



TRANSPARENCY INTERNATIONAL-PAKISTAN

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Advisory Committee

21st September 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, General Manager (Finance), Expression of Interest for hiring of services for evaluation of fixed assets.

Dear Sir,

The General Manager (Finance), National Highway Authority, Islamabad's expression of interest notice for hiring of services for evaluation of fixed assets, published in daily "Dawn" on 20th September 2011, is against the Public Procurement Rules 2004.

The evaluation criteria mentioned by the National Highway Authority is against the Public Procurement Rules 2004 as bidding should be done on the basis of open competition according to Rule 21 of the Public Procurement Rules 2004. The National Highway Authority can ask for expertise in civil engineering and finance, instead of limiting the competition to firms that are only on the panel of Pakistan Banks Association. This criteria is a collusive practice to restrict competition and amounts to introduction of discriminatory and difficult condition as defined by Rule 32 of the Public Procurement Rules 2004. The rule is stated below for your reference;

32. Discriminatory and difficult conditions.- *Save as otherwise provided, no procuring agency shall introduce any condition, which discriminates between bidders or that is considered to be met with difficulty. In ascertaining the discriminatory or difficult nature of any condition reference shall be made to the ordinary practices of that trade, manufacturing, construction business or service to which that particular procurement is related.*

TI-P would also like to point out that the National Highway Authority has not mentioned anything about the pre qualification documents to be collected by bidders in its advertisement, which is again a violation of Public Procurement Rules 2004. Rule 16 is quoted below for your information;

16. Pre-qualification process.- *(1) The procuring agency engaging in pre-qualification shall announce, in the pre-qualification documents, all information required for pre-qualification including instructions for preparation and submission of the pre-qualification documents, evaluation criteria, list of documentary evidence required by suppliers or contractors to demonstrate their respective qualifications and any other information that the procuring agency deems necessary for prequalification.*

(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.



Kindly refer to Public Procurement Regulatory Authority's directive (F.2 (9)/ DD-II/PPRA/2009) dated 07th July 2009, which confirms TI-Pakistan's views. TI-P has been pointing out to NHA about this violation in past also.

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
Advisor

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.

September 20, 2011



NATIONAL HIGHWAY AUTHORITY
MINISTRY OF COMMUNICATIONS, GOVERNMENT OF PAKISTAN

REQUEST FOR

EXPRESSION OF INTEREST

**HIRING OF SERVICES FOR EVALUATION
OF FIXED ASSETS
(ROADS, BRIDGES, BUILDINGS AND LAND)**

1. National Highway Authority (NHA) intends to hire the services of an Evaluation Firm having capacity of revaluation of Roads, Bridges, Building and Land. Applications are invited from only those firms (herein after referred to as the firm) which are on the panel I & II of Pakistan Banks Association, duly registered in Pakistan under applicable laws.
2. The services include revaluation of assets. Duration of the project will be 4 months.
3. The Pre qualified firms shall be asked to submit their financial proposals.
4. The application for the pre qualification accompanied with the profile of the firm, complete in all respects should reach in sealed envelopes clearly marked and signed by the applicants to the undersigned before 1100 hours on 05th October 2011 at the given address.

Profile of the firm.

5. Profile of the firm to the point and without un-necessary details, should include:
 - a. Name, address, phone / fax number, E-mail address and Web-site of the firm.
 - b. Proof of registration under the applicable Government of Pakistan Laws of the firm along with copy of their registration proof with Pakistan Banks Association.
 - c. Proof of valuation that the firm can re-evaluate the assets under the panel I & II of Pakistan Banks Association.
 - d. Detailed Profile of the Firm identifying, the service offering, office locations / strength in Pakistan and especially in Islamabad inclusive the CVs of key experts.
 - e. National Tax Number and Income Tax Clearance Certificate.
 - f. Affidavit on stamp paper duly attested by the Oath Commissioner to the effect that the firm has neither been black listed nor any contract rescinded in the past for non fulfillment of contractual obligations or its affiliated firm / department, more so a certificate to the effect that the statement provided to National Highway Authority (NHA) is correct.
 - g. Particulars of arbitration / litigation entered into by the firm and the results if any dispute resolution entered.
6. NHA, at its sole discretion, reserves the right to reject without any compensation and without incurring any liability, application of any firm.

General Manager (Finance)

National Highway Authority
27-Mauve Area, G-9/1, Islamabad

Phone: 051-8351606, Website: www.nha.gov.pk

PID(I)No.1292/11