



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 16<sup>th</sup> 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”