



July 19, 2022

TIP2022/0719/1A

Brigadier (retd) Muzaffar Ali Ranjha,  
Prime Minister's Inspection Commission (PMIC)  
Prime Minister's Office  
Islamabad

**Subject: Violation by WAPDA in the Publication of the Contract Agreements on PPRA Website under Public Procurement Rules, 2004, Rule 47, Mis-Procurement Rule 50**

Dear Sir,

TI Pakistan has been requesting Public Procurement Regulatory Authority (PPRA) and WAPDA to upload the contract award agreements along with rates/prices quoted/BOQ under PPRA Rule 47 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.

In this regard a letter No. TL2020/1110/1A dated 10<sup>th</sup> November 2020 was sent to Chairman WAPDA, and copy forwarded to Principal Secretary to the PM for taking action against the violation of PPRA Rule 47 by WAPDA. (**Annex-A**)

Managing Director PPRA vide letter F. No. 1/110/2013/Legal/PPRA/Pt, dated 28.10.2020 (**Annex-B**), has also issued instructions to all Federal Secretaries to make sure that all Procuring Agencies comply with Rule 47, and as per Contract Award Proforma A-II, Copy of Agreement and Copy of Bid Evaluation Report are also to be posted on PPRA Website. (**Annex-C**)

TI Pakistan would like to draw your attention to PPRA Rule 23, under which the documents of the Contract Agreement comprises of the following mentioned below, signed copy of integrity pact, which are to be uploaded on PPRA website as per Rule No. 47.

- a. Invitation to bid
- b. instructions to bidders
- c. form of bid
- d. form of contract
- e. general special conditions of contract
- f. specifications and drawings or performance criteria (where applicable)
- g. list of goods or bill of quantities (dully filled)**
- h. delivery time or completion schedule
- i. bid evaluation criteria
- j. format of all securities required (where applicable)
- k. details of standards (if any) that are to be used in assessing the quality of goods, works or services specified; and
- l. any other detail not inconsistent with these rules that the procuring agency may deem necessary



The Chairman PMIC is requested to take it up with the WAPDA as well as with the PPRA to post all the contracts award agreements on PPRA website, which is already being implemented in Sindh and Khyber Pakhtunkhwa.

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.

Regards

Ms. Yasmeen Lari  
Sitara-e-Imtiaz, Hilal-e- Imtiaz  
Chairperson  
Transparency International Pakistan

Justice (Rtd) 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. PM House, Islamabad
2. Federal Minister for Water Resources, Ministry of Water Resources, Islamabad
3. Registrar, Supreme Court of Pakistan, Islamabad
4. MD, PPRA, Islamabad

**Note:**

TI Pakistan act as 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 Ataullah 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.



# TRANSPARENCY INTERNATIONAL-PAKISTAN

## Annex-A

4-C, Mezzanine Floor, Khayaban-e-Ittehad, Phase VII,  
Defence Housing Authority, Karachi.  
Tel: (92-21) 35390408, 35311897-8,  
Fax: (92-21) 35390410  
E-mail: ti.pakistan@gmail.com  
Website: www.transparency.org.pk

10<sup>th</sup> November, 2020

TL 2020/1110/1A

Lt Gen Muzammil Hussain (Retd),  
Chairman,  
WAPDA,  
WAPDA House, Sharah-e-Quaid-e-Azam  
Lahore

**Sub: Violation by WAPDA in Publication of the Contract Agreements on PPRA Website under Public Procurement Rules, 2004, Rule 47, Mis-Procurement under Rule 50**

Dear Sir

Transparency International Pakistan is monitoring the 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:

Rule 47 has 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. According to PPRA Rule 50, non-compliance of any of PPRA Rules amount to mis-procurement.

TI Pakistan has noted that the contracts award information along with BOQ rates relating to most of the recent contracts awarded by Water and Power Development Authority (WAPDA) are not uploaded under the "Procurement Contracts" section on the PPRA website. Some referenced contracts are attached as **Annex-A**.

And all Contracts awarded based on Emergency ( viz Covid-19, Flood etc), using Direct Contracting, under the Public Procurement Rules.2004, are also mandatorily to be posted on PPRA website, under Rule No 47.

Managing Director PPRA vide letter F. No. 1/110/2013/Legal/PPRA/Pt, dated 28.11.2020 **Annex-B**, has also issued instructions to all Federal Secretaries to make sure that all Procuring Agencies comply with Rule 47, and as per Contract Award Proforma A-II, Copy of Agreement and Copy of Bid Evaluation Report are also to be posted on PPRA Website. **Annex-C**.

TI Pakistan would like to draw your attention to PPRA Rule 23, under which the documents of the **Contract Agreement** comprises of the following mentioned below, **signed copy of integrity pact**.

- a) Invitation to bid;
- b) instructions to bidders;
- c) form of bid;
- d) form of contract;
- e) general special conditions of contract;



- f) specifications and drawings or performance criteria (where applicable);
- g) list of goods or bill of quantities (dully filled);
- h) delivery time or completion schedule;
- i) bid evaluation criteria;
- j) format of all securities required (where applicable);
- k) details of standards (if any) that are to be used in assessing the quality of goods, works or services specified; and
- l) any other detail not inconsistent with these rules that the procuring agency may deem necessary

Similarly, under the National Accountability Bureau Ordinance NAO 1999, Section 33B, it is mandatory to submit Contract Agreement to NAB after signing of the contract (quoted below).

**NAO 1999 Section 33B: Reporting of public contracts:** "All Ministries, Divisions and Attached Departments of the Federal Government, all departments of Provincial and local governments, statutory corporations or authorities established by the Federal Government or Provincial Government and holders of public office shall furnish to NAB a copy of any contract, entered into by such Ministries, Divisions and Attached Departments of the Federal Government, all departments of Provincial Government or local government, statutory corporations or authorities established by the Federal Government or Provincial Government or such holder of public office on its behalf, as the case may be, of the minimum monetary value of fifty million rupees or more, within such time as is reasonably practicable from the date of signing such contract".

However, NAB pro-forma is also in addition to furnishing copy of the Contract Agreement under Section 33B of NAO 1999.

TI Pakistan requests the Chairman WAPDA to ensure to follow PPRA Rule 47 immediately to avoid charge of mis-procurement.

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,

Sohail Muzaffar,  
Chairman  
Transparency International Pakistan

**Copies forwarded for the information with request to take action under their mandate to:**

1. PSPM, PM House, Islamabad,
2. Chairman National Accountability Bureau (NAB), Islamabad
3. Secretary Ministry of Water Resources, Islamabad
4. MD, PPRA, Islamabad
5. Registrar, Supreme Court of Pakistan, Islamabad,

## **Annexure A**

Some reference contracts include:

1. Missing BOQ with rates and contract award agreement for “RBPR-04 Construction of Right Bank Periphery Road from Gais Bala To Darang Bridge (Km 129+200 to Km 154+300)”. The contract is awarded to M/s Zhongmei Engineering Group-Ismail Construction Company (JV) with the evaluated cost of **PKR 3,464,512,300**
2. Missing BOQ with rates and contract award agreement for “RBPR-03 Construction of Right Bank Periphery Road from Hodar Valley to Gais Bala (Km 76+200 to Km 129+200)”. The contract is awarded to M/s Hasnaat Brothers Construction Co. (Pvt) Ltd. - Shahid & CO. (Pvt.) Ltd. (JV) with the evaluated cost of **PKR 5,348,068,438**
3. Missing BOQ with rates and contract award agreement for “Procurement of Consultancy services for feasibility study, detailed engineering design, preparation of Tender documents & PC-I, for Murunj Dam Project”. The contract has been awarded to NESPAK-JV with the evaluated cost of **PKR 176,043,400**
4. Missing BOQ with rates and contract agreement for “Procurement of Consultancy services for construction design, construction supervision and contract administration of Diamer Basha Dam project”. The contract is awarded to M/s DBCG JV with the evaluated cost of **PKR 19.819 Billion**
5. Missing BOQ with rates and contract agreement for “Consultancy services for construction Design, Construction Supervision and Contract Management of Mohamand Dam Hydropower project. The contract is awarded to M/s MDCG JV with the evaluation cost of **PKR 7.68 Billion**
6. Missing BOQ with rates and contract agreement for “Construction of Mohamand Dam Project”. The contract is awarded to Gezhouba Group Company (CGGC)/Descon at **PKR 184 Billion**
7. Missing BOQ with rates and contract agreement for “Construction of Construction of Diamer Basha Dam”. The contract awarded to Power China JV at **PKR 441 Billion**



**RIZWAN MALIK**  
Managing Director

**E. No. 1/110/2013/Legal/PPRA/Pt**  
**PUBLIC PROCUREMENT REGULATORY AUTHORITY**  
**CABINET DIVISION**  
**GOVERNMENT OF PAKISTAN**

Islamabad, the 28<sup>th</sup> October, 2020

Subject: **POSTING/UPLOADING OF CONTRACT AWARD OF VALUE ABOVE RUPEES FIFTY MILLION (50 MILLION) ON PPRA'S WEBSITE**

My dear Secretary,

The Public Procurement Regulatory Authority (PPRA) has been mandated to ensure transparency, economy, fairness, efficiency and accountability of the public sector procuring agencies / organizations through monitoring and implementation of Public Procurement Rules, 2004 and Regulations made thereunder.

2. In pursuance of Rule 47 of the Public Procurement Rules, 2004, the procuring agency immediately after the award of Contract is under obligation to make all the document public with regard to the evaluation of bids and award of Contract. Posting / uploading of all Public Contract awards of Works, Services and Goods worth fifty million rupees or more by all Procuring Agencies within or outside Pakistan on PPRA's website on the set pro-forma is mandatory in accordance with Regulation 2 of the Public Procurement Regulations, 2009 (Annex-I). Failure to do so may leads to mis-procurement which cannot be condoned either under the PPRA Ordinance, 2002 or any other law of the land.

3. In spite of the above clear cut mandatory requirements of the said Regulations, most of the procurement agencies do not post / upload Contract Awards of monetary value of fifty million rupees or above on the PPRA's website. Please note that any award of Contract over fifty million rupees without posting / uploading on the PPRA's website is a mis-procurement, under the Public Procurement Rules, 2004.

4. All Ministries, Divisions, attached Departments of the Federal Government, statutory corporations or authorities established by the Federal Government or owned and controlled by the Federal Government are required to post / upload all Contract Awards over fifty million rupees on the PPRA website on the enclosed pro-forma (Annex-II & III).

**Cont'd.....P2**

**PUBLIC PROCUREMENT REGULATORY**  
**AUTHORITY (PPRA)**

**CONTRACT AWARD PROFORMA – II**

**To Be Filled And Uploaded on PPRA Website In Respect of All**  
**Public Contracts of Works, Services & Goods Worth Fifty**  
**Million Rupees or More**

➤ NUMBER OF BIDDERS PRESENT AT THE TIME OF  
OPENING OF BIDS \_\_\_\_\_

➤ NAME AND ADDRESS OF THE SUCCESSFUL BIDDER \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

➤ RANKING OF SUCCESSFUL BIDDER IN EVALUATION REPORT  
(i.e. 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> EVALUATED BID).  
\_\_\_\_\_  
\_\_\_\_\_

➤ NEED ANALYSIS (Why the procurement was necessary?) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

➤ IN CASE EXTENSION WAS MADE IN RESPONSE TIME, WHAT WERE THE  
REASONS (Briefly describe) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- WHETHER NAMES OF THE BIDDERS AND THEIR PRICES WERE READ OUT AT THE TIME OF OPENING OF BIDS \_\_\_\_\_ Yes / No
- DATE OF CONTRACT SIGNING \_\_\_\_\_  
(Attach a copy of agreement)
- CONTRACT AWARD PRICE \_\_\_\_\_
- WHETHER COPY OF EVALUATION REPORT GIVEN TO ALL BIDDERS \_\_\_\_\_ Yes / No  
(Attach copy of the bid evaluation report)
- ANY COMPLAINTS RECEIVED \_\_\_\_\_ Yes / No  
(If yes result thereof)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- ANY DEVIATION FROM SPECIFICATIONS GIVEN IN THE TENDER NOTICE/DOCUMENTS \_\_\_\_\_ Yes / No  
(If yes give details)
- DEVIATION FROM QUALIFICATION CRITERIA \_\_\_\_\_ Yes / No  
(If yes give details)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- SPECIAL CONDITIONS, IF Any  
(Give Brief Description)  
\_\_\_\_\_  
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