



TRANSPARENCY INTERNATIONAL-PAKISTAN

6th September, 2013

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Mr. Habibullah Khilji,
Chairman,
National Electric Power Regulatory Authority,
OPF Building, 2nd Floor,
Shahrah-e-Jamhooriyat, G-5/2,
Islamabad.

Sub: Violation of Public Procurement Rules 2004, Director General (Administration), National Electric Power Regulatory Authority's Pre-Qualification Notice for Prequalification of Pakistani Contractors/Firms/Companies for Multi Split Units Type Air Conditioning System.

Dear Sir,

The National Electric Power Regulatory Authority's pre-qualification notice, for prequalification of Pakistani contractors/firms/companies for multi split units type air conditioning system, published in the "News" on 4th September 2013, is in violation of the Public Procurement Rules 2004, as NEPRA has not mentioned about the prequalification document to be collected by the bidder, which is violation of Rule No. 16, and under Rule No. 33 (1), a procuring agency shall communicate on the request of bidders the grounds of bid rejections, the rules are stated as under:

16. Pre-qualification process:- (2) The procuring agency shall provide a set of pre-qualification documents to any supplier or contractor, on request and subject to payment of price, if any.

Explanation.-For the purposes of this sub-rule price means the cost of printing and providing the documents only.

33. 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.

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.

Transparency International Pakistan is striving to have Rule of Law in Pakistan, which is the only way to eliminate corruption and have good governance in country.

With Regards,


Syed Adil Gilani
Adviser

Copies forwarded for the information with request to take action under their mandate to:

1. Secretary to Prime Minister, Islamabad.
2. Director General, NAB (A&P), Islamabad.
3. Director General, FIA, Islamabad.
4. Auditor General, Islamabad.
5. Registrar, Supreme Court of Pakistan, Islamabad.
6. Managing Director, PPRA, Islamabad - with a request to take action under section 5(2) (a) "monitor application of the laws, rules, regulations, policies and procedures in respect of, or relating to, procurement" and under section 5(2) (i) of the PPRA Ordinance 2002



National Electric Power Regulatory Authority (NEPRA)

NOTICE FOR PRE-QUALIFICATION OF PAKISTANI CONTRACTORS / FIRMS / COMPANIES FOR MULTI-SPLIT UNITS TYPE AIR CONDITIONING SYSTEM

Applications are invited for pre-qualification of Contractors / Firms / Companies for providing and installation of HVAC works specifically for multi-split units type air-conditioning system for the under construction multi-storied NEPRA Office Building Project at G-5/1, Islamabad.

Mandatory Conditions:

1. Contractors / firms / companies having valid registration with Pakistani Engineering Council (PEC) in category C-3 and above with registration in specialized category ME-01 (heating / ventilation / air-conditioning).
2. Joint ventures between two Pakistani firms / companies shall not be allowed. Those foreign entities not registered / licensed by PEC will be considered for pre-qualification only if those have entered into joint venture / partnership with a Pakistani firm / company (registered / licensed by PEC). In such cases, duly executed joint venture agreement between parties must be submitted by the foreign firm, which should be legally binding on both parties jointly and severally, which share of Pakistani firm / company in joint venture not less than thirty three percent (33%).
3. Most recent undertaking / affidavit by CEO / Managing Director / proprietor of the firm / company on judicial paper that the contractor / firm / company and its employees have never been black listed by any government, semi-government, autonomous or state owned organizations and their cases regarding blacklisting are not under trial in any court of law.
4. Contractors / firms / companies should be registered with income tax department and should have national tax number (NTN).
5. Contractors / firms / companies should have sole distributorship / dealership of well known brands of multi split units type air-conditioning system.

The Contractor / firms / companies meeting above conditions should provide the following information:

- (i) Full name with location of head office and each branch offices of firms / companies along with the postal address, telephone, fax, email address, detail of administrative setup and local office in Islamabad / Rawalpindi (if any); Status of the entity (limited company, partnership or proprietorship) with year of establishment, showing number of years in relevant field business.
- (ii) Documentary evidence of certificate of distributorship / dealership in Pakistan of well known brands of multi split units type air conditioning system.
- (iii) Firm / company's valid registration with income tax / sales tax department, NTN / sales tax number and certificate, income tax, sales tax and professional tax and financial report during last three financial years.
- (iv) Firms / Company's bank account statement for period of three years and a current certificate of "sound financial stability" from a scheduled bank in Pakistan.
- (v) Managerial and technical expertise of firm / company, list of technical staff (who will be involved in this project) employed by the firm / company, along with CV, CNIC, Qualifications, experience, designation including PEC registration numbers, and their proof of employment with firm / company.
- (vi) List of supply or installation of HVAC equipment and works preferably multi split unit type air conditioning works 'completed' and 'in hand' in the last five years of the firm / company including contract value, location, scope of work, start and actual date of completion (for completed), Expected date for completion (for in hand) and cost over run, time over run (if any), with reason for cost over run and time over run, along with work orders, completion certificates and performance certificates from client and consultants.
- (vii) List, quantity and present location of equipment, tools, plants, machinery, transport, vehicle etc. owned by the firm / company along with proof of ownership, which the firm / company intends to make available for the relevant work.
- (viii) List of past and present litigations, arbitrations / disputes (if any) against any client, consultants, government, semi government, autonomous or state owned organizations showing its extent and results supported by documentary evidence.
- (ix) Any additional information with documentary evidence in addition to the above that the firm / company might like to furnish in support of their application.

Application with covering letter on firm / company's letter head along with above mentioned information and supporting documents complete in all respects, should reach the address below in sealed envelop, clearly marked 'pre-qualification for multi split units type air conditioning system for NEPRA Office Building Project at G-5/1, Islamabad', on or before **September 14, 2013**. Applications received after due date and time shall not be considered for pre-qualification. NEPRA reserves the right in its sole discretion to accept or reject any and / or all the applications for pre-qualifications of firms / companies without assigning any reason thereof.

Director General (Administration)
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