



TRANSPARENCY INTERNATIONAL-PAKISTAN

5-C, 2nd Floor, Khayaban-e-Ittehad, Phase VII,
Defence Housing Authority, Karachi.
Tel: (92-21)-35390408, 35390409, Fax: 35390410
E-mail: ti.pakistan@gmail.com
Website: www.transparency.org.pk

4th May 2010

Mr. Salman Hasan,
Director International Marketing,
Pakistan Software Export Board,
2nd Floor, Evacuee Trust Building,
F-5/1, Agha Khan Road,
Islamabad

Tel: 051 9204074 ; Fax 051 9204075

Subject: Violation of Public Procurement Rules, 2004 Request for Proposal for
Hiring of Consultants for "Designing Portal, Company Directory & Industry Verticals
Coverage

Dear Sir,

TI Pakistan has received your reply dated 28th April 2010 and copy of the letter sent to PPRA on 3 May 2010.

The Terms of Reference available on Pakistan Software Export Board website do not comply with the requirement as prescribed by the Rule No. 23 of the Public Procurement Rules 2004, which were highlighted in TIP letter dated 26th April 2010. Missing documents from the TOR are, form of bid; form of contract; general or special conditions of contract format of all securities required etc.

Moreover, the Evaluation Criteria given in TOR does not include the sub-criteria, viz. company profile is awarded 10 points, but who will get 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 points is not given. Such is case with all the 5 Bid Criteria for Portal and the Company Directory Content, 100 points, and How 150 points for Draft Web Samples, and 150 points for Company Directory Content will be awarded. The whole Evaluation Criteria is Opaque.

The most important violation is that PSEB is using weight age method of 60 points for technical proposal and 40 points for financial proposal, which is not allowed in PPRA Rules. Whereas Clause 15(b) on page 14 states. Cost for phase 1 and 2 will be the primary criteria for selecting the winning bidder (65% of the relevant score while 35% of the score will be awarded for average of phase 3 and subsequent phases). What does this mean is not clear and seems to be a difficult condition, which is not allowed under Rule No 32

32. Discriminatory and difficult conditions.-

Save as otherwise provided, no procuring agency shall introduce any condition, which discriminates between bidders or that is considered to be met with difficulty. In ascertaining the discriminatory or difficult nature of any condition reference shall be made to the ordinary practices of that trade, manufacturing, construction business or service to which that particular procurement is related.

Prescribed procedure is in Rule No 36, which states that the procuring agency shall evaluate the technical proposal in a manner prescribed in advance, without reference



to the price and reject any proposal which does not conform to the specified requirement,) during the technical evaluation no amendments in the technical proposal shall be permitted; after the evaluation and approval of the technical proposal the procuring agency, shall at a time within the bid validity period, publicly open the financial proposals of the technically accepted bids only, the financial proposals of bids shall be opened publicly at a time, date and venue announced and communicated to the bidders in advance; and the bid found to be the lowest evaluated bid shall be accepted.

Transparency International Pakistan again request you to kindly abide with PPRA Rules, cancel and re-invite the tender and make all its procurement Transparent, and in accordance with the requirements of Public Procurement Rules 2004 prepare Tender Documents required under Rule 23, including the evaluation criteria.

With Regards,


Syed Adil Gilani
Chairman,

Copy forwarded for the information and appropriate action on the violation.

1. Chairman Public Accounts Committee, Islamabad
2. Auditor General Pakistan, Islamabad
3. Managing Director PPRA, Islamabad
4. Chairman, PSEB, Islamabad