



4th October 2010

Cantonment Executive Officer,
Bostan Lines, Malir Cantt,
Karachi,
Fax: 021-9247066

Sub: Violation of Public Procurement Rules, 2004
Tender Notice for Outsourcing of Conservancy Contract

Dear Sir,

The Cantonment Board Malir, tender notice for the outsourcing of Conservancy Contract, published in Dawn on 2 October 2010, is against the Public Procurement Rules 2004, as the set of Bidding Document which also includes evaluation criteria is not provided, which is a mandatory requirement. The Rules are available on PPRA website www.ppra.gov.pk and www.transparency.org.pk.

Public Procurement Rules 2004 have eliminated all discretion in procurement process, and the Rule No 23 requires you to prepare a set of bidding documents, and provide detailed evaluation criteria to applicants, which is not being given to applicants on this project. Rule is quoted below for your information;

23. Bidding documents.-

- (1) *Procuring agencies shall formulate precise and unambiguous bidding documents that shall be made available to the bidders immediately after the publication of the invitation to bid.*
- (2) *For competitive bidding, whether open or limited, the 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.*

The second violation is that minimum period of 15 days are mandatory to submit applications from the date of publication of advertisement notice in press, whereas you have given only 13 days, which is a violation of rules .

13. Response time.-

(1) The procuring agency may decide the response time for receipt of bids or proposals (including proposals for pre-qualification) from the date of publication of an advertisement or notice, keeping in view the individual procurement's complexity, availability and urgency. However, under no circumstances the response time shall be less than fifteen days for national competitive bidding and thirty days for international competitive bidding from the date of publication of advertisement or notice. 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:

The above information is forwarded for the purpose of avoiding the mis-procurement charge under Rule No 50, and with request to re-invite this tender under the prescribed procedures.

TIP would like to quote Supreme Court Order given on 28th April 2010, in the case of award of multibillion dollar LNG contract to GDF-Suez, in which the SC has announced that it is the duty of the Court to ensure the application of Public Procurement Rules 2004.

TI Pakistan is striving to have Rule of Law in Pakistan, which is the only way to eliminate corruption and have good governance in country.

With Regards,


Syed Adil Gilani
Chairman

Copy forwarded for information of;

1. Chairman, Public Accounts Committee, Islamabad.
2. Auditor General Pakistan, Islamabad.
3. Registrar Supreme Court of Pakistan, Islamabad.
4. Managing Director, PPRA, Islamabad.



Cantonment Board Malir

TENDER NOTICE OUTSOURCING OF CONSERVANCY CONTRACT

Tenders are invited from well established and reputed Conservancy Firms having minimum experience of 03 years in Solid Waste Management for award of the Conservancy Contract implemented in all the areas of the Cantonment Board Malir. The Tenders are based on 02 envelope systems i.e. Technical & Financial for the period from 25-10-2010 to 24-10-2011.

MANDATE

- Daily sweeping in residential areas
- Twice daily sweeping in Commercial Areas
- Daily removal of garbage from houses and collection points (through vehicles)
- Removal of garden refuse / cutting and dead animals
- Daily lifting of construction material and debris from the limits of Malir Cantonment

1. The Technical proposal will be evaluated mainly on the basis of following criteria. Financial bids of only those firms / contractors will be opened who are selected as technically responsive. Otherwise sealed financial bid of technically non responsive contractors/firms will be returned accordingly.
 - a) NTN numbers, Income Tax clearance certificate for the last three years.
 - b) Financial status, Banker's references / details, capital investment position, total value of assets / liabilities.
 - c) Convincing proof for Technical & Financial capability to undertake and execute the work.
 - d) Detail of comprehensive waste management plan for whole Malir Cantt.
 - e) Detail of works executed and current contracts along with satisfactory performance from the concerned departments.
 - f) The bidder will be bound to attach the detail of required machinery & equipment with specifications (detail can be seen in the Tender Form) owned / leased by the firm with proof of their attested copies of registration books should be provided along with technical envelope. The said machinery and equipment model should not be older than 01-01-2005.
 - g) Detail of Technical and skilled staff for the operation / maintenance.
2. The tenderer shall attach the details of his past work experience of last three years with his tender, duly supported by documentary evidence.
3. The successful bidder will be bound to submit 02% of the total bid price as tender security.
4. The Firm / Contractor shall attach a sum of Rs.500,000/- as earnest money in the shape of pay order in the name of Cantonment Executive Officer, Malir Cantonment.
5. The Firm / Contractor shall quote his lump sum per month bid for all the works as enumerated in the tender documents.
6. Physical inspection of equipment, machinery, vehicle in working and functional condition along with original R.D (Registered Documents) will be carried out by the Board before awarding of contract. On rejection of the equipment by the Board, contract will not be awarded.
7. Affidavit of Firm / Contractor and Owner not blacklisted on litigation with any Government Department.
8. Sealed tender along with the requisite documents can be dropped in the tender box, placed in the office of Cantonment Board Malir, on 14-10-2010 at 1100 hours and shall be opened on the same day in the presence of Firm / Contractors or their representatives who may like to be present. In case of non tendering on the above date, the tenders can be dropped in tender box on 15-10-2010 and 18-10-2010.
9. The successful Firm / Contractor / Bidder will be required to execute an agreement with the Cantonment Board Malir on a non-judicial stamp paper of appropriate value within 07 days from the issuance of acceptance letter.
10. The Firm shall maintain its own workshop for quick repairs and maintenance of its vehicles, machinery, equipment etc.
11. Tender form, along with the detailed scope of works, manpower / machinery / equipment etc. and terms & conditions of the contract can be obtained on or before 12-10-2010 from the office of the Cantonment Board Malir, during office hours on any working day on payment of Rs.10,000/- (Non-refundable).
12. The successful tenders shall deposit 6% Income Tax as per Government rates of total Bid amount in this office.
13. The successful Firm/Contractor will be responsible to use their machinery and equipments as approved in technical inspection during their contract period, in case the machinery/equipment found other than the approved machinery / equipment, the Cantt. Board Malir/Cantt. Executive Officer has right to reject/cancel the contract without assigning any notice.
14. Cantonment Board Malir/Cantonment Executive Officer reserves the right to accept or reject any bid without assigning any reason thereof.

Cantonment Executive Officer,
Malir Cantt.

Bostan Lines, Malir Cantt, Karachi. Tel: 021-9247077 Fax: 021-9247066

2 October 2010

DAWN