



# TRANSPARENCY INTERNATIONAL-PAKISTAN

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3<sup>rd</sup> April, 2014

Mr. Agha Jan Akhtar,  
Chairman,  
Port Qasim Authority,  
Port Qasim,  
Karachi.

**Sub: Violation of Public Procurement Rules 2004, Port Qasim Authority (PQA),  
Karachi's Expression of Interest (EOI) for Establishment of Coal Terminal/(s) on  
BOT Basis.**

Dear Sir,

This is with reference to above notice, inviting Expression of Interest (EOI) of Port Qasim Authority (PQA), Karachi, published in daily "Dawn" on 1/4/2014 and corrigendum issued on 3/4/2014. It is observed that the advertisement is in violation of the Public Procurement Rules 2004, NAB directives and is restrictive.

As per advertisement it is mentioned that "Firms in litigation shall not be considered". However it is an unconstitutional condition, and PQA cannot stop any party from bidding, as it is allowed to contest under its constitution rights.

It is also to point out that 48 hrs. have passed, and the pre-qualification documents are not available on the PQA/PPRA website.

This is to state 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 Lahore605.*

You are requested to kindly upload the pre-qualification documents on the PQA/PPRA websites.

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

With Regards,

Sohail Muzaffar  
Chairman

Copies forwarded for the information with request to take action under their mandate to:

1. Secretary to Prime Minister, Islamabad.
2. Chairman, NAB, Islamabad.
3. Chairman, PAC, Islamabad.
4. Registrar, Supreme Court of Pakistan, Islamabad.
5. Managing Director, PPRA, Islamabad.



Gateway to National Prosperity

## PORT QASIM AUTHORITY

BIN QASIM, KARACHI-75020

### A Great Potential for Investment at Port Qasim EXPRESSION OF INTEREST Establishment of Coal Terminal/(s) on BOT Basis

Government of Pakistan is pursuing development of country's infrastructure development through private sector investment. Port Qasim Authority (PQA) developed seven state-of-the-art Port Terminals under Landlord Concept through Private Sector Investment. PQA intends to invite Expression of Interest from National / International Firms / Consortia for Establishment of Coal Terminal/(s) on BOT basis.

2. The information / documents to be submitted shall include:
  - a) Profile of Company and Associates showing financial capability of firm(s) / consortia annual turn over, financial management, technical capability, available human resources, organization, present business activities, type of registration (memoranda of association deeds) and experience of similar type of project, if any.
  - b) Details of credibility / capability to undertake this type of project, its planning, construction, commissioning and management.
  - c) Suggested marketing plan and strategy.
  - d) Vision for making the project viable.
  - e) Brief methodology for financing proposed funding arrangements (both local and foreign financing).
  - f) Declaration regarding black listing / default / litigation of the firms, if any.
3. Submission of above shall enable short listing / pre-qualification of firms who shall be invited by issuing proper guidelines prepared by Consultants for submission of detailed technical and financial proposals on BOT basis.
4. Evaluation of the Expression of interest shall be carried out on weightage basis rationally as indicated in the pre-qualification documents which may be downloaded from PQA website or copy obtained from the office of Director (PSP). As such all pertinent information complete in all respects, with documentary evidence listed above must be furnished for securing minimum qualifying points. It may be noted that firms black listed in departments and / or in litigation shall not be considered.
5. Submission shall be received by 27th May, 2014 at 1100 hours and will be opened at 1130 hours on the same day. Further details may be obtained from the office of Director (Private Sector Projects), Port Qasim Authority, Bin Qasim, Karachi, Pakistan.  
Telephone Nos. (92-21) 99204211-20 lines Ext.4240, Direct: 99272181, Fax:(92-21) 34730108
6. Authority reserves the right to accept or reject any or all bids/ offers without assigning any reason thereof and no claim of whatsoever nature in this regard shall be entertained.



(Muhammad Saqib)  
Secretary

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