



12 June, 2024

TL2024/0612/1B

Executive Engineer Public Health ENGG: Division Dir Upper,
Upper Dir,
Khyber Pakhtunkhwa

Subject: Violation of Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014, Office of the Executive Engineer PHE Division Dir Upper's Tender Notice for Emergency Restoration of Flood Damaged Drinking Water Supply Schemes in Khyber Pakhtunkhwa Non-ADP (2022-23)

Dear Sir,

This is with reference to your tender notice appeared in Daily 'Mashriq' Newspaper on 09 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 12-06-2024, where it does not fulfill the fifteen days of response time, and is twelve (12) 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;

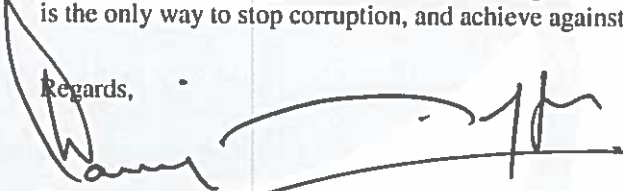
34. Response time.---(1) The procuring entity may decide the response time for receipt of bids or proposals including proposals for pre-qualification from the date of publication of an advertisement or notice, keeping in view the contract's complexity, and urgency. However, under no circumstances the 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.

In case of an emergency procurement, the approval from the head of the department is required as per Section 3(2) of the KPPRA Rules, 2014. Should the procurement not qualify as an emergency as per the stipulated criteria, the response time must fulfill the fifteen days criteria.

Executive Engineer Public Health ENGG: Division Dir Upper is requested to check compliance in accordance with Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014, and if found correct, rectify the given mistake and issue corrigendum to avoid mis-procurement 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, 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 EXECUTIVE ENGINEER PHE DIVISION DIR UPPER
NOTICE INVITING E-BIDDING
 (Single Stage Single Envelope E-Bidding System)

Public Health Engineering Division Dir Upper Government of Khyber Pakhtunkhwa invites electronic Bids from eligible firms/contractors having specialization code CE having specialization code CE-09 and relevant in accordance with KPFRRA procurement Rules 2014 on single stage single envelope procedure for the following works:

Sr	Name of Scheme	Estimated Cost Rs in Million	2% Earnest Money including Stamp Duty in Rupees	Sr	Name of Scheme	Estimated Cost Rs in Million	2% Earnest Money including Stamp Duty in Rupees
A Emergency Restoration of Flood Damaged Drinking Water Supply Schemes in Khyber Pakhtunkhwa							
Non ADP (2022-23)							
1	WSS Sheeratal	1 500	36250	17	WSS Derani	0 680	15 850
2	WSS Ganshall Bala	2 540	57090	18	WSS Karakoram	0 480	10 850
3	WSS Ganshall Payeen	1 050	22250	19	WSS Sarbat Payeen	0 900	17 850
4	WSS Tarpotar	0 660	15050	20	WSS Kollu (Sahibabad)	4 200	90250
5	WSS Sarikat	0 870	19250	21	WSS Doon Sarai	2 640	59050
6	WSS Ruriland	1 790	42050	22	WSS Doon Payeen	4 890	104750
7	WSS Lamcooti	1 660	39450	23	WSS Kishori	2 140	49050
8	WSS Rurik Kanul	0 600	11850	24	WSS Bar	7 050	47240
9	WSS Lar Duing	0 540	20650	25	WSS Darera	4 860	103510
10	WSS Doon Bala	0 370	8650	26	WSS Galdul Dara	2 520	56650
11	WSS Kandaru	3 110	68950	27	WSS Wari Bala (Solar System/MA machinery)	0 714	16130
12	WSS Karpot	0 870	19250	28	WSS Wari Payeen (Electrification/MA machinery)	0 454	10130
13	WSS Zakria Sarbala	0 840	18450	29	WSS Chankam (Electrification/MA machinery)	0 349	6030
14	WSS Jhar	1 170	29650	30	WSS Ganshal (Electrification/MA machinery)	0 617	14590
15	WSS Jhar Gumbat	0 300	7250	31	WSS Rumbal (Electrification/MA machinery)	0 617	14590
16	WSS Badatal Payeen	1 370	33050	32	WSS Thal 02	4 300	92250

TERMS AND CONDITIONS

- Bidding Documents including Tender Forms, BOQs and instructions to bidders can be downloaded till 10 days prior to the opening date from PHE website (www.phe.gov.pk)
- Last date and time for submission of the bids is 12:00:00 (Noon). The bid will be opened at 12:30 PM on the same date in the office of the undersigned in the presence of the concerned representatives of the bidders.
- As per KPFRRA regulation No 1 R 2014/Vol 1, 2012/22 dated 10/05/2022 the contractor quoting their bid upto limit of 10% below an Engineer's estimate shall submit a bid security to the extent of 2% Engineer's estimate only.
- If a contractor quoting their bid more than 10% below up to 20% below an Engineer's estimate shall submit along with their bid 5% additional bid security of Engineer's estimate and accompanying 2% bid security. Similarly, if a contractor quoting bid more than 20% below shall submit additional bid security equal to the difference amount of submitted bid and Engineer's estimate along with detailed rate analysis with bid. In case of more than 20% below bids if the bid is not accompanied by the detailed rate analysis & the said bid will be considered as non-responsive and if the bid is submitted along with such non-responsive bid shall be forfeited in favor of Government and the lowest bidder's bid shall be considered accordingly.
- All other terms and conditions under KPFRRA Notification No. 1 R 2014/VOL 1, 2012/22 dated 10/05/2022 shall remain full and intact.
- After opening of the bid, the detailed scrutiny of documents of the bidders will be carried out, the mandatory hard copies of the following documents must attach with the bid, if the bidder fails to submit any of the following mandatory hard copies of the following documents, the bid will be non-responsive and straightaway will be rejected.
 - EN-CC Copy of IEP below 10. The signature on each page of the hard copy of BOQ downloaded from the net is mandatory. C. Valid PEC registration of the bidder. d. Valid electronic certificate from upper department. FGAM in case of companies. E. Valid KPFRRA online verification form. F. Valid FBR online verification form.
 - The bidder will provide the certificate on Affidavit that the firm is not involve in any litigation case with PHE Division Dir Upper.
 - Additional call sheets in shape of CDA as per KPFRRA rules.
 - The bid security and Quoted Rates on the BOQs shall be provided in Sealed Envelopes and duly stamped with the Firm/Co. Seal and a separate Affidavit of Declaration on Stamp Paper duly attested by Bank Commissioner.
 - The bidders are required to send their bids through Courier Service and the bids shall reach the Offices before the closing date and time.
 - The Bid Deposits/Additional Security of all the contractors will be retained till approval of the tender by tender approving authority.
 - All other terms and conditions and be as per KPFRRA rules, PEC, BOs and other relevant laws.
 - Govt. Taxes shall be applied as per-bidding.
 - Tender Fee CDA on Bid Cost sheet of CDA, if not provided then it will be considered as non-responsive.
 - The procuring entity in the course of considered authority to reserve the right to accept/reject or declare non-responsive any or all the participating bidder as per bidding operation.

EXECUTIVE ENGINEER PUBLIC HEALTH ENGG: DIVISION DIR UPPER

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