



TRANSPARENCY INTERNATIONAL-PAKISTAN

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1st May 2011

Mr. Muhammad Hussain Syed,
Acting Administrator and DCO,
CDGK,
Civic Centre,
Gulshan-e-Iqbal,
Karachi

Subject: Complaint against Acting Administrator and DCO, CDGK for award of Contract to NESPAK for feasibility study of Malir Expressway, against SPPRA

Dear Sir,

Transparency International Pakistan refers to News in the Daily NEWS of 28th April 2011, (copy enclosed).

Nespak has been appointed as consultant for construction of the Malir River Expressway from DHA Phase-VII to the Superhighway.

The company will conduct the full study of the project and submit its feasibility report within two months after which measures will be taken to commence work on the project.

This was decided at a high-level meeting held at the DCO's Camp Office on Wednesday under the chairmanship of the acting Karachi Administrator, Muhammad Hussain Syed.

The meeting was attended by Brigadier Syed Hasan Raza Hussain-the representative of Corps V; Colonel(Retd) Ali Amjad of the Defence Housing Authority; the EDO, Works & Services, Rasheed Mughal; the EDO, Transport, Atique Baig; Nespak representative Farhat Adeel; Director SBI, Mehmood-ul-Haq; Engineer Makhdoom Rasheed; the Director-General, Mass Transit Cell; representatives of other private consultant firms; and other officers.

Transparency International Pakistan has also received complaint that the Contract is being or was awarded without public tendering, in violation of SPRRA Rules 2010.

The News and Complaint if true, renders this Contract Award as Mis- Procurement under Rule 2 (x) "Mis-procurement", which means public procurement in contravention of any provision of Sindh Public Procurement Act, 2010, any rule, regulation, order or instruction made there under or any other law in respect thereof, or relating to, public procurement;

It is advised mis-procurement under Rule 56 requires criminal proceedings, as quoted below;

(4) On declaration of mis-procurement, any of the following actions shall be taken;

(a) In case the contract has not been awarded:

(i) bid shall be eliminated from procurement proceedings, or procurement proceedings shall be declared null and void, and the whole process shall be carried out afresh; and



(ii) case shall be registered under the Sindh Enquiries and AntiCorruption Act, 1991 (Sindh Act No. IV of 1992) and the Rules made thereunder against the official(s) of the procuring agency held responsible for the mis-procurement.

(b) In case the contract has been awarded:

(i) case shall be registered under the Sindh Enquiries and AntiCorruption Act, 1991 (Sindh Act No. IV of 1992) and the Rules made thereunder against the official(s) of the procuring agency held responsible for the mis-procurement; and

SPPRA also requires under Rule 64 Equal Access to Information, that the procuring agency shall make available information to all the bidders for consulting services on an equal opportunity basis.

TI Pakistan therefore suggest to the Acting Administrator not to act against the e Sindh Public Procurement Rules, 2010 issued vide NO. SORI(SGA&CD)2-30/2010 which are mandatory on CDGK.

TI Pakistan is also advising Managing Director SPPRA to check the status of the News report and complaint, and if ADGK has violated the provisions of Sindh Public Procurement Rules, 2010 in this propecurement, initiate action to *register case under the Sindh Enquiries and Anti Corruption Act, 1991 (Sindh Act No. IV of 1992) and the Rules made thereunder against the official(s) of the procuring agency held responsible for the mis-procurement*

We would to remind you that Supreme Court Suo Moto Case 18 of 2010 is against Violation of Public Procurement Rules 2004 by NICL, and that the Supreme Court in its orders in the Suo Moto Case No.5 of 2010 for the GDF Suez supply of LNG, dated 28 April 2010 has categorically stated that "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 to strictly to exhibit transparency. It is universally recognized principle that such type of transactions must be made in transparent manner for the satisfaction of the people, who are the virtual owners of the national exchequer, which is being invested in these projects".

TI Pakistan is striving for across the board for Rule of Law in Pakistan and request CDGK to perform the legal obligations in processing all procurement for CDGK.

With Regards,

Syed Adil Gilani
Chairman

Copy forwarded for the information and application of Rule of Law to,

1. Chief Justice, Sindh High Court, Karachi,
2. Registrar, Supreme Court, Islamabad
3. Chief Secretary, Govt of Sindh, Karachi,
4. Director General NAB, Sindh, Karachi
5. Managing Director Sindh PPRRA, Karachi