

No.F.1(80)/DD-II/PPRA/2004
GOVERNMENT OF PAKISTAN
PUBLIC PROCUREMENT REGULATORY AUTHORITY
(CABINET DIVISION)

Islamabad, the May 27, 2010.

SUBJECT: ALLEGATION OF VIOLATION OF PUBLIC PROCUREMENT RULES, 2004 BY PAKISTAN RAILWAYS IN THE TENDER FOR PROCUREMENT OF 150 LOCOMOTIVES.

Reference Ministry of Railway's letter No.M&S/150/D.E.Loco, dated 19th May, 2010 and Transparency International-Pakistan's complaint, dated 12th May, 2010 and PPRA letter No.1(05)/DD-M&IMP/PPRA/2010, dated 5th May, 2010 wherein violation of Rules 23(5) and Rule 24(1) were pointed out (copy enclosed).

2. Please note that Rule 42 d (ii) does not cover the said procurement and is in violation of Rule 24(1) which states "Procuring agencies shall allow all prospective bidders to participate in procuring procedure without regard to nationality, except in cases in which any procuring agency decides to limit such participation to national bidders only or prohibit participation of bidders of some nationalities in accordance with the policy of Federal Government". Kindly have this position clarified.

3. Please also note that this information is being called by PPRA under the powers vested in this Authority under Section 5(2)(i) of Public Procurement Regulatory Authority Ordinance, 2002.


(NAEEM AHMED)
Deputy Director-II

Mr. S. Shahid Ahmed,
General Manager/M&S,
Ministry of Railway
Islamabad.

cc: Syed Adil Gilani, Transparency
International-Pakistan, Karachi.

GOVERNMENT OF PAKISTAN
PUBLIC PROCUREMENT REGULATORY AUTHORITY
(CABINET DIVISION)

No.01(05)/DD-MS/IMP/PPRA/2010

Islamabad, the 5th May, 2010

OFFICE MEMORANDUM

Subject: PUBLIC PROCUREMENT RULES, 2004 - APPLICATION OF

The undersigned is directed to refer to the advertisement of Pakistan Railways, received through "Mail" on 01-05-2010 ref No DP/150 Locomotives/2010 regarding procurement in Miscellaneous sector and to state that the advertisement does not comply with the following provisions of the Public Procurement Rules, 2004 as notified by the Ministry of Finance, Government of Pakistan vide S.R.O. No. 432(1)/2004 dated 8th June, 2004.

- Rule 23 (5) requiring that the price of bidding documents shall be limited upto cost of printing and providing. - The quoted price for bidding documents is higher than printing and providing tender documents.
- Rule 24 (1) Procuring agencies shall allow all prospective bidders to participate in procuring procedure without regard to nationality, except in cases in which any procuring agency decides to limit such participation to national bidders only or prohibit participation of bidders of some nationalities, in accordance with the policy of Federal Government. - The name of country of origin has been mentioned in tender notice, referred above.

2. It is requested that concerned department/organization may kindly be directed to strictly comply with Public Procurement Rules, 2004, and also to make necessary corrective measures under intimation to this Authority. Non-compliance would amount to misprocurement.

3. A complete copy of the text of the rules and guidelines is available at PPRA website www.ppra.org.pk.


(Jamil Ahmad Rathore)
Deputy Director - (M & IMP),
Ph: 051-9224822
Fax: 051-9219149

MANAGING DIRECTOR,
Pakistan Railways,
Carriage Factory, Admin Building,
Sector I-11,
ISLAMABAD

CC:

DIRECTOR PROCUREMENT, Procurement Directorate, Pakistan Railways, P.R.
Carriage Factory Admn. Building, Sector I-11, ISLAMABAD