



GOVERNMENT OF KHYBER PAKHTUNKHWA
Pakhtunkhwa Highways Authority (PKHA)

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Attach Department Complex, Near Treasure Office, Khyber Road Peshawar

No. 1-PKHA/ 2900

Date 17 /09/2018

To

Justice Zia Perwez
Former Judge of Supreme Court of Pakistan and High Court of Sindh
Trustee – Transparency International – Pakistan
4-C, Mezzanine Floor, Khayaban-e-ittihad, Phase-VII,
Defence Housing Authority, Karachi.

Subject: - **VIOLATION OF KHYBER PAKHTUNKHWA PUBLIC PROCUREMENT REGULATORY AUTHORITY ACT 2014, DIRECTOR CONSTRUCTION, PAKHTUNKHWA HIGHWAYS AUTHORITY (PKHA), PESHAWAR'S E-BIDDING NOTICE FOR MISCELLANEOUS WORKS.**

Reference: Your letter No.TL18/0509/1A dated 05/09/2018.

With reference to the letter under reference, it is submitted that the cost of tender documents mentioned in the NIT is in line with Section - 19 of the KPPRA Act -2012 and no mis-procurement is involved in the said NIT. It is to inform you that the cost of tender documents used to be charged @ 0.05% of the bid amount as per Government Notification No. SOG / C&W / 11-129 / CONTRACTORS / VOL-IV / 2010 dated 8th July 2011, however, in light of the Public Procurement Regulatory Authority Act 2012, the said fee has been reduced and restricted to the printing charges of the relevant documents, only.

It is worthwhile to mention here that in a Highway's project, the bidding documents include but are not limited to the following:

S#	DESCRIPTION OF DOCUMENTS
1	Tender Drawings consisting of road plan and profile on A3 size sheet in booklet form.
2	Construction Drawings consisting of Road Long Section / X-Sections and Structural drawings of culverts, Retaining walls etc. on A3 size in booklet format
3	Bill of Quantities
4	Technical Specification for each Payable items comprising of : Material Requirements, Construction Requirements, details of equipment to be used, testing and quality control and mode of measurement & Payments
5	Contract Documents Comprising of : Invitation of Bid Instruction to Bidder Form of contract General Condition of Contract(GCC) Particular condition of contract(PCC) Special Stipulations, Supplementary conditions of contract(SCC) and Rate analysis etc.

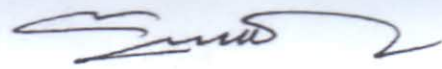
The above documents also include many A3 size color sheets thereby increasing printing charges of the bidding documents mentioned in the NIT. It is further added that the present fee of bidding documents is approximately one-fifth of those charged in pursuance of previous Govt notification before enactment of Public Procurement Regulatory Authority Act 2012.

In view of the above explanation, it is clear that the actual cost of tender / bid document for the works mentioned in the NIT is not less than the amount quoted in the NIT and its cost is reasonable as well as in line with Section-19 of the KPPRA Act-2012 and hence, no corrigendum / retendering is needed.

T. B. A. N. S. E. P. T. I. O. N.
INTERNATIONAL

Since no violation of the said law is involved, therefore, the observation communicated vide your letter under reference may kindly be withdrawn.

Thanking you in anticipation and looking forward for your kind advice in future in the best public interest please.



DIRECTOR CONSTRUCTION

Copy forwarded to:

1. PSO to Chief Minister, Khyber Pakhtunkhwa for information please.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa for information please.
3. Director General NAB, Khyber Pakhtunkhwa for information please.
4. Registrar, Peshawar High Court for information please.
5. Managing Director-PKHA, Peshawar for information please.
6. Deputy Director (HQ) PKHA Peshawar for information and future guidance.



DIRECTOR CONSTRUCTION

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TRANSPARENCY INTERNATIONAL-PAKISTAN

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5th September, 2018

TL18/0509/1A

Director Construction,
Pakhtunkhwa Highways Authority (PKHA),
Peshawar.

Sub: Violation of Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules 2014, Director Construction, Pakhtunkhwa Highways Authority (PKHA), Peshawar's E- Bidding Notice for Miscellaneous Works.

This is with reference to PKHA, Peshawar's E- Bidding Notice, published in daily "Mashriq" on 4th Sep, 2018. It is observed that the advertisement is in violation of the KPK Public Procurement of Goods, Works and Services Rules 2014.

As per the advertisement, the cost of bidding document for two works is charged as PRs 15, 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. Stated as under;

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 E- Bidding notice 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.

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

Pakhtunkhwa Highways Authority Peshawar	
Diry No	22360-6718
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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.

DD (HQ)
To submit
copies of
me in
audit

