



18th October 2012

Vice Admiral (Retd) Muhammad Shafi,
Chairman,
Port Qasim Authority,
Port Qasim,
Karachi.

Sub: PQA remedial actions on three complaints of Violation of Public Procurement Rules 2004 reported by TI Pakistan selective tendering in Works for Development of Infrastructure facilities such as Road, Storm Water Drainage, Water Supply and Sewerage System in EIZ Pack I & II & discriminatory specifications, Hiring of Pilot Boat and Hiring of 75 tons and 65 tons Bollard pull Tugs

Dear Sir,

Transparency International Pakistan is in receipt of PQA replies dated 9 October 2012, and 17th October 2012, clarifying actions taken by PQA on the three complaints forwarded by TI Pakistan on the violation of Public Procurement Rules 2004 pointed out by TI Pakistan on the selective tendering in Works for Development of Infrastructure facilities such as Road, Storm Water Drainage, Water Supply and Sewerage System in EIZ & discriminatory specifications, Hiring of Pilot Boat and Hiring of 75 tons and 65 tons Bollard pull Tugs.

At the outset, this is to inform PQA that article 19-A makes the right to access of information pertaining to a public authority a fundamental right. Justice Syed Mansoor Ali Shah in his landmark judgment *Ataullah Malik v. Federation of Pakistan* laid down the following:

“Right to information is another corrective tool which allows public access to the working and decision making of the public authorities. It opens the working of public administration to public scrutiny. This necessitates transparent and structured exercise of discretion by the public functionaries. Article 19-A empowers the civil society of this country to seek information from public institutions and hold them answerable”. PLD 2010 Lahore 605

PQA has stated to have taken following actions on the three complaints ;

1. That vide PQA letter dated 9th October 2012, PQA has informed that it has terminated the process of inviting quotations only from M/s FWO and M/s NLC for the Works for Development of Infrastructure facilities such as Road, Storm Water Drainage, Water Supply and Sewerage System in EIZ Pack I & II, and has also amended the specifications for the GRP Pipes to include pipes manufactured in Pakistan, and procurements for the two works will be processed in accordance with Public Procurement Rules 2004 and fresh pre qualifications will be publically invited.
2. That vide PQA letter dated 9th October 2012, PQA has informed that it has discharged the tender for hiring of One Pilot Boat and has re-invited tenders in accordance with in accordance with Public Procurement Rules 2004.



3. That vide PQA letter dated 17th October 2012, PQA has informed that it has canceled the tenders for Hiring of 75 & 65 Tons Bollard pull Tug Boats, and fresh modified/amended tenders are being invited, where PQA will be directly responsible to pay the custom duty and taxes at the import stage.

Transparency International Pakistan appreciates PQA for application of PPRA Rules in letter and spirit by cancelling/terminating the tenders against complaints were forwarded to them. Based on the above clarification given by PQA, the procedures for Transparent Procurement as prescribed by Public Procurement Rules 2004 have been fully complied by PQA.

PQA is requested to kindly continue its commitment to abide with the Public Procurement Rules 2004 in all procurements, and act as **Role Model of PPRA Compliant Procuring Agency**, which will result in awards of all contracts to lowest evaluated the responsive bidders at the most economical cost to the exchequer.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption.

With Regards,

Syed Adil Gilani
Adviser

Copies forwarded for the information of:

1. Prime Minister of Pakistan, Islamabad.
2. Chairman, Public Accounts Committee, Islamabad.
3. Registrar, Supreme Court of Pakistan, Islamabad.
4. Federal Minister, Ports and Shipping, Islamabad.
5. Chairman, NAB, Islamabad.
6. Auditor General, Islamabad.
7. Federal Secretary, Ministry of Ports and Shipping, Islamabad.
8. Managing Director, PPRA, Islamabad - *with a request to take action under section 5(2) (a) "monitor application of the laws, rules, regulations, policies and procedures in respect of, or relating to, procurement" and under section 5(2) (i) of the PPRA Ordinance 2002.*