



TRANSPARENCY INTERNATIONAL-PAKISTAN

5-C, 2nd Floor, Khayaban-e-Ittehad, Phase VII,
Defence Housing Authority, Karachi.
Tel: (92-21)-35390408, 35390409, Fax: 35390410
E-mail: ti.pakistan@gmail.com
Website: www.transparency.org.pk

1st March, 2016

TL16/2202/2B

Secretary,
Ministry for Ports & Shipping,
Government of Pakistan,
Islamabad.

Sub: Complaint of Manipulation in Purchase of 4 New RHIB Type Boats Tender by Port Qasim Authority (PQA).

Dear Sir,

A strange legal opinion on PPRA Rules has been forwarded vide PQA's office letter No. PQA/SY/29/2014 dated 26.02.2016, without mentioning in what context the legal opinion was sought by Port Qasim.

The interpretation of the Port Qasim Authority (PQA)'s Legal Advisor does not deny the misprocurement allegation on the procurement of '4 New RHIB Type Boats Tender by PQA'.

The Public Procurement Regulatory Authority has categorically given following two options to determine the competitive cost;

- a. The comparison of price of the goods, works or services if procured during the current financial year, or,
- b. Market price of the goods works and services to be procured.

As condition (a) is not met by PQA, and the condition (b) is non-transparent mechanism which may be manipulated by the procuring agency, therefore it is not treated as reliable option, and therefore the same PPRA clarification has advised, for re-advertisement as a preferred option.

NAB is already probing the mega corruption scam of LNG Terminal at Port Qasim, awarded by PQA in which over Rs 200 Billion loss is suspected. In that contract also the same team of PQA comprising of Chairman and this very legal advisor caused to award the LNG Terminal advertised by SSGCL for 15 year period on BOT basis, to 30 years period, and the FRSU not made the part of the Terminal, which was supposed to be transferred to PQA after completion of 15 years BOT period, free of cost.

A similar type of legal advice the one which PQA has obtained was given to EOBI in 2010, that PPRA Rules are not applicable in EOBI investments, and then the Chairman EOBI, Mr. Zafar Gondal informed the Auditor General of Pakistan vide letter No. EOBI/CS/001/2010 dated 26th May, 2010 that EOBI is procuring properties not under PPRA Rules. That legal adviser was paid over Rs. 20 Million by EOBI (Annexure A).

The EOBI corruption case of Rs. 40 Billion fraud procurement is taken up by the Supreme Court and FIA has filed various cases in Accountability Court. Letter of TI-Pakistan dated 22.02.2016 along with annexures is also enclosed (Annexure B).

The Secretary, Ministry for Ports & Shipping is also requested to examine the complaint and take action as principal accounting officer, if he finds that the complaint is correct.

Another issue is about the 30 years award of BOT contract of LNG Terminal instead of Terminal period of 15 years. The Secretary, Ministry for Ports & Shipping is requested to hold an inquiry into the hundred percent additional benefits given to the contractor by PQA and why FRSU is not made part of Terminal



equipment to be transferred to PQA, as is the case of all other terminals at PQA, KPT and Gwadar. All equipment of QICT amounts to over \$100 Million will also be transferred to PQA. How and why PQA has given this benefit to LNG Contractors?

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption.

With Regards,

Sohail Muzaffar
Chairman

Copies forwarded for the information with request to take action under their mandate to:

1. Secretary to Prime Minister, Islamabad.
2. Director General, NAB, Karachi.
3. Chairman, Prime Minister's Inspection Commission, Islamabad.
4. Registrar, Supreme Court of Pakistan, Islamabad.
5. Managing Director, PPRA, Islamabad.

Annexure - A.

Phone - 021-9217901-02
Fax - 021-9217903

**EMPLOYEES' OLD AGE BENEFITS
INSTITUTION**

Labour & Manpower Division
Government of Pakistan
Head Office, GPO Building,
I.I. Chundrigar Road, Karachi.



CHAIRMAN

No. EOBI/CS/001/2010/
dated, May 26, 2010

Op. No. 568
Date: 31-5-10
EOBI/PPRA/2009

The Auditor General of Pakistan
Government of Pakistan,
Islamabad

Dear Sir:

**Subject: Unsolicited Offer for Undertaking the Karachi-Hyderabad Motorway (M-9)
Project on a Public-Private-Partnership (PPP) Basis**

1150
31-05-2010

Office of M.D. (PPRA)
Public Procurement Regulatory Authority
By M.D. (PPRA)
Date: 31-05-2010

1. This is with reference to letter dated May 19, 2010 of Transparency International Pakistan (TIP), whereby TIP has inquired about the legitimacy of the proposal by the Employees' Old Age Benefit Institution (EOBI) to undertake the proposed Karachi-Hyderabad (M-9) motorway project for conversion of the existing four lane highway into a six lane international standard motorway. It is pertinent to state at the outset that the mandate of EOBI under the Employees Old-Age Benefits Act, 1976 and the Employees' Old-Age Benefits (Investment) Rules, 1979 is to make various investments from the fund created pursuant to Section 17 of the EOBI Act, with the objective to maximize the benefits for the beneficiaries of the Fund. The Investment Rules are a special legislation which specifically apply to EOBI and delineate the investments that EOBI can undertake from the Fund and the parameters of such investments.
2. On the other hand, the Public Procurement Rules, 2004 apply to a *public procurement* of goods, works or services by a *procuring agency* from a *public fund*. The terms *public procurement*, *procuring agency* and *public fund* have been defined¹, respectively, as (i) acquisition of goods, services or construction of any works financed wholly or partly out of the *Public Fund*, (ii) any Ministry, Division, Department or any Office of the Federal Government, or any authority, corporation, body or organization established by or under a Federal law or which is owned or controlled by the Federal Government, and (iii) the Federal Consolidated Fund and the Public Account of the Federation and funds of enterprises which are owned or controlled by the Federal Government. It is essential to highlight that investing in the Project is an *investment* in the context of the Investment Rules, rather than a *public procurement* governed by the PPRA Ordinance and the PP Rules, since it does not entail a *public procurement* of goods, works or services. Thus, the legality of any investment made by EOBI in the Project must be gauged against the provisions of the Investment Rules as opposed to the PPRA Framework. However, it is submitted that if awarded the Project, EOBI will ensure that the procurement of any goods, works or services required to be procured

E. Amin
PP

31/5/10

¹ Under Sections 2(f), 2(j) and 2(k), respectively, of the Public Procurement Regulatory Authority Ordinance, 2002 ("PPRA Ordinance").

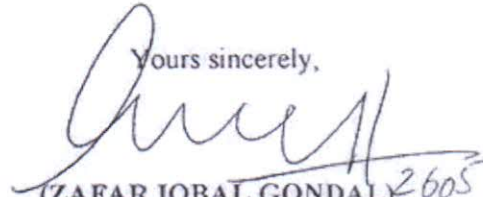
Dir-II (con leave)
H. O. II

pursuant to the Project is conducted strictly in accordance with the Public Procurement Rules, 2004.

3. Pursuant to the Investment Rules, the Federal Government, in its wisdom, has created various categories of permissible investments that may be explored by EOBI. Under the Investment Rules, EOBI is authorized to invest up to thirty percent of its portfolio in the asset class within which the Project falls. And thus far, EOBI has only invested six to seven percent of its portfolio in this investment category. Therefore, there is ample room within the framework of the Investment Rules to explore the possibility of investment in the Project.
4. It is also noteworthy that it is the mandate and responsibility of the Board of Trustees of EOBI to explore all investment opportunities that have the potential to maximize the return on investments for the beneficiaries of the Fund. Thus, EOBI can venture into various prospective investments in accordance with the guidelines stipulated in the Investment Rules, and as a part of this process, EOBI contacted the National Highway Authority (NHA). NHA responded to the inquiry of EOBI through letter No. 2(2)-GM(BOT)/NHA/10/265, dated March 11, 2010, and provided EOBI a list of projects in which EOBI could consider investing its funds. After giving due consideration to the various investment opportunities presented by NHA, EOBI considered the possibility of investing in the Project, especially since the Project had already been approved by the Executive Committee of National Economic Council. This appeared to be an investment opportunity in the immediate term and given the fact that according to the investment advisors of EOBI, the Project could potentially bear an internal rate of return of twenty two percent for the Fund, EOBI submitted an unsolicited proposal to NHA expressing its wish to undertake the Project. We wish to emphasize that the primary intent of investing in the Project is to seek maximum returns for the beneficiaries of the EOB Act and additionally facilitate the development of a vital infrastructure facility for the benefit of the people of Pakistan, both objects which are mandated by the applicable laws of Pakistan.
5. In view of the foregoing, it is patent that EOBI's pursuit of the opportunity to invest in the Project is not in violation of due process. EOBI has expressed its intention to perform the Project strictly within the framework envisaged pursuant to the EOB Act and the Investment Rules. That being the case, the Letter of TIP addressed to EOBI and copied to the Auditor General Pakistan, Chairman, Public Accounts Committee, Registrar, Supreme Court of Pakistan, Chairman, National Accountability Bureau, and Managing Director, Public Procurement Regulatory Authority and also released to the media without any verification of the facts asserted therein not only distorts the truth but is also malicious, for it casts aspersions on an investment being considered by EOBI in furtherance of the EOB Act and the Investment Rules, strictly in conformity with due process. Given that EOBI is in the preliminary stages of negotiating the Project, the quantum of investment and the means of financing (including debt and equity) typical in such large infrastructure development projects have not yet been finalized. Consequently, any assertion that EOBI is violating its Investment Rules is not only premature and ill-informed, but prima facie mala fide.
6. EOBI does not believe that TIP has any legal mandate to seek information with regard to the innumerable investments being considered by EOBI and issue factually incorrect and irresponsible reports to bring public institutions into disrepute. This letter is addressed as a clarification out of abundant caution to ensure that the malicious propaganda and media trial having been initiated by TIP does not come to be believed as the truth. EOBI is presently

seeking legal advice on whether or not to press charges against TIP for its defamatory charges and resultant damage having been caused to EOBI.

Yours sincerely,


(ZAFAR IQBAL GONDAL) 260570
Chairman EOBI

Copy to:

1. Chairman, Public Accounts Committee, Islamabad.
2. Principal Secretary to the Prime Minister, Prime Minister Secretariat, Islamabad.
3. Secretary, Labour and Manpower, Ministry of Labour and Manpower, Islamabad.
4. Chairman, NAB, Islamabad.
- ✓ 5. Managing Director, PPRA, Islamabad.
6. All Members of the Board of Trustees of EOBI.
7. PS to Minister for Labour & Manpower



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Defence Housing Authority, Karachi.
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E-mail: ti.pakistan@gmail.com
Website: www.transparency.org.pk

22nd February, 2016

TL16/2202/2A

Mr. Agha Jan Akhtar,
Chairman,
Port Qasim Authority,
Karachi.

Sub: Complaint of Manipulation in Purchase of 4 New RHIB Type Boats Tender by Port Qasim Authority (PQA).

Dear Sir,

Transparency International Pakistan has received a complaint on the allegation of 'Manipulation in Purchase of 4 New RHIB Type Boats Tender by PQA' (Annexure A).

The complainant has made following allegations;

1. PQA floated tender on 28th March, 2015 (Newspaper Announcement Copy Attached).
2. PQA cancelled tender without assigning any reason on 10th June, 2015 (Copy Attached).
3. Second tender was floated on 30th July, 2015 (Newspaper Announcement Copy Attached).
4. PQA totally changed the evaluation criteria and in the second tender they made sure that the local indigenous manufacturers could not qualify (Copy of first tender evaluation criteria and second tender evaluation criteria attached).

The above allegation have been examined and prima facie it appears that PQA has violated PPRA Rules of not informing bidder the reason of discharge of first tender in its letter No. PQA/OPS/OM/Fibre/15/491 dated 20th June, 2015 to bidders.

The manipulation in the re-invited tender is evident from the change in the earnest money which was 2% of offered value in 1st tender, and Rs. 2.5 Million as fixed amount in re-invited tender to indicate the cost of 4 Boats to be over Rs. 100 Million. The evaluation criteria in the 1st tender did not specify requirement of Naval Architect, and the average gross revenue which for last 3 years increased from Rs. 5 Million in 1st tender to Rs. 40 Million in the next tender, confirms the complainant's allegations that the tender was aimed for particular supplier. The evaluation report discloses that this was a single responsive bid as other 2 bidders M/s OTC Pakistan and M/s Bahria Foundation were declared non-quantified.

According to PPRA a single bid can't be awarded as it lacks competitive prices and can only be awarded if PQA has purchased same equipment in current fiscal year which should be criteria for financial bids. As PQA has no record of such procurement in current fiscal year the award of this contract is declared as mis-procurement under Rule No 50 of PPRA Rules.

Question No. 4 & 12 of PPRA 'Frequently Asked Questions' is quoted below;

Q4:

Can procuring agency reject bids without assigning any reason?

Answer: In terms of Rule 33(1) of the Public Procurement Rules 2004 the procuring agency may reject all bids or proposals at any time prior to the acceptance of a bid or proposal. The procuring agency shall immediately give notice of rejection of bid(s) to all bidders. On request by the bidders, the Procuring Agency shall intimate the reasons of rejection of bids but will incur no liability on this account nor is required to justify the rejection of bids



Q12:

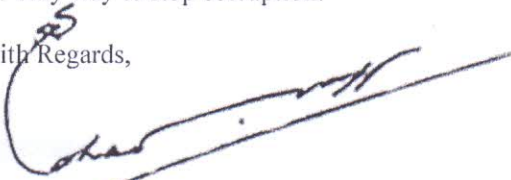
- i. If only one tender/bid is received in response to a tender notice advertised in both or one of the media (Authority's website/ print media), should the single tender be accepted or re-advertised the tender.
- ii. How to compare the only one bid received by a procuring agency?
- iii. If no tender/ bid is received against a requirement, what method of procurement is recommended to be adopted (Re-advertisement or Direct Contracting)

Answer:

- i. Public Procurement Rules, 2004 don't put any limit on number of tenders/ bids received in response to tender notices provided that the procurement opportunity has been advertised in the prescribed manner. The single bid may be considered if it meets the evaluation criteria expressed in tender notice and is not in conflict with any other rules, regulations or policy of the Federal Government. However the procuring agency should make a decision with due diligence and in the light of Rule 4 "Principles of Procurement".
- ii. Whenever a procuring agency is confronted with such a situation whereby the rate quoted by the single bidder cannot be compared so as to declare it as the lowest rate or otherwise it may make a prudent decision. While making a decision, the following factors may be kept in view: -
 - a. The comparison of price of the goods, works or services if procured during the current financial year.
 - b. Market price of the goods works and services to be procured.
 - c. In case abnormal Increase in prices is observed, the procuring agency may like to re-advertise the procurement opportunity, if time permits.
- iii. Re-advertisement would be a preferred option. Direct contracting could also be used provided it meets the prescribed condition for direct contracting

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption.

With Regards,


Sohail Muzaffar
Chairman

Copies forwarded for the information with request to take action under their mandate to:

1. Secretary to Prime Minister, Islamabad.
2. Director General, NAB, Karachi.
3. Chairman, Prime Minister's Inspection Commission, Islamabad.
4. Registrar, Supreme Court of Pakistan, Islamabad.
5. Managing Director, PPRA, Islamabad.

EVALUATION REPORT

(As Per Rule 35 of PP Rules, 2004)

1. Name of Procuring Agency	PORT QASIM AUTHORITY
2. Method of Procurement	Tendering Procen
3. Title of Procurement	04 New Boats (RHIB type) for Security/Patrolling and escorting of LNG vessels.
4. Tender Inquiry No	PQA/OM/Boat/RHIB type/LNG/15.
5. PPRA Ref. No. (TSE)	- TS249385E
6. Date & Time of Bid Closing	20/8/2015, 1200 hrs.
7. Date & Time of Bid Opening	20/8/2015, 1230 hrs.
8. No of Bids Received	03
9. Criteria for Bid Evaluation	2 envelope under rule 36(b)
10. Details of Bid(s) Evaluation	

Name of Bidder	Marks		Evaluated Cost	Rule/Regulation/SBD*/Policy Basis for Rejection / Acceptance as per Rules 35 of PP Rules, 2004.
	Tech (if applicable)	Financial (if applicable)		
1. M/s Business and Engineering Trend	Qualified	Qualified	Rs. 113,211,852	Accepted
2. M/s OTC Pakistan	Not qualified	N/A	-	Rejected
3. M/s Bahria - Foundation	Not Qualified	N/A	-	Rejected
(Add Columns if Required)				

Lowest Evaluated Bidder M/s Business and Engineering Trend Karachi.

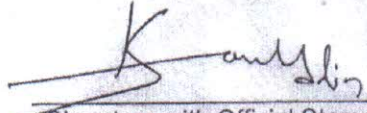
11. Any other additional / supporting information, the procuring agency may like to share.

Signature:


 SECRETARY
 PORT QASIM AUTHORITY
 KARACHI

Official Stamp

Verified by


 Signature with Official Stamp
 KAMALUDDIN
 Director (Ops. Maint)
 Port Qasim Authority

*Standard Bidding Documents (SBD).

DAWN

28-3-2015

P-11



Gateway to National Prosperity

PORT QASIM AUTHORITY

BIN QASIM, KARACHI-75020

NOTICE INVITING TENDER FOR PROCUREMENT OF FOUR (04) NEW BOATS (RHIB TYPE) FOR SECURITY/PATROLLING & ESCORTING OF LNG VESSELS IN PQA CHANNEL/APPROACHES

1. PQA invites offer for supply of 04 Nos. new boats (RHIB Type) from experienced Firms/ Suppliers/ Ship Building Yards which are technically and financially sound. The offered boats should possess characteristics and other details as per tender document.
2. Security Boat complying the specifications given in this tender, should be capable for sustained / uninterrupted operation at 35 to 40 knots on both voyage from service jetty to PQA outer channel, having overall length of 8 to 10 meters, Beam 2.5 - 3 meters, newly built RHIB type, of proven design, robust structure. The boat must be capable to escort LNG carriers / FSRU (Floating Storage Re-gasification Unit) and there vessels in PQA Navigational Channel.
3. Interested firms should collect the Tender Documents on payment of Rs.1,500/- (Non refundable) in the form of Pay Order, issued in the name of Port Qasim Authority from the office of Director (Ops. Maint.) PQA.
4. All newly constructed boats shall have to arrive / be delivered in Port Qasim, Karachi, Pakistan not later than 04 Months.
5. Tender documents submitted by the firms are to be accompanied with Earnest Money through Pay Order of amount equal to 2% of the offered value (refundable) along with financial offer in favor of Port Qasim Authority (issued by Pakistani Bank having AA rating and in the separate envelope located in Karachi, Pakistan). Tenders without Earnest Money for the offered boats will be treated as not responsive and returned unopened.
6. Tender Documents should be in two separate sealed envelopes, one containing Technical proposal and the other containing Financial Proposal duly labeled as such respectively, which should reach the office of Director (Ops. Maint.) PQA, Bin Qasim, Karachi-75020 latest by 1200 hrs on 22nd April, 2015. The Technical proposal will be opened on the same day at 1230 in the presence of Bidders / Representatives who wish to attend. The Financial Proposals of the technically qualified firms / Bids (as per evaluation criteria) will be opened later on date and time to be intimated accordingly. Financial proposal of technically disqualified Bidders shall be returned unopened.
7. PQA reserve the right to accept or reject any or all proposals as per PPRA rules 2004 and no claims whatsoever in this respect shall be entertained. PQA's decision in this respect shall be final and binding on all firms / suppliers / shipbuilding yards.

Website: www.pqa.gov.pk
Email: Secretary@pqa.gov.pk
PPRA website: www.ppra.gov.pk

(MUHAMMAD SAQIB)
Secretary

PID (K) 2897



GAIWAY TO NATIONAL PROSPERITY

ATTN: Capt. Qaim Sb.

PORT QASIM AUTHORITY

No.PQA/OPS/OM/Fibre/15/49/.

Date: 10th June, 2015

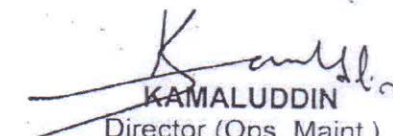
M/s Fibre Craft Industries,
Canal Bank, Hanif Park,
Harbans Pura
Lahore.

Fax: 92-42-36544795

SUBJECT: REFUND OF EARNEST MONEY / FINANCIAL BID (UNOPENED)

It is to intimated that PQA management has decided to scrap the tender for procurement of 04 Nos. new RHIB type Boats for security / escorting of LNG vessels.

2. It is therefore, requested to collect your financial bid / earnest money pay order (unopened) from the office of Director (Ops. Maint.) during working hours from 1000 hrs to 1600 hrs. within 07 working days.


KAMALUDDIN
Director (Ops. Maint.)

M. N. I. 20



Gateway to National Prosperity

SAY NO TO CORRUPTION

PORT QASIM AUTHORITY

BIN QASIM, KARACHI-75020

**NOTICE INVITING TENDER FOR
PROCUREMENT OF FOUR (04) NEW
BOATS (RHIB TYPE) FOR SECURITY/
PATROLLING & ESCORTING OF
LNG VESSELS IN PQA CHANNEL/
APPROACHES**

1. PQA invites offer for supply of 04 Nos. new boats (RHIB Type) from experienced Firms / Suppliers / Ship Building Yards which are technically and financially sound. The offered boats should possess characteristics and other details as per tender document.
2. Security Boat complying the specifications given in this tender, should be capable for sustained / uninterrupted operation at 35 to 40 knots on both voyage from service jetty to PQA outer channel, having overall length of 8 ~ 10 meters, Beam 2.5 ~ 3 meters, newly built, RHIB type, of proven design, robust structure and meet international standards. The boat must be capable to escort LNG carriers / FSRU (Floating Storage Re-gasification Unit) and other vessels in PQA Navigational Channel.
3. Interested firms should collect the Tender Document on payment of Rs.1,500/-(Non refundable) in the form of Pay Order, issued in the name of Port Qasim Authority from the office of Director (Ops. Main.) PQA. A pre-bid meeting will be held on 11th August, 2015 at 1100 hrs. in Conference Room, Chairman Secretariat, Port Qasim Authority, Karachi.
4. All newly constructed boats shall have to arrive / be delivered in Port Qasim, Karachi, Pakistan not later than 120 days from the signing of the contract.
5. Tender documents submitted by the firms are to be accompanied with Earnest Money through Pay Order of amount Rs.2,500,000(refundable) along with Technical Proposal in favour of Port Qasim Authority (issued by Pakistani Bank having AA rating and located in Karachi, Pakistan). Tenders without Earnest Money for the offered boats will be rejected and returned unopened.
6. Tender Documents should be in two separate sealed envelopes, one containing Technical Proposal and the other containing Financial Proposal duly labeled as such respectively, which should reach the office of Director (Ops. Maint.) PQA, Bin Qasim, Karachi-75020 latest by 1200 hrs. on 20th August, 2015. The Technical proposal will be opened on the same day at 1230 hrs. in the presence of Bidders / Representatives who wish to attend. The Financial Proposals of the technically qualified firms/ Bids (as per evaluation criteria) will be opened later on date and time to be intimated accordingly. Financial Proposal of technically disqualified Bidders shall be returned unopened.
7. PQA reserve the right to accept or reject any or all proposals as per PPRA rules 2004 and no claims whatsoever in this respect shall be entertained. PQA's decision in this respect shall be final and binding on all the firms / suppliers / shipbuilding yards.

Website: www.pqa.gov.pk
Email: Secretary@pqa.gov.pk
PPRA website: www.ppra.org.pk

(MUHAMMAD SAQIB)
Secretary

PID (K) 289

DAWN
30-07-2015
P-12

**EVALUATION CRITERIA FOR TECHNICAL QUALIFICATION OF TENDERS FOR
SECURITY BOATS****MANDATORY REQUIREMENTS:**

1. Income Tax & Sales Tax
 - a) Pakistan Firms
 - i) Income Tax & Sales Tax Registration; and
 - ii) Acknowledgement Slips / documentary Proof of Income Tax Returns filed for last three years.
 - b) Foreign Firms
Registration with all Relevant Authorities after award of contract
2. Last three years audited Financial Statements (Profit & Loss Statement and Balance Sheet).
3. After meeting the above mentioned requirements the minimum points / marks of Bidder bid to qualify for opening of its financial offer are 65 marks for following, WITH DOCUMENTARY PROOF.

S #	Description	Max. Marks
1	Status of Firm	
	Public Limited Company / Multinational	10 Marks
	Private Limited Company / Partnership	08 Marks
	Sole Proprietorship	06 Marks
		Total 10
2	Professional Capability Management Staff	
	a. Naval Architect	04 Marks
	b. Marine Engineer / Master Mariner (CoC class I deck/Engine)	03 Marks
	c. Finance Manager MBA/Masters/ICMS	03 Marks
		Total 10
3	General experience of Firms in Construction and / or Supply of RHIB Type Boats	
	a. Minimum 05 years existence / experience in business (01 point for each year) Maximum 10 Points	10
	b. Number of Contract executed / ongoing for construction and / or supply of sea vessels / RHIB Boats (05 points for each contract) Maximum 15 Points	15
	c. Minimum of 05 RHIB constructed or supplied or to be constructed or supplied under ongoing contracts. (02 points for each RHIB Boat) Maximum 25 Points	25
		Total 50

4	Financial Soundness		
	a. Average Working Capital for last three years Audited accounts.	15 Marks	15
	- Minimum Working Capital Rs. <u>10</u> million	10 Marks	
	- For each Additional Rs. <u>One</u> million one point (subject to maximum Rs. <u>Five</u> million)	05 Marks	15
	b. Average Gross Revenue for last three Audited accounts.	15 Mark	
	- Minimum Gross Revenue Rs. <u>40</u> million	10 Mark	Total <u>30</u>
	- For each additional Rs. <u>02</u> million one point (subject to maximum Rs. <u>10</u> million)	05 Marks	
	Grand Total (1+2+3+4)		100



FIBRE CRAFT INDUSTRIES

THE FIBRE GLASS PEOPLE



Mr. Muhammad Saqib,
Secretary,
Port Qasim Authority,
Bin Qasim,
Karachi.

FCI/15/CR/12192
Date: 11th August, 2015

Re : Tender for procurement of four (04) new boats (RHIB) type for security / patrolling & escorting of LNG vessels in PQA channel / approaches.

Request for change in the evaluation criteria back to the first tender which was scrapped on 10th June, 2015 and reasonable extension in the tender submission date.

Dear Sir,

Further to letter ref 0808-60198-PQA dated 08th August, 2015 which has been submitted by our agents in Karachi M/s. Bulk Shipping Agencies (Pvt) Ltd on our behalf today during the pre-bid meeting.

Attached please find copy of evaluation criteria which was applicable in the last same tender which was scrapped without giving any reason on 10th June, 2015 copy of the letter advising same is attached.

Repeat this tender was scrapped without giving any reason and a new tender has been announced on 30th July, 2015 with opening date of 20th August, 2015 i.e. with a total 21 days spread.

Kindly also find attached the evaluation criteria from this new tender.

It is very clear and obvious from the changes in the evaluation criteria that now only foreign manufacturers or agents who have supplied these crafts can apply at the cost of the local indigenous industry.

We would like to briefly explain why we feel confident that we can manufacture this (RHIB) type boat:

As a renowned leader in the fiberglass industry, with over 30 years of combined experience, Fibre Craft Industries (FCI) continues to provide quality fiberglass products and excellent customer service from one of the best facilities in the industry in Pakistan. We operate with 35,000 square feet of manufacturing space located on ten plus acres. We manufacture a wide variety of custom fiberglass boats using only state of the art equipment and technology. We are the only company that is manufacturing unsinkable double hull fiberglass boats in Pakistan and our supplied boats are in continuous operation since last multiple years. We have supplied multiple boats to government as well as non-government organizations. Our supplied boats include general purpose, speed boats, gun boats, rescue boats as well as survey boats with both Outboard and Inboard motors having satisfactory performance in the field. Our setup is duly approved by the Mercantile Marine Department, Government of Pakistan.



www.fcipipes.com

POWER-SAFE
Ladders
Reach the Height



THE FIBER GLASS PEOPLE



www.fcimarine.com





FIBRE CRAFT INDUSTRIES

THE FIBRE GLASS PEOPLE



We would also like to highlight that RHIB boats are like any another type of fiberglass boat with the only exception of inflatable tube around the periphery. Normally, there are specialized companies which are manufacturing this material and providing it to the boat manufacturers and we assure you that in case we get the opportunity to fabricate these boats within Pakistan then we would also arrange this inflatable Hypalon tube from renowned manufacturers as well. We would like to therefore request you to kindly give us an opportunity to participate in the tender and we assure you that we will supply you a product that will equally match the international standards specific for such boats and this will also help save huge amount of foreign exchange as the items could be procured locally. We have qualified staff and arrangements that are required to carry out and execute such projects and slight consideration from your end will help immensely to boost indigenous fabrication of such boats locally.

We are now looking forward to your positive response and support to the local indigenous industry.

Sincerely,
For FIBRE CRAFT INDUSTRIES,

Ubaid Ullah

M. UBAID ULLAH KHALID
Manager Marketing

Cc : Local Agents M/s. Bulk Shipping Agencies (Pvt) Ltd, Karachi.



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Bulk Shipping Agencies (Pvt.) Ltd.

REF : 1808-60198-PQA
DATE : 18TH AUGUST, 2015

MR. MUHAMMAD SAQIB,
SECRETARY,
PORT QASIM AUTHORITY,
BIN QASIM,
KARACHI.

(A) PLEASE REFER TO YOUR EMAIL DATED 13TH AUGUST, 2015 ALONG WITH ATTACHMENTS I.E. CLARIFICATIONS FOR THE QUERIES RAISED IN THE PRE-BID MEETING HELD ON THE 11TH AUGUST, 2015.

WE TAKE VERY STRONG EXCEPTION TO THE WORDINGS WHICH HAVE BEEN PUT AT THE BOTTOM OF THE PAGE, AS THESE ARE INCORRECT AND UNCALLED FOR.

QUOTE:

"M/S. BULK SHIPPING AGENCIES (PVT), AS AGENT OR OTHERWISE IS CAUTIONED IN THE EVENT OF ITS SUBMITTING A BID WITHOUT BID SECURITY AS WAS DONE IN THE PAST BESIDES THE BID BEING REJECTED IT WILL BE CONSIDERED AS AN ABUSE OF BIDDING PROCESS AND FRAUDULENT / DISRUPTIVE PRACTICE LIABLE TO RESULT IN ITS PRINCIPAL AND ITSELF BEING BLACKLISTED FROM PARTICIPATING IN FUTURE PROCUREMENT PROCEEDINGS WITH PQA".

UNQUOTE

IT IS PERTINENT TO BRING TO YOUR KIND NOTICE THAT IN THE ATTACHED DOCUMENT SPECIAL REFERENCE IS MADE IN RESPECT OF OUR COMPANY, AND A NOTE OF CAUTION EXERCISED, WITHOUT TAKING INTO ACCOUNT THE CORRECT PERSPECTIVE, WHICH IN TURN REFLECTS THE SHORT COMING OF THE DEALING OFFICER. WE BELIEVE THAT THESE INAPPROPRIATE REMARKS REFER TO THE TENDER FOR HIRE / PURCHASE OF 4 LNG TUGS : OUR PRINCIPALS M/S. SVITZER



Bulk Shipping Agencies (Pvt.) Ltd.

WERE UNABLE TO PARTICIPATE DUE TO CERTAIN REASONS THEREFORE SINCE THEY HAD BEEN IN TOUCH WITH THE CHAIRMAN PORT QASIM AND HAD ASSURED HIM OF THEIR PARTICIPATION. THEY REQUESTED US TO HANDOVER SOME DOCUMENTS WHICH CONTAINED SOME INFORMATION AND SUGGESTIONS. OUR GENERAL MANAGER CAPT. QAIM CLEARLY ADVISED THE TENDER COMMITTEE THAT OUR PRINCIPALS WERE NOT PARTICIPATING IN THE TENDER BUT HAD SENT THESE DOCUMENTS AS A COURTESY. OUR ROLE WAS THAT OF AN EMISSARY ONLY.

X X X X X X

RE TENDER FOR 4 RHIB BOATS :

THE OTHER MATTER WHICH WE WISH TO BRING TO YOUR KIND ATTENTION THAT PQA FLOATED THE FIRST TENDER FOR THE PROCUREMENT OF FOUR RHIB BOATS ON 28TH MARCH, 2015 AND OUR PRINCIPALS M/S. FIBRE CRAFT INDUSTRIES PARTICIPATED IN THE SAID TENDER AND SUBMITTED BID BOND. HOWEVER THIS TENDER WAS SUBSEQUENTLY SCRAPPED ON 10TH JUNE, 2015 WITHOUT ASSIGNING ANY REASON.

FURTHERMORE PQA FLOATED THE SECOND TENDER FOR THE SAME FOUR RHIB BOATS ON 30TH JULY, 2015 AND IN THE SECOND TENDER PQA CHANGED THE ENTIRE EVALUATION CRITERIA AND INCREASED THE BID BOND VALUE SUBSTANTIALLY.

OUR PRINCIPALS M/S. FIBRE CRAFT INDUSTRIES HAVE SENT THEIR RESERVATIONS WITH REGARD TO THE EVALUATION CRITERIA, WHEREIN ONLY FOREIGN MANUFACTURES OR THEIR AGENTS CAN NOW PARTICIPATE IN THIS TENDER. THIS UNFAIR RESTRICTION SHOULD BE RECONSIDERED AS THESE BOATS CAN BE AND ARE MANUFACTURED IN PAKISTAN, UNDER THE APPROVAL OF MERCANTILE MARINE DEPARTMENT, GOVERNMENT OF PAKISTAN AND THIS DEPARTMENT (MMD) WILL ISSUE THE SEAWORTHINESS CERTIFICATE.



Bulk Shipping Agencies (Pvt.) Ltd.

WE WOULD LIKE TO REMIND PQA THAT EVEN IF A BOAT IS BUILT OUTSIDE PAKISTAN WHEN IT ARRIVES IN PAKISTAN IT CANNOT WORK TILL IT GETS REGISTERED AND A SEAWORTHINESS CERTIFICATE FROM MERCANTILE MARINE DEPARTMENT IS ISSUED.

DUE TO THIS UNFAIR CHANGE PQA WILL BE SPENDING HUGE EXTRA SUMS IN FOREIGN EXCHANGE MOREOVER THE INDIGENOUS MANUFACTURERS WILL BE DEPRIVED FROM PARTICIPATING IN THIS TENDER.

HOWEVER WHEN THIS ISSUE WAS BROUGHT UP DURING THE PRE BID MEETING, THE PIC MR. ESSANI LOST HIS COOL AND ADDRESSED OUR GENERAL MANAGER CAPT. S. T. QAIM "THAT PEOPLE WHO MANUFACTURE "TABLES AND CHAIRS", NEED NOT PARTICIPATE IN THIS TENDER, AS THEY CANNOT QUALIFY". WE FAIL TO UNDERSTAND THIS UNRULY ATTITUDE OF THIS INDIVIDUAL. SINCE RIGID AND RUDE ATTITUDE DURING THE PRE-BID MEETING IS NOT CONDUCTIVE TO THE BIDDER FRIENDLY OBJECTIVE. FOR THE RECORD OUR PRINCIPALS M/S. FIBRE CRAFT ARE IN THE MANUFACTURING BUSINESS SINCE THE LAST ABOUT 30 YEARS AND APART FROM "TABLES AND CHAIRS" THEY ALSO MANUFACTURE BOATS AND OTHER GRP ITEMS.

MOREOVER WE ALSO BELIEVE THAT A CONTRACT EMPLOYEE CANNOT BE A MEMBER OF A TENDER COMMITTEE.

ALL THE PARTICIPANTS OF THE TENDER ARE ENTITLED TO THEIR VIEWS AND DUE RESPECT SHOULD BE EXTENDED TO PROSPECTIVE BIDDERS. OUR EFFORTS AND INTENTIONS ARE HONORABLE. TENDERS SHOULD BE BIDDER FRIENDLY NOT DEALT IN A MANNER DUE TO WHICH THERE IS MINIMUM PARTICIPATION OR THE IMPRESSION OF FAVOURATISM IS CONVEYED.

FURTHERMORE WE WOULD LIKE TO RESPECTFULLY SUBMIT THAT DUE DILIGENCE SHOULD BE EXERCISED IN THE FIRST INSTANCE BY PQA AND THIS LACK OF EARNEST APPLICATION RESULTS IN THE FACT THAT THE TENDERS ARE SCRAPPED OR ASSETS PROCURED AT UNREASONABLY HIGH PRICES / EXTRA COSTS.

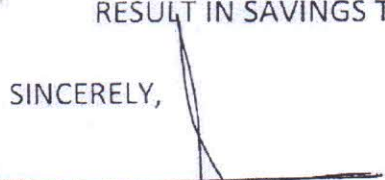


Bulk Shipping Agencies (Pvt.) Ltd.

ATTACHED IS THE COPY OF OUR PRINCIPALS M/S. FIBRE CRAFT INDUSTRY FOR YOUR KIND PERUSAL AND CONSIDERATION.

- IN ENDING WE REQUEST YOU TO KINDLY REVIEW YOUR DECISION AND GO BACK TO THE ORIGINAL TENDER DATED 28TH MARCH, 2015 WHICH WILL RESULT IN SAVINGS TO PQA.

SINCERELY,


AZIZULLAH KHAN
SENIOR DIRECTOR

ATTACHMENTS :

- PRE BID MEETING QUERY / CLARIFICATION DATED 13TH AUGUST, 2015.
- 1ST TENDER FOR PROCUREMENT OF 04 NOS RHIB NEW BOATS PUBLISHED IN DAWN NEWSPAPER ON 28TH MARCH, 2015
- PQA LETTER DATED 10TH JUNE, 2015 SUBJECT: REFUND OF EARNEST MONEY / FINANCIAL BID (UNOPENED).
- 2ND TENDER FOR PROCUREMENT OF 04 NOS RHIB NEW BOATS PUBLISHED IN DAWN NEWSPAPER ON 30TH JULY, 2015.
- LETTER OF M/S FIBRE CRAFT INDUSTRIES DATED 11TH AUGUST, 2015 SENT TO SECRETARY, PORT QASIM AUTHORITY.

NAME OF FIRM
OCEANWORLD (PVT) LTD.

S. NO.	QUERY	CLARIFICATIONS / REMARKS
1.	IB 19.1 - The Bid Security in the form of Earnest Money / Bank Guarantee should be reduce on a mutual agreed basis. Please confirm if any other +A1 rating foreign Bank is acceptable?	The fixed bid security is within the 5% permitted under Rule-25 PPR-2004 based upon the estimated price. The bid security should be in the form of a Pay Order of a "+AA" rating bank.
2.	IB 37 - Performance Security 10% of the total Bid price has been asked vide clause No.37.1 Our request is it should be reduced to 5% of total bid contract price.	The 10% Performance Security is in conformity with Rule-39 of PPR-2004 and as per PQA practice for works contract.
3.	Pg 91 (Sr # 3c) - Evaluation Criteria Kindly substitute this condition by: MINIMUM OF 10 HAS CONSTRUCTED NEW BOAT / VESSELS OR TO BE CONSTRUCTED OR SUPPLIED UNDER ONGOING CONTRACTS EXPERIENCE OF SUPPLY OF NEW BOAT.	The provision has been included to fix a minimum bench mark for the relevant experience and past performance of the bidder. Inexperience parties are to be excluded from the bidding. The "(02 points for each RHIB Boat)" is to be substituted by "(05 points for each RHIB Boat)".
4.	IB 24.1 - We request to please consider extension of 30 days in bid submission date after receipt of minutes of pre-bid clarification by Port Qasim Authority. In case of any amendment please confirm the duration of extension, which to be offered by PQA to all bidders.	Not acceptable.

NAME OF FIRM

BAHRIA FOUNDATION

S. NO.	QUERY	CLARIFICATIONS / REMARKS
1.	IB.3 - Eligible Bidders Para 3.1 - b. Duly prequalified / enlisted with the Purchaser	IB.3.1 (b) has been deleted in the Bidding Data.
2.	IB.11 - Documents Comprising the Bid Para 11.1 (a) submit a written power of attorney authorizing the signatory of the bid to act for and/or behalf of the Bidder. Manufacturer's Authorization	Except in case of the Sole Proprietor himself dealing/ signing, there has to be a written authorization/power of attorney in favour of the individual nominated to represent the organization. It can on a letterhead or an judicial stamp paper.

3.	<p>IB.11 - Documents comprising the Bid</p> <p>11.1</p> <p>(b) update the information indicated and listed in the Bidding Data and previously submitted with the prequalification documents which as a minimum, would include the following application for prequalification, and continue to meet the minimum criteria set out in the:</p>	<p>The following amendments are being made in IB 11.1 (b) :-</p> <p>(1) The introduction to IB 11.1 (b) should be read as :-</p> <p>"(b) provide the information indicated and listed in Bidding Data and documents in support of :-"</p> <p>(2) The IB 11.1 (b)(iii) should be read as :-</p> <p>"(iii) supply commitments since Notice of Invitation to Tender."</p> <p>(3) The IB 11.1(b)(v) should be read as :-</p> <p>"(v) Availability of critical equipment relating to propulsion & navigational aids mentioned in Clause 2 "Approximate Range of Main Particulars" in Technical Specification of RHIB Boats (Pg-88)."</p>
4.	<p>IB.11 - Documents Comprising the Bid</p> <p>11.3 Bidders shall also submit proposals of supply and transportation methods and schedule, in sufficient detail to demonstrate the adequacy of the Bidders "proposals to meet the technical specifications and the completion time referred to in Sub-Clause 1.2 hereof.</p>	<p>The bidder should specify the method of transportation of the RHIB Boats to Port Qasim to timely comply with IB 1.2.</p>

<p>of Bid</p> <p>the following commissions, gratuities, or fees have paid or are to be paid with respect to the bidding process or execution of the Contract:</p> <p>he has been paid or is to be paid, indicate "none")</p> <p>No. 32, 33, 35, 36, 41, 42, 44,</p> <p>indices NOT APPLICABLE</p>	<p>The provision is self-explanatory.</p>
<p>Index-C to Bid</p> <p>and of assuring quality of goods</p>	<p>"NOT APPLICABLE" means the bidder is not required to provide the information therein. Appendix F to Bid (Page-38) is hereby made "NOT APPLICABLE".</p> <p>The following para 4 is hereby added to Appendix-C to Bid :-</p> <p>"4. The staff to deal with the contract, training and other related matters with the purchaser."</p>
<p>Sub Clause 12.1 'e'</p> <p>Others.</p> <p>Cradle, Packing & Photographs, Model</p> <p>Mass Plaque</p>	<p>Required Cradle with each boat</p> <p>Required Model with each boat</p>
<p>Qualification Criteria for Tech</p> <p>General Experience of firms in Construction and/or</p> <p>of RHIB constructed or supplied or to be</p> <p>of supplied under ongoing contracts.</p> <p>points for each RHIB Boat) - Max 25 Points.</p>	<p>The provision has been included to fix a minimum benchmark for the relevant experience and past performance of the bidder. Inexperience parties are to be excluded from the bidding. The "(02 points for each RHIB Boat)" is to be substituted by "(05 points for each RHIB Boat)".</p>

NAME OF FIRM

BULK SHIPPING AGENCIES (PVT) LTD.

(Agent for M/s Fibre Craft Industries, Lahore)

S. NO.	QUERY	CLARIFICATIONS / REMARKS
1.	Reduction of Bid Security.	The fixed bid security is within the 5% permitted under Rule-25 PPR-2004 based upon the estimated price. The bid security should be in the form of a Pay Order of a "+AA" rating bank.
2.	Number of scale models required with the boats are mentioned differently at two different places. Kindly elaborate whether one scale model is required with four boats or one model with each boat. (Page 84, Clause 39.2)	One model with each boat
3.	It is mentioned in the tender documents that Guarantee Engineer / Master is required with the boats for a period of two weeks. Kindly elaborate whether you need one of them or both. Moreover, kindly let us know if "Master" means ship master or boat helmsman.	Guarantee Engineer & Master (who can handle the boat) both required
4.	During the specific period of two weeks. Will Port Qasim bear the boarding and loading of these persons or we have to include it in our offer.	Bidder has to include the cost of boarding and lodging in the offer.
5.	Whether one shock absorber seat is required for helmsman or all 8 seats on each boat must be shock absorbing?	All seats with shock absorbers

6.	Training of staff is required on boat in sea or on shore (Theoretical)	Both i.e. at sea and on shore
7.	Kindly elaborate which kind of Gun amount is required i.e. Ordinary Gun, SMG or LMG. Can you specify the gun or let us have a sample to visualize the design.	Gun mount capable of mounting LMG i.e. (MG1A3)
8.	With reference to GCC Sub Clause 27.1 on page 81, the deduction relative to actual less speed in knots. The maximum reduction mentioned here is 01 knot. Whereas, the required speed mentioned in the technical specifications is 35-40 knots. Kindly let us know which speed will be considered for this evaluation process, 35 or 40.	35 Knots
9.	Normally fenders are not required with the RHIB boats, whereas it is mentioned in the bidding documents. (Page 83, Line 8)	Fenders required Cylindrical type (Rubber)
10.	Kindly elaborate the payment schedule if the boats are fabricated locally.	The same as in GCC sub-Clause 16.1 of Particular Condition of the Contract. The Interim 50% installment shall be paid on the arrival of RHIB boats at Port Qasim and when made ready for final tests & trials. The same to be confirmed by PQA Team.

NOTE:-

As directed during the pre-bid meeting M/s. Bulk Shipping Agencies (Pvt) Ltd. should obtain authorization from M/s. Fibre Craft Industries, Lahore to act as agent.

M/s. Bulk Shipping Agencies (Pvt) Ltd. as agent or otherwise is cautioned in the event of its submitting a bid WITHOUT BID SECURITY as was done in the past besides the bid being rejected it will be considered as an abuse of bidding process and fraudulent/disruptive practice liable to result in its principal and itself being blacklisted from participating in future procurement proceedings with PQA.

NAME OF FIRM
BUSINESS & ENGINEERING TREND

S. NO.	QUERY	CLARIFICATIONS / REMARKS
1.	Reference page-8, I.B.3 Eligible Bidders-3.1 (6) As this is an invitation for tender and there has been no prequalification prior by PQA for this project. Please clarify this clause, that this is not applicable.	IB.3.1 (b) has been deleted in the Bidding Data.
2.	Reference page-11, I.B.11, 11.1 (a) The written power of attorney should be prepared by whom in the case of Sole Proprietorship? Would this be a letter on the letterhead of the company authorizing any senior staff member to sign and act on and behalf of the company? Or should be on judicial stamp paper?	Except in case of the Sole Proprietor himself dealing/ signing, there has to be a written authorization/power of attorney in favour of the individual nominated to represent the organization. It can on a letterhead or an judicial stamp paper.
3.	Reference page-11, I.B.11, 11.1 (b) ii Please clarify what financial predictions are required by PQA? Would these be revenue predictions or any specific predictions?	Financial commitment with respect to any existing/ future commitments/contracts.

4.	<p>Reference page-11, I.B.11, 11.1 (b) iii</p> <p>Please clarify which prequalification does this refer to?</p> <p>There has been no prequalification invitation in regard with this project.</p>	<p>The following amendments are being made in IB 11.1 (b) :-</p> <p>(1) The introduction to IB 11.1 (b) should be read as :-</p> <p>"(b) provide the information indicated and listed in Bidding Data and documents in support of :-"</p> <p>(2) The IB 11.1 (b)(iii) should be read as :-</p> <p>"(iii) supply commitments since Notice of Invitation to Tender."</p> <p>(3) The IB 11.1(b)(v) should be read as :-</p> <p>"(v) Availability of critical equipment relating to propulsion & navigational aids mentioned in Clause 2 "Approximate Range of Main Particulars" in Technical Specification of RHIB Boats (Pg-88)."</p>
5.	<p>Reference page-11, I.B.11, 11.1 (b) v</p> <p>Please clarify what is meant by critical equipment and what documents does PQA require against this clause?</p>	<p>Equipment relating to propulsion & navigational aids mentioned in Clause 2 "Approximate Range of Main Particulars" in Technical Specification of RHIB Boats (Pg-88). Manufacturers / Suppliers / availability documents will suffice.</p>

6.	<p>Reference page 14, 1.B 17 "Documents Establishing the qualification of the Bidder" - Article 17.2</p> <p>Please confirm that our manufacturer of boats would provide the manufacturer's Authorization form to us given on page 43, schedule C, however we being Sole Distributors in Pakistan for Yamaha Outboard Motor Engine have an official certificate from Yamaha Motor Co. Japan, which is evidence that we are their representatives in Pakistan so that certificate would suffice as evidence and qualification a representatives?</p>	<p>The boat manufacturer's & sole distributorship's documents will be acceptable.</p>
7.	<p>Reference para-37 Appendix-E "List of Manufacturer / Subcontractors"</p> <p>As bidder our company will provide the names of firm manufacturing the boats and engines as well as key staff and also the freight forwarder for the goods to arrive in Karachi, however it is not possible to get Curriculum Vitae of all these personnel especially the freight forwarders. As we being the bidders and will sign contract with PQA if successful, we will provide the profile of contract signatory in the Technical bid.</p> <p>Please confirm that above would be acceptable.</p>	<p>The following is deleted from Appendix-E to Bid:-</p> <p>"Enclosed are documentation outlining experience of manufacturers/subcontractors, the curriculum vitae and experience of their key personnel who will be assigned to the Contract, Goods to be supplied or transportation to be done, size, location and type of contracts performed in the past."</p>

8.	<p>Reference page-38 Appendix-F</p> <p>It is to be informed that organization chart are available for the manufacture's firm, bidder's firm easily however it is impossible to get the organization chart from the transporter company to delivery point.</p> <p>Hence this requirement may please be revised as no shipping company can provide this record.</p>	<p>Appendix-F to Bid is hereby made as "NOT APPLICABLE".</p>
9.	<p>Reference page-39 Appendix G "Integrity Pact"</p> <p>Previously this integrity pact was a mandatory document to be printed on judicial paper and submit with the technical bid however this time this annexure has been made a part of contract and not technical bid.</p> <p>Hence please clarify whether a certificate of non default, non blacklist, non fraudulent and non litigation can be prepared and submitted with the technical bid?</p>	<p>Yes. Technical Bid becomes part of the contract.</p>