA
- > Chairperson - National Accountability Bureau
- > Chairperson - Enquiries and Anti-Corruption Establishment

Sincerely,

For and on behalf of
M/s National Engineers



PROF. RASHID KHAN

011-4770011-11 | P.O. Box 100, Islamabad
20, H-8/1, Islamabad | www.nationalengineers.com

Ph: +92-33-3594888 | Fax: 011-4770011

PAKISTAN BUREAU OF STATISTICS
2-5-24

KABIR KHAN

011-4770011-11 | P.O. Box 100, Islamabad
20, H-8/1, Islamabad | www.pbs.gov.pk

Ph: +92-33-3594888 | Fax: 011-4770011

Cc:
Chief Statistician - PBS
Grievance Redressal Committee - PBS

www.nationalengineers.com | www.pbs.gov.pk

National Engineers

www.nationalengineers.com | www.pbs.gov.pk



Ph: 051-9106555

Islamabad, the 10th May, 2024

SUBJECT: **GRIEVANCE LETTER -TENDER ESTABLISHMENT OF DTACENTER
ON TURNKEY BASIS**

Reference your letter on subject cited above **dated 30th April 2024**, it is informed that Pakistan Bureau of Statistics (PBS) floated the tender in national dailies and provided the bidders with the required time as per PPRA rules 2004 clause 13 where it reads "under no circumstances the response time shall be less than fifteen ***days for national competitive bidding", whereas in the subject case Tender was published on PPRA website on 4th April and in national dailies on 7th April giving ample time of response to all the perspective bidders.

2. It is iterated that bid security was set as per PPRA rules clause 25 "The procuring agency may require the bidders to furnish a fixed amount of bid security not exceeding five percent of the estimated value of procurement determined by the procuring agency" However, in subject case it was only 2% of the value which in no case is against the set rules.
3. Furthermore, your firm was informed about the opening of financial bid and all the formalities were adhered with, as the bids were opened in presence of all the technically qualified bidders hence, showing that the transparency was maintained in all aspects of the evaluation process as all proceedings were made public and already available on PPRA website <https://www.ppra.org.pk/>.
4. Your referred letter was sent to PBS prior to the finalization of the tender hence, Prima facie an attempt to influence the PBS technical committee to award the tender to National Engineers. However, PBS values your commitment and participation in tender for establishing a national asset.
5. PBS is committed to set highest standards of delivery with transparency and would welcome partners like National Engineers in future projects of national interest.
6. Looking forward to hear from National Engineers.


(SECRETARY)
TENDER COMMITTEE

Operations Manager
National Engineers
Office No 216, 2nd floor, ISE Tower
55-Jinnah Avenue Blue Area, Islamabad

Empowering The Future

Date: 20th May 2024

To,
DG(ADMN)
 Pakistan Bureau of Statistics,
 Pakistan Bureau of Statistics House,
 21-Mauve Area, G-9/1, Islamabad

SUBJECT: Grievance Letter - Tender Establishment of Datacenter on Turnkey Basis [PD.1(10)/2022-Misc/DC]

Dear Sir,

With reference to your response received to us on 15th May 2024 dated 10th May 2024 on subject grievance letter, we would like to draw your attention on following points:

As per **Rule 35 of PP Rules, 2004** (snapshot below), Technical evaluation report should be announced prior to financial opening that has been clearly violated and transparency was not maintained. Whereas PBS team upon our request declined to share and concealed technical evaluation report and marks before financial opening that has strengthened our concerns with reference to concealment of technical evaluation report and marks that made this total process seems influenced and prejudice.


35. Announcement of evaluation reports.-

*Based on the procedure adopted for the respective procurement, the procuring agency shall announce the result of bid evaluation, in the form of final evaluation report giving justification for acceptance or rejection of bids at least fifteen days prior to the award of procurement contract:

Provided that in case where technical proposal is to be evaluated separately, prior to opening of financial proposal, the technical evaluation report shall be announced before opening of the financial proposal.

In contrast, after 10 days of financial opening a combine financial and technical evaluation report was published at PPRA on 9th May 2024 that was again a violation to PP Rules, 2004 where a bidder declared Highest evaluated bidder by PBS whose bid was PKR +200 Million higher than our bid as per financial opening that has clearly won on the basis of technical evaluation report and marks that has been concealed and not announced on the financial opening 30th April 2024 at 02:30pm.

Tuesday May 14, 2024




PUBLIC PROCUREMENT REGULATORY AUTHORITY (PAKISTAN)

پبلک پراویسمنٹ ریگولٹری اتھارٹی (پاکستان)

Home	PPP Trainings	Public Tenders	EVSIS Trainings	Tender Search	Annual Reports	Legal Documents	Policy Guidelines	Procurement Code
------	---------------	----------------	-----------------	---------------	----------------	-----------------	-------------------	------------------

Evaluation Results

Organization Name: *Pakistan Bureau of Statistics*

Evaluation No	Evaluation Result Title	Download	Uploaded Date
EV60454	Pakistan Bureau of Statistics Final Evaluation Establishment of Datacentre.... PD.1(10)/2022-Misc/DC TS536631E		9/5/2024

<https://ppra.org.pk/elv/5/1pbs9524.jpg>

<p>LAHORE HEAD OFFICE</p> <p>Office No. 3, Level 8, Arfa Software Technology Park, 346-B, Ferozpur Road, Lahore, Pakistan.</p> <p>Ph: +92 42 35972002 - 4 +92 42 35972016</p>	<p>ISLAMABAD BRANCH</p> <p>Office No. 216, 2nd Floor, ISE Tower, 55-Jinnah Avenue Blue Area, Islamabad, Pakistan.</p> <p>Ph: +92 51 2894230 +92 51 2894250</p>	<p>KARACHI BRANCH</p> <p>Office No. 912, 9th Floor, Saima Trade Tower-B L.L.Chundrigar Road, Karachi, Pakistan.</p> <p>Ph: +92 21 32272212 +92 21 32272213</p>
--	--	--



F. No. Complaints/A&RP/PPRA/2024/2.
Government of Pakistan
Public Procurement Regulatory Authority
(Appeal & Review Petition Secretariat)
1st Floor, FBC Building, G-5/2, Islamabad



May 17th, 2024

Subject:

**GRIEVANCE LETTER - PAKISTAN BUREAU OF STATISTICS
TENDER ESTABLISHMENT OF DATACENTER ON TURNKEY BASIS
IPD.1(10)/2022-MISC/DCI**

I am directed to refer to M/s National Engineers (Pvt.) Ltd. letter Ref No. Nil dated 06.05.2024 on the captioned subject.

2. It is apprised that in terms of Rule 48 of the Public Procurement Rules, 2004, firstly, the complainant has to file its written complaint concerning its grievances before the Grievance Redressal Committee (GRC) of the procuring agency. The procuring agency is bound to form / constitute a Grievance Redressal Committee without exception and to address the grievance of the complainant within ten days of its receipt. Non-constitution of GRC and not providing an opportunity of hearing to the Complainant is violation of the Public Procurement Rules, 2004.

3. Thereafter, in case, if the Complainant is not satisfied with the decision of the GRC or GRC failed to decide the grievance within a prescribed period of time or if GRC is not constituted, then aggrieved party may file an Appeal directly before this Authority on the prescribed format after depositing the non-refundable prescribed fee as per "Redressal of Grievances Regulations, 2021, Schedule-II" (available at <https://www.ppra.org.pk/doc/sro-1717.pdf>) within thirty days of communication of the decision as provided under Rule 48(7) of the Public Procurement Rules, 2004.

(NOOR-UL-NAJAM)
Incharge Secretariat (A&RP)

✓ **Mr. Souhaib Safdar** (Key Account Manager)
M/s National Engineers (Pvt.) Ltd.
Office No. 216 ISE Tower, 55-B,
Jinnah Avenue, Blue Area,
Islamabad.

CC:

- Chairman Grievance Redressal Committee, Pakistan Bureau of Statistics (PBS), Statistics House, Plot 21, Sector G-9/1, Islamabad.
- PS to MD, PPRA

EVALUATION REPORT
(As Per Rule 35 of PPRA Rules, 2004)

1. Name of Procuring Agency: Pakistan Bureau of Statistics
2. Method of Procurement: Single Stage Two Envelope
3. Title of Procurement: For the Establishment of Establishment of datacentre and Supply of Allied Equipment on Turnkey Basis
4. Tender Inquiry No.: PD.1(10)/2022-Misc/DC
5. PPRA Ref. No. (TSE): TSS36631E
6. Date & Time of Bid Closing: 26-04-2024 11:00 AM
7. Date & Time of Bid Opening: 26-04-2024 11:30 AM
8. No of Bids Received: 4
9. Criteria for Bid Evaluation: Competitive Bidding (Technical = Financial Score)
10. Details of Bid(s) Evaluation: Detail as Under
11. Final Score = Technical Score Obtained x 0.8 + Financial Score Obtained x 0.2

Name of Bidder	Marks		Total Marks	Rule/Regulation/SBD*/Policy/ Basis for Rejection / Acceptance as per Rule 35 of PP Rules, 2004.
	Technical (if applicable)	Financial (if applicable)		
M/S CDigital	$76 \times 0.8 = 60.8$	$77.771 \times 0.2 = 15.5542$	76.354	1 st
Nets	$70 \times 0.8 = 56$	$100 \times 0.2 = 20$	76	2 nd
PMCT. JAZZ	$70 \times 0.8 = 56$	$93.303 \times 0.2 = 18.6606$	74.6606	3 rd
NETCOM				Technically Rejected

Highest Evaluated Bidder: M/S CDigital

1. Any other additional / supporting information, the procuring agency may like to share. N/A

Signature:

Official Stamp:

ZUBAIR AHMED
Assistant Director
Bureau of Statistics
Government of Pakistan
Islamabad

1 pbs 9524 /

In addition to this:

- no pre-bid was held, whereas it's mentioned in tender document page # 3 "A pre-bid meeting will be held on 16-04-2024, at Pakistan Bureau of Statistics, Statistics House, 21-Mauve Area, G-9/1, Islamabad. The exact time and venue will be communicated at appropriate time to bidders issued the Bid Document." And we have received no official response on our email with reference to Pre-bid time confirmation (e-mail attached).
- No response from PBS with reference to our extension request letter and email (attached for reference.)

LAHORE HEAD OFFICE

Office No. 3, Level 8, Arfa Software Technology Park,
346-B, Ferozpur Road, Lahore, Pakistan.

Ph: +92 42 35972002 - 4 | +92 42 35972016

ISLAMABAD BRANCH

Office No. 216, 2nd Floor, ISE Tower,
55-Jinnah Avenue Blue Area, Islamabad, Pakistan.

Ph: +92 51 2894230 | +92 51 2894250

KARACHI BRANCH

Office No. 912, 9th Floor, Saima Trade Tower - B
I.I. Chundrigar Road, Karachi, Pakistan.

Ph: +92 21 32272212 | +92 21 32272213

National Engineers



Empowering The Future

- No timely response on queries related to tender document and only response received dated 25th April 2024 at 11:28am on email one last day before bid submission 26th May 2024 at 11:00am.
- No Letter or Email was received from PBS for Financial Opening date, time, and location with technical evaluation report and Marks

In parallel to this, we have not yet received a satisfactory response from PBS on our grievance letter and no grievance redressal committee was announced to us or formed within 10 days of our grievance letter to hear our grievance. So, we as a grieve party going to file an appeal directly to PPRA as per "Redressal Grievance regulations, 2021, schedule-II".

Sincerely,

For and on-behalf of
M/s National Engineers



- Cc:
- Chief Statistician – PBS
 - Grievance Redressal Committee – PBS
 - DDG (PSLM/CP&C/CMPU)
 - Director (Computer)
 - AD(Admn)
 - MD- PPRA
 - Director General (Legal)
 - Chairman - National Accountability Bureau
 - Chairperson - Transparency International



Handwritten notes: 27-3-24



LAHORE HEAD OFFICE

Office No. 3, Level 8, Arfa Software Technology Park,
346-B, Ferozpur Road, Lahore, Pakistan.
Ph: +92 42 35972002 - 4 | +92 42 35972016

National Engineers

ISLAMABAD BRANCH

Office No. 216, 2nd Floor, ISE Tower,
55-Jinnah Avenue Blue Area, Islamabad, Pakistan.
Ph: +92 51 2894230 | +92 51 2894250

KARACHI BRANCH

Office No. 912, 9th Floor, Salma Trade Tower-B
I. I. Chundrigar Road, Karachi, Pakistan.
Ph: +92 21 32272212 | +92 21 32272213

Annex-C

EVALUATION REPORT (As Per Rule 35 of PPRA Rules, 2004)

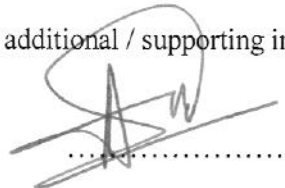
1. Name of Procuring Agency: **Pakistan Bureau of Statistics**
2. Method of Procurement: **Single Stage Two Envelope**
3. Title of Procurement: **For the Establishment of Establishment of datacentre and Supply of Allied Equipment on Turnkey Basis**
4. Tender Inquiry No.: **PD.1(10)/2022-Misc/DC**
5. PPRA Ref. No. (TSE): **TS536631E**
6. Date & Time of Bid Closing: **26-04-2024 11:00 AM**
7. Date & Time of Bid Opening: **26-04-2024 11:30 AM**
8. No of Bids Received: **4**
9. Criteria for Bid Evaluation: **Competative Bidding (Technical = Financial Score)**
10. Details of Bid(s) Evaluation: **Detail as Under**
11. Final Score = **Technical Score Obtained x 0.8 + Financial Score Obtained x 0.2**

Name of Bidder	Marks		Total Marks	Rule/Regulation/SBD*/Policy/ Basis for Rejection I Acceptance as per Rule 35 of PP Rules, 2004.
	Technical (if applicable)	Financial (if applicable)		
M/S CDigital	76*0.8 = 60.8	77.771*0.2=15.5542	76.354	1st
Nets	70*0.8 = 56	100*0.2=20	76	2nd
PMCL JAZZ	70*0.8 = 56	93.303*0.2=18.6606	74.6606	3rd
NETCOM				Technically Rejected

Highest Evaluated Bidder: **M/S CDigital**

1. Any other additional / supporting information, the procuring agency may like to share. **N/A**

Signature:



Official Stamp:.....
ZUBAIR AHMED
Assistant Director
Pakistan Bureau of Statistics
Government of Pakistan
Islamabad

1 pbs 9524 . /