



November 27, 2024

TL2024/1127/1A

Principal Secretary to PM,
Prime Minister House,
Islamabad.

(For attention of the Honorable Prime Minister)

**Subject: Transparency International Pakistan's Concerns and Recommendations Regarding
the Fees for Filing Review Petition under EPAD System**

Dear Sir,

Transparency International Pakistan (TI Pakistan) extends its gratitude and recognition for the Prime Minister's commendable efforts and follow-up actions in enhancing procurement transparency and accountability through eProcurement system introduced in early 2024.

TI Pakistan also appreciates the government's commitment to addressing the recommendations conveyed to your office via Letter No TL2024/0909/2A (Annex-A).

We would like to bring to the notice of the PM an opaque act by the PPRA, who has prescribed under SRO No 90 (I)/2022 appeal fee of Rs. 500,000 rupees for filing a review petition with PPTA for contracts less than Rs . 250 million . And 2% of above Rs 5 million contract value. (Annex-B) which has almost closed the doors of any appeal by bidders.

S. R. O. 90(D/2022.-If exercise of the powers conferred by Section 27 read with Section 20 of the Public Procurement Regulatory Authority Ordinance, 2002 (XXII of2002) and Rule 19(3) of the Public Procurement Rules, 2004, the Public Procurement Regulatory Authority-" is pleased to make the followings Regulations. namely:--

1. Short title and commencement-{ 1) These Regulations may be called the Regulations for "Procedure of filing and disposal of Review Petition under Rule 19(3)", 2021.

(2) These Regulations extend to the whole of Pakistan

(3) They shall come into force at once.

SCHEDULE-II

FEES FOR FILING REVIEW PETITION

Sr. No.	Description	Fee
Levying fee for handling of Review Petition		
01.	Contract (or Procurement) up to the limit of Rs. 250 million	Rs. 500,000 (Five Hundred Thousands)
02.	Contract (or Procurement) exceeding the limit of Rs. 250 million	0.2% of the procurement Value not exceeding Rs. 5 million



This regulation of PPRA limit the capacity of the bidders to challenge procurement decisions, potentially undermining the principles of transparency, fairness, and accessibility.

Even in the Supreme Court of Pakistan the fee for filing and lodging petition for leave to appeal under the Supreme Court Rules 1980 is maximum Rs 2,000.

As per Part- I & II of Third Schedule to Supreme Court Rules, 1980. Important ones are as under:

S #	Description	Amount
1	Filling and lodging petition for leave to appeal On the appeal as provided by order XIV rule 6, where the amount or value of the subject -matter in dispute on appeal is Rs.15,000 or below that sum. For every Rs.1,000 in excess of Rs.15,000.In cases where it is not possible to estimate at amoney Value the subject-matter in dispute.	Rs.250/- Rs.250/- Rs.5/- For every thousand rupees or part thereof.
2	Provided: (i) That the maximum fee payable in any Case shall not exceed Rs.2000/- (ii) That where an appeal is brought by leave granted by this Court credit shall be given to the appellant for the amount of court fee paid by him on the petition for leave to appeal	Rs.250/-

Recommendations to the Prime Minister.

PPRA charging such high fee for adjudication of appeal is and unconstitutional act which needs to be immediately withdrawn and like Supreme Court a nominal fee of Rs 2,000 may be prescribed for all appeals so as to encouraged bidders to filed their complaints without an additional financial cost. Such opaque regulations has is a reason why Pakistan Ranking in CPI is very low.

Transparency International Pakistan is striving for across-the-board application of the Rule of Law, which is the only way to stop illegal practices and achieve Zero tolerance against corruption.

Regards,

Advocate Daniyal Muzaffar,
Trustee/Legal Advisor
Transparency International Pakistan



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

1. MD, PPRA, Islamabad
2. 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 the 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” -



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

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F. No. 11(81)/M&E/PPRA/2018/154

Islamabad, September 30, 2024

Subject: TRANSPARENCY INTERNATIONAL PAKISTAN RECOMMENDATIONS ON TRANSPARENT COMPLAINT HANDLING PROCEDURE UNDER PPRA RULES, 2004

Reference Prime Minister Office's U.O. No. 6(15)/DS(EA-III)/2024-932 dated September 12, 2024, wherein a copy of the Transparency International (TI) Pakistan's letter No. TL2024/0909/2A dated September 09, 2024 on the subject matter was forwarded to the Authority for furnishing its response.

2. The TI Pakistan has referred to the Prime Minister's direction regarding amendments in the Public Procurement Rules, 2004 to make Grievance Redressal Committee comprising of independent members rather than from the procuring agency. In this regard, it is apprised that an international Consultant has been engaged by PPRA with assistance from the World Bank for holistic review of the procurement regulatory framework including grievance redressal mechanism. The Authority is reviewing the preliminary review report submitted by the Consultant and accordingly proposed amendments in the PPRA Ordinance, Rules and Regulations are being drafted.
3. Moreover, TI Pakistan vide their above referred letter had forwarded certain recommendations pertaining to the implementation of the e-procurement system which have been noted and comments are given against each point:

S#	TI Pakistan's Recommendation	Authority's Position
1.	The entire process shall be carried out online without any manual involvement from evaluation, submission of attested testimonials, grievance redressal, to issue of Letter of Award	E-submission and e-evaluation (dynamic entries) modules are under development in the EPADS. As soon e-evaluation is launched, it is believed that it would bring more transparency in the procurement process.
2.	An online evaluation process shall be adopted by making a mandatory requirement of submission of an affidavit from all bidders, testifying that their submitted documents are genuine and in case of	The e-procurement system is integrated with SECP, FBR, AGPR, DRAP, Punjab Revenue Authority, KPK Revenue Authority and NADRA (with limited functionalities) for authentication of the information provided by the prospective bidder during registration with e-procurement system. Such authentication

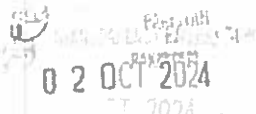
	submission being false/fake, bid shall be subject to PPRA Rule 7 – Integrity Pact.	shall also be carried out during bid evaluation process to verify the credentials of participating bidders. Though provisions of Rule 7 has already been incorporated in the system however, Rule 18 “Dis-qualification of suppliers and contractor” is also applicable in such cases.
3.	Complaints shall be examined by digitised software, on compliance or non-compliance basis, and in case complainant producing false documentation submitted by the most responsive bidder, the system shall accept the complaint. ADB also uses IT based evaluation for its projects.	It is apprised that after completion of the basic functionalities of e-procurement system, advance features will be added in the EPADS to address the complaints through software. Recommendation is noted.
4.	In case of fake documents submission, action against the bidder under Blacklisting Rule shall also be taken.	Bidders submitting fake documents are already being blacklisted by the procuring agencies under Rule 19. Moreover, a module for blacklisting of firms are being developed and the same will be integrated in the e-procurement system after testing.


 30/9/24
 (Engr. Muhammad Saleh Izhar)
 Deputy Director-I (M&E)
 Ph: 051-9211883

Mr. Ch. Faisal Idrees
 Deputy Secretary (EA-III)
 Prime Minister's Office,
Islamabad.

Copy to:

1. Mr. Adnan Khan, Deputy Secretary (EA-II), Prime Minister's Office, Islamabad, w.r.t. their U.O. No. 5(66)/DS (EA-II)/2024-663 dated 23.09.2024.
- ✓ 2. Advocate Daniyal Muzaffar, Trustee/Legal Advisor, Transparency International Pakistan, Plot 72-F/2, 1st Floor, 9th Street, Jami Commercial, Phase VII, Defence Housing Authority, Karachi.


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ISLAMABAD, WEDNESDAY, JANUARY 19, 2022

PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN
PUBLIC PROCUREMENT REGULATORY AUTHORITY

NOTIFICATIONS

Islamabad, the 12th January, 2022

S. R. O. 90(1)/2022.—In exercise of the powers conferred by Section 27 read with Section 20 of the Public Procurement Regulatory Authority Ordinance, 2002 (XXII of 2002) and Rule 19(3) of the Public Procurement Rules, 2004, the Public Procurement Regulatory Authority is pleased to make the following Regulations, namely:—

1. Short title and commencement.—(1) These Regulations may be called the Regulations for "Procedure of filing and disposal of Review Petition under Rule 19(3)", 2021.

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(3) They shall come into force at once.

(155)

Price : Rs. 20.00

Details of index:

An index containing the details of the documents to be relied upon is enclosed.

List of enclosure Signature of the Petitioner / authorized representative.

Verification:

I (name in full in block letters) son / daughter / wife of _____ being the Petitioner / authorized representative of (_____) do hereby solemnly declare that the foregoing constitutes full, true and plain disclosure of all material facts and nothing has been concealed, and that the contents of paras are true to my personal knowledge and belief.

Verified today this _____ day of _____.

Signature of the Petitioner / authorized representative

Place:

Date:

Important Note:

Please attach the "affidavit" and "Wakalat Nama/Attorney" or the "Authority Letter" as the case may be:

For Office's Use (Only):	
Date Received: _____	File No. _____
Forwarded to: _____	
Objections/Comments (if any): _____ _____	
Signature with Date: _____	

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