



28 June, 2021

TL2021/0628/1B

Dr. Arshad Taqi,
President,
Pakistan Medical Commission,
Head Office:
Mauve Area
G-10/4, Islamabad

**Sub: Complaint on the allegations of violation of PPRA 2004 Rules in award of Contract for to
computer based MCQ exam, to M/s SOAR Testing and Evaluation Platform (SMC-PVT)
Limited (TEPS)**

Dear Sir,

Transparency International Pakistan has received a complaint on the allegations of violation of PPRA 2004 Rules in award of Contract for computer based MCQ examinations, to M/s SOAR Testing and Evaluation Platform (SMC-PVT) Limited (TEPS).

The complainant has made following allegations.

That,

1. The Pakistan Medical Commission (PMC) has awarded a millions of rupees contract of conducting examinations to a service provider firm, incorporated in SECP after the advertisement date.
2. The Request for Proposals were advertisement by PMC on 4th May 2021, from Service Provider firms, to hold a computer based MCQ exam on annual basis, for approximately 175,000 students, and first exam to be held in August 2021, and to quote fee per student. **Annex-A.**
3. PMC demanded that the service provider must have installed/available a minimum of 2500-3000 laptop/portable computer terminals of specifications and standards capable of handling a computerized examination to be located at centers in at least 20 designated cities across Pakistan. The RFP also said that the service provider shall also provide secure infrastructure with the capacity to host examination using a cloud based system preferably. And that the service provider must provide automated computer examination software for conduct of the exam and an automated checking and issuance of result system providing results within 30 minutes of completion of exam along with an intelligent data analysis system.
4. The RFP stated that "Proposals may be submitted at Manager.Admin@pmc.gov.pk or in sealed hard copies at Pakistan Medical Commission, Head Office, Islamabad, within 7 days and no later than 5pm on 10th May 2021,"
6. The Contract was awarded to M/s SOAR Testing and Evaluation Platform (SMC-PVT) Limited (TEPS).
5. The Single Member Company (SMC) SOAR Testing and Evaluation Platform (SMC-PVT) Limited (TEPS) requested PMC to release advance payment of PKR 115,500,000 (one Hundred Fifteen Million Five Hundred Thousand Only), without deduction of WHT, to adjust from its share of fees. No such payment was allowed under the terms of the Contract, and this is irregular payment.



6. From Security and Exchange Commission of Pakistan (SECP), it is noted that the SOAR Testing and Evaluation Platform (SMC Private) Limited incorporation number of the company is 0175598, and was incorporated on May 5, 2021, five days after the deadline of the advertisement which was May 10, 2021, and that the company is located at plot No 134, street No 9, Sector I-10/3, Islamabad.

7. PMC has violated following PPRA Rules.

a). Rule No 13. Response time is minimum 15 days, whereas PMC has provided only 7 days.

According to PPRA Rule No 13, all advertisements or notices shall expressly mention the response time allowed for that particular procurement along with the information for collection of bid documents which shall be issued till a given date, allowing sufficient time to complete and submit the bid by the closing date.

b). Rule No 23 bidding documents shall include the following, namely:- (a) invitation to bid; (b) instructions to bidders; (c) form of bid; (d) form of contract; (e) general or special conditions of contract; (f) specifications and drawings or performance criteria (where applicable); (g) list of goods or bill of quantities (where applicable); (h) delivery time or completion schedule; (i) qualification criteria (where applicable); (j) bid evaluation criteria; (k) format of all securities required (where applicable); (l) details of standards (if any) that are to be used in assessing the quality of goods, works or services specified; and (m) any other detail not inconsistent with these rules that the procuring agency may deem necessary. Integrity Pact (Rule 7) shall also be part of Bid Documents. No such documents were issued by PMC.

c). Rule No 35. Announcement of evaluation reports.- Procuring agencies shall announce the results of bid evaluation in the form of a report giving justification for acceptance or rejection of bids at least ten days prior to the award of procurement contract, and it shall be posted on PPRA website. PMC has not posted the Evaluation report of PPRA website.

d). Rule No 47. Public access and transparency.- As soon as a contract has been awarded the procuring agency shall make all documents related to the evaluation of the bid and award of contract public, and post it on PPRA website. PMC has not posted Contract Agreement on PPRA website.

According to NAO 1999, Section 33 B, all Ministries, Divisions and Attached Departments of the Federal Government, all departments of Provincial and local governments, statutory corporations or authorities established by the Federal Government or Provincial Government and holders of public office shall furnish to NAB a copy of any contract entered into. PMC is not known to have complied this or not.

8. The complete process of tendering is in violation of PPRA Rules 2004,

Transparency International Pakistan Recommendations.

Based on the authenticity of documents, TI Pakistan is of the view that Prima facie PMC has committed mis-procurement under Rule No 50, by violating PPRA Rule Nos. 7, 13, 23, 35, 47, and awarded this contract without declaring the information on PPRA website.

The tender may be cancelled, and re-invited in accordance with requirements of PPRA Rule 2004.

Kindly note Article 19-A of the Constitution of the Islamic Republic of Pakistan 1973 empowers civil society to seek information and hold accountable public institutions. Refer to the Lahore High Court Order, Attaullah Khan Malik vs. The Federation of Pakistan (2010 PLD Lahore 605) in which following observation is given;



“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 19A empowers the civil society of this country to seek information from public institutions and hold them answerable. Article 19A, therefore, enthuses fresh life into Public Interest Litigation.”

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

With Regards,


Justice (R) Nasira Iqbal,
Sitara-e-Imtiaz
Vice-Chairperson
Transparency International Pakistan

Encl: Annex-A

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

1. PSPM, Prime Ministers House, Islamabad,
2. Chairman, National Accountability Bureau (NAB), Islamabad
3. Auditor General of Pakistan, Islamabad
4. MD, PPRA, Islamabad
5. Registrar, Supreme Court of Pakistan, Islamabad



PAKISTAN MEDICAL COMMISSION ISLAMABAD

RFP FOR EXAMINATIONS SYSTEM

Proposals are sought from interested parties for providing services to hold a computer based MCQ exam for approximately 175,000 students in August 2021 and on an annual basis.

The service provider must have installed/available a minimum of 2,500-3,000 laptop/portable computer terminals of specifications and standards capable of handling a computerized examination to be located at centers in at least 20 designated cities across Pakistan. The service provider shall also provide secure infrastructure with the capacity to host the examination along with backup and security systems of international standards to conduct the examination using a Cloud based system preferably. The service provider must provide an automated computer examination software for conduct of the exam and an automated checking and issuance of result system providing results within 30 minutes of completion of exam along with an intelligent data analysis system.

The examination services shall be provided at a fee per student to be determined by PMC.

Proposals may be submitted at Manager.Admin@pmc.gov.pk or in sealed hard copies at Pakistan Medical Commission, Head Office, Islamabad, within 7 days and no later than 5pm on 10th May 2021.

Examination Department
Pakistan Medical Commission
Mauve Area, G-10/4, Islamabad, Pakistan.
www.pmc.gov.pk

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