



29th December 2011

Managing Director,
Public Procurement Regulatory Authority,
Islamabad.

Subject: Expansion of Container Terminal at Berths No. 6-9 East Wharf, Karachi Port Trust, Ref: KPT S/2974 dated 29/11/2011 and TIP Letters dated 30/11/2011, 1/12/2011, 19/12/2011, 21/12/2011, 24/12/2011 and PPRA Letter dated 21/12/2011.

Dear Sir,

Transparency International Pakistan is in receipt of copy of your letter dated 21st December 2011 addressed to Chairman KPT regarding KPT's request to TI-Pakistan for the application of Public Procurement Rules 2004 on the Public Private Partnership projects of container terminals awarded in 2002 on BOT basis.

The KPT request was responded vide our various letters as mentioned above and detailed comments were finally given on 24th December 2011 and a copy was also forwarded for you information.

In respect of the applicability of Public Procurement Rules 2004 on Public Private Partnership projects, you informed us about the provision of Cabinet Division's Notification 2/1/2008 PPRA-RA-III dated 07th May 2008, which defines that projects in which procuring agency does not have any equity or ownership and procurements are made by the private party, does not come under the scope of PPRA Ordinance 2002 and the Public Procurement Rules 2004.

TI-P letters were not complaint, but they were TI-P advises to KPT, on their own request.

This is to point out that TI-P receives many requests from procuring agencies as well as government department for its views about application of PPRA Ordinance 2002 and Public Procurement Rules 2004. The most recent example is the request received from Planning Commission of Pakistan for TI-Pakistan's views on the contradictions in Pakistan Engineering Council' bidding documents and PPRA regulations vide the letter No. PC/PCS-9(51)-2011 dated 26th December 2011, inviting TI-P to the meeting scheduled on 03rd January 2012 at Islamabad with Public Procurement Regulatory Authority, Planning Commission of Pakistan and Pakistan Engineering Council officials.

Regards,

Saad Rashid
Executive Director

Copies forwarded for the information of:

1. Secretary, Ports and Shipping, Islamabad.
2. Chairman, KPT, Islamabad.