



July 02, 2024

TL2024/0702/3A

Executive Engineer Public Health Engg: Division,
Abbottabad,
Khyber Pakhtunkhwa.

Subject: Violation of Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014, Office of the Executive Engineer Public Health Engg: Division, Abbottabad Tender Notice for Rehabilitation/Augmentation Of PHE Existing WS Schemes In Khyber Pakhtunkhwa ADP No. 303/180442 (2021-22)

Dear Sir,

This is with reference to your tender notice appeared in Daily 'Express' Newspaper on 28th June, 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 09-07-2024, where it does not fulfill the fifteen days of response time, and is three (03) 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 Public Health ENGG: Division Abbottabad 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 EXECUTIVE ENGINEER
Public Health Engineering Division Abbottabad

NOTICE INVITING E-BIDDING
(Single Stage Single Envelope Procedure E-Bidding System)

The Public Health Engineering Division Abbottabad invites electronic Bids from the eligible Govt Registered Contractors on Single Stage Single Envelope procedure for the following works:

Sr. No.	Name of Work	Estimated Cost	Bid Security 2% of Estimated Cost (+) Stamp Duty	Advertisd
Patched/Bidder's Agreements of PHE Existing WS Schemes in Khyber Pakhtunkhwa ADP No. 303/180442 (2021-22)				
1	WSS Muzahid Chert Village, Banded Maza	4852000/-	101000/-	5 th Time
2	WSS Jadoon Abad Taped	3298000/-	105300/-	5 th Time

GENERAL TERMS AND CONDITIONS:

1. Bidding documents including instruction to bidders and all the terms and condition can be downloaded up to one day prior to the opening date from PHE website www.phe.gov.pk.
2. Last date & time for submission of the bid is 09-07-2024 at 12:00 (Noon), which will be closed on the same day at 01:00 PM. In presence of contractor or their authorized representative who will be present. Sealed bids (in envelope) should reach in the office of undersigned through Courier service before the closing date mentioned. The bids received late shall not be entertained.
3. All bidders are required to be registered with the KPRA.
4. (a) As per KPRA regulation No. 8 (R.D) 16) vol 1-24/2021-22 dated 10-05-2022 the contractor quoting their bid up to limit of 10% below an Engineer estimate must submit a bid security in the extent of 2% Engineer estimate only.
(b) The contractor quoting their bid more than 10% below up-to 70% below or Engineer's estimate shall submit along with their bid 8% Additional Security of Engineer estimated cost in addition to 2% bid security, if the bid is not accompanied with 8% (eight per cent) amount of additional security then it will be considered as non responsive and the 2% security shall be forfeited in favor of Government and the second lowest bidder and so on will be consider accordingly.
(c) (voluntarily contractor quoting bid more than 20% below shall submit with his bid an additional security an Engineer's estimated cost equal to the differential amount of submitted bid an Engineer's Estimate along-with detailed rate analysis). 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 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 2nd lowest bidder and so on will be consider accordingly.
(d) In case detailed rate analysis submitted with the bid is, in view of the procuring Entity not convincing, the head of the procuring Entity, may be declares such bid as non responsive without forfeiture of bid securities and record reason thereof.
(e) The procuring Entity may after the contract to the next lowest bidder after due diligence in the interest of financial difference such two bids may advertise procurement opportunity again.
5. Bid entry fee@ 0.05% of tender cost should be submitted separately in the form of CDR (Non refundable).
6. All other terms and conditions will be as per MTRRA rules, PEC, SBDs and other relevant laws.
7. Bidder shall have codes in PEC registration such as CE-09, an else required category C-5 for package- I & II at Serial No. 1 & 2 as per criteria.
8. Govt Taxes shall be applied as prevailing.
9. Contractor must have ardent duty issued by Provincial Enforcement committee, Khyber Pakhtunkhwa.
10. List of skilled labor & staff with attachment should be separately prepared.

EXECUTIVE ENGINEER # 97142124
Public Health Engg. Division, Abbottabad
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Newspaper (29 Jun 2024)