



31st December, 2015

TL15/3112/4A

Senior Civil Judge,
District and Session Court,
District Abbottabad,
Khyber Pakhtunkhwa.

Sub: Violation of Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services
Rules 2014 & Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act 2012, Senior
Civil Judge, District Abbottabad's Tender Notice for Purchase of Miscellaneous Items.

Dear Sir,

This is with reference to District and Session Court, Abbottabad's Tender Notice, published in daily "Aaj" on 23rd December, 2015. It is observed that the advertisement is in violation of the KPPRA Rules 2014 & KPK PRA Act 2012.

1. As per the advertisement "Quantity of items can be increased/decreased after bid opening as per budget" whereas any change in tender conditions, specifications and quantity after bid opening by procuring agency is not allowed under Rules. However, according to KPPRA Rules 2014, Page 6 & 7, repeat orders cannot exceed more than 15% of the original quantity. Stated as under;

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;

2. Also, no information regarding issuance of bidding documents is given for the bidders. However, according to KPPRA Rules 2014, Page 17, 'Bid solicitation documents' clause, a set of tender document should be provided to the bidders. Stated as under;

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.

3. Also that, "the competent authority reserves the right to reject any bid without assigning any reason". However, according to KPPRA Rules 2014, Page 21, the 'Rejection of bids' Clause does not allow rejecting bids without assigning any reason and the reason of rejection should be communicated to the bidders. Stated as under;

Rejection of bids:- (1) The procuring agency may reject all bids or proposals at any time prior to the acceptance of a bid or proposal. The procuring agency shall upon request communicate to any supplier or contractor who submitted a bid or proposal, the grounds for its rejection of all bids or proposals, but is not required to justify those grounds.

4. Also, the undersigned has restricted the bidders to supply paper of 'AA brand' and pointer of 'Dollar' brand only, and has not added "or equivalent" with it, which is not allowed under KPK PRA 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.



The above information is forwarded for the purpose of avoiding mis-procurement, and 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 and good
governance.

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.



ٹینڈر نوٹس

از دفتر سینئر سول جج صاحب ایبٹ آباد

عدالت ہذا کو ذیل اشیاء کی سر بہرہ ٹینڈر مطلوب ہیں جن کی تفصیل ذیل ہے۔ کل مالیت -/183000 روپے

نمبر شمار	نام اشیاء	تعداد	نمبر شمار	نام اشیاء	تعداد
1	پیپر AA لیگل سائز	50 رم	9	بال پوائنٹ Clipper Bule	10 ڈبے
2	پیپر Copy Mate لیگل سائز	200 رم	10	بال پوائنٹ Red	15 ڈبے
3	سال رجسٹر مختلف سائز	50 عدد	11	بیک Ink Pot	01 ڈبے
4	سٹیکر مشین	25 عدد	12	مارکر بیک	06 ڈبے
5	سٹیکر پن	2 ڈبے	13	سال مارکر بیک	01 ڈبے
6	سکیل سٹیل	4 درجن	14	کھسپ پیڈ	3 درجن
7	وائٹر	2 درجن	15	شارٹ پیئر ٹوٹ بکس	2 درجن
8	بال پوائنٹ Clipper Black	25 ڈبے	16	پوائنٹ بلیک وائٹ	40 ڈبے

نوٹ: تمام ٹیکس حکومتی پالیسی کے تحت کانے جائیں گے۔ کل مالیت کا 5% کال ڈیپازٹ بحق سینئر سول جج ایبٹ آباد منسلک کرنا ہوگا۔ ٹینڈر مسودہ 20/01/2016 تک دفتری اوقات میں دفتر سول ناظر میں وصول کیے جائیں گے۔ مجاز اہلکار کو یہ حق حاصل ہوگا کہ وہ بغیر وجہ بتائے کوئی بھی ٹینڈر مسودہ منسوخ کر سکتا ہے۔ ٹینڈر منظور ہونے اور ورک آرڈر ملنے پر اشیاء 10 یوم کے اندر مہیا کرنا ہوگی، نیز اشیاء کی تعداد میں ٹینڈر رکھنے کے بعد بجٹ کے حساب سے کمی بیشی کی جاسکتی ہے۔ ٹینڈر اسی دن نمائندہ گان کی موجودگی میں کھولے جائیں گے۔

سینئر سول جج صاحب ایبٹ آباد

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