



TRANSPARENCY INTERNATIONAL-PAKISTAN

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15th January, 2018

TL18/1501/8A

Deputy Commissioner,
Office of Deputy Commissioner,
Malakand,
Khyber Pakhtunkhwa.

Sub: Violation of Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules 2014 and Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act 2012, Deputy Commissioner/Chairman Purchase Committee, Malakand's Tender Notice for Supply of New Fork Lift.

Dear Sir,

This is with reference to Deputy Commissioner, Malakand's Tender Notice, published in daily "Mashriq" on 13th January, 2018. It is observed that the advertisement is in violation of the KPK PPRA Act 2012 and KPPPRA Rules 2014.

1. As per the advertisement, Deputy Commissioner, Malakand has restricted the bidders to supply New Fork Lift of Japan made only, and has not added "**or equivalent**" with it, which is not allowed under KPK PPRA Act 2012, Section No. 23 (4). Stated as under;

23. Bid Solicitation documents --- (4) Each procuring entity shall solicit bids based on performance or functional specifications and not on restrictive or proprietary specifications of a particular brand.

2. Also, "Quantities can be increased or decreased subject to availability of funds", whereas any change in tender conditions, specifications and quantity after bid opening by procuring agency is not allowed under Rules. However, according to KPPPRA Rules 2014, Rule No.10, repeat orders cannot exceed more than 15% of the original quantity. Stated as under;

10. Alternate methods for procurement of goods.--- A procurement entity may use the following alternative methods for procurement of goods, namely:

(c) a procurement entity shall only engage in alternate method if the following conditions exist, namely:


(i) repeat orders within a period of six months:

Provided that it does not exceed fifteen percent of the original contract value;

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, KPPPRA, Peshawar.


**Office of the Deputy
Commissioner Malakand**
**NOTICE INVITING TENDER
(Single Stage two envelope)**

The Deputy Commissioner, Malakand invites sealed bids from eligible firms/ contractor having valid NTN & GST registration in accordance with KPPRA procurement Rules, 2014 through single stage two envelopes procedure (i.e Technical offer & Financial offer) for the following procurement.

S.No.	General descriptions	Quantity
1	New Fork-Lift(Japan Made) i) Load capacity 3000KG ii) Max. Fork Height 3000mm iii) Power type Diesel iv) Load Center 5000mm	01

- Applications on prescribed form(attached) along with technical specifications (compliance sheet) and contract, which can be obtained from the office of the undersigned any working day after advertisement should reach by registered post/courier latest by 10:00 hours on 29-01-2018. These will be opened at 11:30 hours on the same day in the presence of bidders of their authorized representatives.
- The envelope shall be marked as "TECHNICAL PROPOSAL" and "FINANCIAL PROPOSAL" in bold in legible letters. Initially, only envelopes marked as Technical Proposal shall be opened and envelopes marked as Financial Proposal shall be retained in the custody of the Chairman Purchase Committee. After the evaluation & recommendations by the Technical Evaluation Committee concerned, Financial Proposal of only technically accepted bids will be opened. The Financial Proposals of bids found technically non-responsive shall be returned un-opened to the respective bidders.
- 3% earnest money in shape of pay order/bank draft in the name of Deputy Commissioner Malakand/Chairman Purchase Committee should be enclosed in the envelope containing financial bid. However, the certificate for attachment be indicated in technical bids, otherwise, the same will be rejected at the opening stage.
- Successful bidder(s) will be required to execute agreement governing the terms & conditions of the contract.
- All the bidders are requested to offer the latest model. Accepted/approved model shall not be replaced at any stage even with superior model.
- Procuring agency may reject any or all bids subject to the relevant provisions of KPPRA Rules.
- The supplier should attach a proof of NTN and sales tax.
- The prices should be inclusive of all leviable taxes.
- The bidders should also provide the detail price analysis of the items/accessories in their Financial Proposal along with unit rate with GST separately.
- The successful bidder shall be liable to give full/justifiable training of their approved model if needed.
- Quantity of items can be increased or decreased subject to availability of funds.
- Bidding documents, containing detailed terms and conditions, method of procurement, procedure for submission of bids, bid security, bid validity, opening bid, evaluation criteria, clarification/rejection of bids, performance guarantee etc., are available for the interested bidders in bids documents.
- The bids, prepared in accordance with the instructions in the bidding documents, must reach at D.C office duly addressed to the Chairman Purchase Committee on or before 29-01-2018 at 10:30 hrs. bids will be open on the same day at 11:30 hrs.
- Tender form documents alongwith terms & condition and instruction can be obtained from the office of undersigned on payment of Rs. 2000/- (Non-refundable) alongwith written request and copy of NTN certificate immediately the advertisement.
- For more information, please contact with Mr. Kiramat Shah, Programmer at telephone No. 0932-412502.

SAY NO TO
CORRUPTION

INF(P)149

**Deputy Commissioner Malakand
Chairman Purchase Committee.**

