

September 25, 2024

TL2024/0925/3A

Tehsil Officer (I&S), TMA Mandanr Buner,
Tehsil Municipal Officer, TMA Mandanr,
Buner,
Khyber Pakhtunkhwa.

**Subject: Violation of Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services
Rules, 2014, Khyber Pakhtunkhwa, Tehsil Officer (I&S), TMA Mandanr Buner
Tender Notice For Establishment of Public Public Parks in KPK**

Dear Sir,

This is with reference to your tender notice appeared in Daily 'Mashriq' Newspaper on 20th September 2024. The said advertisement is in violation of Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014, Rule No. 34 'Response Time'.

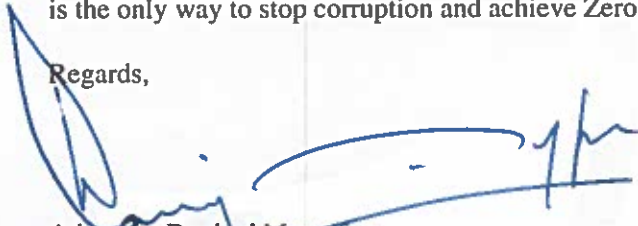
In the tender notice, the submission and opening dates of bids are given on 01-10-2024, where it does not fulfill the fifteen days of response time and is Three (3) days less. It is a violation of Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014, Rule 34. The Rule is quoted 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.

Tehsil Officer (I&S), TMA Mandanr Buner, and Tehsil Municipal Officer, TMA Mandanr Khyber Pakhtunkhwa, Peshawar is requested to rectify the given mistake and issue a corrigendum in accordance with Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014, to avoid misprocurement under Rule 54.

Transparency International Pakistan is striving for across-the-board application of the Rule of Law, which is the only way to stop corruption and achieve 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
TEHSIL MUNICIPAL ADMINISTRATION
MANDANR BUNER**

TENDER NOTICE

Tehsil Municipal Administration, Mandanr invites sealed tender based on MRS-2021 / Non Scheduled Items from the eligible contractors / firms registered with Pakistan Engineering Council in the appropriate category and with Local Council Board Peshawar (LCB) for the year 2023-24 in relevant category.

S.#	Name of Project	Estimated Cost (In Million)	Earnest Money (In Rs.)	Date of Submission Tender Documents	Date of Opening Tender documents
ADP Scheme No.2080/210562 (2021-22)					
Establishment of Public Parks in Khyber Pakhtunkhwa					
1.	Establishment of Public Parks in Khyber Pakhtunkhwa Under ADP No. 2080/210562 (2021-22) TMA Mandanr U.C Nawagai	32.100 M	6 4200 M	01/October/2024 12:00 PM	01/October/2024 01:00 PM

TERMS & CONDITION.
All rates offered by bidding shall be on ABOVE / BELOW system as per new policy of the Provincial Govt. the bidding documents shall be accompanied by the following additional documents will have to be produced for confirmation on demand)

01. Tender form along with BOQ and instruction to bidders etc. may be downloaded on Local Government website e-bidding.lcbkp.gov.pk and KPPRA (www.kppra.gov.pk) till 01/10/2024 12:00AM
02. As per clause 37(A) of KPPRA Rules, all bidders must be registered with Khyber Pakhtunkhwa Revenue Authority.
03. 2% earnest money in the shape of call deposit issued by scheduled Bank of KP for each work in the name of TMO, TMA Mandanr must be accompanied with the tender documents.
04. Attested Photo copies of CNIC, Valid Registration of Pakistan Engineering Council, Enlistment of LCB and KPPRA registration be attached with tender documents.
05. Sealed bids must be sent through registered Mail / Courier services should reached before closing date and time and will be opened on the same date.
06. In light of KPPRA Authority Notification No. S.R.O (14) / Vol: 1-24/2021-22, dated 10/05/2022 The Contractors quoting their bids up to a limit of 10% below Engineer estimate shall submit bid security in the extent of 2% of Engineer Estimate only.
07. The Contractors quoting their bids more than 10% below up-to 20% below an engineer estimate shall submit along with their bids 8% additional Security of Engineer Estimate 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 Government and the second lowest bidder and so on will be considered accordingly.
08. A Contractor quoting bid more than 20% below Engineer Estimate shall submit with his bid an additional security on Engineer Estimated cost equal to the differential amount of submitted bid and Engineer's Estimate along with detailed rate analysis. In case of more than 20% below bids, if bid is not accompanied by the detailed rate analysis and for 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 accordingly.
09. In case detailed rate analysis submitted with the bids is, in view of the procuring Entity is not convincing, the Head of the procuring Entity may declare such bid as non-responsive without any forfeiture of bid securities and record reasons thereof.
10. All the contractor / firms are bound to follow the KPPRA rules.
11. In case of equal rates, toss will be conducted on the spot in the presence of Contractors.
12. All federal & Provincial Duties / taxes including sales tax will be recovered as per directives of the Government issued from time to time
13. Work order shall only be issued against the volume of funds available during CFY.

INF (P) 2434/24 Tehsil Officer (I&S), TMA Mandanr Buner
Tehsil Municipal Officer, TMA Mandanr Buner

Newspaper (20 Sep, 2024)