



TRANSPARENCY INTERNATIONAL-PAKISTAN

5-C, 2nd Floor, Khayaban-e-Ittehad, Phase VII,
Defence Housing Authority, Karachi.
Tel: (92-21)-35390408, 35390409, Fax: 35390410
E-mail: ti.pakistan@gmail.com
Website: www.transparency.org.pk
Advisory Committee

22nd July 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 at KM 141-142.

Dear Sir,

The General Manager (MCH), National Highway Authority, Gwadar's gallop tender notice for the emergency maintenance work at KM 141-142, published in daily "Dawn" on 21st 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 06 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 manual work of NHA, and it does not fall under the domain of "emergency" as defined by the Public Procurement Rules 2004. The rule 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 21, 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 Makran Coastal Highway Region in the category of **Emergency Maintenance Work** for the financial year 2010-11.

2. Brief Description of work is give as under, other details can be obtained from the Director (Maintenance) NHA, Gwadar Office.

S. No.	Contract No.	Location	Estimated Cost (RS)	Earnest Money (RS)	Period of Completion
1	EM-MCH-11-032	KM 141 - 142	11,590,897/-	232,000/-	3 Months

3. The Tender Documents for above mentioned work can be purchased from the office of Director Maintenance (MCH) NHA, Gwadar, during the office hours on **25th July, 2011** by submitting an application with Tender Fee in the shape of Demand Draft / Pay Order of **Rs. 1,000/-** Per Set (Non-refundable) in favour of **"NATIONAL HIGHWAY AUTHORITY (RMA) / ROAD MAINTENANCE ACCOUNTS**.

4. The Earnest Money in 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 / unsatisfactory on the already awarded work shall not be eligible to purchase the tender.

5. The sealed tenders can be inserted in the sealed tender box on **26th July, 2011 at 11:00 hours** which will be opened on the same day at **11:30 hours** by the committee.

6. National Highway Authority reserves the right to accept or reject any or all the tenders

(Sham Sundar)
General Manager (MCH)
NHA Gwadar

PID(j)380/11