

29th January, 2024

TL2024/0129/1A

Chairman,
National Bank of Pakistan (NBP),
Karachi.

Sub: Complaint on the Allegation of Violation of PPRA Rule 47, Procurement of Security Guarding Services and Insufficient Publication.

Dear Sir,

Transparency International Pakistan has received a complaint on the allegation of violation of PPRA Rule 47 in Tender Notice for 'Procurement of Security Guarding Services and Insufficient Publication by National Bank of Pakistan (NBP)' PCN3816 (Annex-A).

The complainant has made following allegations;

That;

1. Complainant has requested PPRA to upload all documents pertaining to Tender of 'Procurement of Security Guarding Services'.
2. After the award of contract National Bank of Pakistan (NBP) failed to post all the contract agreements, i.e. performance guarantees, bidding documents/ RFP on PPRA website which is violation of PPRA Rules
3. The matter was highlighted to PPRA vide letter dated 14th December, 2023 (Annex-B).
4. The requisite information required from NBP in relation to Contract No. PCN 3816, was not made public which is violation of PPRA Rule 47 that demands "Public Access and Transparency".

Transparency International Pakistan's Comments

Transparency International Pakistan has reviewed the allegations of the complainant, prima facie allegations seem correct. Following are TI Pakistan comments:

1. While examining the Public Procurement Regulatory Authority (PPRA) website, it is observed that National Bank of Pakistan (NBP) is in non-compliance with PPRA Rule 47 in the award of Contract No. PCN 3816. 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;
2. As per Public Procurement Regulatory Authority, Government of Pakistan, Notification No. F.NO.5 (1)IT/PPRA/2022 dated 16th November, 2022, on subject: 'Publication of the Contract Agreement on PPRA website under Public Procurement Rules 2004, Rule 47, Mis- procurement Rule 50.

Director (MIS) has stated that 'All the procuring agencies are 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 Authority's website to ensure public access and transparency' (Annex-C).

Transparency International Pakistan Recommendations

Transparency International Pakistan requests Chairman NBP to examine the complaint in light of PPRA Rules and if found correct, issue directives for compliance with PPRA Rule 47 to avoid mis-procurement under Rule 50.

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. Chairman, Prime Minister Inspection Commission, PMIC, Islamabad.
2. Managing Director, 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, 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**”

The Chairman
Transparency International Pakistan
Plot No. 72F/2, Floor 1, 9th Street, Jami Commercial
DHA Phase 7, Phase 2 Com. Area, Karachi.

January 12, 2024

MOST URGENT & IMPORTANT

Violation of PPRA Rule 47
Procurement of Security Guarding Services
Insufficient Publication

Dear Sir

We would like to inform you that we have send a letter to PPRA on 14th December 2023 copy enclosed as Flag-A. We had requested to the PPRA to upload all documents pertaining to Procurement of Security Guarding Services. NBP has not posted the contract agreements after award of contract on PPRA websites. It is PPRA principal responsibility and right now its PPRA fault, how they didn't monitored and uploaded complete information timely. But now we highlighted the issue in front of PPRA, but till date PPRA did not take any appropriate action. PPRA supports to NBP is question mark?

Kindly note Article 19-A of the Constitution of the Islamic Republic of Pakistan 1973, empowers civil society to seek information and hold accountable public institutions. Refer to the Lahore High court Order, Attaullah Khan Malik vs. The Federation of Pakistan (2010 PLD Lahore 605) in which following observations is given:

"Right to Access of 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 19A empowers the civil society of this country to seek information from public institutions and hold them answerable. Article 19A, therefore, enthruses fresh life into Public Interest Litigation"


Contract No. PCN 3816, Uploaded Date 1/6/2022 as published by PPRA (copy enclosed as Flag-B), We would like to bring your kind notice that it's enormously, exceptionally and by knowing violation of PPRA Rule 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 bid and awarded of contract public"

We understand that the procuring agency deliberately hidden the public procurement contracts, notification of awards, performance guarantees, bidding documents/RFP etc.

In view of the above, you are requested to kindly take necessary action against the procuring agency and upload all the procurement papers for public access and transparency.

Thanking you,

Yours faithfully,


Mohammad Junaid
Mehmood Housing Society,
Float No. 1, 1st Floor,
Mohallah Chah Anguriwala, Dera Ada,
Multan

Copy to

- 1) The Chairman, National Accountability Bureau (NAB), Islamabad.
- 2) The Managing Director, Public Procurement Regulatory Authority (PPRA), Islamabad.
- 3) The Finance Minister, Ministry of Finance, GoP, Islamabad.
- 4) Mr. Rizwan Mehmood, Director MIS, Public Procurement Regulatory Authority, Islamabad.
- 5) The Deputy Chairman, National Accountability Bureau (NAB), Islamabad
- 6) The Director General, National Accountability Bureau (NAB), Rawalpindi.
- 7) The Auditor General Pakistan, Constitution Avenue, G-5/2, G-5, Islamabad.
- 8) The Deputy Auditor General (Quality, Assurance, Inspection & Monitoring) Islamabad.
- 9) The Director General to Auditor General of Pakistan, Islamabad.
- 10) The Secretary Finance, Ministry of Finance, Finance Division, Islamabad.

Enclosed as above.

December 14, 2023

Mr. Rizwan Mahmood
Director (MIS)
Public Procurement Regulatory Authority
1st Floor, FBC Building, Sector G-5/2
Near State Bank
Islamabad

MOST URGENT & IMPORTANT

Violation of PPRA Rule 47
Procurement of Security Guarding Services
Insufficient Publication

Dear Sir,


This is with reference to the Contract No. PCN 3816, Uploaded Date 1/6/2022 as published by PPRA (copy enclosed), we understand that the subject publication uploaded same as PPRA received from National Bank of Pakistan. We would like to bring your kind notice that it's enormously, exceptionally and by knowing violation of PPRA Rule 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 bid and awarded of contract public"*

In this context, we understand that the procuring agency deliberately hidden the public procurement contracts, notification of awards, performance guarantees, bidding documents/RF etc.

In view of the above, you are requested to kindly take necessary action against the procuring agency and upload all the procurement papers for public access and transparency.

Thanking you,

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Mohammad Junaid
Mehmood Housing Society,
Flat No. 1, 1st Floor,
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Multan

Copy to

- 1) The Managing Director, Public Procurement Regulatory Authority, Islamabad.
- 2) The Finance Minister, Ministry of Finance, Islamabad.
- 3) The Chairman, Transparency International, Karachi.

Enclosed as above.



F.No.5(1)/IT/PPRA/2022
Government of Pakistan
Public Procurement Regulatory Authority



Islamabad, 16 November, 2022

Subject: PUBLICATION OF THE CONTRACT AGREEMENT ON PPRA WEBSITE UNDER PUBLIC PROCUREMENT RULES, 2004, RULE 47, MIS-PROCUREMENT RULE 50.

Reference Security and Exchange Commission of Pakistan (SECP) letter No Secp/Admin/Proc/22-23/120 dated September 12, 2022.

2. It is apprised that this Authority has already issued instruction vide letter dated July 01, 2021 and November 11, 2021 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 Authority's website to ensure public access and transparency.

3. In view of the above, Securities and Exchange Commission is hereby requested again to submit Contract Agreements on enclosed prescribed enclosed proforma along with all documents related to evaluation of bid for uploading at Authority's website in accordance with Rule 47 of Public Procurement Rules, 2004 and Regulation 4 of Declaration of Beneficial Owners' Information of Public Procurement Contract Awarded Regulations, 2022 at earliest.

Securities and Exchange Commission
NIC Building, 63 Jinnah Ave, Block L F 7/4 Blue Area,
Islamabad

(Rizwan Mehmood)
Director (MIS)

O/C