



18<sup>th</sup> May, 2023

TIP23/1805/1A

Managing Director,  
Public Procurement Regulatory Authority (PPRA),  
Government of Pakistan,  
Islamabad.

**Sub: Denial by National Highway Authority (NHA) to Publish Contracts Awarded for Consultancy Contracts Along with Breakdown of Rates as per PPRA Approved Standard Form of Contract for Engineering Consultancy Services**

Dear Sir,

Transparency International Pakistan refers to its letter No. TIP23/3003/1B dated 30<sup>th</sup> March, 2023 addressed to the Chairman, National Highway Authority, where it was pointed out that NHA is not complying with PPRA Rule 47 for the award of consultancy contracts and that NHA is required under PPRA Rule 47 to upload all contract awards, agreements, documents along with rates/price quoted/ Bill of quantity (BOQ) on PPRA website (Annex-A).

In response to TI Pakistan letter, Member (Planning) NHA has sent following has send following response to TI Pakistan via PM Portal, quoted below;

*"As per PPRA Rule-35, technical and combined evaluation reports on prescribed format of PPRA are always uploaded on NHA and PPRA websites on regular basis. The forms 1 to 6 approved by PEC are the part of RFP documents. As per PPRA Rule- 35, there is no requirement of PPRA to make public forms 1 to 6 which is breakdown if quoted rates of consultants."* (Annex-B).

It is to be noted that PPRA vide its letter No. 01(23)/M&E/PPRA/2019/51 dated 21<sup>st</sup> July 2022 has already issued the following instructions to Ministry of Communications, quoted below:

*"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 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" (Annex-C)*

Breakdown of Agreed Fixed Rates in Consultancy Contracts is part of Standard Form of Contract for Engineering Consultancy Services which is also part of Pakistan Engineering Council (PEC) and PPRA requirements for engineering consultancy services as approved by ECNEC in its meeting dated 12<sup>th</sup> November 2007 and notified by Planning Commission, Government of Pakistan wide Notification No. 8(60)WR/PC/2008 dated 12<sup>th</sup> February 2008 (Annex-D)

The PPRA approved Standard Bidding Documents of PEC (Standard Form for Engineering Consultancy Services) includes Breakdown of Agreed Fixed Rates in Consultants Contract (page 28), Breakdown of Contract Price in Foreign Currency (page 33), and Breakdown of Contract Price in Local Currency (page 35) (Annex-E)



Managing Director, PPRA is requested to issue directives to NHA to provide requisite documents pertaining to all consultancy procurements along with Standard Forms of Contract for Engineering Services (June 11, 2007) so that the same may be uploaded on the Authority's website to ensure public access and transparency.

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, PM House, Islamabad
2. Minister, Ministry of Communications, Islamabad
3. Secretary, Ministry of Communications, Islamabad
4. Chairman, National Highway Authority, Islamabad
5. Registrar, Supreme Court of Pakistan, Islamabad



**TRANSPARENCY  
INTERNATIONAL - PAKISTAN**

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30<sup>th</sup> March, 2023

TIP23/3003/1B

Captain (R) Muhammad Khuram Agha,  
Chairman,  
NHA,  
Islamabad,  
Islamabad.

**Sub: Violation by National Highway Authority) for Publishing Contract Awarded to  
Consultancy Information of Breakdown of Rates for Consultancy Contract as per  
PPRA Approved PEC Form 1 To Form 6.**

Dear Sir,

Transparency International Pakistan monitors the implementation of PPRA Rule 2004, and especially Rule 47, which require all procuring agencies to upload all contract awards, agreements, documents along with rates/ price quoted/ Bill of quantity (BOQ) on PPRA website. In this regard TIP letter TL2022/0801/1G dated 1.8.2022 to NHA is enclosed (Annex-A).

While examining the PPRA website it is observed that NHA is not complying with PPRA Rule 47 for the award of consultancy contracts. We refer to Award of Contract to Mr. Muhammad Iqbal at Rs 63 Million PCN 3965 hoisted on PPRA website 27.7.2022 (Annex-B).

Transparency International Pakistan refers to the mandatory requirement of PPRA that Standard Bidding Document (SBD) of PEC to be used by all Procuring Agencies, which include in the Invitation of Tender, Bills of Quantity (BOQ) in case of works and goods contract, and in case of cases of Consultancy Services, in the Request of Proposal, requires the breakdown of rates for Form 1, 2, 3, 4, 5 and 6, Refer to Standard Procedure for Evaluation of Proposals for Procurement of Engineering Services. These six forms are enclosed. (Annex-C).

The requirement of disclosing the quoted rates, prices by all bidders shall be posted on PPRA website, for public access.

Chairman, NHA is requested to advise the relevant department/ offices to upload the information of Consultancy Contract on the PPRA website in compliance of requirement Rule 47.



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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 of Pakistan, PM House, Islamabad
2. Chairman, Prime Minister Inspection Commission, PMIC, Islamabad
3. MD, PPRA, Islamabad

← Complaint History


**STATUS**  
Closed - Relief cannot be granted

**REMARKS** تبصرہ

Respected Citizen, thank you for reaching us in the matter. It is to inform that "As per PPRA Rule 35, technical and combined evaluation reports on prescribed format of PPRA are always uploaded on NHA and PPRA websites on regular basis. The forms 1 to 6 approved by PEC are the part of RFP document. As per PPRA Rule-35, there is no requirement of PPRA to make public forms 1 to 6 which is breakdown of quoted rates of consultants" (without prejudice)

However, your good-self is requested to visit the office of GM (P&CA), NHA HQ for any further clarification in the matter. Presently, your complaint cannot be entertained, therefore, the status of the complaint may be considered as "Relief cannot be Granted". NHA apologizes for any inconvenience in the matter.

Regards,  
Member (Planning), NHA HQ

 **FEEDBACK**





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

Annex-C



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

Islamabad, July 2, 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.

**STANDARD FORM OF CONTRACT  
FOR  
ENGINEERING CONSULTANCY SERVICES  
(For Large Projects)**

**TIME BASED ASSIGNMENTS**

**Available on PEC website ([www.pec.org.pk](http://www.pec.org.pk))  
and PPRA website ([www.ppra.org.pk](http://www.ppra.org.pk))**

**(Harmonized with PPRA Rules)**

**June 11, 2007**



**PAKISTAN ENGINEERING COUNCIL  
ISLAMABAD**

## ACKNOWLEDGMENT

Pakistan Engineering Council extends deep appreciations and acknowledges the tremendous contribution in developing and finalizing this document by the following members of the Pakistan Engineering Council (PEC):-

- |    |   |            |
|----|---|------------|
| 1. | Engr. M. Mazhar-ul Islam<br>General Manager (Contracts), NESPAK, Lahore                           | - Convenor |
| 2. | Engr Dr Asad Ali Shah<br>Member, Planning Commission, GoP, Islamabad                              | - Member   |
| 3. | Engr Maj Gen (R) Mahboob ul Muzaffar<br>Registrar, PEC  | - Member   |
| 4. | Engr Ch. Mahmood Ahmed<br>Executive Engineer, WAPDA, Multan                                       | - Member   |
| 5. | Engr Balal A. Khwaja<br>M/s Engineering Contracts Advisors Corporate Affairs Consultants, Karachi | - Expert   |
| 6. | Engr Mushtaq Mahmood<br>Director, PPRA, Islamabad   | - Expert   |
| 7. | Engr Mian Abdul Sattar<br>Vice President, (Contracts and Construction Management), NESPAK, Lahore | - Expert   |
| 8. | Engr Ejaz Ahmed Khan<br>World Bank Consultants, Lahore  | - Expert   |
| 9. | Engr Shamshair Dad Khan<br>Director, Central Contracts Cell (CCC), WAPDA, Lahore                  | - Expert   |

**NOTIFICATION NO. 8(60)WR/PC/2008 DATED 12th FEBRUARY, 2008  
PLANNING & DEVELOPMENT DIVISION  
GOVERNMENT OF PAKISTAN**



Innae-E

### MODEL FORM

#### Breakdown of Agreed Fixed Rates in Consultants' Contract

We hereby confirm that we have agreed to pay to the staff members listed, who will be involved in this assignment, the basic salaries and field allowances (if applicable) indicated below):

Name	Position	Basic Salary per Working Month/Day/Hour	1	Social Charges (% of 1)	2	Overhead (% of 1&2)	3	Subtotal	4	Fee (% of 4)	5	Overseas/field Allowance (% of 1)	6	Agreed Fixed Rate per Working Month/Day/Hour	7	Agreed Fixed Rate (% of 1)	8

Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

## Appendix D

### Breakdown of Contract Price in Foreign Currency

[List hereunder cost estimates in foreign currency:

1. (a) Monthly rates for foreign personnel (Key Personnel and other Personnel)
- (b) Total Remuneration of Staff (on the basis of monthly rates)
2. Reimbursable direct costs (non-salary costs);

Direct Non-salary Costs are such incurred non-salary costs which are directly allocable to specific engagements and projects. These costs include but are not limited to the following:

- (i) Provisions for office, light, heat and similar items for working space, costs or rental for furniture, drafting equipment and engineering instrument and automobile expenses identifiable to specific projects for which special facilities other than head office of the firm are arranged.
- (ii) Provision for labour or work charge establishment.
- (iii) Daily and travelling allowances/expenses of employees, partners and principals when away from home/office on business connected with the project.
- (iv) Identifiable communication expenses, such as long distance telephone, telegraph, cable, telex, express charges, and postage other than general correspondence.
- (v) Services directly applicable to the project such as special legal and accounting expenses, computer rental and programming costs, special consultants, borings, laboratory charges, perspectives, renderings, photos, model costs, commercial printing and binding and similar costs which are not applicable to the overhead costs, professional liability insurance cover in accordance with the provisions set out in Sub-Clause GC 3.4.
- (vi) Identifiable drafting supplies and office supplies and expenses charged to the employers work, as distinguished from such supplies and expenses applicable to several projects.
- (vii) Identifiable reproduction cost applicable to the work such as blue printing, photostating, mimeographing, printing, binding etc.

(The detail of the cost estimates to be provided on the additional pages).

## Appendix E

### Breakdown of Contract Price in Local Currency

[List hereunder cost estimates in local currency:

1. (a) Monthly rates for local Personnel (Key Personnel and other Personnel);
- (b) Total Remuneration of staff (on the basis of monthly rates)
2. Reimbursable direct costs (non-salary costs);

Direct Non-salary Costs are such incurred non-salary costs which are directly allocable to specific engagements and projects. These costs include but are not limited to the following:

- (i) Provisions for office, light, heat and similar items for working space, costs or rental for furniture, drafting equipment and engineering instrument and automobile expenses identifiable to specific projects for which special facilities other than head office of the firm are arranged.
- (ii) Provision for labour or work charge establishment.
- (iii) Daily and travelling allowances/expenses of employees, partners and principals when away from home/office on business connected with the project.
- (iv) Identifiable communication expenses, such as long distance telephone, telegraph, cable, telex, express charges, and postage other than general correspondence.
- (v) Services directly applicable to the project such as special legal and accounting expenses, computer rental and programming costs, special consultants, borings, laboratory charges, perspectives, renderings, photos, model costs, commercial printing and binding and similar costs which are not applicable to the overhead costs, professional liability insurance cover in accordance with the provisions set out in Sub-Clause GC3.4.
- (vi) Identifiable drafting supplies and office supplies and expenses charged to the employers work, as distinguished from such supplies and expenses applicable to several projects.
- (vii) Identifiable reproduction cost applicable to the work such as blue printing, photostating, mimeographing, printing, binding etc.

(The detail of the cost estimates to be provided on the additional pages).