

No.F.1(139)/DD-II/PPRA/2009
GOVERNMENT OF PAKISTAN
PUBLIC PROCUREMENT REGULATORY AUTHORITY
(CABINET DIVISION)

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Islamabad, the December 14, 2009.

From : Naeem Ahmed,
Deputy Director – II,

To : Syed Adil Gilani,
Chairman,
Transparency International-Pakistan,
5-C, 2nd Floor,
Khayaban-e-Ittehad, Phase-VII,
Defence Housing Authority,
Karachi.

Subject: VIOLETION IN PUBLIC PROCUREMENT RULES, 2004 –
PROPOSALS FOR HIRING OF LEGAL CONSULTANTS FOR
REVIEW OF DRAFT PUBLIC PARTNERSHIP BILL.

Please refer to your letter No.nil, dated 26th November, 2009 on the
above subject.

2. Your complaint was forwarded to Infrastructure Project Development
Facility (IPDF) for disposal under Rule-48 of Public Procurement Rules, 2004.
Procuring Agency has given the comments on the complaint and the same is being
enclosed for your kind perusal.

(NAEEM AHMED)

7 December 2009

Ref. No. CS/LA/023/2009-2010

Mr. Naeem Ahmed
Deputy Director - II
Public Procurement Regulatory Authority
1st Floor, FBC Building, near State Bank
Sector G-5/2, Islamabad

SUBJECT: VIOLATION OF PUBLIC PROCUREMENT RULES, 2004 - PROPOSALS FOR HIRING OF LEGAL CONSULTANTS FOR REVIEW OF DRAFT PUBLIC PARTNERSHIP BILL.

Dear Sir,

Reference letter number F.1(139)/DD-II/PPRA/2009 dated 2nd December 2009 and letter dated 26th November 2009 of Transparency International commenting on the publication of the advertisement dated 26th November 2009 (hereinafter, the "Advertisement") on the subject noted above. Our comments, without prejudice, are hereunder:

1. Neither any violation of Public Procurement Rules, 2004, notified by the Government of Sindh vide letter number SO(C-1)SGA&CD/4-80/2006 dated 1st November 2006 has been committed by IPDF nor the same are applicable to IPDF at or after the publication of advertisement in the Daily Dawn dated 26th November 2009 inviting thereby open competitive proposals on the basis of the publically announced 'eligibility criteria' and ToRs (placed and uploaded on IPDF website).
2. The Advertisement ensured expressly the provision of firms' profiles with fee quote/financial proposal enclosed separately in one envelope so as to evaluate separately the applicant firms' professional expertise in front of the potential participants on the date and time already communicated to the potential participants through the Advertisement. The financial proposal/fee quote shall only be opened to those firms/persons/companies that have been shortlisted on the basis of the 'eligibility criteria'.
3. The crux, intent and import of the Public Procurement Regulatory Authority Ordinance, 2002 (the "Ordinance") and the Public Procurement Rules, 2004 (the "Rules") is to provide, *inter alia*, 'transparency in the procurement process', 'open competition' for ensuring and achieving 'value for money' in order to curb the bad and mal practices within the procurement process. Therefore, wherever and whenever these basic norms of the Ordinance and Rules are adhered, none should be allowed to impute the procuring agency for committing a 'violation' so as to jeopardise the



IPDF
Infrastructure
Project
Development
Facility



MINISTRY OF FINANCE

genuine procuring process and the above sated norms because of an accusation that is not based on any cogent, reliable and convincing evidence.

4. The Advertisement is self explanatory providing with precision the whole procurement process.
5. The expertise and professionalism demanded from the firms/companies in the 'eligibility criteria' cannot be quantified in numbers/digits by awarding different levels of scorings. In this connection, the professionals demanded through the Advertisement are falling within the special group of professionals therefore, requires special treatment. Even then, the spirit of the Rules was adhered by IPDF.

Wherefore, it is requested that the letter under reference may kindly be withdrawn and it may also be communicated to the 'Transparency International-Pakistan' to avoid prototype commenting in the future.

Warm regards,

Mohammad Awais

Company Secretary/Advisor: Legal