

December 04, 2024

TL2024/1204/2A

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 70 Primary Schools to Middle Level (AIP), SDW District Bannu**

Dear Sir,

This is with reference to your tender notice appeared in Daily 'Express' Newspaper on 29 November, 2024. The said advertisement is in violation of Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014, Rule No. 34 'Response Time'.

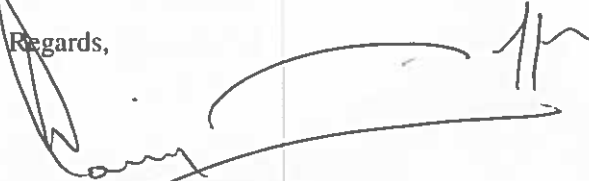
In the tender notice, the submission and opening dates of bids is given on 10-12-2024, where it does not fulfill the fifteen days of response time, and is three (3) days less. It is a violation of Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014, Rule 34. The Rule is quoted 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 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”

**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 KPFPRA procurement rules 2014 on single stage two envelope procedure for the following works:

S#	Name of Work	Required category of PEC	Tender Form Entry Fee	Bid Security + Stamp Duty	Period of Completion	Last date of submission of Bids and Bids	Date of opening of Technical bid	Date of Opening of Financial bid
1	Upgradation of 70 Primary Schools to MCSS Level (A.P) ADP No 325 2000771, Sit Up-Creation of GPCS Masjid Khan Muhammad Khil, SEW District Bannu	C-6	0.03%	2% on E-tend + Stamp Duty	As per Work order	10-12-2024 at 12:00 PM	10-12-2024 at 12:30 PM	Date of opening of financial bid will be announced after the opening of technical bids from the competent authority

2. Bid documents and instruction to bidders can be downloaded from C&W website (www.cwd.gkp.pk) before the submission date/time.

**INSTRUCTION TO BIDDERS**  
 (KPFPRA Single Stage Two Envelope Bidding procedure)

1. Technical bid proposal should accompany the following -  
 a. Copy of data sheet Bid security in the shape of Call deposit (original) has been enclosed in financial bid b. Enrollment order of C&W Department (photocopy) c. Return of registration for CPY 2024-25 (photocopy) d. National Identity Card (NIC) (photocopy) e. Copy of the valid Pakistan Engineering Council registration f. Form H of the Company / Firm, g. Documents showing general capabilities, financial soundness, general and relevant experience record, personnel capabilities, equipment capabilities and Income Tax / NTN Certificates h. Any other document to support the technical bid. 2. Technical evaluation will be carried out on merit basis without passing all the fields including PEC Registration, Enrollment with C&W Dept. Tax payer proof. Relevant experience in past 05 years, Performance, technical personnel, required Equipment, Financial status, Auditor's report, Managerial Capabilities, Litigation status etc. 3. Incomplete / Conditional / Electronic bids and bids received after closing time shall not be entertained. Bids shall be signed by authorized persons. 4. Bid security 2% in shape of call deposit (in original) and 0.03% Tender Form Entry fee of the estimated cost in cash (non-refundable) should be enclosed along with bidding documents 5. The contractor quoting their bids up to a limit of 10% below Engineer Estimate shall submit bid security to the extent of 2% of Engineer Estimate only 6. The contractor quoting their bids more than 10% below scale 20% below the Engineer Estimate shall submit along with their bids 6% Additional Security of Engineer Estimated Cost in addition to 2% bid security if the bid is not accompanied with the required amount of Additional Security then it will be considered as non-responsive and the 2% bid security shall be forfeited in favour of Govt. And the 2% lowest bidder and so on will be considered accordingly 7. Similarly, a contractor quoting bid more than 20% below shall submit with his bid an additional security of Engineer Estimated Cost equal to the differential amount of submitted bid and Engineer Estimate alongwith detailed rate analysis. In case of more than 20% below bids the bid is not accompanied by the detailed rate analysis and / or required amount of additional security then the bid shall be considered as non-responsive All the securities submitted alongwith such non responsive bid shall be forfeited in favour of Govt and the 2nd lowest bidder and so on will be considered accordingly 8. In case detailed rate analysis is submitted with the bids is, in view of the prevailing tendering policy, the Head of the Procurement may declare such bid as non-responsive without any forfeiture of bid security and record reasons therefor. 9. The procuring entity may offer the contract to next lowest bidder after due diligence in the event of a tie, if difference between such two bids are may advertise procurement opportunity afresh 10. 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 schedule banks, if the already deposited security is not in the form of bank guarantee. 11. The additional security shall be released to the contractor in (24) 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 & the 4th installment of 25% to be released after 100% completion of the project. 12. Any bidder who provides incorrect information, his documents should be disqualified. 13. The time allowed for completion of the work is as specified in the Bill which will start from the issuance of work order. 14. Bids will be valid for thirty (30) days. 15. Successful bidder should sign the agreement with the department within stipulated time after acceptance of bid. 16. Call Deposit of Bids shall be acceptable. 17. If the evaluated bid costs of two or more than two bidders are same then the successful bid will be declared through draw. 18. A copy of the technical proposals in the required format is mandatory and to be uploaded as a part of E-bidding before submitting financial bids. 19. Scanned copy of bid security & Tender Entry Fee shall be submitted electronically along with technical bid on E-Bidding system. 20. Bid security of the 1st, 2nd and 3rd lowest electronic bidder for the specific work will be released by the Department after the approval of bids. 21. The bidder must be enrolled with the Khyber Pakhtunkhwa Revenue Authority as per KPFPRA Rules 22. Payment is not acceptable as per Article 300 of KPFPRA and the KPFPRA, W.S.E. 12/2017-18, dated 05-04-2018 23. The Khyber Pakhtunkhwa Finance Act XXV of 2019 2nd 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%) 24. Venue of Bids opening is Office of the Executive Engineer, Highway Division Bannu.  
 Note: (1) Differential amount 4% or more below cost e.g. 25% below Engineer Estimate bid than he has to deposit alongwith his bid 2% 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 tender with page numbering and mentioning their total No of Pages i.e. 1 of 200 before submitting at the office of the undersigned. Unsigned tender will not be considered in the bidding process.

**Executive Engineer Highway Division Bannu**  
 INF/P/3184/24