



24<sup>th</sup> May, 2024

TL2024/0524/1A

Executive Engineer Highway Division  
Bannu

**Subject: Violation of Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014, Executive Engineer Highway Division, Bannu's Tender Notice for Up-gradation of 60 Primary Schools to Middle Level (B&G) in Merged Area (AIP)**

Dear Sir,

This is with reference to your tender notice appeared in Daily 'Express' newspaper on 24 May, 2024. The said advertisement is in violation of Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014, Rule No. 34 'Response Time'.

In the tender notice, the submission and opening dates of bids is given on 06/06/2024, where it does not fulfill the fifteen days of response time, and is two (2) days less. It is a violation of Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014, Rule 34. The Rule is quoted below for your reference;

*34. Response time.---(1) The procuring entity 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 contract's complexity, 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 in the national newspaper.*

Executive Engineer Highway Division, Bannu is requested to rectify the given mistake and issue corrigendum in accordance with Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014, to avoid mis-procurement under Rule 50.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption, and achieve against Zero tolerance against corruption.

Regards,

  
Advocate Daniyal Muzaffar,  
Trustee/Legal Advisor  
Transparency International Pakistan

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

1. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. Managing Director, Khyber Pakhtunkhwa Public Procurement Regulatory Authority, Peshawar.



Note:

This is to clarify that Transparency International Pakistan is not a complainant, it acts as a whistleblower and operate under Article 19-A, of the Constitution of Pakistan which gives the right to public to know how government is being run by public officers. Article 19-A makes the right to access of information pertaining to a public authority a fundamental right, and a three member bench in case of Mukhtar Ahmad Ali vs the Registrar, Supreme Court of Pakistan, Islamabad, headed by Chief Justice Qazi Faez Isa in the landmark judgment on 16 October 2023, in CP No. 3532/2023, has declared that

“What previously may have been on a need-to-know basis Article 19A of the Constitution has transformed it to a right-to-know, and the Access to information is no longer a discretion granted through occasional benevolence, but is now a fundamental right available with every Pakistani which right may be invoked under Article 19A of the Constitution”

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT  
NOTICE INVITING E-BIDDING  
(Single stage two envelope E-Bidding System)**

1. C&W Department (Highway Division, Bannu), Government of Khyber Pakhtunkhwa invites Electronic Bids from the eligible firms/bidders in accordance with FPPRA procurement rules 2014 on single stage two envelope procedure for the following works:

S.No	Name of Work	Required category of PEC	Tender Form Entry Fee	Bid Security + S. Duty	Period of completion	Last date of submission of Bids and time	Date of opening of Technical Bid	Date of opening of Financial Bid
1	Up-gradation of 60 Primary Schools to Middle Level (BAC) in Marged Area (ADP) ADP No 452/21/0334. CH. Up-gradation of GPR Machi Kheri Marki Kheri Chert SOH Distt. Bannu.	C-8	0.03%	2% on E. Cost + Stamp Duty	As per Work Order	06.06.2024 At 12:00 PM	06.06.2024 At 12:30 PM	Date of opening of Financial bid will be announced after the approval of technical bids from the competent authority
2	Reconstruction of Fully Damaged Schools in Marged Area (ADP) ADP No 324/2020/73 (2020/73) in (2023/23) Distt. Bannu of C&W Deptt. Amn Sheer Wazir in Sub Division Wazir Bannu	C-9	0.03%	-/-	-/-	-/-	-/-	-/-

2. Bid documents and instruction to bidders can be downloaded from C&W web site (www.cw.gov.pk) before the submission date, time

**INSTRUCTIONS TO BIDDERS**  
(FPPRA Single stage two envelope bidding procedure)

- Technical bid properly should accompany the following:
  - Certificates that bid security in the shape of Cash deposit (original) has been enclosed in financial bid
  - Existence of C&W Department (photocopy)
  - Form as per registration for CPY 2023-24 (Photocopy)
  - National Identity Card (NIC) (Photocopy)
  - Copy of the valid Pakistan Engineering Council registration
  - Form of the Company, Firm
  - Documents showing general capabilities, financial soundness, general and relevant experience record, personnel capabilities, equipment capabilities and income Tax, NTN Certificates
  - Any other document to support the technical bid.
- Technical evaluation will be carried out on marks threshold in passing all the bids including PEC, Registration, Existence with C&W Deptt, Tax Payer proof, Relevant experience in past 05 years, Performance, Technical Personnel, required Equipment, Financial status, Auditors report, Managerial capabilities, Licenses status etc.
- Incomplete/Conditional/Electronic bids and bids received after closing time shall not be entertained. Bids shall be signed by authorized persons.
- Bid security 2% in shape of cash deposit (in Original) and 0.03% Tender Form Entry Fee of the estimated cost in each (non-refundable) should be enclosed along with bidding documents.
- The contractor quoting over bids upto a limit of 10% below Engineer Estimate shall submit bid security to the extent of 2% of Engineer Estimate only.
- The contractor quoting their bids more than 10% below upto 20% below an Engineer Estimate shall submit, alongwith their bids, 8% Additional Security of Engineer Estimate Cost in addition to 2% bid security. If the bid is not accompanied with the required Security then it will be considered as non responsive and the 2% bid security shall be forfeited in favour of amount of Additional Govt. and the 2 lowest bidder and 0.20% will be considered accordingly.
- Similarly, a contractor quoting bid more than 20% below shall submit with bid an additional security of Engineer Estimated Cost amount of successful bid and Engineer Estimate alongwith detail rate analysis. In case of more than 20% excess in the differential below bid & the bid is not accompanied by the detailed rate analysis and the required amount of additional security then the bid will be non responsive. All the successful bidders submitting such non responsive bid shall be forfeited in favour of shall be considered Govt.
- In case detailed rate analysis submitted with the bid, in view of the Procuring Entity, not convincing, the Head of the Procuring Entity may declare such bid as non responsive without any further bid security and record reasons thereof.
- The procuring entity may offer the contract to a bidder after due diligence in the context of financial difference between such two bids as may be as per procurement responsibility.
- After commencement of work by the successful bidder, the procurement entity may replace the additional security with a bank guarantee of the same amount from the successful bidder. If the entity deposits security in the form of bank guarantee.
- The additional security shall be released to the contractor in 04 (four) installments i.e. 1st installment of 25% to be released upon completion of 25% of the project, 2nd installment of 25% to be released upon completion of 50% of the project, 3rd installment of 25% to be released upon completion of 75% of the project & 4th installment of 25% to be released after 100% completion of the project.
- Any bidder who provides incorrect information, his documents should be disqualified.
- Time allowed for completion of the work is as specified in the Bidding Schedule and will start from the issuance of work order.
- Bids will be valid for thirty (30) days.
- Successful bidder shall sign the agreement with the department within stipulated time after acceptance of bid.
- Cost Deposit of Successful Bidders shall be acceptable.
- If the evaluated bid costs of two or more than two bidders are same then the successful bid will be decided through draw.
- A copy of the technical proposal as the required format is mandatory and to be included as a part of E-Bidding before submitting Financial Bid.
- Scanned copy of bid security & Tender Entry fee shall be submitted electronically along with technical bid on E-Bidding System.
- Bid security of the 1, 2nd and 3rd lowest electronic bidder for the specific work will be retained by the Department for the approval of bids.
- The bidder must be certified as the Khyber Pakhtunkhwa Revenue Authority as per FPPRA Rules.
- Pray Order is not acceptable as per Notification No. of FPPRA vide No. FPPRA/USSE/Estt./112/2017-18, dated 05/04/2018.
- The Khyber Pakhtunkhwa Finance Act XXVI of 2019 & Schedule Under S.No 14, in case of projects funded under the Government's ADP Budget, Tax shall be charged at the rate of Two Percent (2%).
- Venue of bid opening office of the Executive Engineer, Highway Division Bannu.
- Note: (1) Differential amount of a contractor quote e.g. 25% below an Engineer Estimate bid than he has to deposit, alongwith his bid 2% bid security and 25% Additional Security of Engineer Estimate. (2) It is mandatory to all contractors who are participating in the bidding should sign every page of their bracket with page numbering and mentioning their total No. of Pages i.e. 1 of 200 before submitting in the office of the undersigned, unsigned bracket will not be considered in the bidding process.

**Executive Engineer Highway Division/Bannu**  
JMI/IFA/1024/1002/4  
Newspaper ( 24 May, 2024)