



TRANSPARENCY INTERNATIONAL-PAKISTAN

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Advisory Committee

01st August 2011

Mr. Muhammad Ali Gardezi,
Chairman,
National Highway Authority,
28-Mauve Area, G-9/1, Islamabad.

Sub: Violation of Public Procurement Rules 2004, National Highway Authority,
Gallop Tender Notice for the Emergency Maintenance Work in Sindh region.

Dear Sir,

The General Manager (Sindh), National Highway Authority, Sindh's gallop tender notice for the emergency maintenance work in Sindh region, published in daily "Dawn" on 29th July 2011, is against the Public Procurement Rules 2004, as minimum period of 15 days is mandatory to submit applications from the date of publication of advertisement notice in press, whereas you have given only 12 days, which is a violation of Public Procurement Rules 2004. The Rule is quoted below for your information;

13. Response time.- *The procuring agency may decide the response time for receipt of bids or proposals (including proposals for pre-qualification) from the date of publication of an advertisement or notice, keeping in view the individual procurement's complexity, availability and urgency. However, under no circumstances the response time shall be less than fifteen days for national competitive bidding and thirty days for international competitive bidding from the date of publication of advertisement or notice.*

TI-P would like to point out that the subject work is a routine and annual work of NHA, and it does not fall under the domain of "emergency" as defined by the Public Procurement Rules 2004. The rule for emergency is stated below for your reference;


(g).Emergency.- *"emergency" means natural calamities, disasters, accidents, war and operational emergency which may give rise to abnormal situation requiring prompt and immediate action to limit or avoid damage to person, property or the environment.*

The National Highway Authority has also overlooked the July 11th, 2008 notification (S.R.O 805(1)/2008) of Public Procurement Regulatory Authority for the mandatory use of Pakistan Engineering Council's Bidding Documents. According to the notification, it is bidder's option to select the mode of payment for bid security which also includes insurance guarantee. The procuring agency cannot bind the bidders by limiting them to make payment through demand draft or pay order only.

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.

With Regards,


Syed Adil Gilani
Procurement Specialist

Copies forwarded for the information of:

1. Chairman, Public Accounts Committee, Islamabad.
2. Chairman, NAB, Islamabad.
3. Registrar, Supreme Court.
4. Auditor General, Islamabad.
5. Managing Director, PPRA, Islamabad.

July 29, 2011



NATIONAL HIGHWAY AUTHORITY

Ministry of Communications
Government of Pakistan

GALLOP TENDER NOTICE

Sealed Tenders/Bids are invited from NHA's Pre-qualified Contractors of Sindh Region in the category **Emergency Maintenance (Works)** for the Financial Year 2010-11.

Brief description of works is also given as under, other details can be obtained from the Director (Maintenance) NHA, Karachi office.

Route	Contract No.	Maint Unit	Location Km-Km	Amount	Earnest Money (Rs.)	Completion Period	Defect Liability Period
N-120	EM-SDS-12-5004	Dadu	19 - 20	736,390.00	15,000/-	02 Months	06 Months
N-120	EM-SDS-12-5005	Dadu	45 - 46	905,790.00	18,500/-	02 Months	06 Months
N-120	EM-SDS-12-5006	Dadu	79 - 79+500	905,790.00	18,500/-	02 Months	06 Months
N-120	EM-SDS-12-5007	Dadu	79+500 - 80	905,790.00	18,500/-	02 Months	06 Months

- The Tender Documents mentioned above can be obtained from the office of the Director (Maintenance) NHA, Karachi, during the office hours upto **08th August, 2011** by submitting an application with Tender Fee in the shape of Demand Draft / Pay Order of **Rs. 3,000.00** Per Set (Non-refundable) in favour of **"NATIONAL HIGHWAY AUTHORITY (RMA)/ROAD MAINTENANCE ACCOUNT**.
- The Earnest Money in the shape of Demand Draft / Pay Order in favour of **"NATIONAL HIGHWAY AUTHORITY (RMA) / RETENTION MONEY ACCOUNT"** is to be shown at time of purchase of tender documents and Original CDR shall be attached with the tender documents. The contractor whose progress is slow / un-satisfactory on the already awarded work shall not be eligible to purchase the tender.
- The sealed tenders can be inserted in the sealed tender box on **09th August, 2011** at **11:00 hours** which will be opened on the same day at **11:30 hours** by the committee.

GENERAL MANAGER (SINDH)

NHA Complex Near Drig Road Railway Station, Shara-e-Faisal Karachi
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