TRANSPARENCY INTERNATIONAL - PAKISTAN

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29th July 2022

TL2022/0729/1F

Mr. Aamir Ashraf Khawaja
Secretary,
Ministry of Federal Education & Professional Training,
Government of Pakistan,
Islamabad

Sub: Violation by Ministry of Federal Education & Professional Training 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 monitors 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 20022 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 Federal Education and Professional Training 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. National Commission for Human Development
2. Basic Education Community Schools
3. Pakistan Girls Guide Association
4. Private Educational Institutions Regulatory Authority (PEIRA)
5. Pakistan National Commission for UNESCO
6. National Education Assessment System
7. National Education Foundation
8. National College of Arts
9. Federal College of Education

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. Heads of National Commission for Human Development, Basic Education Community Schools, Pakistan Girls Guide Association, Private Educational Institutions Regulatory Authority (PEIRA), Pakistan National Commission for UNESCO, National Education Assessment System, National Education Foundation, National College of Arts, Federal College of Education
7. MD PPRA, PPRA, Islamabad

Annex-A

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.

1st Floor, Federal Bank for Cooperatives Building, Sector G-5/2, Islamabad-Pakistan
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Annex-B

TRANSPARENCY INTERNATIONAL-PAKISTAN

4-C, Mezzanine Floor, Khayaban-e-Ittehad, Phase VII,
Defence Housing Authority, Karachi.
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Website: www.transparency.org.pk

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

Annex-C

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

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.