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Mr. Mir Sarfraz Bugti,
Chief Minister Balochistan,
Quetta.

Subject: Complaint Against Allegations of Violation of Balochistan Public Procurement Rules 2014 in Tender No. TSE-2526051050551 for Procurement of Medical Equipment for Pediatric Emergency Units in Balochistan

Dear Sir,

Transparency International Pakistan has received a complaint regarding allegations of violation of the Balochistan Public Procurement Rules 2014 in Tender No. TSE-2526051050551 for Procurement of Medical Equipment for Pediatric Emergency Units in Balochistan.

The complainant has made the following allegations:

1. The Director General Health Services Balochistan invited bids vide Tender No. TSE-2526051050551.
2. The tender appears to combine multiple specialized categories of equipment, including radiology systems, ultrasound machines, critical care equipment, Medical Gas Pipeline Systems (MGPS), patient monitoring systems, neonatal equipment, and hospital furniture, into a single procurement package.
3. This bundling of diverse and specialized equipment categories into one package may have the effect of limiting competition, as some firms with expertise in specific categories may not be able to participate in the entire scope of the procurement.
4. The Health Department has required high and disproportionate qualification requirement of completing at least two similar assignments worth PKR 300 million each during the last three years. The qualification criteria appear to be tailored in a manner that favors only large companies, thereby restricting competition and excluding otherwise qualified firms from participating in the bidding process.
5. The Health Department has failed to clearly state the applicable compliance and certification requirements for the various categories of equipment being procured. The ambiguity regarding ISO certifications and other technical compliance standards may create uncertainty among bidders, result in unequal treatment during evaluation, and adversely affect transparency and fair competition.
6. Additionally, there appears to be insufficient emphasis on mandatory after-sales service, availability of spare parts, maintenance obligations, and technical response commitments for critical healthcare equipment, which may affect long-term equipment usability and service reliability.

Transparency International Pakistan Comments

Transparency International Pakistan has reviewed the allegations of the complaint. Prima facie, the allegations seem correct. Following are TI Pakistan's comments:



1. BPPRA Rule 12 restricts the packaging and regrouping of procurements where such packaging adversely affects competition or procurement efficiency. The Rules are quoted below for your reference;

12. Limitation on Splitting or Regrouping of Proposed Procurement — (1) The Procuring Agencies shall not split or package a procurement plan with the intention to shorten or facilitate the procurement process and approval mechanism,

2. BPPRA Rule 34 requires the Procuring Agency to formulate clear and unambiguous evaluation criteria. The allegation of ambiguous technical criteria and evaluation requirements may lead to uncertainty and unequal treatment among bidders.

34. Evaluation Criteria.— The Procuring Agencies shall formulate an appropriate and unambiguous evaluation criteria, listing all the relevant information against which a bid is to be evaluated and criteria of such evaluation shall form an integral part of the bidding documents. The failure to provide a clear and unambiguous evaluation criterion in the bidding documents shall amount to mis-procurement.

Transparency International Pakistan Recommendations

Transparency International Pakistan requests the Chief Minister Balochistan to examine the allegations of the complaint in light of BPPRA Rules 2014, and if found correct, issue directives to re-invite tender in line with BPPRA Rules 2014 to avoid mis-procurement.

Transparency International Pakistan is striving for across-the-board application of Rule of Law, which is the only way to stop corruption, and achieve Zero tolerance against corruption.

Regards,

Advocate Daniyal Muzaffar,

Trustee/Legal Advisor
Transparency International Pakistan

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

1. Chief Secretary, Government of Balochistan, Quetta.
2. Secretary, Health Department Balochistan, Quetta.
3. Managing Director, Balochistan Public Procurement Regulatory Authority, Quetta.
4. Registrar, High Court of Balochistan, Quetta.

Note:

This is to clarify that Transparency International Pakistan is not a complainant, it acts as a whistleblower and operate under Article 19-A, of the Constitution of Pakistan which gives the right to public to know how government is being run by public officers. Article 19-A makes the right to access of information pertaining to a public authority a fundamental right, and a three member bench in case of Mukhtar Ahmad Ali vs the Registrar, Supreme Court of Pakistan, Islamabad, headed by Chief Justice Qazi Faez Isa in the landmark judgment on 16 October 2023, in CP No. 3532/2023, has declared that

“What previously may have been on a need-to-know basis Article 19A of the Constitution has transformed it to a right-to-know, and the Access to information is no longer a discretion granted through occasional benevolence, but is now a fundamental right available with every Pakistani which right may be invoked under Article 19A of the Constitution”