



DEPARTMENT OF AGRICULTURE
AZAD GOVT. OF THE STATE OF JAMMU KASHMIR
MUZAFFARABAD



No / ¹⁴⁶⁻⁴⁹ / DGA/Planning / 2019

Dated: January 22, 2019

The Secretary,
Agriculture, Livestock & Irrigation,
Azad Govt. of the State of Jammu & Kashmir,
Muzaffarabad

Subject: VIOLATION OF AJ&K PPRA RULES, 2017

Sir,

Please refer to the Prime Minister's Secretariat letter No. /PMS/DI-3(31)2018 dated 03.01.2019 on the subject cited above (copy attached as Annexure "A").

It is explained that this office received a letter No. TL 18/1511/2A dated 15.11.2018 (copy attached as Annexure "B") from the Non Government Organization (NGO) Transparency International Pakistan on 22.11.2018. The Department of Agriculture took corrective measures and issued a notice that "the condition no. 14 that was highlighted by the Transparency International Pakistan stands deleted from the advertisement". This notice was publicized on prominent places of the Directorate General of Agriculture office (copy attached as Annexure "C") as the time limit to publish it in the newspapers was lapsed. To further ensure the communication of this information to all the stakeholders, a circular was issued and served to all suppliers/bidders participating in the tendering process.

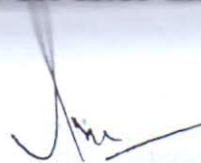
2. It is also explained that the condition no. 14 of this advertisement was not violation of AJ&K PPRA Rules-2017 because the Department of Agriculture is not involved in any direct contract for purchase nor it intended to repeat the work order /change of any supply.

3. It is further clarified that all the newspaper and web based advertisements are announced for the purchase of different agricultural inputs against the development projects. The condition no. 14 was mentioned as a precautionary measure to counter the uncertainty in availability of development funds. The Annual Development Budget 2018-19 for the sub sector "Crops and Horticulture" was initially

Rs. 195.000 million. But due to financial crunch it has been curtailed to Rs. 155.000 million. In spite of this reduction in the development budget of this Department has allocated the same ADP funds to these two development projects mentioned in the advertisement and original amount remained same.

So the reason to place the condition no. 14 in the advertisement was just to provide safeguard against funds reduction shock on national basis and to avoid any litigation by the successful bidders in the court of law.

In the light of above given explanation / clarification the report is submitted for information and it is requested to set aside the notice by the Transparency International Pakistan.



Director General Agriculture
Muzaffarabad

C.C

1. Mr. Muhammad Arif, Section Officer (D&I), Prime Minister Secretariat Muzaffarabad for Information.
2. PS to Additional Chief Secretary (General), GoAJK, Muzaffarabad.
- ✓ 3. Transparency International (TI) Pakistan

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Annex-A



PRIME MINISTER SECRETARIAT
AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
MUZAFFARABAD

No. PMS/DI-3(31)2018 Dated 03rd January, 2019

To,

1. Vice Chancellor, University of AJ&K, Muzaffarabad.
2. Vice Chancellor, Mirpur University of Science & Technology, Mirpur.
3. The Director General, Tourism and Archeology, GoAJ&K, M.abad.
4. The Chairman AJK Power Development Organization GoAJ&K, M.abad.
5. The Secretary AJK Board of Intermediate & Secondary Education, Mirpur.
6. The Chief Engineer, Electricity Department, GoAJ&K, M.abad.
7. The Chief Engineer, Central Design Office, GoAJ&K, M.abad.
8. The Registrar, University of AJ&K, M.abad.
9. The Executive Director, Abbas Institute of Medical Sciences, GoAJ&K, M.abad.
10. The Planning Officer, Agriculture Department, GoAJ&K, M.abad.
11. The Assistant Secretary (Management) AJ&K Legislative Assembly, M.abad.
12. The Director, Forests Department, AJ&K, M.abad.
13. The Deputy Inspector General of Police, GoAJ&K, M.abad.
14. The Executive Engineer, Construction Department, PHE Division Rawalakot.
15. The Controller, Govt. Printing & Stationery Department, GoAJ&K, M.abad.
16. Section Officer Finance (Transport), GoAJ&K, M.abad.
17. Medical Superintendent, DHQ Hospital, Bhimber.

SUBJECT:- VIOLATION OF AJ&K PPRA RULES, 2017.

I am directed to refer to the above mentioned subject and to enclose herewith the self-explanatory copy of letter (related to your department) of Transparency International-Pakistan for your information.

2. Keeping above in view, it is requested that the corrigendum/correction may kindly be issued regarding the objection indicated by Transparency International-Pakistan, under intimation to this Secretariat.

Sincerely,

Encls: (2) pages

11-1-19
PO

Received No. 101
Date 10/1/19

(Muhammad Arif)
Section Officer (D&I)
Ph. # 05822-921696

Copy to:

1. PS to the Principal Secretary to the Prime Minister, GoAJ&K.
2. PS to the Additional Chief Secretary (Gen.), GoAJ&K, Muzaffarabad.
3. Transparency International (TI), Pakistan,
4. Office Copy.

Section Officer (D&I)

Annex-B



TRANSPARENCY INTERNATIONAL-PAKISTAN

4-C, Mezzanine Floor, Khayaban-e-Ittehad, Phase VII
Defence Housing Authority, Karachi.
Tel: (92-21) 35390408, 35311897-8,
Fax: (92-21) 35390410
E-mail: ti.pakistan@gmail.com
Website: www.transparency.org.pk

15th November, 2018

TL18/1511/2A

Planning Officer,
Agriculture Department,
Government of Azad Jammu & Kashmir,
Muzaffarabad,
Azad Jammu and Kashmir.

**Sub: Violation of the AJ&K Public Procurement Rules 2017, Planning Officer,
Agriculture Department, Government of AJ & K, Muzaffarabad's Tender Notice
for Purchase of Miscellaneous Items for Crop Maximization Programme for Fruit
Development Programme.**

This is with reference to Agriculture Department, Muzaffarabad's Tender Notice, published in daily "Nawaiwaqt" on 10th November, 2018. It is observed, the advertisement is in violation of the AJK PPRA Rules 2017.

As per terms and condition No. 14, "the Department will procure the items considering the availability of funds and its needs". Any change in tender conditions, specifications and quantity after bid opening by procuring agency is not allowed under Rules. However according to AJK PPRA Rules 2017, Rule No. 42 (c) (iv), repeat orders cannot exceed more than 15% of the original quantity. Stated as under;

*42. Alternative methods of procurements.- A procuring agency may utilize the following alternative methods of procurement of goods, services and works, namely:-
(c) direct contracting: a procuring agency shall only engage in direct contracting if any of the following conditions exist:
(iv) repeat orders not exceeding fifteen per cent of the original procurement;*

The above information is forwarded for the purpose of avoiding mis-procurement charge under Rule No 50, and with request to re-invite the tender under the prescribed procedures or issue a corrigendum and extend date accordingly.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption.

Justice Zia Perwez
Former Judge of Supreme Court of Pakistan and High Court of Sindh
Trustee- TI-Pakistan

3833
22-11-2018

Copies forwarded for the information with request to take action under their mandate to:

1. Secretary to Prime Minister, Islamabad.
2. Chairman, Ehtesab Bureau of Azad, AJ&K, Muzaffarabad.
3. Chairmar, Prime Minister's Inspection Commission, Islamabad.
4. Registrar, Supreme Court of Pakistan, Islamabad.
5. Managing Director, AJK PPRA, Azad Kashmir.

