



20<sup>th</sup> March 2012

Engineer Farkhand Iqbal,  
Chairman,  
Capital Development Authority,  
Islamabad.

**6<sup>th</sup> LETTER**

**Sub: Park Enclave Project, Pre-Qualification of Contractors- CDA Letter dated 15<sup>th</sup> December 2011 & 02<sup>nd</sup> March 2012, TIP Letters dated 29<sup>th</sup> December 2011, 18<sup>th</sup> January 2012, 07<sup>th</sup> February 2012, 15<sup>th</sup> February 2012 & 10<sup>th</sup> March 2012 and PPRA Letters dated 19<sup>th</sup> December 2011, 02<sup>nd</sup> January 2012, 23<sup>rd</sup> January 2012, 01<sup>st</sup> February 2012 & 23<sup>rd</sup> February 2012.**

Dear Sir,

This is with reference to TI-Pakistan's letter dated 10<sup>th</sup> March 2012 sent in response to Park Enclave Project's reply dated 02<sup>nd</sup> March 2012 on the above subject. However no reply has been received by TI-P as of date.

Through the letter, TI-Pakistan has explained that Rule 3(D)(i)(d) of the PPRA Regulations 2010 and Rule 42(c) of the Public Procurement Rules 2004 are applicable when only one consultant is qualified or has experience of exceptional worth, and the clarification given by the CDA is not acceptable under the Public Procurement Rules 2004.

TI-P had also pointed out that there is no **firm** "Disaster Management and Reconstruction Division, NESPAK" licensed by the PEC, while this non-licensed firm has evaluated the pre-qualification of 12 renowned contractors. You were also informed that about 40 consulting firms are present in Pakistan having the required experience for carrying out the assignment of consulting services for Park Enclave.

TI-Pakistan would again like to remind CDA to ensure the application of the PPRA Ordinance 2002 and the Public Procurement Rules 2004 in all its procurements, and to proceed with actions against the officers who have illegally awarded the Consultancy Contract to M/S NESPAK. If the complaint is true, CDA may proceed by rejecting all bids and re-invite the tenders, with new pre-qualification under Rule No. 34(1).

TI-P is striving to have **Rule of Law** in Pakistan.

Regards,

Syed Adil Gilani  
Adviser

Copies forwarded for the information of:

1. Chairman, Public Accounts Committee, Islamabad.
2. Chairman, NAB, Islamabad – with a request to take notice of violations of the Public Procurement Rules 2004 by CDA. The particular act of CDA is collusion between the procuring agency, contractor and the consultant and therefore comes under the scope of Rule 2(f) "corrupt and fraudulent practices".
3. Registrar, Supreme Court of Pakistan, Islamabad.
4. Auditor General, Islamabad.
5. Project Director, Park Enclave, Islamabad.
6. Managing Director, PPRA, Islamabad.