



TRANSPARENCY INTERNATIONAL - PAKISTAN

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July 02, 2024

TL2024/0702/2A.

Deputy Director (O&M),
AJK Power Dev. Organization,
PDO Complex, Upper Chatter,
Muzaffarabad AJK.

Subject: Violation of Azad Jammu and Kashmir Public Procurement Regulatory Authority Act, 2017, Deputy Director (O&M), AJK Power Dev. Organization, PDO Complex, Upper Chatter, Muzaffarabad AJK's Tender Notice for Repair / Maintenance of Protection Power Channel, Forebay Fence, Spillway Pipe & Protection etc. 320KW Halmat Power Station District Neelum.

Dear Sir,

This is with reference to your tender notice appeared in daily 'Nawaiwaqt' Newspaper on 30th June, 2024. The said advertisement is in violation of Azad Jammu and Kashmir Public Procurement Regulatory Authority Act, 2017, Rule No. 13, 'Response Time'.

In the tender notice, the submission and opening dates of bids is given on 12-07-2024, where it does not fulfill the fifteen days of response time, and is two (2) days less. It is a violation of Azad Jammu and Kashmir Public Procurement Regulatory Authority Act, 2017, Rule No. 13. The Rule is quoted below for your reference;

13. Response time .-(1) 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. All advertisements or notices shall expressly mention the response time allowed for that particular procurement along with the information for collection of Bid documents which shall be issued till a given date, allowing sufficient time to complete and submit the Bid by the closing date: Provided that no time limit shall be applicable in case of Emergency.

Deputy Director (O&M), AJK Power Dev. Organization, PDO Complex, Upper Chatter, Muzaffarabad AJK is requested to rectify the given mistake and issue corrigendum in accordance with Azad Jammu and Kashmir Public Procurement Regulatory Authority Act, 2017 to avoid misprocurement 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, Azad Jammu and Kashmir, Muzaffarabad.
2. Managing Director, Azad Jammu and Kashmir Public Procurement Regulatory Authority, Muzaffarabad.

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”

INVITATION FOR BID

320KW HALMAT HYDROPOWER STATION

Power Development Organization (PDO), Azad Jammu & Kashmir (the "Employer") intends for "REPAIR / MAINTENANCE OF PROTECTION POWER CHANNEL, FOREBAY FENCE, SPILLWAY PIPE AND PROTECTION ETC. 320KW HALMAT POWER STATION DISTRICT NEELAM CWRB Werks" mentioned below for which funds shall be arranged from Normal Budget Allocations of AJKPDO

Name of Work	Tender Fee	Estimated Cost	Bid Security	Price Category / Specialization Code	Completion Period
Repair/ Maintenance of Protection Power Channel, Forebay fence, Spillway Pipe & Protection etc. 320KW Halmat Power Station District Neelum	Rs. 2000	1,961,588/-	Rs. 95,000/-	C6 and Above	30-Days

1. Sealed bids are invited under "Single Stage Single Envelope" procedure from eligible experienced bidders licensed by the Pakistan Engineering Council (PEC) in the C6 and above category for the works.
2. A complete set of Bidding Documents may be purchased on payment of prescribed Tender Fee (non-refundable i.e. Rs. 2000/-) in form of bank draft in favor of Managing Director AJK-PDO along with submission of a written application to Undersigned.
3. Bid must be accompanied by Bid Security of fixed amount Rs. 95,000/- in the form of Bank Guarantee in favor of Managing Director AJK Power Development Organization Muzaffarabad from any schedule bank.
4. Sealed Bid shall be submitted at the Office of Undersign, on 12-07-2024 at 12:00pm & Bids shall be opened on same day at 12:30pm in the presence of bidders representatives who choose to attend.
5. Original Power of Attorney on Stamp Paper of Rs. 100 duly attested by Oath Commissioner in favor of Authority Person to Purchase the Bid.
6. Original PEC License must be presented at the time of purchase of bidding documents.
7. "Blacklisted Firms/ Companies/ Contractors and Bidders are prohibited for participation" and all bidders shall furnish an affidavit on Stamp Paper of Rs. 50/- ensuring that they are not blacklisted nor in conflict with the Government anywhere in territory of the State of AJK.
8. The Bid Securities of unsuccessful bidders shall be returned upon award of contract to the successful bidder or on the expiry of validity of Bid, whichever is earlier.
9. Employer reserves the right to reject bids under provisions of AJK-PPRA Rule 33

Deputy Director (O&M)
 AJK Power Dev. Organization
 PDO Complex, Upper Chatter
 Muzaffarabad AJK, Tel: 05822-921063

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