



TRANSPARENCY INTERNATIONAL-PAKISTAN

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28th February, 2018

TL18/2802/9A

The Secretary,
Irrigation Department,
Government of Punjab,
Lahore.

Sub: Violation of Punjab Procurement Rules 2014, Executive Engineer, Drainage Division,
Mandi Bahauddin's Tender Notice for Construction Works.

Dear Sir,

This is with reference to Drainage Division, Mandi Bahauddin's Tender Notice published in daily "Dawn" on 26th February, 2018. It is observed that the advertisement is in violation of the PPRA 2014.

1. As per the advertisement, "Acceptance of tender rates rests with the competent authority and undersigned reserves the right to reject any or all the tenders without assigning any reason". However, it is not complying with, PPRA 2014 Rule No. 35, which requires that reason should be communicated to bidders. Therefore the advertisement is in violation of Rule No. 35 of PPRA 2014. Stated as under;

35. 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.*
(2) *the procuring agency shall upon request communicate to any bidder, the grounds for its rejection of all bids or proposals, but shall not be required to justify those grounds.*

2. Also, "Scope of work may be changed subject to changes in condition of work and availability of funds", whereas per rules, any change in tender conditions, specifications and quantity after the opening of the bid by procuring agency is not allowed under Rules. However according to PPRA 2014, Rule No. 59 (c) (iv), repeat orders cannot exceed more than 15% of the original quantity. Stated as under;


59. Alternative methods of procurements.- *A procuring agency may utilize the following alternative methods of procurement of goods, services and works:*
(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 69, 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,


Sohail Muzaffar
Chairman

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

1. Chief Minister, Government of Punjab, Lahore
2. Director General, NAB, Lahore.
3. Chief Secretary, Government of Punjab, Lahore.
4. Registrar, Lahore High Court, Lahore.
5. Managing Director, Punjab PRA, Lahore.



IRRIGATION & POWER DEPARTMENT DRAINAGE DIVISION MANDI BHAUDDIN

TENDER NOTICE

Sealed Tenders on Market Rate Basis of District Mandi Bahauddin are hereby invited from the approved contractors of Irrigation Department, who have deposited their Renewal/ Enlistment fee for the year 2017-18. The tender will be received on **20-03-2018** at **1-00 PM** and will be opened on the same date at **1:30 PM** in the presence of the Contractor/ their authorized agents who care to be present.

CONDITIONS

1. Earnest Money mentioned against each of the works in shape of Deposit at Call of any Scheduled Bank payable to the Executive Engineer, M B Din Drainage Division Mandi Bahauddin will be accepted/ entertained and no tender will be issued in absence of deposit at call.
2. Tender documents can be obtained from the Office of the undersigned during office hours on payment of usual tender fee (Non refundable) upto **19-03-2018** and no tender form will be issued on the date of receipt of tenders.
3. No telegraphic/ conditional tender and over written tender will be accepted/ entertained.
4. In case of firm/ company an attested copy of Power of Attorney must accompany the tenders.
5. Acceptance of tender rates rests with the competent authority and undersigned reserves the right to reject any or all the tenders without assigning any reason.
6. All the clauses of contract agreement will be binding on the contractor in letter and spirit.
7. **The Acceptance will be issued subject to availability of funds.**
8. **The payment will be made after verification of work by the Competent Authority/ Consultants and subject to availability of funds.**
9. Scope of work may be changed subject to changes in condition of work and availability of funds.
10. Work should not be started before signing of Agreement. The work shall have to be done as per Specifications of the Department and in accordance with the instructions given in the contract agreement.
11. Contractor is liable to execute the work on the tender rates and he will have no right to challenge the department in case of any delay in acceptance of tender due to late receipt of approval of rates, etc from the competent authority.
12. In case of any dispute between the Contractor and the Department, decision of the Superintending Engineer Sargodha Drainage Circle Sargodha shall be final and binding on both the parties.
13. The Engineer, In-charge shall have the powers to make any alteration, addition to or substitution in the original specification/ drawings. The contractor has to follow the instructions that may appear to be necessary to the Engineer in-charge during the progress of the work which may be given to him in writing.
 - (i) In case the total tendered amount is less than 5% or below of the approved estimated amount, the lowest bidder will have to deposit an **Additional Performance Security** equal to lowered amount from the Scheduled Bank, within 15-days of issuance of notice or within expiry period of bid which ever is earlier.
 - (ii) In case of tender with cost exceeding Rs 50 Million, the firm/ contractor will have to deposit **Performance Security** in the shape of Cash, Bank Draft, Cross Cheque, Pay order or Bank Guarantee from the Bank of Punjab or any Scheduled Bank of Pakistan.

Note.

1. No tender will be issued to any contractor/ firm until and unless:
 - > An attested Photo Copy of National Identity Card and National Income Tax No. are provided to the Divisional Head Clerk.
 - > Proof of deposit of Enlistment Fee and Professional Tax for the current financial year is produced.
 - > An attested photo copy of enlistment/ renewal orders/ registration with Pakistan Engineering Council for the year 2017-18 is produced.
2. The next date for opening of the tender would be **22-03-2018 at 1.00 PM** if no tender is received or the undersigned is not available on the above fixed date due to unavoidable circumstances. In such case the terms and conditions would be treated as it is.

Sr. No	Name of work	Estimates sanctioned No. & date	Estimated cost Rs. In Million	Earnest Money Rs. In Million	Tender Fees	Time limit
1.	Construction of Tibba Manak Drain RD 0+000 to 28+600	C.E (I) Sga No. 2370/W.II/ 5 115/2018 dt 13.02.2018	47.381	0.948	0.003	30.06.18

Phone # 0546-506302 (E/Mail) xendrainagembdin@yahoo.com

**Executive Engineer,
Drainage Division
Mandi Bahauddin**

(LHR-G)

ILP-2478