



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**Pakhtunkhwa Highways Authority (PKHA)**

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Attach Department Complex, Near Treasure Office, Khyber Road Peshawar

No. 1-PKHA/ 46213

Date 09/09/2016

To

The Chairman  
Transparency International Pakistan  
5-C, 2<sup>nd</sup> Floor, Khayaban-e-ittehad, Phase-VII,  
Defence Housing Authority, Karachi.

Subject: - **VIOLATION OF KHYBER PAKHTUNKHWA PUBLIC PROCUREMENT REGULATORY AUTHORITY ACT 2012, DIRECTOR CONSTRUCTION, PAKHTUNKHWA HIGHWAYS AUTHORITY (PKHA), PESHAWAR'S TENDER NOTICE FOR DUALIZATION WORKS.**

Reference: Your letter No.TL16/2708/5A dated 27/08/2016.

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 KPPPRA 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 8<sup>th</sup> 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:

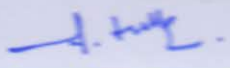
S#	DESCRIPTION OF DOCUMENTS
1	Tender Drawings consisting of road plan and profile on A3 size sheet in booklet form.
2	Construction Drawings consisting of Road Long Section / X-Sections and Structural drawings of culverts, Retaining walls etc. on A3 size in booklet format
3	Bill of Quantities
4	Technical 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(SCC) 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 KPPPRA 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-KPPRA, 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

5-C, 2nd Floor, Khayaban-e-Ittehad, Phase VII, Defence Housing Authority, Karachi.  
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27<sup>th</sup> August, 2016

TL16/2708/5A

Managing Director,  
The Pakhtunkhwa Highways Authority,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

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

Dear Sir,

This is with reference to Pakhtunkhwa Highways Authority, Peshawar's Tender Notice published in daily "Dawn" on 25<sup>th</sup> August, 2016. It is observed that the advertisement is in violation of the KPK Public Procurement Regulatory Authority Act 2012.

As per the advertisement, the cost of bidding documents is given as PRs 30,000, 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 quoted below for your reference;

*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, KPPPRA, Peshawar.

Handwritten: Dir (Cons) / DD (HQ)

Pakhtunkhwa Highways Authority Peshawar

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Handwritten: to this similar copy, very has been given by this office, the same copy is given submitted in this case.

1630  
Date 31.8.16



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PAKHTUNKHWA HIGHWAYS AUTHORITY (PKHA) PESHAWAR

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

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

S/N	Name Work	Required category of PEC/ PKHA	Estimated Cost	Bid Security (Rs.)	Cost of Bidding Documents	Period of completion	Last date and time of submission	Date of opening and time
	Dualization of Negawan Subgrade Section of Provincial Highway S-1 A, District Chitral including 2 bridges @ PACKAGE - I (KM 0-100 TO KM 5-255) - Excluding Bridge # 1 at KM 41420	C-2/PS-4	Rs. 421.47 Million	2% of bid cost	Rs. 20,000/-	30-months	26-08-16 at 12:00 Hours	On same day at 12:30 Hours

- II. A pre-bid joint venture (JV) of contractors (all enlisted in PKHA) with the lead firm prequalified in PKHA 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 well before the tender opening date for award of user's name & password.
- III. Bid documents including Tender Form, BOQ, instruction to bidders and evaluation criteria can be downloaded up to one day prior to the opening date from PKHA website ([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 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 duplicate in separate envelopes clearly marked as Original & Duplicate. The Original shall be sent to the Deputy Director (HQ) PKHA and the Duplicate to Director Construction PKHA. Both the Original and Duplicate bids shall reach the concerned office before closing date and time.
- VII. Instruction to Bidders (ITB)

1. Technical proposals 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. Enlistment Order of PKHA (photocopy)
  - c. Renewal of registration for CFY 2016-17 (Photocopy)
  - d. National Identity Card (CNIC) (Photocopy)
  - e. Pakistan Engineering Council registration (copy) for calendar year 2016
  - f. Form 11 of the Company / Firm.
  - g. Details of similar nature & other general works, in hands and completed during last five years supported by work order / completion certificates of executing agencies concerned.
  - h. Machinery (Tools, Plants & Equipment etc) listed on stamp paper duly verified from the field staff of respective executing agency or supported with the purchase documents.
  - i. Particulars 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 along with their registration number of PEC and contact numbers.
  - j. Financial soundness supported by annual audit reports for the last 03 years.
  - k. Latest Income Tax Return Certificate and NTN.
  - l. 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 percentage "ABOVE / BELOW" system on BOQ / Engineer's estimate, based on the MRS-2013. 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's estimate shall submit an Additional Security in the form of call deposit equal to 8% of the bid cost. After commencement of work by the successful bidder 8% call deposit may be replaced with a bank guarantee of the same amount from the scheduled bank. The 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's Estimate and the bid is not accompanied by the additional bid security then 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 shall have to install / arrange 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 of closing time in the presence of bidders/ their representatives who choose to be present.
13. Financial bids will be opened on later date which will be communicated to technically qualified bidders only.
14. If duplicate copy 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 by assigning cogent reasons.
16. Bid security of the 1st, 2nd and 3rd bidder 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 mis-representation or false statement would make a ground for rejection of the bid during analysis/scrutinizing or evaluation of the proposals. Any fake document or mis-representation 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 08/09/2016 at 11:00 a.m for clarification of bidding documents / evaluation criteria or other related information regarding the project site.

**DIRECTOR CONSTRUCTION**

InfoKPGovt @InfoKPGovt www.infokyberpakhtunkhwa.gov.pk Sand KP to 8333