



**TRANSPARENCY
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28th March, 2016

TL16/2803/6A

Chancellor,
Abdul Wali Khan University,
Mardan,
Khyber Pakhtunkhwa.

Sub: Violation of Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules 2014 & Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act 2012, Director Works, Abdul Wali Khan University, Mardan's Tender Notice for Construction of Academic Block Building.

Dear Sir,

This is with reference to Abdul Wali Khan University, Mardan's Tender Notice, published in daily "Aaj" on 25th March, 2016. It is observed that the advertisement is in violation of KPPRA Rules 2014 and KPK PPRA Act 2012.

1. As per the advertisement, the tender documents are issued w.e.f 31-03-2016, which means tender documents are made available after 6 days from the publication of the notice and till 08-04-2016, i.e., for 9 days only which means tender documents are not available for the bidders for 15 days. The rule "Response Time" includes purchase of tender documents for the bidder from the date of publishing of advertisement till the date of submission of bids. Therefore, this is a violation of KPPRA Rules 2014, Rule No.33 (5) & Rule No.34 (1) &. Stated as under:

33. Bid solicitation documents. (5) Solicitation documents shall be made available to the bidders from the date of their issuance to the closing date on submission of required fee by the prospective bidder whether in person or, if so requested through an authorized request in writing. In case the request is made through courier, it shall accompany a bank draft in favor of the procuring entity including the cost of return delivery.

34. Response time.—(1) The procuring entity may decide the response time for receipt of bids or proposals including proposals for pre-qualification from the date of publication of an advertisement or notice, keeping in view the contract's complexity, and urgency. However, under no circumstances the response time shall be less than fifteen days for national competitive bidding and thirty days for international competitive bidding from the date of publication of advertisement or notice in the national newspaper.

2. Also, the cost of bidding documents is given 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. The Section is 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

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.



NOTICE INVITING TENDER

Govt. of Khyber Pakhtunkhwa Intends "Establishment of Abdul Wali Khan University at Palatoo, Mardan," and Director Works, Abdul Wali Khan University, Mardan (AWKUM) therefore invites sealed Bids from the well reputed construction firms for the Construction of Academic Block Building at Buner Campus of AWKUM (Package-I). Contracting firms must have a valid License as Constructor in relevant category with the Pakistan Engineering Council (PEC) Islamabad. Bidding is on the basis of National Competitive Bidding (NCB) in accordance with "Single Stage -Two Envelope Bidding Procedure" comprising of "Technical Bids & Financial Bids" as per PPRA-Rules 2004. A joint venture is also eligible for bidding.

1. Only eligible bidders with following qualification should participate in the bidding:

Sr. No	Contract Package	Eligible Bidders should have completed at least one similar project, each with the following minimum value during the last five years.	Eligible Bidders should have minimum average annual construction turnover of following value within the last three years.	PEC License of constructor in Category (Valid)
1	Construction of Academic Block Building at Buner Campus of AWKUM (Package-I)	Pk. Rs. 130 Million	Pk. Rs. 260 Million	C-4 or Above

2. Sealed Bids must be accompanied by a Bid Security as mentioned below in the form of Call Deposit Receipt (CDR) / Pay Order/ Bank Draft or Bank Guarantee from the Scheduled Bank of Pakistan in the name of Treasurer, Abdul Wali Khan University, Mardan.

Sr. No.	Name of Work	Amount of Bid Security (Million)
1	Construction of Academic Block Building at Buner Campus of AWKUM (Package-I)	2% of Bid Price

Bids must be delivered to the undersigned on or before 12/04/2016 upto 1400 hours.

Bids will be opened at 1430 hours on the same day (i.e. 12/04/2016) in the presence of duly authorized bidder's representatives who choose to attend the Bid Opening session.

3. Eligible interested bidders may obtain further information from the office of:

A complete set of bidding documents may be purchased by eligible interest bidders w.e.f 31/03/2016 on submitting a written application to the aforesaid office on the original company letter pad along with a copy of PEC valid Registration/ License in Category C-3 or above upon payment of a non-refundable fee of PKR 15,000/- (Rupees Fifteen Thousand only). The sale of bidding documents will be closed on 08/04/2016 upto 1400 hours.

2. A pre-bid meeting shall be held on 11/04/2016 at 1400 hours in the conference room of the AWKU, Mardan. Bidders are invited to attend the meeting.

3. Restriction on further Tendering:--The Contractor whom the Contract has been awarded by AWKUM will not be eligible to participate in further tender invited by AWKUM costing Rs. 20 million or above until he completes the entire work under the Contract already awarded to him.

4. Following guidelines must be noted:

- Both "Technical Bids" and "Financial Bids" must be submitted in two separate sealed inner envelopes marked "1-Technical Bids" and "2-Financial Bids" which should be packed in one outer envelope. The Bid Security should be enclosed with "Technical Bids".
- "Technical Bids" will be opened immediately after deadline for submission of bids in the presence of bidder/ bidders' representatives who choose to attend while the "Priced Bids" will be opened later on after the Evaluation of the Technical Bids. "Priced Bids" of only Technically Qualified responsive bidders will be opened while the Priced Bids of Technically Unqualified bidders will be returned unopened.
- Conditional, incomplete, unsigned and bid filled with lead pencil are not acceptable at all.
- Usage of correction fluid & corrections are strictly prohibited unless duly initialed.
- The Contractor must provide 2 copies of their bids along with the original bid.

5. AWKUM may ask for further information & details time to time if required & reserve the right to cancel bidding procedure without assigning any reason.

6. Bidder is essentially required to provide correct and latest postal, email & web address phone/ mobile/ fax numbers at the time of purchase of Bidding Document for active & timely communication.

7. All rights reserved.

Director Works
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