



4th February, 2012

Director General,
Civil Aviation Authority,
HQ, Civil Aviation Authority,
Terminal No. 1,
Jinnah International Airport,
Karachi

Sub: Complaint about Pre-Qualification of Consultants, Violation of Public Procurement Rules 2004 in Expression of Interest for Reconstruction of Main Runway at Quetta International Airport and Up gradation of Runway of Karachi Airport.

Dear Sir,

Transparency International Pakistan has received CAA clarification dated 11 January 2012, from MD PPRA, to its complaint dated 15/12/2011, which is not in accordance with the requirements of Rule 48 of Public Procurement Rules 2004.

48. Redressal of grievances by the procuring agency.-

(1) The procuring agency shall constitute a committee comprising of odd number of persons, with proper powers and authorizations, to address the complaints of bidders that may occur prior to the entry into force of the procurement contract.

(2) Any bidder feeling aggrieved by any act of the procuring agency after the submission of his bid may lodge a written complaint concerning his grievances not later than fifteen days after the announcement of the bid evaluation report under rule 35.

(3) The committee shall investigate and decide upon the complaint within fifteen days of the receipt of the complaint.

The reply of CAA is again violation of PPRA Ordinance, as well as Public Procurement Rules 2004, as CAA has failed to form the Grievance Redressal Committee, and also violated MoD U.O. No. 1/4/Misc/F&A/2010 dated 28 Jan 2010 and MoD Letter No 185/P&D/10 dated 30 Jan 2010.

CCA has also failed to conduct the proper inquiry through the predesigned Grievance Redressal Committee, and the forward the Inquiry Report to the Secretary Ministry of defence for the administrative review, which is mandatory as per Public Procurement Regulatory Authority's notification No. 3(5)/DD-II/PPRA/2009 dated 10th February 2010, quoted below:

“The Principal Accounting Officer as a next logical step should conduct an **administrative review** on the findings of complaint and take action in accordance with conduct rules in the event.”

These two consultancy are deemed to be Mis-procurement under the Rule no 50, mis-procurements and shall to be dealt under the Rule No 2 (f), Corruption and fraudulent practice.



Rule 2. (f) "corrupt and fraudulent practices" includes collusive practices among bidders (prior to or after bid submission) designed to establish bid prices at artificial, non-competitive levels and to deprive the procuring agencies of the benefits of free and open competition and any request for, or solicitation of anything of value by any public official in the course of the exercise of his duty.

This is also to inform the MD that CAA has been regularly violating on almost all procurements, and also blatantly bypassing the PPRA requirements issued under various notifications and regulations.

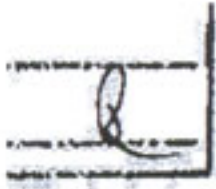
Copies of Mod UO Note, and ASF memorandum posted on PPRA website is also enclosed.

Regards,


Syed Adif Gilani,
Chairman,

Copy forwarded for necessary action as per rules read with the Supreme Court of Pakistan's orders on 28th April 2010 in case of LNG contract to GDF-Suez, "Here we may observe that it is duty of the court to ensure that the Public Procurement Regulatory Authority Ordinance 2002 read with the Public Procurement Rules 2004 are adhered strictly to exhibit transparency".

1. Chairman, PAC, Islamabad
2. Chairman, NAB, Islamabad,
3. Ch. Ahmad Mukhtar , Federal Minister for Defence, Ministry of Defence, Rawalpindi.
4. Secretary, Defence Division, Pak Secretariat – II, Rawalpindi
5. Registrar, Supreme Court of Pakistan, Islamabad.
6. Auditor General Pakistan, Islamabad
7. Managing Director, PPRA, Islamabad.



Government of Pakistan
Ministry of Defence
F & A Section

Subject:-

REDRESSAL OF GRIEVANCES BY THE PROCURING AGENCY

Rule 48 (1) of the Public Procurement Rules, 2004 provides that the procuring agency shall constitute a committee comprising odd number of persons, with proper powers and authorizations to address the complaints of bidders that may occur prior to entry in to force of the procurement contract. The grievance redressal mechanism and further recourse is laid down in Rule 48 (2), (3), (4) & (5). (Copy enclosed).

2. Though procuring agencies largely ensure compliance of the Public Procurement Rules 2004, but in some cases, grievance redressal committees have not been constituted to grant right to the bidders to represent against the decision of procuring agency, as legal obligations.

3. The competent authority has directed that all the concerned departments shall constitute grievance redressal committees comprising of odd number of persons with proper powers and authorizations to address complaints of the bidders. The departments should mention the composition of committee in tenders so that bidders may approach the committee for redressal of complaint(s) if any, under intimation to this Ministry.




(**MUHAMMAD MANZUR**)
Finance & Accounts Officer

Government of Pakistan
Ministry of Defence
Headquarters ASF
Karachi - 75200
No.77-31/2010/Admin/6374

12 February 2010

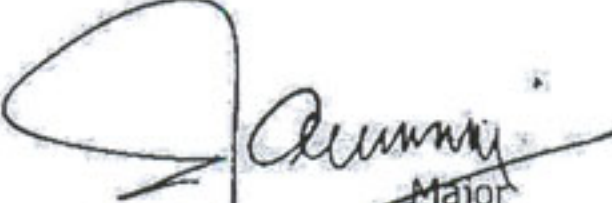
OFFICE MEMORANDUM

Subj:- **Redressal of Grievances By The Procuring Agencies**

Reference Ministry of Defence u.o No.1/4 /Misc/F&A/2010 dated 28th Jan 2010 and letter No.185/P&D/10 dated 30th Jan 2010 (Copies enclosed)

In accordance with the Rule 48 (1) of Public Procurement Rules 2004 Grievances Redressal Committee comprising of following officers of HQ ASF is hereby constituted with powers and authorization to address the complaints of bidders that may occur prior to entry into force of the procurement contract of Airports Security Force:-

President : Dy Director General (Coord)
Member-I : Deputy Director (Proc) / Assistant Director (Proc)
Member-II : Assistance Director (Finance)


Major
(Malik Tahir Mahmood)
A/Director (Admin)
Airports Security Force

Distribution