

IN THE SUPREME COURT OF PAKISTAN, ISLAMABAD
(Original Jurisdiction) Regd. A.D.

HRC No.31184-S/2012

Application by Syed Adil Gillani
5-C, 2nd Floor, khayaban-e-Ittehad, phase Vii, Defence Housing Authority,
Karachi

To

Syed Adil Gillani

5-C, 2nd Floor, khayaban-e-Ittehad, phase Vii, Defence Housing Authority,
Karachi

Despatcher
Supreme Court of Pakistan
Islamabad

Take notice that in pursuance of order of the Hon'ble Chief Justice of Pakistan, your application has been filed and you are therefore informed accordingly about the report/comments.

Islamabad: December 15, 2012

Encl: Copy of comments/report.


Director
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KARACHI PORT TRUST

No.S-18/ 2703
Dated: 12 NOV 2012

From: Khalid Mobin Arshad,
Secretary

Director
Human Rights Cell
Supreme Court of Pakistan
Islamabad
Fax #051-9219516

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13-11-12

SUB:- NEWS REPORT OF KPT ALLEGED IRREGULARITIES IN TENDERS OF PORT SHOPPING DISTRICT, TWO GIANT TUGS OF 75 TONS BOLLARD PULL, KPT'S STORE AND PAK SUZUKI MOTOR PLOT ALLOTMENT WITHOUT TENDER, AWARD OF CONTRACT TO SINGLE BIDDER OF FOOD COURT ON OYSTER ROCK BREAKWATER OF PDWCP, DECLARING, LALAZAR AS A COMMERCIAL AREA.

I am directed to refer to Supreme Court of Pakistan, Islamabad's letter No.HRC No. 31184-S/2012 dated 23rd October 2012, on the above subject and to state that KPT has examined the letters of Transparency International Pakistan dated 10th September 2012 and 20th September 2012 pointing out issues reported in Dawn of 8th and 9th September 2012.

KPT has already given a reply to Syed Adil Gilani, Adviser, Transparency International vide letter No.S-18/2480 dated 12th October 2012.

KPT's Position on the pointed out issues is given herein under for onward transmission as desired:-

1. Port Shopping District:

In response to international press advertisement 11 firms purchased the pre-qualification documents. By closing date only 04 firms submitted their pre-qualification applications. Two firms were pre-qualified.

However, the pre-qualified firms did not comply with RFP requirements hence were declared as "Non-responsive".

The project has been re-advertised on 25-09-2012. Last date for submission of Expression of Interest (EOI) is 19-11-2012.

2. Two Shipping Tugs of 75 tons Bollard Pull:

Clause 26 of Public Procurement Rules (PPRA-2004) in respect of Bid Security reads as follows:-

"The procuring agency may require the bidders to furnish a bid security not exceeding the 5% of bid price".

Clause-9 of PEC bidding documents (Document Comprising the Bid) of ITB reads as under:-

"The bid prepared by the bidder shall be considered by the Employer for processing provided the same essentially comprises the following:-

"Bid Security furnished in strict accordance with tender condition"

Keeping in view the above instructions by PPRA and PEC that "*Bid Security furnished in strict accordance with tender condition*": following terms and conditions regarding submission and return of bid security was elaborated.

15.4 Submission and Return of Bid Security:

- (a) The bid security is required to be furnished necessarily at a date and time to be intimated by KPT and that would be necessarily before the date fixed for carrying out the tests of the offered Tugs at the site of tugs location. Only the bidder whose Technical bids are evaluated responsive shall be required to furnish the bid security. The financial proposals of any / all bidder shall not be opened if it is without acceptable bid security.

As per terms of tender clause (15.5) the bidders were asked to furnish the Bid Security before the tests and trials of offered tugs which they furnished. This is strictly in accordance with the tender conditions set forth in the tender documents. Therefore there is no any violation observed in the issue of bid security.

KPT also keeps in mind if the process of procurement of Tugs scraped at this stage without solid reasons, the cost of the tugs in the next bid may be more due to escalations and currency fluctuations. Moreover KPT operation may also suffer due to non-availability of tugs for long period.

3. KPT's Store and Pak Suzuki Motor Plot Allotment without Tender:

KPT's Store and Pak Suzuki Motor Plot has been allotted on temporary lease by the Traffic department on rent for three months after fulfillment of all codal formalities for storage etc.

4. Award of Contract to Single Bidder of Food Court on Oyster Rock Breakwater of PDWCP:

The project was advertised twice in the press. In response to the press advertisement two firms submitted pre-qualification documents. One firm stood qualified. Due to lack of competition process was annulled. Fresh advertisement published in the press on 29-09-2012 with last date of submission of expression of interest as 08-11-2012.

5. Declaring, Lalazar as a Commercial Area:

Lalazar plots have not yet been converted into commercial. There is a proposal under consideration only for change of land use from residential to commercial, keeping in view that with the proposal KPT will fetch over Rs.2 billions income which can be utilized for KPT's future development projects. KPT assures that action on the proposal will only be taken after conduction of feasibility study, enhanced requirements of services, utilities, access and road widening and their expenses, compliance of SBCA Rules, provisions of Karachi Strategic Development Plan 2010, Pakistan Environmental Protection Act 1997, and relevant approvals from the regulatory agencies.

Karachi Port Trust appreciated Transparency International Pakistan concerns in this regard and reiterates that it has always followed all the rules and procedures while taking decision.


SECRETARY