



TRANSPARENCY INTERNATIONAL-PAKISTAN

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Advisory Committee

12th April 2012

Mr. Qamar Hussain,
President,
National Bank of Pakistan,
NBP Head Office, I.I. Chundrigar Road,
Karachi.

Sub: Violation of Public Procurement Rules 2004, Deputy Chief Engineer, Logistics and Engineering Group, NBP, Karachi, Invitation for Bid for supply & installation of 48 KVA UPS Modular & Scalable to 120 KVA in N+1 Redundant Configuration for Data Center.

Dear Sir,

The Deputy Chief Engineer, Logistic and Engineering Group, National Bank of Pakistan, Karachi's tender notice for supply & installation of 48 KVA UPS Modular & Scalable to 120 KVA in N+1 Redundant Configuration for Data Center, Karachi, published in daily "Express" and "Dawn" on 12th April 2012, is against the Public Procurement Rules 2004.

In its tender notice, NBP has restricted the bidders to supply branded UPS of European / USA/ Japan origin only, whereas according to the Public Procurement Rules 2004 a procuring agency cannot include references to a brand name, model number or similar classification. The Rule is quoted below for your information;

10. Specifications.- *Specifications shall allow the widest possible competition and shall not favour any single contractor or supplier nor put others at a disadvantage. Specifications shall be generic and shall not include references to brand names, model numbers, catalogue numbers or similar classifications. However, if the procuring agency is convinced that the use of a reference to a brand name or a catalogue number is essential to complete an otherwise incomplete specification, such use or reference shall be qualified with the words "or equivalent".*

This act of NBP is also in violation of Rule 32 "Discriminatory and Difficult Conditions", according to which "no procuring agency shall introduce any condition, which discriminates between bidders or that is considered to be met with difficulty".

TI-Pakistan would refer to the Supreme Court of Pakistan's judgment in RPP case, given on 30th March 2012, where it stated that:

"It is important to note that all the executive authorities are bound to enter into contracts for supplies at the least expense to the public exchequer. Most significant consideration for every department of the Government must be the best economical mode of meeting the public needs."



The above information is forwarded for the purpose of avoiding the mis-procurement charge under Rule No 50, and with request to re-invite the tender under the prescribed procedures.

TI Pakistan is striving to have Rule of Law in Pakistan.

Regards,

Syed Adil Gilani
Adviser

Copies forwarded for the information of:

1. Chairman, Public Accounts Committee, Islamabad.
2. Governor, State Bank of Pakistan, Karachi.
3. Chairman, NAB, Islamabad.
4. Registrar, Supreme Court of Pakistan, Islamabad.
5. Auditor General, Islamabad.
6. Managing Director, PPRA, Islamabad.



April 12, 2012

INVITATION FOR BID

The sealed tenders are hereby invited from Authorized Representatives of reputed UPS Manufacturers APC / Emerson or Equivalent Brand of European / USA / Japan Origin only, interested to perform following works.

Supply & Installation of 48 KVA UPS Modular & Scalable to 120 KVA in N + 1 Redundant Configuration for Data Center, 4th Floor, NBP, Head Office Building, Karachi

Only those firms will be eligible to participate offering UPS manufactured / assembled at Own Production & Quality Assurance Facility of Original Equipment Manufacturers (OEM) / Principals and having satisfactory installation and operation of similar Modular & Scalable UPS in N+1 Redundant Configuration at reputed Financial / Telecommunication / Govt. Organizations in Pakistan.

Interested eligible firms are advised to submit the following documents to obtain tender documents up to 27/04/2012 during Office hours.

1. Tender Fee Payment Order of Rs.2,000/- (non-refundable) in favor of National Bank of Pakistan
2. Original Equipment Manufacturers (OEM) / Principal's Certificate for Authorizing the Contractor/Firm as their Distributors / Dealers or Representative in Pakistan
3. Certificate from the Original Equipment Manufacturer (OEM) / Principal that the UPS to be offered is manufactured / assembled at their Own Production & Quality Assurance Facility. In absence of OEM's Certificate, an Affidavit on Stamp Paper regarding the same should be furnished by the Bidder to participate in bidding process. However, OEM's Certificate is mandatory and should be provided by the bidder in case they are selected for award of works, otherwise their bid would be REJECTED.
4. Client's certificates showing satisfactory operation of similar type Modular & Scalable UPS at their premises as of today.
5. Company Profile Including Organization Structure of the Firm indicating the Names of Directors / Proprietors / Partners and strength of Technical Staff
6. Copy of NTN & Sales Tax Registration Certificate
7. Bankers Certificate showing Credit worthiness of the Firm
8. An affidavit to the effect that the firm has never been black listed by any Government or autonomous body
9. Details of litigation, if any, in which the firm has been involved during any work

NBP may verify the submitted information / documents through any source either before issuance of tender documents or even after issuance and subsequent opening of tenders, and in case of any discrepancy / fake submission, reserves the right to reject respective tender.

The tenders in sealed envelopes will be received on 30/04/2012 at 1100 Hours in the Office of the undersigned and will be opened publicly the same day at 1130 Hours in presence of Tender Opening Committee and Contractor's representatives who opt to attend.

Earnest Money amounting to 2% of the tender amount in the shape of a payment Order / CDR from any scheduled Bank in favor of Deputy Chief Engineer, National Bank of Pakistan must accompany each tender.

NBP reserves the right to accept or reject any or all tenders.

(Javed Haider)
SVP/Divisional Head
Logistics &
Engineering Group
NBP HO, Karachi.

(Mirza Ishrat Balg)
Deputy Chief Engineer
Logistics &
Engineering Group
NBP, HO, Karachi.
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