



12<sup>th</sup> January, 2024

TL2024/1201/2A

Executive Engineer,  
Hakra Canal Division,  
District Bahawalnagar, Punjab.

**Subject: Violation of Punjab Procurement Rules 2014, Executive Engineer, Hakra Canal Division, Bahawalnagar's Tender Notice for Works.**

Dear Sir,

This is with reference to your tender notice appeared in daily 'Nawaiwaqt' newspaper on 5<sup>th</sup> January, 2024. The said advertisement is in violation of Punjab Procurement Rules 2014, Rule 35 'Rejection of bids'.

1. In the tender notice, it is stated under p.no. 8, that; "*The Engineer-in-charge, shall have the right of rejecting all or any of the tenderers without assigning any reason thereof.*"

As per the Punjab Procurement Rules 2014, Rule 35 the procuring agency shall upon request communicate to any bidder who submitted a bid or proposal, the grounds for its rejection although it is not required to justify those grounds. Hence, it is a violation of Rule No. 35.

The Rule is quoted below for your reference;

**35. Rejection of bids.**— (1) *The procuring agency may reject all bids or proposals at any time prior to the acceptance of a bid or proposal.*

(2) *The procuring agency shall upon request communicate to any bidder, the grounds for its rejection of all bids or proposals, but shall not be required to justify those grounds.*

(4) *The bidders shall be promptly informed about the rejection of the bids, if any.*

2. Also, it is stated under p.no. 8, that; "*The Engineer-in-charge, will not be bound to award the contract to the lowest or to any other tenderer.*"

As per the Punjab Procurement Rules 2014, Rule 38(2a)(viii) states that the lowest evaluated bidder shall be awarded the contract. Hence, it is a violation of Rule No. 38(2a)(viii).

The Rule is quoted below for your reference;

**38. Procedures for selection of contractors.**— (1) *Save as otherwise provided in these rules, single stage one envelope bidding procedure shall ordinarily be the main open competitive bidding procedure used for the procurement of works and standard goods.*

(2) *Other appropriate procedures for selection of contractors other than consultants may be adopted in the following circumstances:*

(a) *single stage two envelopes bidding procedure shall be used for procurement of such goods where the bids are to be evaluated on technical and financial grounds and the procedure for single stage two envelopes shall be:*

(viii) *the lowest evaluated bidder shall be awarded the contract;*

Executive Engineer, Hakra Canal Division, Bahawalnagar is requested to rectify the violation and issue corrigendum in accordance with Punjab Procurement Rules 2014 to avoid mis-procurement under Rule 69.



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. Caretaker Chief Minister, Government of Punjab, Lahore.
2. Chief Secretary, Government of Punjab, Lahore.
3. Chairman, Prime Minister Inspection Commission, PMIC, Islamabad.
4. Managing Director, Punjab Procurement Regulatory Authority, Lahore.

**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”



### NOTICE INVITING TENDER

1. Sealed Tenders are invited based on Item rate against Market Rate System (MRS) 2<sup>nd</sup> Half Bi-Annual Period (1<sup>st</sup> July to 31<sup>st</sup> December 2023) of District Bahawalnagar from the approved contractors of Irrigation Department who have got their names / firms enlisted / renewed in the appropriate category for the current financial year 2023-24.
2. Bidding documents can be purchased from the office of the Executive Engineer Hakra Canal Division Bahawalnagar up to **23-01-2024** during office hours at a non-refundable tender fee Rs.1000/-. No bidding document will be sold on the date of receipt of tenders. No bidding documents except those issued from the above mentioned office will be entertained or accepted.
3. The tenders on forms IB-389 will be received by the Tender Opening Committee on **24-01-2024** at **11:00 AM** in the Office of Executive Engineer Hakra Canal Division Bahawalnagar. The tender will be opened on the same date at **11:30 A.M.** in the presence of contractors or their authorized representatives who care to remain present at the occasion.
4. The contractors / firms who desire to obtain bidding documents shall have to produce the enlistment / renewal of their names with Irrigation Department, registration with Poldatan Engineering Council for the current financial year 2023-24, Govt. receipt for payment of professional tax, enlistment / renewal fee registration with the Punjab Revenue Authority (PRA) for the year 2023-24 CNIC, original authority letter in case of representative etc with copy of all documents duly attested by the Gazetted Officer. Head Clerk of Hakra Canal Division Bahawalnagar shall issue the bidding documents after verification of all documents.
5. All the bidders should satisfy themselves about site location, prevailing conditions at the site and its accessibility because successful bidder will have to mobilize at site of work within seven days after issuance of acceptance letter from the Executive Engineer, Hakra Canal Division, Bahawalnagar.
6. The bidding documents must be delivered by the intending bidders in person or through their authorized agents to the tender opening committee in sealed envelope. Any bidding documents received by post shall not be entertained.
7. The conditional, incomplete & overwritten tender submitted by the bidders will liable to be rejected.
8. The Engineer-in-charge shall have the right of rejecting all or any of the tenderers without assigning any reason thereof. The Engineer-in-charge will not be bound to award the contract to the lowest or to any other tenderer.
9. Earnest money as specified against each work in shape of deposit at call drawn in favor of Executive Engineer, Hakra Canal Division from a scheduled Bank which must accompany the bidding document, failing which bidding document will not be entertained.
10. The successful bidder will have to execute an agreement with the Executive Engineer, Hakra Canal Division which must accompany the bidding document within 07-days of issuance of acceptance letter.
11. The work will be executed according to the specifications, design and drawings approved by the competent authority.
12. The successful bidder will have to submit Construction Schedule within specified mobilization period for its approval & will adhere to the approved construction schedule thereof. In case of failure, the contractor will be responsible to pay for the loss, benefit & damages occurred.
13. The contractor will establish material testing laboratory for all type of relevant test. In case of failure, the contractor will be responsible to bear the cost of testing material from the reputed sources / laboratories.
14. In case of any dispute, the case will be referred to the Superintending Engineer Bahawalnagar Canal Circle whose decision shall be final & binding for both the parties.
15. The payment will be made according to the actual work done, subject to clearance by the Third Party Consultants & subject to availability of funds.
16. The contractor will have no right to claim any interest on account of delay in making payment for work done because of non receipt of funds well in time.
17. All bidders must sign each page of bidding documents.
18. All bidders must fill and sign the Tender Form / Application Form.
19. Only contractors / authorized person having power of attorney can purchase / attend bid opening meeting / sign the Financial Bid as required under clause 16 of "General Directions for the Guidance of the Tender".
20. In case, the total tendered amount is equal or less than 5% of the approved estimated (DNIT) amount, the lowest bidder will have to deposit Quality Assurance Security from scheduled Bank equal to the amount of difference between approved DNIT amount and quoted bid amount within 15-days of issuance of notice or within expiry of bid, whichever is earlier as per PD Notification No. RO (TECH) FD/ 1-2/2017 dated 16-11-2023.
21. All other conditions will be according to the contract agreement.
22. This tender notice is also available on the website of Punjab Procurement Regulatory Authority (PPRA) Punjab and Official website of Punjab Irrigation Department i.e. <https://irrigation.punjab.gov.pk> <https://ppra.punjab.gov.pk>

Sr. #	Name of Work	Technical Sanctioned Estimate No. & Date	Estimated Cost (Rs.)	Earnest Money (Rs.)	Tender Fee (Rs.)	Time Limit
01	Strengthening Weak Banks of I-L/ J-R Minor from RD: 0+000 to 31+400 including Repairing of Brick lining Tail Portion in Jorkanwala Section From RD: 26+700 to 31+400	C.E. RWP No. 19270 73 we Dated 23-12-2023	4294873	130000	1000	45-Days

(IPB-9)

Executive Engineer  
Hakra Canal Division  
Bahawalnagar



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