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KARACHI PORT TRUST

From:

Khalid Mobin Arshad
Secretary

No.S-18/1426

Dated **05 JUN 2013**

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**SUB:- PREQUALIFICATION DOCUMENTS FOR CONSTRUCTION OF BUND WALL
AND DEVELOPMENT OF ROAD ALONG CHINNA CREEK FROM KEAMARI TO
CLIFTON.**

Ref:- M/s. Transparency International-Pakistan letter No. Nil dated 29.05.2013.

1. In response to your above referred letter I am directed to clarify the position in the light of Construction and Operation of Engineering Works By-Laws 1987 (Amended upto December 27, 2010) Vide SRO 1154(I)/2010:

Clause 4 (4). Licences -

‘A licencee shall be eligible to apply for prequalification even if he is not enlisted or registered with the client or employer.’

Accordingly, in this case prequalification documents were not issued to those Constructors whose licence were expired.

Clause 5(6) . Computation of professional credit points

‘Licences will be granted under these bye-laws once every calendar year and shall be valid up to the 31st December of the year of issue.’

In this case pre-qualification notice was published on 5th April 2013. Pre-qualification documents were not issued to those Constructors who did not renew their Licences which were expired on 31.12.2012.

Clause 7(1). Selection and tendering process.

‘All construction and management and supervision of operations of engineering works shall be entrusted only to the constructors or operators as the case may be licensed as such by the Council’.

Accordingly, in this case prequalification documents were not issued to those Constructors whose licence were expired.

Clause 7(3). Selection and tendering process.

‘The client or employer shall adopt an equitable method of selection of a constructor or operator for a particular project and will ensure that the following basic requirements are met namely:-

(a) An engineering work falling under a certain category must be entrusted only to those constructors or operators who are licensed by the Council in accordance with these bye-laws, either in the same category or in a higher category.

(b) A uniform system of credit points for the purpose of evaluation of the applicant's capabilities in the respect of vital elements of applicant's organisation and capacity to perform shall be established before tenders or proposals are called from prospective bidders.

The various vital elements to be covered are:

(iv) current licence issued by the Council; ‘

In this case criteria for evaluation was given in the pre-qualification documents. The pre-qualification proposals were required to be evaluated accordingly. In this case prequalification documents were not issued to those Constructors who were unable to produce current licence for the year 2013.

Clause 8(1). Applications, renewals, fees and penalties.

‘The Council, after scrutinizing the application and obtaining any further information or clarifications from the applicant as it may deem necessary, may issue or renew the licence for the following year or refuse the same if the information supplied by the applicant, in the opinion of the Council, does not meet the requirements for grant or renewal of licence under these bye-laws.’

In this case certain Constructors showed copy of paid challan fee for renewal of their Licence. The Licence of PEC for Pakistani Constructor is issued for one year and expires on 31st December. As per requirement of PEC, application of renewal for the next year should be submitted by 05th November. The Licence should be renewed before 31st March. Generally, those Constructors who apply late for renewal get their renewed Licence late from PEC. It is pertinent here to mention that on the paid Challan of PEC it is clearly written that ‘**Not Valid for Bidding**’. Furthermore, it is not sure that upon payment of fee the Licence must be renewed by PEC. Hence, the request of those Constructors who produced copies of paid challan were not considered.

Clause 8(7). Applications, renewals, fees and penalties.

‘ Any person/firm who constructs or operates an engineering work in Pakistan without any valid licence of specified category from the Council shall, besides being liable to pay to the Council a sum computed in accordance with clause (8) of this bye-law, be liable to be punished in accordance with the provisions of the Act.’

In this case prequalification documents were not issued to those Constructors who were unable to produce valid licence of specified category from the Council for the year 2013.

Clause 4 (4). Licences

'A licence granted by the Council shall entitle a licensee to perform an engineering work for client or employer. However, the client or employer may prescribe his own requirements over and above the requirements for licence prescribed by the Council, particularly in respect of financial soundness, plant and equipment capability, previous experience, business engagement capabilities and specific expertise which in the opinion of a client or employer, is essential for the execution of the work.'

Accordingly, KPT has prescribed its own non discriminatory requirements which are essential for the execution of work.

2) This department has worked in **TRANSPARENT** and **NON DISCRIMINATORY** manner and PQ documents were issued to those parties who produced valid PEC Licence.


SECRETARY