



August 23rd, 2024

TL2024/0823/1A

Assistant Director (Senior),
Local Government & Rural Development,
District Bannu,
Khyber Pakhtunkhwa.

Subject: Violation of Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014, Assistant Director (Senior) LG&RD Department Bannu, Khyber Pakhtunkhwa's Tender Notice for Repair and Maintenance of Transformer Bannu Khyber Pakhtunkhwa

Dear Sir,

This is with reference to your tender notice appeared in Daily 'Express' Newspaper on 21st August 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 30-08-2024, where it does not fulfill the fifteen days of response time, and is five (5) 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.

Assistant Director (Senior), Local Government & Rural Development, Bannu Khyber Pakhtunkhwa, 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 54.

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”

OFFICE OF THE ASSISTANT DIRECTOR (SENIOR) LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT DISTRICT BANNU

NOTICE INVITING E-BIDDING

Sealed tenders for the below mentioned Scheme are hereby invited on the basis of M/S 2022 (2nd Bi Annual) single stage single server procurement from the government contractors registered with PEC in the relevant category and having registration/enrollment code with LG&RDD Khyber Pakhtunkhwa, as per centralized E-tendering policy of the Government of Khyber Pakhtunkhwa for the current financial year as per following schedule:

Sr	Work Name	Estimated cost in (M/RS)	Earnest money @2% in Rupees	Last date time for submission of Electronic Tender Terms	Date & time of opening of electronic bid	Time of completion
1	Repair and Maintenance of Transformers as Agreed by the Provincial Cabinet at District Bannu.		600000	30-08-2024 11:30 AM	30-08-2024 01:30 PM	As per Work Order
	i) Consistency-PK-100	10				
	ii) Consistency-PK-101	10				
	iii) Consistency-PK-102	10				
	Total	30.00				

Terms and Conditions:

- The financial bidding will be through E-bidding System tender form and BDD can be filled and downloaded by the original contractor/s-actors on the official website of LG&RDD, DG Office (www.lgrrd.gov.pk) and KPFRRA Khyber Pakhtunkhwa after one day of Publishing of NIT.
- The bidders are required to fill Electronic Bids online and attach Scan copy of Bid Securities in shape of original C.D Deposit in the name of Procuring Entity and submit a hard copy of the same printed electronic bid form to the concerned AO Office Bannu.
- Sealed bids sent through registered mail/ Courier service should be reached up to the specified time and date as mentioned above.
- Only those contractor's terms will be eligible when workshops are registered/Pre-qualified with PESCO/WAPCA.
- The contractor or his representative may be present at the time of opening of Electronic bids opening.
- The call deposits i.e. Bid Security for the work, contract must be prepared after publishing of NIT, before closing time of the Electronic bid.
- The contractors quoting their bids up to a limit of 10% below Engineer estimate shall submit bid security @2% only of Engineer Estimate.
- The contractor quoting their bids more than 10% below up to 20% below on Engineer's Estimate shall submit along with their bids 6% Additional security of Engineer estimate in addition to 2% bid security. If the bid is not accompanied with the required amount of Additional security, then the bid shall be considered as non-responsive and the 2% bid security shall be forfeited in favor of Government and the second lowest bidder and so on will be considered accordingly.
- In case, a contractor quoting bid more than 20% below shall submit with his bid an additional security on Engineer's Estimated cost equal to the differential amount of submitted bid and Engineer Estimate along with detailed rate analysis. In case of more than 20% below bids, if the bid not accompanied by the detailed rate analysis, and the required amount of additional security, then the bid shall be considered as Non-responsive. All the securities submitted along with such non-responsive bid shall be forfeited in favor of Government and the second lowest bidder and so on will be considered accordingly. KPFRRA Notification No. 6758-71 Peshawar the May 10, 2022.
- In case detailed rate analysis submitted with the bid, in view of the procuring entity, not involving the head of the procuring entity may declare such bid as non-responsive without any forfeiture of bid security and record reason thereof.
- The procuring entity may offer the contract to the most lowest bidder after due diligence in the context of marginal difference between such two bids or may award the procuring opportunity to fresh. (KPFRRA Notification No. 6353-71 Peshawar the May 10, 2022)
- Any Electronic Bidder who provides false, or materially inaccurate or incomplete or do not send in completion in hard form will be disqualified as per KPFRRA Act Section 29(1) read with KPFRRA Rule 4(1). Furthermore, the Procuring Entity/Executing Agency will recommend and specify the Cautioning Sanctioning and will take action in light of Approved Procedure/Instructions as per KPFRRA Act section 29(1) read with KPFRRA Rule 4(4)
- Electronic bids will remain valid for 90 days from the closing date of bids.
- The firms/contractors who wants to participate in tendering process may approach Director, General LG&RDD Peshawar within two days before closing time of electronic bid by sending their names on the official website (www.lgrrd.gov.pk)
- All bidders are required to be registered (within 15 days) with Khyber Pakhtunkhwa Revenue Authority (KPRA), established under the Khyber Pakhtunkhwa Finance Act, 2013 (Khyber Pakhtunkhwa Act No. 100 of 2013), for work, order, buy and non-consulting Service as listed in Schedule 'B' of the Act.
- All applicable taxes will be levied/overse as per directives of the government in vogue.
- In case the bid become like the contractor shall be deleted through bid loss which shall be final.
- The concerned Engineer/contractors with C&M department for the current financial year who wants to participate in tendering process may approach Director's General LG&RDD Peshawar within two days before closing time of electronic bid by sending their names on the official website (www.lgrrd.gov.pk).
- As per KPFRRA Rule Section 37(R) the bidder shall be allowed to withdraw his bid till award of the contractor till bid is still, which is earlier.
- Successful bidder is bound to receive work order within seven days and to start work immediately after receipt of work order.
- The procuring entity may reject any or all bids after completion during the readiness for execution at any time prior to the award of contract.
- Work order will be issued subject to obtaining one's Administrative Approval, Technical Sanction and release of fund as per KPFRRA Notification No. G.R.O. (16) Vol. 1/20/2022/23 6349-60 Peshawar, the September 05, 2022.
- Successful bidder is bound to carry out repair/maintenance work as per PESCO/WAPCA requirements.
- All printed lessons and all sets of lists will be performed by contractor on the demand of procuring entity.
- Any addition made in terms & conditions in the NIT advertised in the newspaper will be implemented as per KPFRRA Rule. (MTPN 2023/24)

ASSISTANT ENGINEER (SENIOR) LG&RDD DISTRICT BANNU ASSISTANT DIRECTOR (SENIOR) LG&RDD DISTRICT BANNU

OFFICE OF THE ASSISTANT DIRECTOR LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT BANNU

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