



# TRANSPARENCY INTERNATIONAL-PAKISTAN

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13<sup>th</sup> February, 2016

TL16/1302/1A

Managing Director,  
The Pakhtunkhwa Highways Authority,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Sub: Violation of Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act 2012,  
Director Construction, Pakhtunkhwa Highways Authority, Peshawar's Tender Notice for  
Rehabilitation/ Black Topping, Improvement & Widening Works.

Dear Sir,

This is with reference to Pakhtunkhwa Highways Authority, Peshawar's Tender Notice published in daily "Express" on 11<sup>th</sup> February, 2016. It is observed that the advertisement is in violation of the KPK Public Procurement Regulatory Authority Act 2012.

As per the advertisement, the cost of tender documents is given as PRs 25,000 and PRs 30,000, which appears costly in light of the Procurement Act and is violation of KPK PPRA Act 2012. According to the Act, Section No. 19, in the 'Public Accessibility' Clause, the tender document fee shall not exceed printing cost. The Section is quoted below for your reference;

*19. Public Accessibility. --This Act, the rules made thereunder, guidelines, forms, bidding documents and/or decisions of Government or procuring entity relating to procurement shall be placed on a web-site of the Authority in addition to the website of the procuring entity or the Government, as the case may be, and which will also provide copies of these documents to the public at a fee not exceeding the cost of printing/reproduction of the documents.*

The above information is forwarded for the purpose of avoiding mis-procurement charge under Rule No 54, 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, Khyber Pakhtunkhwa.
2. Director General, NAB, Khyber Pakhtunkhwa.
3. Chief Secretary, Khyber Pakhtunkhwa.
4. Registrar, Peshawar High Court.
5. Managing Director, KPPRA, Peshawar.



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
PAKHTUNKHWA HIGHWAYS AUTHORITY (PKHA)  
PESHAWAR**

**NOTICE INVITING TENDERS  
(Single stage two envelope procedure)**

Pakhtunkhwa Highways Authority invites sealed Bids from eligible firms /contractors in accordance with KPPRA procurement Rules 2014 on single stage two envelope procedure for the following works. The Bidders should be registered with Pakistan Engineering Council (PEC) in relevant category & field of specialization, Prequalified with PKHA and should have adequate financial soundness, relevant experience, personnel capabilities, required equipment and others as included in ITB.

S#	Name of Work	Required category of PEC/ PKHA	Bid Security (Rs.)	Cost of bidding documents (Rs.)	Period of completion	Last date of submission and time	Date of opening and time
1	Rehabilitation / Black Topping of Chuklatan to Barawal Band Road, District Dir.	C-3/PH-5	2% of bid cost	Rs. 25000/-	24-months	03/03/2016 at 12:00 hrs	On same day at 12:30 Hrs
2	Improvement & Widening of Takht Bai - Rajjar Road from Ghani Khan Road upto Sarho Shah Phase-I.						
	i) Package-I Km 0+000 to 5+000 (5-km)	C-2/PH-4	2% of bid cost	Rs. 30000/-	27-months	03/03/2016 at 12:00 hrs	On same day at 12:30 Hrs
	ii) Package-II Km 5+000 to 10+000 (5-km)	C-2/PH-4	2% of bid cost	Rs. 30000/-	27-months	03/03/2016 at 12:00 hrs	On same day at 12:30 Hrs
	iii) Package-III Km 10+000 to 14+025 (4.25-km)	C-3/PH-5	2% of bid cost	Rs. 25000/-	27-months	03/03/2016 at 12:00 hrs	On same day at 12:30 Hrs

ii. A pre-bid joint Venture (JV) of contractors (both enlisted in PKHA) with at least one prequalified contractor as the leading firm will also be allowed to participate in the bidding. The JV agreement should be attached with the Technical Proposal. The JV should be registered with the PKHA well before the tender opening date for awarding User's name & password.

iii. Bid documents including Tender Form, BOQ, instruction to bidders and evaluation criteria can be downloaded up to one day prior to the opening date from PKHA web site ([www.pkha.gov.pk](http://www.pkha.gov.pk)).

iv. Cost of Tender documents mentioned above in the shape of call deposit / pay order (Non-Refundable) in the name of Managing Director-PKHA, Peshawar be put in the Technical proposal, failing which both the Technical and Financial proposals will be considered as non-responsive.

v. Original Bid Security in the shape of call deposit in the name of Managing Director PKHA shall accompany the financial bid.

The bidders are required to send their bids (technical & financial) through courier in duplicate in separate envelopes clearly marked as Original & Duplicate. The Original shall be sent to the Deputy Director (HQ) PKHA and the Duplicate to Director Construction PKHA. Both the Original and Duplicate bids shall reach the concerned office before closing date and time.

**VII. Instruction to Bidders (ITB)**

KPPRA Single Stage Two envelope bidding procedure

1. Technical bid/ proposal should accompany the following:
  - a. Certificate that Bid Security in the shape of Deposit at Call (original) has been enclosed in financial bid.
  - b. Enlistment Order of PKHA (photocopy)
  - c. Renewal of registration for CFY 2015-16 (Photocopy)
  - d. National Identity Card (CNIC Photocopy)
  - e. Pakistan Engineering Council registration copy for calendar year 2016
  - f. Form H of the Company / Firm.
  - g. Documents showing general capabilities, financial soundness, general and relevant experience record, personnel capabilities, equipment capabilities and Income Tax / NTN Certificates.
  - h. Any other document to support the technical bid.
2. Technical evaluation will be carried out with pass/ fail threshold in passing all the fields including PEC Registration, Enlistment with PKHA, Tax Payer proof, Relevant experience in past 05 years, Performance, Technical Personnel, required Equipment, Financial status, Auditors report, Managerial capabilities, Litigation status etc.
3. Technical and financial bids should be in sealed envelopes clearly marked "Technical BID" and "Financial BID". Complete bids (both original and duplicate) must reach the concerned offices on or before the fixed date/ time.
4. Financial bid should include Priced BOQ (hand written in figures and words) and Bid Security.
5. Incomplete/ Conditional / Electronic bids and bids received after closing time shall not be entertained. Bids shall be signed by authorized persons.
6. In case the successful bid is below the Engineers estimate up to 10%, the bidder shall provide performance guarantee first up to coverage of a company having at least AA rating from PACRA/JCR (enlisted in PKHA) or bank guarantee equal to 10% of the estimated cost within 21 days of acceptance letter. In case the bid is more than 10% below the Engineer Estimate, the bidder shall provide bank guarantee as additional security within 14 days equal to the amount of the difference of the quoted bid and the Engineer Estimate to firm up the bid. These guarantees will be discharged on the expiry of the defect liability period of the contracts.
7. If the performance bond or bank guarantee (whichever the case may be) is not provided by the bidder in the required period, then offer will be given to the next lowest bidder & so on and the bid security of the defaulter bidder will be forfeited.
8. Successful bidders of work at Sr. No. 1 & Package-I work at Sr. No. 2 shall have to install Asphalt Batch Plant in close vicinity of the site.
9. Bidder should fill the BOQ on Item Rate System, if any item is left blank, it will be considered to be done free of Cost. Only Two (02) digits after the decimal will be considered in item rates.
10. Any bidder who provides incorrect information should be disqualified.
11. Time allowed for completion of the work is as specified in the NIT which will start from the issuance of work order. 12. Bids will be valid for Ninety (90) days.
13. Successful Bidder should sign the agreement with the department within Seven (07) days after acceptance of bid.
14. Call Deposit of Scheduled Banks shall be acceptable.
15. If the evaluated bid costs of two or more than two bidders are same then the successful bid will be declared through open draw.
16. Technical Bids will be opened after 30 minutes of closing time in the presence of bidders/ their representatives who choose to be present.
17. Financial bids will be opened on latter date which will be communicated to technically qualified bidders only.
18. If duplicate copy of any bid differs from its original, then the bid will be declared as non-responsive.
19. The employer has the authority to reject any bid or all the bids assigning cogent reasons.
20. Bid security of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> bidder for the specific work will be retained by the Department till approval of Tender.
21. All other terms / Conditions/ documents can be seen in the office of the undersigned on any working day during office hours. A Pre-bid meeting will be held in office of the undersigned on 26/02/2016 at 11:00 AM for clarification of bidding documents / evaluation criteria or other related information regarding the project site.

**DIRECTOR CONSTRUCTION**

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