



OUR REF: 10033/2023/AS-C1

OFFICE: KARACHI

DATE: 11.03.2023

THE MEMBER POWER,
WATER AND POWER DEVELOPMENT AUTHORITY,
WAPDA HOUSE,
LAHORE - PAKISTAN

REF: TENDER NO: SOS-51 FOR THE PURCHASE OF 03 TON FORK LIFTER.

**SUB: REQUEST FOR YOUR PERSONAL INTERVENTION FOR THE RELEASE OF OUR
EARNEST MONEY.**

Dear Sir,

We are taking this opportunity to request you to please personally intervene in this matter as we are not receiving any response from the Resident Engineer, Power Station, Mangla to our number of requests for the release of our earnest money.

Sir, in this regard we would like to give you a brief insight about this matter so that you are able to fully understand the situation which we have been facing from the office of the Resident Engineer, Power Station, Mangla. Sir, please note that this tender for 03 Ton Fork lifter (Qty 01 No) was opened on 24.05.2022 and we received the Notice of Acceptance No: REM/PS/WH/SOS-51/96-100 Dated: 16.09.2022 from the Resident Engineer, Power Station, Mangla. Sir, in this letter it was clearly mentioned that *"We are pleased to inform you that WAPDA intends to make an agreement with your Firm against your said offer for Procurement of 03 Ton Fork Lifter for Ware House Power Station Mangla at price mentioned below subject to your agreeing to and fulfilling the conditions stated hereunder and complying with the specifications mentioned herein"*. Sir, upon the receipt of the Notice of Acceptance, we responded through our Letter No: 9801/2022/AS-C1 Dated: 21.09.2022 in which we informed the Resident Engineer, that Clause No: 7.1 **"Inspection & Rejection"** of your Notice of Acceptance is not acceptable to us because we have no possibility to bear the cost of the visit of WAPDA Engineers to our premises in Karachi for the Pre-Delivery Inspection and testing of the Fork lifter.

Sir, it is pertinent to add here that we had in our Quotation No: 9615/2022/AS-C1 Dated: 24.05.2022 clearly mentioned that Pre-Delivery Inspection is mandatory at our site by your technical team and that we will not be responsible for any technical deviation after the delivery. **This condition of Pre-Delivery Inspection was highly important for us and we had not at all offered to pay any travelling, boarding or lodging charges of the technical team of WAPDA for this Pre-Delivery Inspection.** As this was a mandatory and most important condition therefore if WAPDA wanted to purchase the Fork lifter from us then they must carry out Pre-Delivery Inspection of the Fork lifter at our premises in Karachi at WAPDA's own cost. Sir, if this condition of Pre-Delivery Inspection was in any way not acceptable to Resident Engineer, Power Station, Mangla then it was his responsibility to either approach us for removing this mandatory condition of Pre-delivery Inspection or alternatively he should have asked us to agree to pay the travelling, boarding and lodging charges of WAPDA's technical team, **but this should have been done before the issuance of the Notice of Acceptance.** The Resident Engineer unfortunately ignored our this condition and issued the Notice of Acceptance in which he mentioned in Clause

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No: 7.1 "Inspection and Rejection" that the Pre-Delivery Inspection will be carried out at our premises by 02 Nos Authorized Engineers of Power Station Mangla at our cost which was against the provision of our Quotation No: 9615/2022/AS-C1 Dated: 24.05.2022 because as mentioned earlier we had not at all offered to pay any travelling, boarding and lodging charges to any technical team of WAPDA.

Sir, in response our above said Letter No: 9801/2022/AS-C1 Dated: 21.09.2022 through which we had informed the Resident Engineer, Power Station, Mangla about the unacceptability of the Notice of Acceptance No: REM/PS/WH/SOS-51/96-100 Dated: 16.09.2022 for reason of Inspection and Rejection Clause as mentioned above and also for other formal reasons as mentioned in that letter, we received a Letter No: REM/WH/120-22 Dated: 23.09.2022 from Resident Engineer, Power Station, WAPDA through which he informed us that since we have mentioned the Pre-Delivery Inspection of the Fork lifter at our premises as mandatory in our Quotation therefore the cost for this Inspection at our premises becomes our liability. He did not give any justification as to why the cost for this Pre-Delivery Inspection automatically becomes our liability whereas we had not at all mentioned in our Quotation about bearing any such Inspection cost. Actually, it was the responsibility of Resident Engineer, Power Station, Mangla to inquire from us before issuance of Notice of Acceptance that who is going to bear the cost of this inspection but he failed to do so and now after the issuance of Notice of Acceptance he wanted to put the responsibility of Pre-Delivery Inspection on us which was not all acceptable to us. Sir, in this regard please go through the contents of our Letter No: 9809/2022/AS-C1 Dated: 26.09.2022 through which we responded to the Resident Engineer, Power Station, Mangla against his Letter No: REM/WH/120-22 Dated: 23.09.2022. Sir, subsequently in response to our above-mentioned letter Dated: 26.09.2022 the Resident Engineer, Power Station, Mangla illegally and without any lawful authority unilaterally removed the Pre-Delivery Inspection Condition from the Notice of Acceptance without our consent. Thus, rendering the Notice of Acceptance infructuous and completely unacceptable to us.

Sir, since the Pre-delivery Inspection was a mandatory Clause in our Quotation and without which the order was not at all acceptable to us therefore it was not possible for us to proceed any further. Since the Notice of Acceptance had become unacceptable to us as mentioned above, the question of submitting the Performance Bond did not arise. Sir we requested the Resident Engineer, Power Station, Mangla to amicably settle this matter as per the provisions of our quotation but he completely ignored our request. Sir, subsequently in order to try and settle this matter amicably we even agreed to provide a return ticket for one person of the WAPDA's technical team to visit Karachi and to inspect the Fork lifter in order to fulfil the condition of Pre-delivery Inspection mentioned in our Quotation but unfortunately even still the Resident Engineer, Power Station, Mangla did not agree to our request.

Sir, subsequently we requested him that if he is not interested to proceed with the procurement process of the Fork lifter, then he should release our earnest money but unfortunately, he is not responding to our repeated requests nor has he released our earnest money as yet.

We are now therefore approaching your kind self with the request to please instruct the said official to release our earnest money urgently.

Thanking you

Yours Sincerely,

For **AKBER ALI & SONS**

Encl: Notice of Acceptance No: REM/PS/WH/SOS-51/96-100 Dated: 16.09.2022
Letter No: 9801/2022/AS-C1 Dated: 21.09.2022
Quotation No: 9615/2022/AS-C1 Dated: 24.05.2022



Letter No: REM/WH/120-22 Dated: 23.09.2022

Letter No: 9809/2022/AS-C1 Dated: 26.09.2022

Cc to: Federal Minister for Water Resources 6 Ataturk Ave, G-5/1 G-5, Islamabad
Chairman WAPDA
Resident Engineer Power Station Mangla
G.M. Hydel WAPDA
Director General PPRA
✓ CEO Transparency International Pakistan



**PAKISTAN
WATER AND POWER DEVELOPMENT AUTHORITY**

TEL: (0544) 639005
FAX: (0544) 639261

OFFICE OF THE
RESIDENT ENGINEER
POWER STATION MANGLA

No. REM/PS/WH/SOS-51/96-100

Dated 16/09/2022

M/s Akbar Ali & Sons,
192-F, Eastern Villa, Block-II
P.E.C.H.S
Karachi
Phone: +92 21-34314528-31

NOTICE OF ACCEPTANCE

**SUBJECT: PURCHASE AND SUPPLY OF "03 TON FORK LIFTER" FOR WAREHOUSE
POWER STATION MANGLA : TENDER NO SOS- 51**

Reference: Your Offered Bid No. 9615/2022/AS-Ci dated 24.05.2022

We are pleased to inform you that WAPDA intends to make an agreement with your Firm against your said offer for Procurement of 03 Ton Fork Lifter for Ware House Power Station Mangla at price mentioned below subject to your agreeing to and fulfilling the conditions stated hereunder and complying with the specifications mentioned herein.

Sr. #	Description	Unit	Qty	Unit Price without GST (Rs.)	Total Price with GST (Rs.)
1.	03 Ton Fork Lifter	No	01	3,000,000.00	3,610,000.00
Total Amount Inclusive of 17 % GST					3,610,000.00
Rupees thirty six lac & ten thousand only					

2. **DELIVERY PERIOD**

120-days from the date of signing of Contract Agreement.

3. **TERMS OF DELIVERY**

F. C. S. Mangla Power Station.

4. **CONSIGNEE**

Resident Engineer Power Station WAPDA, Mangla.

5. **PAYMENT**

You will be entitled to 100% Payment of Contract Price against delivery of the material. At the time of delivery of material against this Contract Agreement you will submit your Invoice / bill in triplicate with the following documents for arranging the payment.

- i. Sales Tax Invoice
- ii. Sales Tax Return with form C.
- iii. GST Paid Challan
- iv. Affidavit that Sales Tax Return covers GST amount.
- v. Active Tax Payer Status as per FBR data base.
- vi. Warranty Certificate.
- vii. Certificate to the effect that the billed amount has not been claimed or received earlier.

- viii. Professional Tax exemption certificate.(if applicable)
- ix. Income Tax exemption certificate. (if applicable)
- x. Attested & stamped Bill of Entry from Excise & Taxation office (if applicable).

6. **PERFORMANCE SECURITY**

The Performance Security in shape of CDR / Pay Order / Bank Draft or Bank Guarantee issued by a scheduled Bank of Pakistan valuing 10% of the total Contract price (i.e. Rs 3,61,000/-) will be furnished by the Contractor within specified time as per bidding document, after the receipt of this Notice of Acceptance. The Performance Security shall be furnished according to the proforma specified in the bidding documents (page-33) on a non-judicial stamp paper issued by Government of Pakistan and remain valid for a period of 12 months from the date of delivery of consignment at Ware House Power Station Mangla which may be extended (if required) in line with Clause-7 (i.e. Warranty).

7. **INSPECTION & REJECTION**

- 7.1 Pre-delivery testing and inspection will be carried out at your premises by two number authorized Engineers / officials of Power Station Mangla **at your cost**.
- 7.2 Final inspection of the material will be carried out by the Authorized Engineer / Engineers of this office on receipt of material at Ware House Power Station Mangla. The whole consignment or a portion thereof will be rejected if not found according to the specifications. The defective material if any, will be replaced by you at your cost.
- 7.3 The decision of the Inspecting Engineer /Engineers will be binding upon you

8. **WARRANTY**

A warranty to the effect that the goods offered conform exactly to the specifications laid down in this Contract and that the goods in question have also been tested and checked prior to packing & despatch and that the goods in question are new and free from all defects and that in the event of goods being found old or defective or not conforming to the specifications or not in conformity with the test certificate, supplier will be held responsible for all losses and that he agrees to substitute the unacceptable goods with the acceptable goods at his risk and cost provided, the above mentioned defects / deficiencies are noticed within 12 months from the date of delivery of consignment at Ware House Power Station Mangla.

ACCEPTED

M/s Akbar Ali & Sons,
192-F, Eastern Villa, Block-II
P.E.C.H.S
Karachi
Phone: +92 21-34314528-31

For and on behalf of
Pakistan Water and Power Development
Authority

(Seal)


Resident Engineer
Power Station, Mangla.

Copy to:

- 1. General Manager (Hydel) WAPDA, WAPDA House, Lahore.
- 2. Manager (A&F) (Hydel) WAPDA, 2nd & 3rd Floor, Mall View Plaza, Bank Square Lahore.
- 3. Assistant Manager (A&F), Power Station Mangla.
- 4. Master File.

OUR REF: 9801/2022/AS-C1

OFFICE: KARACHI

DATE: 21.09.2022

THE RESIDENT ENGINEER
POWER STATION MANGLA
Ph: 0544-639005, 0544-638144

REF: TENDER NO. SOS-51 DATED: 24.05.2022 FOR THE PURCHASE & SUPPLY OF 03 TON FORKLIFTER FOR WARE HOUSE POWER STATION MANGLA

SUB: YOUR NOTICE OF ACCEPTANCE LETTER NO. REM/PS/WH/SOS-51/96-100 DATED: 16.09.2022

Dear Sir,

We are in receipt of your Notice of Acceptance No.: REM/PS/WH/SOS-51/96-100 Dated: 16.09.2022 against our Quotation No: 9615/2022/AS-C1 Dated: 24.05.2022 submitted by us against your Tender No: SOS-51 for which we thank you.

Sir, we have noted in Clause No.: 7.1 "Inspection & Rejection" of your Notice of Acceptance No.: REM/PS/WH/SOS-51/96-100 Dated: 16.09.2022 that "Pre-delivery testing and inspection will be carried out at our premises by two number authorized Engineers / officials of Power Station Mangla at our cost".

Sir, in this regard, we would like to submit that this requirement of bearing the cost of the visit of your authorized Engineers / officials to our premises in Karachi was not mentioned in the tender documents therefore, we are not in a position to bear such an expense which we had not catered for in our cost at the time of bid submission.

Sir, here we would like to most humbly submit that already we are facing a huge loss on this contract considering the fact that the exchange rate of Pak Rupee against US Dollar on the date of bid opening was Rs. 200 per USD whereas the exchange rate of US Dollar against Pak Rupee of today is Rs. 240 per USD. This means that the Pak Rupee has devaluated by 20% during these last 4 Months and no one could have foreseen/anticipated such a huge devaluation of the Pak Rupee. Sir, in the given circumstances, it is even very difficult for any vendor to fulfill their commitments but we are abiding by our commitment/quotation which we have made but at the same time, we are left with absolutely no provision to cover any unforeseen/uncalculated additional expenses.

Sir, keeping in view of the above, we regret that we will not be able to bear the cost of your inspection team for their visit to our facility in Karachi.

Sir, besides the above, we have noted in Clause No: 5 "Payment" that you require us to submit the following documents with our invoice. Kindly note our comments with regards to your required documents as under:-

S. NO	YOUR DOCUMENTS REQUIRED	OUR COMMENTS
i.	Sales Tax Invoice	OK
ii.	Sales Tax Return with Form C	OK

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6-7, Essa Masjid, North Nazim Road,
Karachi-2 Pakistan. P.O Box: 9974
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iii.	GST Paid Challan	Please note that the payment of GST by us depends upon the input of GST amount which we already have in the concerned month. If we have more GST Input then the amount which we have to pay, then we are not required to pay any GST in that particular month. For example, if we have GST Purchase Input of 500,000/- and if we have to pay GST of 300,000/- then our balance GST input will be reduced from 500,000/- to 200,000/- and we will not be required to pay any GST. In such an event we will not be able to provide the GST Paid Challan. All these details will be available in the Sales Tax Return Annexure C which will be presented by us to you along with our invoice.
iv.	Affidavit that Sales Tax Return covers GST amount	OK.
v.	Active Tax Payer status as per FBR Database	OK
vi.	Warranty Certificate	OK
vii.	Certificate to the effect that the billed amount has not been claimed or received earlier	OK
viii.	Professional Tax exemption certificate (if applicable)	OK
ix.	Income Tax exemption certificate (if applicable)	Akber Ali & Sons is exempt from deduction of Advance Income Tax under subsection (5) of section 153 of the Income Tax Ordinance 2001 as the Forklifter is in the same condition as it was when imported and we have already paid advance income tax under section 148 at import stage.
x.	Attested stamped Bill of Entry from Excise & Taxation office (if applicable)	Please note that presently the Bill of Entry is no longer in vogue. The document which has replaced the Bill of Entry is called the "Goods Declaration" and this is a computer-generated document which neither requires a signature nor is it stamped. We will provide this Goods Declaration to you along with our invoice.

If the above is acceptable to your good self, we will be pleased to accept this Notice of Acceptance No.: REM/PS/WH/SOS-51/96-100 and will surely supply the Fork Lifter to your esteemed authority. If however our above writings are unacceptable to you then you may kindly make a suitable decision as desired by your good self in the best interest of WAPDA.

Finally, Sir, you are requested to please let us have your response to the above in writing before 25.09.2022 which is the date of expiry of our bid after which we will obviously not be liable to accept your order at the price quoted by us in our Quotation No.: 9615/2022/AS-C1 Dated: 24.05.2022.

Thanking you and assuring of our best & cooperation at all times.

Yours Sincerely,

For **AKBER ALI & SONS**



AKBER ALI & SONS

A Subsidiary of AkberAli YousufAli Group of Companies



AKBER ALI YOUSUF ALI
GROUP OF COMPANIES



OUR REF: 9615/2022/AS-C1

OFFICE: KARACHI
COMMERCIAL OFFER

DATE: 24.05.2022

THE RESIDENT ENGINEER
WAPDA POWER STATION, MANGLA
KPK - PAKISTAN

REF.: TENDER NO. SOS-51 FOR PURCHASE OF 03 TON FORK LIFTER FOR WARE HOUSE

SUB: QUOTATION OF DIESEL OPERATED FORKLIFT TRUCK

Dear Sir,

This is in reference to your enquiry regarding, we are pleased to submit our offer as under:

DESCRIPTION	DIESEL OPERATED FORKLIFT TRUCK 3 TON
MANUFACTURER	OPT-I: HYSTER DIESEL OPERATED FORKLIFT TRUCK MODEL NO.: H3.0UT OPT-II: MHE-DEMAG DIESEL OPERATED FORKLIFT TRUCK MODEL NO.: MFD430, MALAYSIA
QUANTITY	No. 01 (One) or your required quantity.
PAYMENT TERMS	Payment will be released upon successful delivery and issuance of Inspection Certificate by Employer as per WAPDA procedure.
DELIVERY SCHEDULE	In stock at the moment. However, we will deliver the Fork lifter as per mentioned delivery schedule in the tender document after the receipt of your confirmed order subject to prior sale. (Negotiable)
PRE-DELIVERY INSPECTION	MANDATORY at our Site by your TECHNICAL TEAM. AKBERALI & SONS will not be responsible in case of any Technical Deviations reported after Delivery.
VALIDITY	This offer is valid for 120 Days i.e., 25.09.2022 after which it will be subject to our final confirmation.
WARRANTY	24 months warranty from the date of delivery.
TAXES	Our price is Inclusive of 17% GST . if any new taxes are imposed by the government of Pakistan, then the same will be borne by the buyer.

We are enclosing herewith the Original Brochure of HYSTER DIESEL OPERATED FORKLIFT TRUCK MODEL NO.: H3.0UT & MHE-DEMAG DIESEL OPERATED FORKLIFT TRUCK MODEL NO.: MFD430, MALAYSIA, for your ready reference and record.

Yours Sincerely,

For **AKBER ALI & SONS**

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WATER AND POWER DEVELOPMENT AUTHORITY

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Fax No. 0544-639261
soswarehousem@gmail.com

OFFICE OF THE
RESIDENT ENGINEER
POWER STATION MANGLA

No. REM/WH/ 120-22

Date: 23/09/2022

Akbar Ali & Sons
6-7 Essa Masjid, North Napier Road
Karachi
Phone No. 021-32418369

Subject: THE EVALUATION OF TENDER NO. SOS-51 PURCHASE & SUPPLY OF
03 TON FORKLIFTER FOR WARE HOUSE POWER STATION MANGLA

Reference i) Bid No. 9615/2022/AS-C1 opened on 24.05.2022
ii) This office letter No. REM/PS/WH/SOS-51/96-100 dated 16.09.2022.
iii) Your letter No. 9801/2022/AS-C1 dated 21.09.2022

In response to your office letter mentioned at reference iii above, it is pertinent to mention here that you have quoted Pre-delivery inspection as mandatory in your bid, whereas the same was not mentioned in tender documents. Therefore, as per prevailing condition in your bid, the cost to be incurred for Pre-delivery inspection at your premises became liability of the Contractor otherwise can't be complied as mandatory.

Moreover, as per your bidding documents, Fork Lifter is available at your stock since March 2022, therefore effect of currency devaluation may have no impact on your quoted price and can't be considered to affect the delivery as well.

Foregoing in view, It is therefore requested to submit 10% Performance Security in response to our Letter of Acceptance mentioned at reference ii above at the earliest before expiry of bid validity or extend validity of the bid for further 30-days in case any further clarification is required in subject tender please.

23-09-22
Sr. Officer (Store)
for Resident Engineer
Power Station Mangla

Copy to: -

1. Chief Engineer (Power), WAPDA Mangla.
2. Master File.



OUR REF: 9809/2022/AS-C1

OFFICE: KARACHI

DATE: 26.09.2022

THE RESIDENT ENGINEER
POWER STATION MANGLA
Ph: 0544-639005, 0544-638144

REF: TENDER NO. SOS-51 DUE ON 24.05.2022 FOR THE PURCHASE & SUPPLY OF 03 TON
FORKLIFTER FOR WARE HOUSE POWER STATION MANGLA

SUB: RESPONSE TO YOUR LETTER NO.: REM/WH/120-22 DATED: 23.09.2022

Dear Sir,

We are in receipt of your Letter No.: REM/WH/120-22 Dated: 23.09.2022.

Sir, in response to the same, we would like to inform you that the condition of pre-delivery inspection was mentioned by us in our quotation and the price quoted by us in our quotation was on the basis that the Pre-Delivery Inspection will be carried out by your esteemed authority at our premises in Karachi without any additional cost to us therefore we have no liability at all to finance the visit of your inspectors to carry out the inspection of the Fork lifter at our premises in Karachi.

Sir, if our condition of Pre-Delivery Inspection was not acceptable to your good office then you should have approached us to remove this condition before the issuance of the Notice of Acceptance. Nevertheless, please be informed that neither can we remove this condition of Pre-Delivery Inspection nor we have any possibility to finance the visit of your inspection team to Karachi for the inspection of the Fork lifter.

Regarding your statement in your letter that the devaluation of the currency will have no impact on us because the offered Fork lifter is in our stock. Please be informed that all the Fork lifters in our stock are actually the property of the manufacturer. We have an arrangement with them whereby we import the Fork lifters on credit from the manufacturer and we pay them after the Fork lifter(s) has been sold and delivered by us to the end customer therefore the currency devaluation has a great impact on our price.

Sir, regarding your request to extend the validity of our bid, please be informed that we have no possibility to extend the validity of our bid. Sir, it is worthwhile to mention here that we had submitted our bid against your tender on 24.05.2022 and your good office had enough time of 4 months to finalize this matter but the Notice of Acceptance was issued to us only one week before the expiry of the 4 Months validity period of the bid therefore unfortunately, we can not do much in this situation.

Keeping in view the above, we would like to request you that if you want us to accept your Notice of Acceptance then please issue the Notice of Acceptance in line with our quotation and terms and conditions mentioned in the same which includes Pre-Delivery Inspection at our site otherwise you may make a decision in the best interest of Wapda.

Finally Sir, since our bid has already expired, we are prepared to wait for your kind response to our this e-mail message until close of business hours on 27.09.2022. If we are not able to receive your kind acceptance to the above then we would like to request you to please release our earnest money as we have no possibility to extend the validity of the bid further.

Thanking you and assuring you of our efficient services and cooperation at all times.

Yours Sincerely,

For **AKBER ALI & SONS**

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