



26th November, 2009

Mr. Mohammad Awais,
Company Secretary,
Infrastructure Project Development Facility,
House No 2, Street No. 59, F-7/4
Islamabad

Fax 051 9100169

Subject: Violation of Public Procurement Rules, 2004 Proposals for Hiring of Legal Consultants for review of Draft Public Partnership Bill

Dear Sir,

The Invitation of Proposals advertised for Hiring of Legal Consultants for review of Draft Public Partnership Bill in "Dawn" on 26th Nov. 2009, is lacking Transparency and violating the "Public Procurement Rules, 2004" notified by the Govt. of Sindh vide letter No. SO(C-1) SGA&CD/4-80/2006 dated 1st November 2006.

Public Procurement Rules, 2004 have eliminated all discretions in procurement process, and it is mandatory to provide a set of Tender Documents under Rules Nos. 22, 23 & 24 to applicants, which shall include Evaluation Criteria.

22. Submission of bids.- (1) The bids shall be submitted in a sealed package or packages in such manner that the contents are fully enclosed and cannot be known until duly opened.

(2) A procuring agency shall specify the manner and method of submission and receipt of bids in an unambiguous and clear manner in the bidding documents.

23. Bidding documents.- (1) Procuring agencies shall formulate precise and unambiguous bidding documents that shall be made available to the bidders immediately after the publication of the invitation to bid.

Rule No 35. Announcement of evaluation reports.- Procuring agencies shall announce the results of bid evaluation in the form of a report giving justification for acceptance or rejection of bids at least ten days prior to the award of procurement contract.

Kindly note that according to Rule No 2, Consultant is also defined as "Contractor".

(d) "contractor" means a person, consultant, firm, company or an organization who undertakes to supply goods, services or works;



In this procurement applicable rule is Rule No. 36. Procedures of open competitive bidding.- In single stage – two envelope procedure PROCUREING AGENCY shall evaluate the technical proposal in a manner prescribed in advance, without reference to the price and reject any proposal which do not conform to the specified requirements. The financial proposals of bids shall be opened publicly at a time, date and venue announced and communicated to the bidders in advance. After the evaluation and approval of the technical proposal the procuring agency, shall at a time within the bid validity period, publicly open the financial proposals of the technically accepted bids only and the bid found to be the lowest evaluated bid shall be accepted.

Rule No 47. Public access and transparency.- As soon as a contract has been awarded the procuring agency shall make all documents related to the evaluation of the bid and award of contract public.

Transparency International Pakistan request the you to make all its procurement Transparent, and in accordance with the requirements of Public Procurement Rules 2004, and prepare Tender Documents required under Rule 23, including the evaluation criteria.

The above information is forwarded for the purpose to avoid the mis-procurement charge under Rule No 50, and to re- invite the Expression of Interest, which shall be based on the procedures prescribed by Public Procurement Rules, 2004

With Regards,


Syed Adil Gilani
Chairman,

Copy forwarded for the information and appropriate action on the violation,

1. Chairman Public Accounts Committee, Islamabad
2. Minister of Finance, Islamabad,
3. Auditor General Pakistan, Islamabad
4. Managing Director PPRA , Islamabad



A Company Established under Section 42
of the Companies Ordinance 1984



Ministry of Finance

INVITATION FOR SUBMISSION OF PROPOSALS FOR HIRING LEGAL CONSULTANT FOR REVIEW OF DRAFT PUBLIC PRIVATE PARTNERSHIP BILL

Infrastructure Project Development Facility (IPDF) is a company established under the aegis of the Ministry of Finance to facilitate the development of infrastructure projects under the Public Private Partnership (PPP) modality. In order to facilitate and promote the private investment in Infrastructure projects and services, IPDF has drafted a PPP Draft Bill to strengthen, secure and protect the rights of the public and private parties for projects structured under the PPP modality. For this purpose, IPDF is seeking the services of a Legal Consultant/Advisor to review the PPP Draft Bill drafted by IPDF and, if required, make modifications in the aforesaid draft. It is envisaged that the assignment shall be completed within two months.

Eligibility Criteria:

The professional shall have the following attributes:

1. Extensive relevant work experience and expertise in legislative drafting with relevant past experience in this field, inter alia, legal aspects of project financing, PPP documentations, regulatory and financial concepts involved in PPP types of procurements.
2. In depth understanding of the international legislative, regulatory, financial and risk management frameworks for PPPs, existing domestic legislative environment and governmental procedures relating to infrastructure development including procurement of infrastructure and infrastructure related services that directly or indirectly impact PPPs in Pakistan; provincial legislations, guidelines and regulations relating to PPPs.
3. Ability to analyse conceptual differences of PPP Laws of the various jurisdictions and ability to customize them in accordance with the legal regime of Pakistan.
4. The ability to adapt international best practices to the context in Pakistan.

Manner of Application:

Interested individuals/partnerships/companies are required to submit their proposals, with a profile of the firm/company or individual, indicating their relevant experience in legislative drafting, and qualifications along with financial proposals/quote containing separately in one envelope, to IPDF on the address given below latest by **15th December 2009**. The applicants shall be judged according to the criteria referred above.

Reservation of Rights:

IPDF reserves the right to reject any one or all of the proposals or cancel the whole process at its discretion and option before the acceptance of any proposal. Only the successful firm/company or individual shall be contacted. However, at the time of opening of proposals, the parties shall have right to be present on **15th December 2009 at 2:30 P.M** at the address given below.

For further information, details and TORs please visit: www.ipdf.gov.pk

Mohammad Awais

Company Secretary

Infrastructure Project Development Facility
#2, Street #59, Sector F-7/4, Islamabad, PAKISTAN

Tel: +9251 - 2656090, 2656252, 2655254

Fax: +9251 - 9100169, 2656251

E-mail: info@ipdf.gov.pk

IPDF Website: www.ipdf.gov.pk

PKD/1 No. 2974/09