



July 14, 2015

Mr. Sohail Muzaffar
Chairman,
Transparency International-Pakistan
5-C, 2nd Floor, Khayaban-e-Ittehad, Phase VII,
Defense Housing Authority,
Karachi

Sub: Violation of Public Procurement Rules, 2004. Complaint against the procurement processes at SECP (Hiring of Record Management Services) filed by Archive Technologies (Pvt) Limited
Transparency International Pakistan's letter dated 7th April 2015

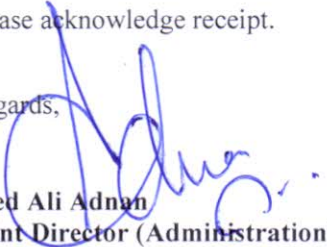
Dear Sir,

This is with reference to your letter No. Nil dated July 10, 2015 regarding non-receipt of reply to your letter dated April 7, 2015 addressed to the Chairman, SECP.

It is to inform that this Commission has already replied to your above referred letter vide its letter No. M&C/CS/4/2015 dated April 23, 2015. The reply letter was sent to you through TCS and delivery status received from TCS shows that the said letter has been delivered in your office on April 24, 2015 at 11:05 Hrs. and has been received by Ms. Arwa (copy of email from TCS is placed at Annex I). We are however sending a copy of the referred letter dated April 24, 2015 to you once again herewith.

Please acknowledge receipt.

Regards,


Syed Ali Adnan
Joint Director (Administration)

Copy forwarded for the information to:

1. Secretary to Prime Minister, Islamabad.
2. Chairman, NAB, Islamabad.
3. Director General, NAB, Karachi.
4. Chairman, Prime Minister's Inspection Commission, Islamabad.
5. Registrar, Supreme Court of Pakistan, Islamabad.
6. Managing Director, PPRA, Islamabad

**SECURITIES & EXCHANGE
COMMISSION OF PAKISTAN**

NIC Building, 63 Jinnah Avenue,
Islamabad, Pakistan

PABX: +92-51-9207091-4, Fax: +92+51-9204915, Email: webmaster@secp.gov.pk, Website: www.secp.gov.pk

From: Muhammad Ansab Naeem/Sales/ISB-G8 <ansab.naeem@tcs.com.pk>
Sent: Tuesday, July 14, 2015 9:24 AM
To: Muhammad Muneer Kiyani
Subject: Staus 23015482612

Importance: High

Dear Kiyani sab,
 Please find below delivery status

SECURITY SYSTEM - [WINDOW0]	
Window	
Consignemnt #	23015482612
Origin	ISB
Destination	KHI
Book/Date	23.04.2015
Book Time	
Weight	.5
No/Pcs	1
Call No	
Courier #	30206
Route #	
Service #	0
Product #	G
Customer#	608594
Name	SECP HEAD OFFICE
Consignee	SUHAIL
Handling Instructions	<input type="checkbox"/>
COD Status	<input type="checkbox"/>
User ID	
Pack. Content	P

Previous
 Next
 complain

DELIVERY DETAILS

	Sheet No.	Shift	Route	Courier #	Date	Time	Received By	Status	Hover	CNIC	Rec
Exit	KH1S027008		ADE	102497	24/04/2015	11:05	ARWA	OK			
Back											
Trace											

MUHAMMAD ANSAB NAEEM
 Business Development Manager
 +(92) 312-5498887

TCS Private Limited
 Capital Center, Block 2,
 G-8 Markaz, Islamabad, Pakistan.
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SECURITIES & EXCHANGE COMMISSION OF PAKISTAN

Chairman's Secretariat

No: M&C/CS/ 4 /2015

April 23, 2015

Mr. Sohail Muzaffar
Chairman,
Transparency International-Pakistan
5-C, 2nd Floor, Khayaban-e-Ittehad, Phase VII,
Defense Housing Authority,
Karachi

Subject: Violation of Public Procurement Rules, 2004. Complaint against the procurement processes at SECP (Hiring of Record Management Services) filed by Archive Technologies (Pvt) Limited

Transparency International Pakistan's letter dated 9th March 2015 and SECP reply dated 26th March 2015

Dear Sir,

This is with reference to your letter No. Nil dated April 07, 2015 and our comprehensive reply dated March 26, 2015 wherein a complete detail regarding subject matter and reasons for award of contract to M/s Agility Logistics ("the Contractor") has been provided and same are reiterated and are not being reproduced for sake of brevity. Copy of letter dated March 26, 2015 is once again attached herewith as annexure "A".

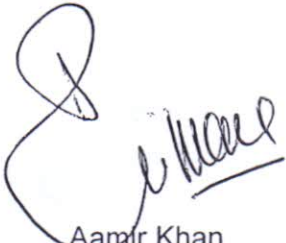
It is again clarified that the Commission is an independent body established under a special statute having its own procurement policy formulated under the powers conferred by the Securities and Exchange Commission of Pakistan Act, 1997 which is at par with the principles laid out in PPRA Rules. As per Chapter 7 Clause 12 of SECP Procurement Policy 2011 negotiation with the "best evaluated bidder" is permissible, based on technical and financial evaluation, in order to secure maximum benefit for the organization. Furthermore, the complaint of the M/s Archive Technologies (Pvt.) Limited ("the Complainant") regarding the procurement process received in this office on January 14, 2015 has been processed and decision to that effect has duly been communicated to the Complainant through letter dated January 27, 2015 accordingly. Copy of the letter is appended as annexure "B".

We have already categorically mentioned in our aforementioned letter that the Complainant has been illegally refusing to hand over statutory record in spite of repeated reminders despite decision of the Appeal by learned Court of Session against the stay order obtained by the Complainant. Copy of order of appellate court is appended as annexure "C".

Be that as it may, owing to the unlawful action of the Complainant and pending litigation thereto vide letter dated March 24, 2015, the Contractor intimated that they would like to walk away/get out of the contract signed between them and SECP for provision of services of storage as record have not been shifted at their premises. The Commission in its 15th meeting held on April 07, 2015 has considered all these aspects and due to protracted litigation decided to develop its own system for storage of its statutory record. Copy of letter from the Contractor is appended as annexure "D".

Without prejudice to above, it is once again reemphasized that matter regarding extension of contract of Complainant is already sub-judice before learned Civil Judge (West) Islamabad and it is not lawful to pass any remarks on *lis* which is pending.

Regards,



Aamir Khan
Executive Director
o/c

Copy forwarded for the information to:

1. Secretary to Prime Minister, Islamabad
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3. Chairman, Prime Minister's Inspection Commission, Islamabad
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5. Managing Director, PPRA, Islamabad

