



**TRANSPARENCY  
INTERNATIONAL-PAKISTAN**

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8<sup>th</sup> September, 2017

TL17/0809/4A

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 1<sup>st</sup> September, 2017. It is observed that the advertisement is in violation of the KPK PPRA Act 2012.

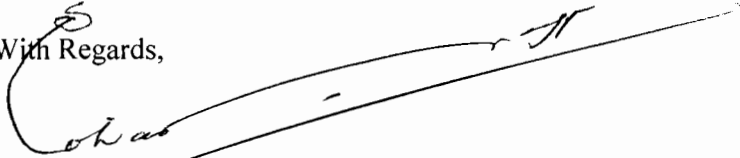
As per the advertisement, the cost of bidding document is charged as PRs 25, 000/- and PRs 30, 000/- (non- refundable), which appears costly in light of the Procurement Act and is violation of KPK PPRA Act 2012. According to the Act, Section No. 19, in the 'Public Accessibility' Clause, the tender document 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

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.



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
PAKHTUNKHWA HIGHWAYS AUTHORITY (PKHA) PESHAWAR**

**NOTICE INVITING TENDERS  
(Single stage two envelope procedure)**

Pakhtunkhwa Highways Authority invites sealed Bids from eligible firms / contractors in accordance with KPPPRA procurement Rules 2014 on single stage two envelope procedure for the following works. The Bidders should be registered with Pakistan Engineering Council (PEC) in relevant category & field of specialization. The bidders must be prequalified with PKHA for these works and should have adequate financial soundness, relevant experience, personnel capabilities, required equipment and others requirement as included in ITB.

Sr. No.	Description of Work	Estimated Cost (PKR)	Min. Bid (PKR)	Max. Bid (PKR)	Closing Date	Opening Date	Opening Time
1	Construction of New 110 Bridge at Shikara Bazaar near Dera Ismail Khan District	1,271.4	700,000,000	2% of 1,271.4	15/09/2017	16/09/2017	11:00 AM
2	Construction & Installation of Water Supply Main (300 mm) District Dera Ismail Khan	1,271.4	700,000,000	2% of 1,271.4	15/09/2017	16/09/2017	11:00 AM
	Package I (S. No. 01) of S. No. 01	1,271.4	700,000,000	2% of 1,271.4	15/09/2017	16/09/2017	11:00 AM
	Package II (S. No. 02) of S. No. 01	1,271.4	700,000,000	2% of 1,271.4	15/09/2017	16/09/2017	11:00 AM

- 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](http://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 installments 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-II 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**