



TRANSPARENCY INTERNATIONAL - PAKISTAN

10th April, 2023

Mr. Musaddiq Ahmed Khan,
Additional Secretary (Incharge),
Ministry of Climate Change,
Government of Pakistan,
Islamabad.

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TIP23/0410/1A

Sub: Violation by Ministry of Climate Change 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 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 TL2022/0729/1C dated 29th July 2022 to Ministry of Climate Change 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 Climate Change 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.

The Ministry of Climate Change 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 Environmental Protection Agency (Pak-EPA)
2. Global Change Impact Studies Centre
3. Islamabad Wildlife Management Board
4. Zoological Survey of Pakistan



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 Daniyal 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. Director General, Pakistan Environmental Protection Agency (Pak-EPA), Islamabad
7. Executive Director, Global Change Impact Studies Centre, Islamabad
8. Head of Islamabad Wildlife Management Board, Islamabad
9. Director, Zoological Survey of Pakistan, Islamabad
10. 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 Ataulah 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. PLD 2010 Lahore 605.

29th July 2022

TL2022/0729/1C

Mr. Asif Hyder Shah,
Secretary,
Ministry of Climate Change,
Government of Pakistan,
Islamabad

Sub: Violation by Ministry of Climate Change 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 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".

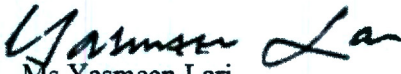
Unquote


The Secretary Ministry of Climate Change 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.

1. Pakistan Environmental Protection Agency (Pak-EPA)
2. Global Change Impact Studies Centre
3. Islamabad Wildlife Management Board
4. Zoological Survey of Pakistan

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. Director General, Pakistan Environmental Protection Agency (Pak-EPA), Islamabad
7. Executive Director, Global Change Impact Studies Centre, Islamabad
8. Head of Islamabad Wildlife Management Board, Islamabad
9. Director, Zoological Survey of Pakistan, Islamabad
10. MD PPRA, PPRA, Islamabad



Managing Director

F.No. 1(5)/M&E/PPRA/2018
PUBLIC PROCUREMENT REGULATORY AUTHORITY
CABINET DIVISION
GOVERNMENT OF PAKISTAN

Islamabad, the 11th November, 2021.

Subject: **PUBLICATION OF CONTRACT AWARDS ON PPRA'S WEBSITE WITHOUT ANY REFERENCE TO THE AMOUNT OF CONTRACT**

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's 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.

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

Encl: *as above*



(Rizwan Malik)

All the Federal Secretaries / Heads of the Organizations

CC:

Director (MIS), PPRA with the direction to upload the same on the Authority's website for compliance.


 June 7th, 2022

TL2022/0607/1A

Syed Tauqir Shah Sahib,
 Principal Secretary to the Prime Minister of Pakistan,
 Prime Minister House,
 Islamabad

Sub: Violation by Ministry of Communication 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 monitors implementation of PPRA Rule 47 (quoted below) which requires all procuring agencies to upload contract award agreements 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 22nd October 2021, Section Officer Ministry of Communication vide letter No. 6(3)/2020-Road-I addressed to Chair and Vice Chair Transparency International Pakistan stated the following quoted below and enclosed as (**Annex-A**):

Quote

“However, it is pertinent to highlight that PPRA has circulated two proformas as Attachment-I and Attachment II (enclosed) for uploading the information regarding contract award in compliance of Rule 7 of Notification S.R.0.805 (I)/2008 of PPRA. PPPRA Rule 47 does not require uploading of BOQs rather it demands uploading the information i.e. tender cost, awarded cost and other details of bids”

Unquote

SPPRA Rule 51 and BPPRA Rule 56 are quoted below for your reference:

SPPRA Rule 50. Publication of the Award of Contract - Within fifteen (15) days of signing of contract, procuring agency shall publish on the website of the Authority and on its own website, if such a website exists, the results of the bidding process, identifying the bid through procurement identifying number, if any, and the following information:

- (1) Contract Evaluation Report;
- (2) Form of Contract and Letter of Award;
- (3) Bill of Quantities or Schedule of Requirement.

BPPRA Rule 49. Publication of the Award of Contract - Within forty-five (45) days of the award of contract, Procuring Agency shall publish on the website of the Authority and on its own website, if such a website exists, the results of the bidding process, identifying the bid through procurement identifying number, if any, and the following information:

- (a) Contract Evaluation Report;



- (b) Form of Contract and Letter of Award; and
- (c) Bill of Quantities or Schedule of Requirement.

TI Pakistan has consistently informed Ministry of Communications that PPRA Rule 47, SPPRA Rule 50 and BPPRA Rule 49 have been incorporated with a view that the rates, prices and monthly remuneration of consultants/experts are to be known to the public, whereby public can scrutinize any overpriced rate/purchase by comparing prices for similar procurements by different departments. It may also be noted that such attempts are the efforts by Ministry of Communication to hide the rates (BOQ rates) of the contracts awarded, and in accordance with PPRA Rule 50, non-compliance of any of PPRA Rules amount to mis-procurement.

The Managing Director PPRA vide letter F. No. 1(5)/M&E/PPRA/2018 dated 11th November 2021 has again 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-B**).

*“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.*

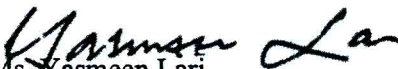
You are once again requested to issue instructions to all procuring agencies under the administrative control of your Ministry/Division to provide requisite documents pertaining to all procurements along with duly filled proformas attached with the above referred letter, (which includes the requirement 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”.

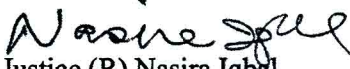
However, the contracts award information along with BOQ rates of Ministry of Communications are still not uploaded under the “Procurement Contracts” section on the PPRA website.

TI Pakistan requests the honorable 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.

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. MD PPRA, PPRA, Islamabad
2. Registrar, Supreme Court of Pakistan



Government of Pakistan
Public Procurement Regulatory Authority
(Monitoring & Evaluation Wing)

Annex-C



No: 01(23)/M&E/PPRA/2018/51

Islamabad, July 21, 2022

Subject: **VIOLATION BY MINISTRY OF COMMUNICATION IN THE PUBLICATION OF THE CONTRACT AGREEMENTS ON PPRA WEBSITE UNDER PUBLIC PROCUREMENT RULES, 2004, RULE 47, MIS-PROCUREMENT RULE 50**

Reference is invited to Transparency International – Pakistan letter dated June 07, 2022, wherein TI-Pakistan requested Prime Minister to issue instruction to all the procuring agencies to publish contract evaluation report, bill of quantities, form of contract and letter of award along with contract details on PPRA website.

2. It is apprised that this Authority has already issued instructions vide letter dated July 01, 2021 and November 11, 2021 (**copy attached**), wherein all the procuring agencies were directed to provide requisite documents pertaining to all procurements along with duly filled proforma's attached with the above referred letter, so that the same may be uploaded on the Authority's website to ensure public access and transparency.

3. In terms of 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.

4. 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 Rules, 2004.


(Muhammad Ibrahim R. Khan)
Deputy Director-III (M&E)

Section Officer (General / Admin)
Ministry of Communications
Islamabad.

Cc:

- ✓ 1. **Ms. Yasmeen Lari**, Chairperson, Transparency International Islamabad
2. **PS to Managing Director**, Public Procurement Regulatory Authority, Islamabad.

Annex-B



https://www.ppra.org.pk/contract... x +

https://www.ppra.org.pk/contract_org.asp?orgid=135&orgname=Ministry%20of%20Climate%20Change

Procurement Contracts

Public Contracts of Works, Services & Goods Worth RS.50 Million or More.

Organization Name: Ministry of Climate Change

| Contract No | Contract Title | Download | Uploaded Date |
|-------------|---|---|---------------|
| PCN4147 | Ministry of Climate Change Supply of Hardware/IT Equipment... Supply of Hardware/IT Equipment... 0 TS349360E Contract Award Amount (PKR): 8701966 Successful Bidder: M/s Silicon Technologies Islamabad Beneficial Owners Information |  | 23/9/2022 |
| PCN4140 | Ministry of Climate Change Supply of Hardware/IT Equipment... Supply of Hardware/IT Equipment... 0 TS277455E Contract Award Amount (PKR): 7994635 Successful Bidder: M/s Megaplus Islamabad Beneficial Owners Information |  | 23/9/2022 |

Total Contracts (2)

Send mail to info@ppra.org.pk with questions or comments about this web site.

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Annex-C

Standard Procedure for Evaluation of Proposals for Procurement of Engineering Services

Form 1

BREAKDOWN OF RATES FOR CONSULTANCY CONTRACT

Project: _____ Firm: _____

| Name | Position | Basic Salary per Cal. Month | Social Charges (%age of 1) | Overhead (%age of 1+2) | Sub-Total (1+2+3) | Fee (%age of 4) | Rate per Month for project Office | Field Allow. (%age of 1) | Rate per Month for Field Work |
|------|----------|-----------------------------|----------------------------|------------------------|-------------------|-----------------|-----------------------------------|--------------------------|-------------------------------|
| | | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) |
| | | | | | | | | | |
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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.
- Item No. 2 Social charges shall include Client's contribution to social security, paid vacation, average sick leave and other standard benefits 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 overhead should be submitted and supported (see Form 3).
- Item No. 5 Fee shall include company profit 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: _____

Signature: _____

Title: _____

BREAKDOWN OF SOCIAL CHARGES

| S.No. | Detailed Description | As a %age of Basic Salary |
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BREAKDOWN OF OVERHEAD COSTS

| S.No. | Detailed Description | As a %age of Basic Salary and Social Charges |
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ESTIMATED LOCAL CURRENCY SALARY COSTS/REMUNERATION

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

ESTIMATED LOCAL CURRENCY SALARY COSTS/REMUNERATION

| S.No. | Name | Position | Staff-Months | Monthly Billing Rate | Total Estimated Amount (Rs.) |
|-------|---------------------|-------------------|--------------|----------------------|------------------------------|
| II | Non-Technical Staff | | | | |
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| | | Sub-Total: | | | |

DIRECT (NON-SALARY) COSTS

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

| 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 of Material | | | | |
| 11. | Legal/Accounting/Software/Special Consultants and other similar Costs | | | | |
| 12. | Drafting/Reproduction of Reports | | | | |
| 13. | Professional liability cost | | | | |
| 14. | Office/Drafting Supplies | | | | |
| 15. | Similar other costs not covered under other Heads | | | | |
| Total: | | | | | |

SUMMARY OF COST OF CONSULTANT

| S.No. | Description | Amount (Rs.) |
|-------|--------------------------|--------------|
| 1. | Salary Cost/Remuneration | |
| 2. | Direct (Non-salary) Cost | |
| 3. | Contingencies | |
| 4. | Grand Total | |