



October 07, 2024

TL2024/1007/1A

Executive Engineer,
Highway Division Tribal,
District Bajaur.

Subject: Violation of Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014, Executive Engineer, Highway Division Tribal, District Bajaur's Tender Notice For Completion of Main Barang & Khar Road

Dear Sir,

This is with reference to your tender notice appeared in Daily 'Express' Newspaper on 04 October 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 16.10.2024, 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 Tribal, District Bajaur 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 Muzaffat,
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 single Envelop E-Bidding System)

The C&W Division Highway Tribal District Bajaur Government of Khyber Pakhtunkhwa invites Electronic Bids from eligible firms/contractors in accordance with KPPRA Procurement Rules 2014, amended upto 10.05.2022 on Single Stage single Envelop procedure for the following work(s). The work is of emergent nature, firm (s) having previous experience in executing works in emergency situations are encouraged to apply.

#	Name of Work	E/Cost	Required PEC category	Bid Security i/c stamp Duty Rs. (M)	Tender Fee @ 0.03%	Period of completion	Last date and time of submission of E-Bids	Date & Time of Opening of Technical Bid
1	Main Barang & Khar Road	6.861 (M)	C-6 & above	0.146 (M)	Rs 2100	As per Work order	16/10/24 At 12:00 PM	16/10/24 At 12:30 PM

MANDATORY DOCUMENTS TO BE SUBMITTED WITH THE BID.

- Proof of registration with Pakistan Engineering Council (PEC) in C-6 or above category, duly renewed for the current year.
- Proof of registration with Khyber Pakhtunkhwa Revenue Authority (Active Tax Payer List) under Finance Act, 2013 Act No. X00 of 2013.
- Photocopy of CNIC.
- Affidavit that firm is not blacklisted and neither in any litigation with the department.

GENERAL TERMS AND CONDITIONS.

- Bid Solicitation Documents and Instructions to Bidders can be obtained from the office on any working day or downloaded from C&W website (www.cwd.gkp.pk)
- The bidders should submit their E-bids as per KPPRA Notification No. SOR(13)/ Vol:1-24/2021-22 dated 10.05.2022.
- In case of more than 20% below bids, if the bid is not accompanied by the detailed rate analysis and/ or required amount of additional security, then the said bid will be dealt as per KPPRA Notification: S.R.O (14) /vol: 1-24/2021-22: dated May 10, 2022.
- In Case detailed rate analysis submitted with the bids is, In view of the procuring Entity, not convincing, the Head of the procuring Entity may declare such bid as non-responsive.
- Complete detail of Bid Security in shape of CDR i.e Bank Name CDR Number(s) and Date (s) must be submitted electronically along with E- bid on the E-bidding system.
- In Cases of tie among the successful bidders, winner will be decided based on toss in the presence of all the bidders.
- Bid not fulfilling any of the criteria as stated above will be declared non-responsive.
- Venue of Bid opening is office of the Executive Engineer C&W Highway Division Bajaur on 16.10.2024 at 12:30 PM.

**EXECUTIVE ENGINEER
HIGHWAY DIVISION TRIBAL
DISTRICT BAJAUR**

INF(P)
2556/24