



GOVERNMENT OF KHYBER PAKHTUNKHWA
Pakhtunkhwa Highways Authority (PKHA)

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Attach Department Complex, Near Treasure Office, Khyber Road Peshawar

No. 1-PKHA/ 1396

Date 12/ 09/2017

To

The Chairman
Transparency International Pakistan
5-C, 2nd Floor, Khayaban-e-ittihad, Phase-VII,
Defence Housing Authority, Karachi.

Subject - VIOLETION OF KHYBER PAKHTUNKHWA PUBLIC PROCUREMENT REGULATORY AUTHORITY ACT 2012, DIRECTOR CONSTRUCTION, PAKHTUNKHWA HIGHWAYS AUTHORITY (PKHA), PESHAWAR'S TENDER NOTICE FOR CONSTRUCTION AND BLACK TOPPING WORKS.

Reference: Your letter No. TL17/0809/4A dated 08/09/2017.

With reference to the letters 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.

It is worthwhile to mention here that in a Highway's project, the bidding document 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(SOC) 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 cost of Tender document for the respective work mentioned in the NIT are reasonable and in line with Section-19 of the KPPRA Act-2012 and hence no corrigendum is needed.

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. Managing Director-KPPFRA, Peshawar for information please.
7. PS to Secretary C&W Department, Peshawar.
8. Deputy Director (HQ) PKHA Peshawar for information and future guidance.



DIRECTOR CONSTRUCTION



TRANSPARENCY INTERNATIONAL-PAKISTAN

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8th September, 2017

TL17/0819/44

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

Sub: Violation of Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act 2012, Director Construction, The Pakhtunkhwa Highways Authority (PKHA), Peshawar's Tender Notice for Construction and Black Topping Works

Dear Sir,

This is with reference to PKHA, Peshawar's Tender Notice, published in daily "Mashriq" on 1st September, 2017. It is observed that the advertisement is in violation of the KPK PPRA Act 2012.

As per the advertisement, the cost of bidding document is charged as PRs 25, 000/- and PRs 30, 000/- (non- refundable), 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 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

*BJC (48)
Reply with cost
justification is already
made.*

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.

Pakhtunkhwa Highways Authority Peshawar	
Diary No. 8504	11/9/2017
(1)	
(2)	
(3)	
(4)	

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Date: 12-09-17



**GOVERNMENT OF KHYBER PAKHTUNKHWA
PAKHTUNKHWA HIGHWAYS AUTHORITY (PKHA) PESHAWAR
NOTICE INVITING TENDERS
(Single stage two envelope procedure)**

For information Highway Bidders are invited to submit bids from eligible firms / contractors in accordance with the terms and conditions of the tender documents for the following work. The bids should be submitted in a single stage two envelope procedure (S-ETEP) to the Managing Director, PKHA, Peshawar. The bids should be submitted in a single stage two envelope procedure (S-ETEP) to the Managing Director, PKHA, Peshawar. The bids should be submitted in a single stage two envelope procedure (S-ETEP) to the Managing Director, PKHA, Peshawar.

S. No.	Description of Work	Code	Estimate	Rate	Contract Value	Duration	Opening Date	Opening Time
1	Construction of New RCC Bridge at Khuzara Bypass over River Panjkora District Lower Dir (SDG)	C-3/PH-4	Rs. 222.825 Million	2% of bid cost	Rs. 25000/-	24 Months	20/09/2017 at 12:00 Hours	on same day at 12:30 hrs
2	Construction & Blacktopping of Manglawar to Malam Jabba Road (35 Km) District Swat Package-I (Km 0+000 to Km 12+000)	C-3/PH-1	Rs. 357.552 Million	2% of bid cost	Rs. 25000/-	18 Months	20/09/2017 at 12:00 Hours	on same day at 12:30 hrs
	Package-II (Km 12+000 to Km 24+000)	C-3/PH-4	Rs. 425.296 Million	2% of bid cost	Rs. 25000/-	18 Months	20/09/2017 at 12:00 Hours	on same day at 12:30 hrs
	Package-III (Km 24+000 to Km 35+000)	C-3/PH-4	Rs. 467.762 Million	2% of bid cost	Rs. 25000/-	18 Months	20/09/2017 at 12:00 Hours	on same day at 12:30 hrs

- ii. A pre-bid joint Venture (JV) of contractors (All Pre-qualified for the relevant work) 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 will before the tender opening date for awarding User's name & password.
- iii. Bid documents including Tender Form, BOQ / Engineer Estimate, 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)
- 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 or bank guarantee in the name of Managing Director-PKHA shall accompany the financial bid.
- vi. The bidders are required to send their bids (technical & financial) through courier in original and photocopy in separate envelopes clearly marked as original & Photocopy. Both these envelopes shall be put in one sealed envelope and addressed to Managing Director PKHA and shall reach the concerned office before closing date and time.
- vii. **Instruction to Bidders (ITB)**
 1. Technical proposal shall contain but not limited to the following:
 - a. Certificate to the effect that Bid Security in the shape of Deposit at call (original) has been enclosed in financial bid.
 - b. Valid Enlistment Certificate of PKHA (Photocopy)
 - c. National Identity Card (CNIC Photocopy)
 - d. Pakistan Engineering Council registration (copy) for calendar year 2017.
 - e. Form H of the Company / Firm.
 - f. Details of similar nature & other general works, in hands and completed during last 05 years supported by work order / completion certificates duly attested from the executing agencies concerned.
 - g. Machinery (Tools, Plants & Equipments etc) supported with the purchase documents as evidence of ownership.
 - h. Particular of technical staff / engineers and their agreement on stamp paper with the firm together with their qualification. Affidavit to the effect that the said personnel shall be made available for the job should also be given alongwith their registration number of PEC and contract numbers.
 - i. Financial soundness supported by annual audit reports for the last 03 years.
 - j. Tax Return Certificate for the latest year and NTN.
 - k. Any other document to support the technical bid.
 2. Evaluation criteria in this regard can be obtained from office of the undersigned on any working day in office hours or can be downloaded from the official website of PKHA
 3. Bidding shall be done on percent "ABOVE / BELOW" system on Engineer Estimate, based on the MRS-2017 and MRS-2016 for the work at Sr. No. 1 and 2 above respectively. Only two digits after the decimal point shall be considered for evaluation purpose.
 4. Incomplete / Conditional / Electronic bids and bids received after closing time shall not be entertained. Bids shall be signed by authorized persons.
 5. The contractors / bidders who quote their bids / rates more than 10% below the Engineer Estimate cost shall submit an Additional Security in the form of call deposit equal to 8% of the estimated cost. After commencements of work by the successful bidder 8% call deposit may be replaced with a bank guarantee of the same amount from the scheduled bank. This additional security shall be released to the contractor in four instalments i.e. 25% to be released after completing 25% of the project and so on in case the bidder quotes more than 10% below the Engineer Estimate cost and the bid is not accompanied by the additional bid security than the bid shall be considered as non responsive and the 2nd lowest bidder and so on will be considered accordingly.
 6. Successful bidder of the work at S.No.01 and Package III of the work at Sr. No. 2 above shall have to install concrete Batch Plant in close vicinity of the site. While the successful bidder of Package-I of the work at S. No.02 shall have to install Asphalt Batch Plant in close vicinity of the site.
 7. Time allowed for completion of the work is as specified in the NIT which will start from the issuance of work order.
 8. Bids will be valid for Ninety (90) days.
 9. Successful Bidder should sign the agreement with the department within Seven (07) days after acceptance of bid.
 10. Call Deposit of Scheduled Banks shall be acceptable.
 11. If the evaluated bid costs of two or more than two bidders are same then the successful bidder will be declared through open draw.
 12. Technical Bids will be opened after 30 minutes to closing time in the presence of bidders / their representatives who chose to be present.
 13. Financial bids will be opened on later date which will be communicated to technically qualified bidders only.
 14. If photocopy of any bid differs from its original, then the bid will be declared as non-responsive.
 15. The employer has the authority to reject any bid or all the bids assigning cogent reasons.
 16. Bid security of the 1st, 2nd and 3rd bidders for the specific work will be retained by the Department till approval of Tender.
 17. All the information and documents provided by the bidder must be based on facts beyond any doubt. Any misrepresentation or false statement would make a ground for rejection of the bid during analysis / scrutinizing or evaluation of the proposals. Any fake document or misrepresentation detected during the currency of the contract will render the firm to be black listed and would be reported to the PEC for cancellation of their registration / license.
 18. 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 12/09/2017 at 11:00 AM for clarification of bidding documents / evaluation criteria or other related information regarding the project site.

DIRECTOR CONSTRUCTION