



**TRANSPARENCY  
INTERNATIONAL-PAKISTAN**

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1<sup>st</sup> March, 2018

TL18/0103/9A

Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Khyber Pakhtunkhwa.

Sub: Violation of Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules 2014, Grievance/Complaint against Tender for Purchase of Hydraulic Power Dumpers.

Dear Sir,

Transparency International Pakistan has received a complaint from M/s Khawaja Brothers against TMA, Mansehra in tender for Purchase of Hydraulic Power Dumpers. The complaint (annexure) is enclosed for your ready reference.

The complaint has made following allegations that;

1. This is reference to our quotations No. KB/Q-3577 dates 05-12-2017 regarding the subject matter.
2. Today we came to know through your office that the supply order for subject vehicles is placed to second lowest bidder i.e. M/s Collaborative Heavy Industry Ltd. Lahore (i.e. price quoted Rs 1, 290, 000/- per unit) after price negotiation with him.
3. Whereas we were the lowest bidder (i.e. Price quoted Rs 1, 146, 000/- per unit). In spite of that we were informed by your good self that the case is under process and decision is not made yet.
4. If decision is not being made yet then why supply order is issued to second lowest bidder and why the decision kept hidden from us?
5. According to KPPRA Rules once the financial bid is opened the purchaser cannot make price negotiation.
6. But in your case we are surprised to know that why and how you asked second bidder to reduce the price difference of Rs. 144, 000 per unit? This is open violation of KPPRA rules as well as in subject case transparency process become negotiable.

Negotiation is not allowed under KPPRA Rules 2014, Rule No.42. Stated as under:

*42. Post bid negotiation.---Procuring entity may negotiate with the highest ranked bidder regarding methodology, work plan, staffing and special conditions of the contract. In case of consulting services the procuring agency shall not permit substitution of key staff, unless both parties agree that undue delay in selection process makes such substitution unavoidable. Similarly, negotiations shall not seek changes in the rates quoted by the bidder. In case of failure of negotiations, the procuring agency may invite the second ranked bidder as per the evaluation report.*



Tehsil Municipal Officer, TMA Mansehra is requested to kindly look into the complaint and if found genuine take necessary action against all those officers involved in corrupt practices.

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. Registrar, Peshawar High Court.
4. Managing Director, KPPRA, Peshawar.
5. Tehsil Municipal Officer, TMA, Mansehra, Khyber Pakhtunkhwa.

# Khawaja BROTHERS

Date: February 22, 2018

To,  
Tehsil Municipal Officer  
Tehsil Municipal Administration  
Mansehra.

**Subject: Grievance/Complaint against purchase of Hydraulic Power Dumpers**

Dear Sir,

This is reference to our quotation No. KB/Q-3577 dated 05-12-2017 regarding subject matter.

Today we came to know through your office that the supply order for subject vehicles is placed to second lowest bidder i.e. M/s Collaborative Heavy Industry Ltd., Lahore (i.e. price quoted Rs.1,290,000/- per unit) after price negotiation with him, whereas we were the lowest bidder (i.e. Price quoted Rs.1,146,000/-per unit). In spite of that we were informed by your good self that the case is under process and decision is not made yet. If decision is not being making yet than why supply order issued to second lower bidder and why the decision kept hidden from us?

This is to inform you that according to KPPRA rules once the financial bid is opened the purchaser cannot make price negotiation. But in your case we are surprised to know that why & how you asked second bidder to reduce the price difference of Rs.144,000 per unit? This is open violation of KPPRA rules as well as in subject case transparency process become questionable.

You are requested to please give us valid justification in this regard as well as provide details of all subjects bidding process within 15 days after issuing of this letter. Your cooperation & understanding in this regard will be appreciated.

Thanking you, we remain

Very truly yours

Rahat Saleem  
General Manager  
C.C.

1. Chief Secretary Khyber Pakhtunkhwa, Peshawar
2. Secretary Local Government, Khyber Pakhtunkhwa, Peshawar
3. Director General, Khyber Pakhtunkhwa Procurement Regulatory Authority, Peshawar
4. Right to Information Commission, Khyber Pakhtunkhwa, Peshawar
5. Chief Minister Complaint Cell
6. Transparency International, Pakistan