



TRANSPARENCY INTERNATIONAL-PAKISTAN

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21st May, 2018

TL18/2105/5A

Project Director,
Fruit Dehydration Unit, Swat,
SMEDA,
Peshawar Cantt., Khyber Pakhtunkhwa.

**Sub: Violation of Public Procurement Rules 2004, Project Director, Fruit
Dehydration Unit, Swat, SMEDA, Peshawar Cantt's Tender Notice for Construction
of Building "Fruit Dehydration Unit, Swat".**

Dear Sir,

This is with reference to SMEDA, Peshawar Cantt's Tender Notice, published in daily "The News" on 17th May, 2018. It is observed that the advertisement is in violation of the Public Procurement Rules 2004.

1. As per advertisement, "The employer reserves the right to accept in part or whole of the bid or rejects any or all tenders without assigning any reason". It is not complying with PPRA Rules 2004, No. 33, which requires that reason should be communicated to bidders. Stated as under;

33. Rejection of bids. - (1) The procuring agency may reject all bids or proposals at any time prior to the acceptance of a bid or proposal. The procuring agency shall upon request communicate to any supplier or contractor who submitted a bid or proposal, the grounds for its rejection of all bids or proposals, but is not required to justify those grounds.

2. Also, employer reserves the right to increase or decrease the scope of work/ items". Any change in tender conditions, specifications and quantity after bid opening by procuring agency is not allowed under Rules. However according to PPRA Rules 2004, Rule No. 42 (c) (iv), repeat orders cannot exceed more than 15% of the original quantity. Stated as under;

42. Alternative methods of procurements.- A procuring agency may utilize the following alternative methods of procurement of goods, services and works, namely:-

(c) direct contracting: a procuring agency shall only engage in direct contracting if any of the following conditions exist:

(iv) repeat orders not exceeding fifteen per cent of the original procurement;

The above information is forwarded for the purpose of avoiding mis-procurement charge under Rule No 50, and with request to re-invite the tender under the prescribed procedures or issue a corrigendum and extend date accordingly.

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 Zia Perwez
Former Judge of Supreme Court of Pakistan and High Court of Sindh
Trustee- TI-Pakistan

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

1. Secretary to Prime Minister, Islamabad.
2. Director General, NAB, Khyber Pakhtunkhwa.
3. Chairman, Prime Minister's Inspection Commission, Islamabad.
4. Registrar, Supreme Court of Pakistan, Islamabad.
5. Managing Director, PPRA, Islamabad.

TENDER NOTICE
CONSTRUCTION OF BUILDING "FRUIT DEHYDRATION UNIT, SWAT"

SAY NO TO CORRUPTION

1. The Fruit Dehydration Unit, Swat (The "Employer"), C/O Small & Medium Enterprises Development Authority (the executing agency), Ministry of Industries and Production, Government of Pakistan under PSDP funds through Project Manager, Fruit Dehydration Unit Swat, invites application for hiring of contractor for the project "CONSTRUCTION OF BUILDING FOR FRUIT DEHYDRATION UNIT SWAT".
2. Eligible bidders may obtain further information, inspect and acquire the bidding documents from office of the undersigned. A complete set of bidding documents may be purchased by an interested bidder on submission of a written application to the undersigned and non-refundable fee of Rs. 3,000/-.
3. All bids (Technical) must be accompanied by a Bid Security equal to 2% (Two Percent) of the bid price in form of Bank Draft or Pay Order/ Deposit at Call or Bank Guarantee from Scheduled Bank of Pakistan in favor of Fruit Dehydration Unit Swat, KP and must be delivered to the undersigned within fifteen (15) days from date of advertisement at or before 12:00 pm. Bids will be opened at 12:30 pm on the same day, in the presence of bidders or bidder's representatives who choose to attend at the same address.

The technical bid must contain the following:

- Company brief profile comprises of relevant experience, key personnel's, financial status, audited report & tax returns for the last 03 years
- Registration with valid PEC in Category C-6 and above having the following Codes
- List of current ongoing projects
- List of machinery & equipments
- Market credit & reputation certificates
- Brief methodology for execution of the project
- Detailed work plan schedule for execution & completion of the project within 3 months
- Affidavit that the firm is not black listed with any public sector organization

The employer reserves the right to accept in part or whole of the bid or rejects any or all tenders without assigning any reason and not bound to accept the lowest bid. Employer reserve the right to increase or decrease the scope of work/ items.

Project Director
Fruit Dehydration Unit Swat
C/O Small and Medium Enterprises Development Authority (SMEDA)
Ground Floor, State Life Building, The Mall, Peshawar Cantt.
Khyber Pakhtunkhwa, Pakistan

