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Program Management And Implementation Unit

Sindh Basic Education Program

Procurement Manual

Education & Literacy Department
Government of Sindh

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Abbreviations

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| BDS | Bio Data Sheet |
| SOPs | Standard Operating Procedures |
| BER | Bid Evaluation Report |
| SPN | Specific Procurement Notice |
| BOQ | Bill of Quantity |
| CSR | Composite Schedule of Rates |
| SPPR, 2010 | Sindh Public Procurement Rules, 2010 |
| COI | Conflict of Interest |
| SPPRA | Sindh Public Procurement Regulatory Authority |
| DPD | Deputy Program Director |
| TAOs | Town Account Officers |
| TMA | Taluka/ Tehsil/Town Municipal Administration |
| E&LD | Education & Literacy Department |
| NIT | Notice Inviting Tender |
| EOI | Expression of Interest |
| TORs | Terms of Reference |
| GCC | General Conditions of Contract |
| USAID | United States Agency for International Development |
| GOP | Government of Pakistan |
| GOS | Government of Sindh |
| GPI | Gender Parity Index |
| HRD | Human Resource Development |
| IDA | International Development Association |
| ITB | Instruction To Bidder |
| ITC | Information To Consultant |
| JDs | Job Descriptions |
| JV | Joint Venture |
| LOA | Letter Of Acceptance |
| LOI | Letter Of Invitation |
| M&E | Monitoring and Evaluation |
| MIS | Management Information System |
| NCB | National Competitive Bidding |
| PA | Procuring Agency |
| PD | Program Director, PMIU SBEP |
| PEC | Pakistan Engineering Council |
| PEPA | Pakistan Enhanced Partnership Agreement |
| PM | Program Manager |
| PMIU | Program Management and Implementation Unit |
| PPO | Provincial Program Office |
| PSC | Program Steering Committee |
| PSU | Program Support Unit |
| RFP | Request For Proposal |
| RMF | Risk Mitigation Framework |
| SBEP | Sindh Basic Education Program |
| SCC | Special Conditions of Contract |
| SERP | Sindh Education Sector Reform Program |

Definitions

- (1) In these regulations, unless there is anything repugnant in the subject or context,-
- (a) **“Act”** means Sindh Public Procurement Regulatory Authority Act, 2009;
 - (b) **“Authority”** means Sindh Public Procurement Regulatory Authority Established under Section 3 of the Act.
 - (c) **“Government”** means Government of Sindh.
 - (d) **“Public Procurement”** means acquisition of goods, services or construction of any work financed wholly or partly out of the public fund including project of public private partnership, unless excluded otherwise by Government.
 - (e) **“Procurement Proceedings”** mean all procedures relating to public procurement, starting from solicitation of bids to the award of contract;
 - (f) **“Competent Authority”** means an officer of the Procuring Agency empowered to exercise financial powers and approve the award of contract for procurement of goods, works or services, as the case may be. In this Manual Competent Authority means Program Director PMIU-SBEP.
 - (g) **“Bid”** means a tender, offer, or a proposal submitted by a person, consultant, firm, company, consortium, joint venture or an organization expressing his or its willingness to undertake a specified task at a price, in response to an invitation or request by a procuring agency;
 - (h) **“Bidding documents”** mean all documents provided to the interested bidders to allow them to prepare bids;
 - (i) **“Bidder”** means a person or entity that submits a bid;
 - (j) **“Conflict of Interest” (COI)** means;
 - (i) where a contractor, supplier or consultant provides, or could provide, or could be perceived as providing biased professional advice to a procuring agency to obtain an undue benefit for himself or those affiliated with him;
 - (ii) Receiving or giving any remuneration directly or indirectly in connection with the assignment except as provided in the contract;
 - (iii) Any engagement in consulting or other procurement activities of a contractor, consultant or service provider that conflicts with his role or relationship with the procuring agency under the contract;
 - (iv) Where an official of the procuring agency engaged in the procurement process has a financial or economic interest in the outcome of the process of procurement, in a direct or an indirect manner;

- (k) **“Contract”** means an agreement enforceable by law and includes General and Special Conditions, Specifications, Drawings and Bill of Quantities;
- (l) **“Contractor”** means a person, firm, company or organization that undertake to execute works including services related thereto.
- (m) **“Notice Inviting Tender”** means the notice issued by a Procuring Agency through publication in the newspapers or through electronic means for the purpose of inviting bids, or applications for pre-qualifications, or expression of interests, which may include Tender Notice, Invitation for Bids, Notice for Pre-qualifications or Request for Expression of Interests;
- (n) **“Corrupt and fraudulent practices”** mean either one or any combination of the practices given below;
 - (i) **“Corrupt practice”** means the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence the acts of another party for wrongful gain;
 - (ii) **“Fraudulent practice”** means any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;
 - (iii) **“Collusive practice”** means any arrangement between two or more parties to the procurement process or contract execution, designed to achieve with or without the knowledge of the procuring agency to establish prices at artificial, noncompetitive levels for any wrongful gain;
 - (iv) **“Coercive practice”** means any impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence the actions of a party to achieve a wrongful gain or to cause a wrongful loss to another party;
 - (v) **“Obstructive practice”** means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in a procurement process, or affect the execution of a contract or deliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making false statements before investigators in order to materially impede an investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation, or acts intended to materially impede the exercise of inspection and audit rights provided for under the Rules.
- (o) **“Emergency”** means natural calamities, disasters, accidents, war and breakdown of operational equipment, plant, machinery or engineering infrastructures, which may give rise to abnormal situation requiring prompt and immediate action to limit or avoid damage to person(s), property or the environment;

- (p) **“Lowest evaluated bid”** means a bid for goods, works and services having the lowest evaluated cost among the substantially responsive bids;
- (q) **“The lowest submitted price”** means the lowest price quoted in a bid, which is otherwise not substantially responsive.
- (r) **“Open competitive bidding”** means a fair and transparent specified procedure defined under these Rules, advertised in the prescribed manner, leading to the award of a contract whereby all interested persons, firms, companies or organizations may bid for the contract and includes both National and International Competitive Biddings;
- (s) **“Substantially responsive bid”** means the bid that contains no material differences or deviations from, or reservations to, the terms, conditions and specifications given in the bidding documents,
- (t) **“Blacklisting”** means barring a bidder, contractor, consultant or supplier from participating in any future procurement proceedings by the procuring agency;
- (u) **“Supplier”** means a person, firm, company or an organization that undertakes to supply goods and services related thereto, other than consulting services, required for the contract;
- (v) **“Best value for money”** means in case of Public Private Partnership projects, a bid, which attains the highest score under criteria laid down in Rule 84, read with respective bidding documents.
- (w) **“National company or firm”** means any enterprise, firm or company set up or incorporated in Pakistan.
- (x) **“Goods,”** means articles and object of every kind and description including raw materials, drugs and medicines, products, equipments, machinery, spares and commodities in any form, including solid, liquid and gaseous form, and includes services identical to installation, transport, maintenance and similar obligations related to the supply of goods, if the value of these services does not exceed the value of such goods;
- (y) **“Mis-procurement”** means public procurement in contravention of any provision of Sindh Public Procurement Act, 2009, any rule, regulation, order or instruction made there under or in contravention of ADS of USAID, any other law in respect thereof, or relating to, public procurement.
- (z) **“Rules”** means Sindh Public Procurement Rules, 2010.
- (aa) **“Drawings”** means all drawings, calculations and technical information of a like nature provided by the Program Manager Construction or Engineer to the contractor under the contract.

- (bb) **“Technical Sanction (TS)”** means the detailed estimate prepared by the Program Manager Construction or authorized qualified Engineer keeping in view technical feasibility and provisions in the PC-I for the sanction of Program Director PMIU.

The expressions used but not defined in these regulations shall have the same meanings as are assigned to them in the Act or Rules and, if not defined there, as in the ordinary usage of language.

2. International and Inter-Governmental Commitments of the Sindh Government.

Wherever these regulations are inconsistent with, or in conflict with, any obligation or commitment of the Government of Sindh arising out of an international treaty or an agreement with a foreign country or countries, or any international financial institution, the provisions of such international treaty or agreement shall override the provisions of these Rules to the extent of the inconsistency.

3. Language. All communications and documentation related to procurements of the Government of Sindh shall be in English. Provided that Notice Inviting Tenders and Notices For Pre-qualifications, or Request for Expression Of Interest (REoI) shall be issued in three languages i.e. English, Urdu and Sindh.

4. Dispute. In case of any dispute, reference shall be made to the original documentation retained on record and decision shall be made in accordance with such original documentation.

Chapter 1 Introduction and Background

1.1 Introduction

Objective of the Sindh Basic Education Program (SBEP) is to increase and sustain student enrolment in primary, middle and secondary schools in targeted geographic locations in Sindh by developing a school environment conducive to teaching and learning. SBEP is primarily funded by USAID on grant basis to the tune of USD155 million (PKR13,485 million (@US\$1=PKR87) beside GOS to contribute of USD10.0million (PKR870.00million) to meet administrative and management cost of PMIU-SBEP.

The program aims to achieve universal primary education by improving net primary enrolment ratio, completion/survival rate from grade 1 to 10, literacy rate, and Promote gender equality and women's empowerment by improving Gender Parity Index (GPI) for primary and secondary education in Dadu, Jacobabad, Kambar-Shahdadkot, Kashmore-Kandhkot, Larkana, Sukkur and Khairpur districts of Sindh mainly affected by floods of 2010 and selected town of Karachi.

Currently, with assistance from the World Bank and EU, the Government of Sindh is implementing "Sindh Education Sector Reform Program (SERP)" since 2007. The objectives of SERP are to increase school participation, reduce gender and rural-urban disparities, increase progression and improve the measurement of student learning. The Program is being implemented with a credit of US\$ 300 million from International Development Association (IDA). SERP seeks results in four broad areas:

- i. improved fiscal sustainability and the effectiveness of public expenditures including in education;
- ii. improved education sector management;
- iii. improved access to quality schooling with a particular focus on rural areas and girls; and
- iv. Improved quality of teaching and student learning. Medium Term Sector Manual for School Level Education, Sindh was prepared as part of SERP technical assistance.

Components and interventions of SBEP will further complement and enhance the objectives of SERP. Construction and furnishing of schools, provision of ancillary facilities, and improvements in early grade reading comprehension, motivation of parents, health education, and strengthening the role of School Management Committees are likely to increase school participation and increase progression of students, especially girls. Greater emphasis on reducing gender disparities will bring equity, and a number of technical assistance initiatives are likely to improve the measurement of student learning.

SBEP will provide significant inputs to improve highly prioritized educational governance issues by undertaking systematic assessment and capacity building of Education and Literacy Department in terms of financial, procurement, administrative management, and construction management. In addition, SBEP will provide technical assistance to develop district education plans, establish teacher licensing and certification system, strengthen provincial educational assessment system, MIS, GIS, budgeting systems, and school management/ administration practices.

1.2 PROCUREMENT MANUAL

1.2.1 Scope and Applicability

The manual covers details of all major and minor procurement of goods, services and works undertaken by PMIU under GoS and USAID-funded Sindh Basic Education program (SBEP), following Sindh Public Procurement Rules, 2010. However Rule 5 of SPPR, 2010 allows for additional compliance by stating that “Wherever these regulations are inconsistent with, or in conflict with, any obligation or commitment of the Government of Sindh arising out of an international treaty or an agreement with a foreign country or countries, or any international financial institution, the provisions of such international treaty or agreement **including USAID shall override the provisions of these Rules to the extent of the inconsistency**”. Hence **USAID Procurement Standards and USAID Eligibility Rules for Goods and Services stand incorporated where applicable.**

1.2.2 Objectives

The purpose of this manual is to provide a step-by-step guidelines to procurement officials of PMIU-SBEP, engineers, contractors, and their respective advisors to understand general policies and procedures concerning the procurement of works, goods, related services thereof (such as transportation, insurance, installation, commissioning, training, initial maintenance, piling, mapping and other operations) and consultancy services.

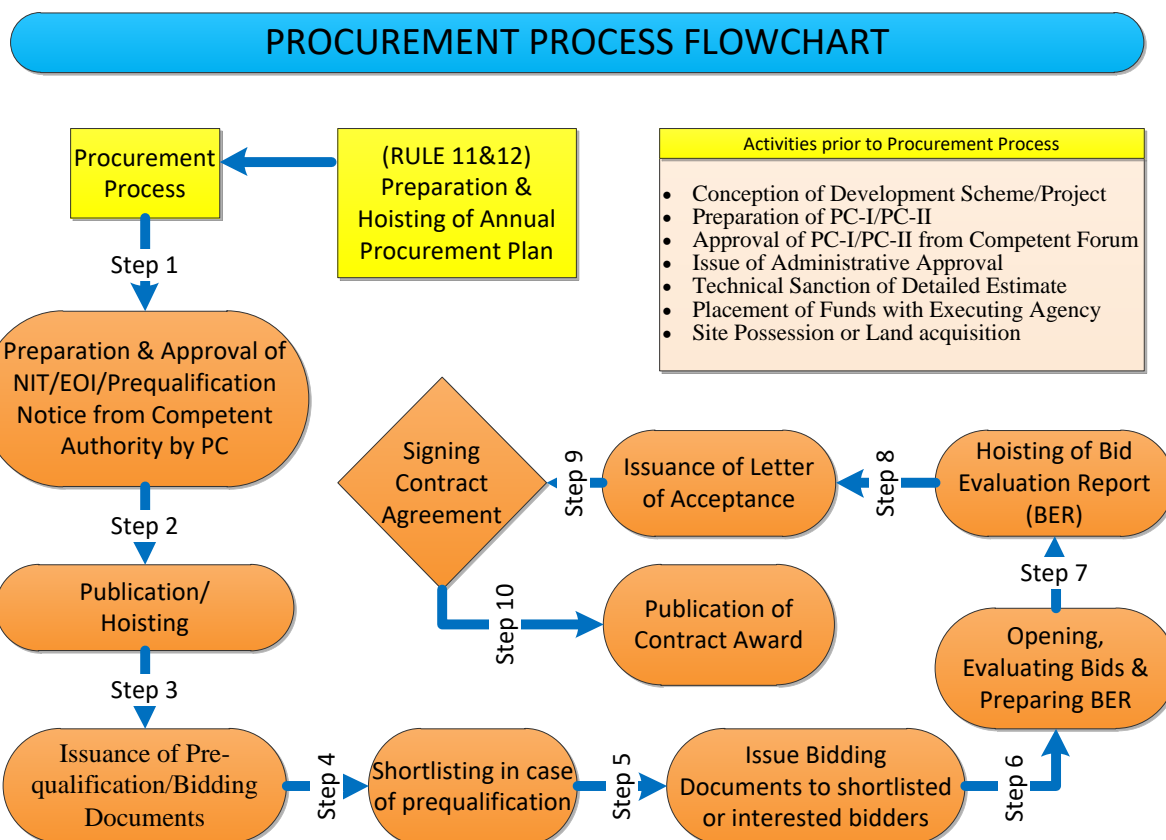
The basic objective of procurement manual is to ensure compliance with all the provisions of procurement requirements of the Sindh Basic Education Program in accordance with Sindh Public Procurement Rules (SPPR) **and relevant USAID ADS 300/procurement guidelines (where applicable)**. Specific objectives of this manual are:

To assure that the procurement is in line with the agreed procedures and guidelines as specified in the program documents.

- i. provide equal opportunity to all interested bidders to compete in the procurement process;
- ii. ensure transparency and fairness in the process;
- iii. avoid cost and time over run; and
- iv. best value for money.

1.2.3 Procurement Process

Procurement is a process by which the required works, goods and services are acquired to fulfill the specified objectives and need of user. This process starts with need identification, planning and acquiring at the right time at reasonable market price, right quantity and quality. The principle hallmarks of proficient public procurement are economy, efficiency, fairness, reliability, transparency, accountability and ethical standards.



Source : Sindh Public Procurement Regulatory Authority

1.2.4 Regulatory Framework

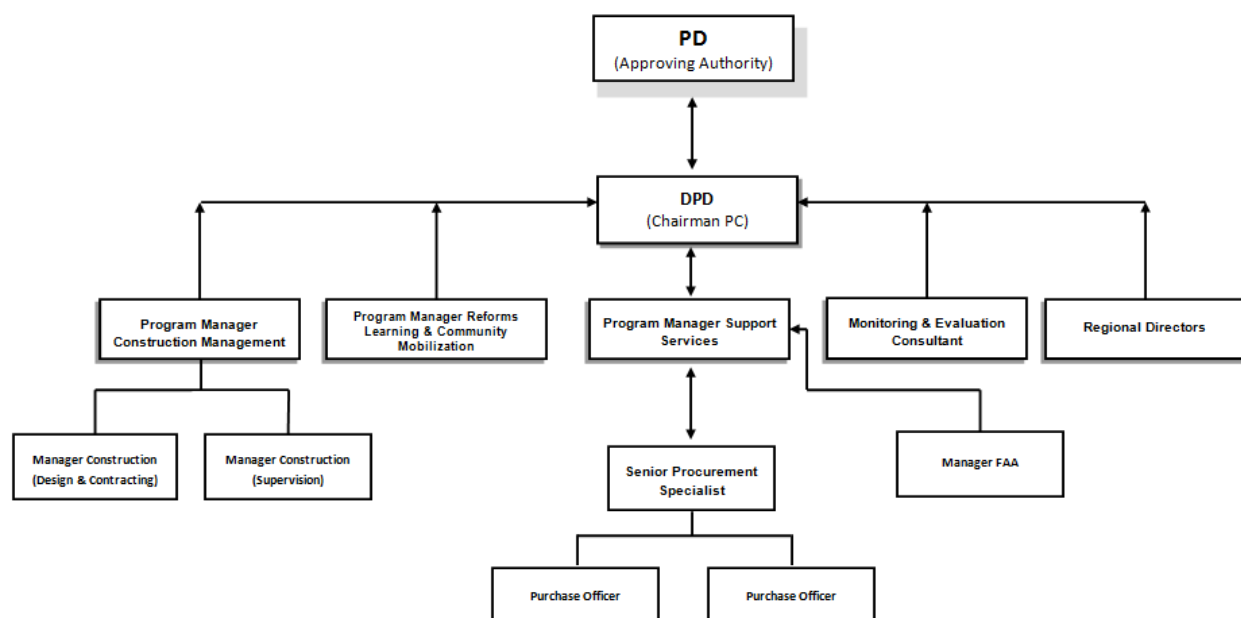
Government of Sindh has a legal /regulatory framework for procurement which is the Sindh Public Procurement Act, 2009 and rules made there under called Sindh Public Procurement Rules, 2010. The program is required to abide by SPP Rules, 2010.

1.2.5 Procuring Agency

The Program Monitoring and Implementation Unit (PMIU) is a Procuring Agency and is responsible for procurement of all goods, works, and services including consulting services for the Program. The Program Director (PD) will sign all contracts with suppliers, contractors and consultants.

1.2.6 Procurement Office and its Function

Procurement Office of PMIU



1.2.6.1 Role of Deputy Program Director

- i. Consolidate planning made by the Program Manager(s) PMs and review the same with respect budgetary and time targets of program.
- ii. Recommend procurement plan to the PD for his final approval.
- iii. Provide overall management of the program, including:
- iv. Implement procurement procedures as per this manual and SPP Rules.
- v. Get Approval of Procurement Committee on bidding documents for all procurements.
- vi. Chair Procurement Committee's meetings and Recommend to PD of Bid Evaluation Report and award of contract.
- vii. Coordinate between end user (Requester) and Procurement office for procurement process
- viii. The Deputy Program Director shall maintain liaison between the procurement office and the Manager finance, Accounts & Admin for timely processing of invoices and payments to the contractors.
- ix. DPD shall share Annual Procurement Plan with USAID

1.2.6.2 Role of Program Manager Support Services

The Program Manager Support Services being head of procurement office is responsible for:

- i. Implementing the approved procurement plan.
- ii. Present bidding documents to Procurement Committee for approval.

- iii. Ensure advertising in the newspapers and websites of SPPRA and SBEP as per SPP Rules.
- iv. Hoist approved bidding documents on websites of SPPRA and SBEP.
- v. Ensure safe custody of received bids from vendors/contractors.
- vi. Arrange publically bid opening on the date of closing of bids.
- vii. Preparing with SPS comparison statements of all bidders in the tender.
- viii. Preparing with SPS BER for approval of Procurement Committee.
- ix. Keeping record of all procurement process.
- x. Sending to Manager Finance Accounts & Administration the Procurement Plan, contracts for financial vetting
- xi. Receive and forward invoices, inspection note, and delivery document to DPD for payment.
- xii. Any other task assigned by PD/DPD.

1.2.6.3 Role of Program Manager Construction & Management

PM Construction & Management is responsible for delivering the program, with authority and responsibility from the Deputy Program Director on a day-to-day basis. Specifically PM shall:

- i. Identify needs of procurement in the concerned towns.
- ii. Preparing procurement plan to be submitted to DPD.
- iii. Prepare and recommend to PD through DPD for technical sanction.
- iv. Providing expert advice and support on all aspects of contract management.
- v. Make arrangements for sale of scrap
- vi. Facilitate districts for selection and damage assessment of schools for construction or up-gradation.
- vii. Assist in finalizing the design of schools; prepare technical sanction for construction in coordination with selected architectural designing and engineering firm.
- viii. Ensure the quality of school construction in line with the guidelines approved by PSC.
- ix. Monitor the construction work for timely completion and quality control.
- x. Recommend liquidated damages on delayed work as per contract.

1.2.6.4 Role of Senior Procurement Specialist

- (a) Assist Program Manager Support Services in formulation and implementation of procurement policies for functioning of PMIU in accordance with the approved procurement management manual
- (b) Prepare annual procurement plan, vet specifications, estimates and synchronize with SPPR, 2010 and the market trend, prepare bidding documents and NIT, convene meetings of procurement committees as member secretary, assist Procurement committee in evaluation and preparation of Evaluation Report. finalization of procurement contracts
- (c) Ensure quality of goods and services through well elaborated procurement contracts. Quality indicators and activity timeframe would be made part of procurement contracts for timely completion of projects
- (d) Ensure to include risk management measures in procurement contracts for risk mitigation

- (e) Coordinate with Education and Literacy Department, district school management, RSU and selected Architectural Designing and Engineering Firm for quality work and procurement
- (f) Maintain record related to procurement of goods and services
- (g) Coordination with regional offices for implementation of procurement procedures
- (h) Undertake any other assignments delegated by the Program Manager Support Services/ Program Director

The support services office, headed by a Program Manager Support Services, Senior Procurement Specialist (SPS) and Procurement Officers will form the hub of all procurement activities within PMIU under the direct supervision of the Deputy Program Director (DPD).

The Program Manager Construction Management shall coordinate in preparing of BoQ, measurement, drawings and contract requirements for procurement of works, while Manger FAA the Regional Directors or any of the program section initiate their procurement requirements of equipment furniture & fixtures, stationary etc to DPD through their sectional heads by month of April every year. DPD shall forward all their requirements to Program Manager Support Services for inclusion of received requirements in the Annual Procurement Plan. SPS shall perform all procurement functions while ensuring that procurements are carried out in accordance with both the Sindh Public Procurement Rules, 2010. During the course of procurement, the SPS will accord due consideration to the principles of economy, efficiency, fairness, reliability, transparency, accountability and ethical standards. In other words, the SPS will ensure that:

- i. Products/goods, services and works are procured with due attention to technically the best, and economically the lowest.
- ii. Procurements are executed most efficiently and within the shortest period of time.
- iii. All interested/ eligible bidders are given equal opportunity to compete for the contracts.
- iv. The procurement processes are transparent, fair and free from discretion.

1.2.7 Principles of Public Procurement

All public procurements shall adhere to and promote the following principles:

- i. Transparency
- ii. Fair and open competition
- iii. Economy and efficiency
- iv. Value for money
- v. Accountability
- vi. In-expensive and swift grievance handling

1.2.8 Ethical Standards and Responsibilities:

- Like other staff of PMIU-SBEP procurement staff shall comply with Sindh Government Servants (Conduct) Rules 1966 and code of conduct specified in HRM

Manual in order to protect the integrity, fairness and transparency of the procurement process.

- Business shall be conducted in the best interests of SBEP avoiding any situation which may impinge, or may deem to impinge on impartiality.
- Public money shall be spent efficiently and effectively and in accordance with government policies.
- Procurements shall be carried out without favour or prejudice to any entity or individual and to maximize value in all transactions
- Personnel directly dealing with procurements shall decline gifts, gratuities, or any other benefits which may influence or may deem to influence equity or impartiality.
- Potential suppliers/contractors shall be provided with identical information upon which to base bids and quotations, and must be given equal opportunity to meet standard requirements.
- Procedures shall be established and upheld to ensure that fair and equal consideration is extended to all tenders/quotations received.
- Prompt and courteous response shall be extended to all reasonable requests from potential or existing suppliers/contractors seeking advice/information.
- Fair and open competition shall be promoted and a conscious effort should be made to seek value for money.
- Equitable treatment of all suppliers/contractors shall be ensured.
- Minimization of cost to suppliers/contractors shall be sought for participation in the procurement process.
- Protection of confidential information, honest dealing with suppliers/contractors, and maintenance of accurate records in order to justify processes.
- Necessary steps should be taken to avoid chances of occurrence of conflict of interest (actual or perceived) during various phases of procurement.

1.2.9 Conflict of Interest

- Program Manager Support Services shall develop and forward record of conflict of interest duly signed by Procurement Committee. HR section keeps the records which may include details of actions taken to manage/check any re-occurrence of conflict of interest, which shall also be auditable.
- Conflict of interest may also include use of SBEP assets including human, financial

and physical assets, or use of official premises or information acquired through official functions for personal/private gains or partiality for someone not favored by the staff member.

- Conflict of interest may also arise in situations where a staff member is seen to either benefit directly or indirectly, or allow a third party, including family, friends or any other individual, to benefit from the staff member's decisions.
- Staff is strictly prohibited from fraternizing with suppliers/contractors when financial interest is involved.
- All members of Procurement Committee shall sign the form declaring that they have no conflict of interest in instant procurement and such declaration shall be minuted.

1.2.10 Confidentiality

Procurement-related information is considered confidential. This includes any documentation or information that is part of the procurement process but is not publicly available, and where any disclosure of the documentation or information could:

- Place a supplier/contractor or PMIU at a disadvantage.
- Provide an unfair advantage to a supplier/contractor.
- Adversely reflect upon the reputation and integrity of PMIU.

PMIU staff shall not allow any supplier/contractor, access to information on a particular procurement before such information is available to the Public.

1.2.11 Gifts and Hospitality

It is of paramount importance that a staff member acting in an official procurement capacity shall not be placed in a position where his actions may constitute or could be reasonably perceived as reflecting favorable treatment to an individual or entity by accepting gifts and hospitality or other similar considerations. No staff member involved in any aspect of a procurement will accept any gift from any outside source that is soliciting business with SBEP, regardless of the value. All staff members involved in procurement shall decline offers of gifts, including meals, tickets, hospitality, transportation, or any other form of benefits, even if it is in association with an official working visit.

Any gifts offered as custom or cultural gesture must immediately be reported to the concerned authority by the recipient.

1.2.12 Addressing Corruption and Fraudulent Practices

Corruption may occur at any stage in the acquisition process (budget, procurement, contract management, etc.), either with the knowledge and consent of staff of the SBEP or through clandestine initiatives by a vendor acting alone. PMIU-SBEP will, through solicitation and contract documents, communicate to vendors that all vendors will adhere to the highest ethical standards, both during the bidding process as well as throughout the execution of a contract.

Corruption, in the procurement process, generally involves a fraudulent act such as bribery or a kickback. The list of definitions set forth in SPPR, 2010 and indicated in the definitions, few more common types of corrupt practices are cited below:

- Bid suppression: One or more vendors who otherwise would be expected to bid, or who have previously bid, agree to refrain from bidding or withdraw a previously submitted bid so that the designated winning competitor's bid will be accepted;
- Complementary bidding: An agreement by vendors whereby at least one of them agrees to submit a bid that is either too high to be accepted or contains special terms and conditions that will not be acceptable to the organization;
- Bid rotation: Vendors submit bids but agree to take turns being the low bidder;
- Subcontracting: Vendors agree not to bid or to submit a losing bid in exchange for subcontracts from the successful bidder; and
- Market division: Vendors divide markets among themselves, allocating specific customers, products or territories to themselves.

PMIU will adopt a strict policy towards vendor's ethical standards to reduce the risk of vendors engaging in corrupt practices during the procurement process and execution of a contract, failing which a vendor may be disqualified, debarred or even blacklisted for future business opportunities with SBEP and consequently with all Government Departments. The Supplier Code of Conduct informs vendors that they shall not indulge in corrupt practices; they must disclose any situation that may appear to be a conflict of interest; and that PMIU-SBEP exercises a zero tolerance policy towards acceptance of gifts or hospitality.

The Senior Procurement Specialist and/or Program Manager Support Services shall report any misconduct or corruption or other unethical practices of staff involved in the procurement processes to PD-SBEP. Any staff member, consultant, contractor, or other individual involved in the procurement process learns of any misconduct or malpractice, including fraud or other corrupt practice, shall promptly report the same to the PD for necessary action.

After verification of the severity of complaint, PD-SBEP giving supplier, contractors and consultants necessary opportunity to clarify, shall recommend the penal action to the Chairman PSC for black listing, or debarring of supplier, contractor or consultant by invoking Rule 35 and such decision shall be hoisted on web site of SPPRA.

1.2.13 Integrity Pact:

(Rule 89 of SPPR, 2010)

Procurements exceeding PKR 10 million for Goods and Works and PKR 2.5 Million for consulting services shall be subject to an Integrity Pact as prescribed by the provincial government and made part of the contract agreement between the procuring entity and the suppliers/contractors or consultants. (Annexure-‘H’).

1.2.14 Disqualification of suppliers, contractors and consultants:

(Rule 30 of SPPR, 2010)

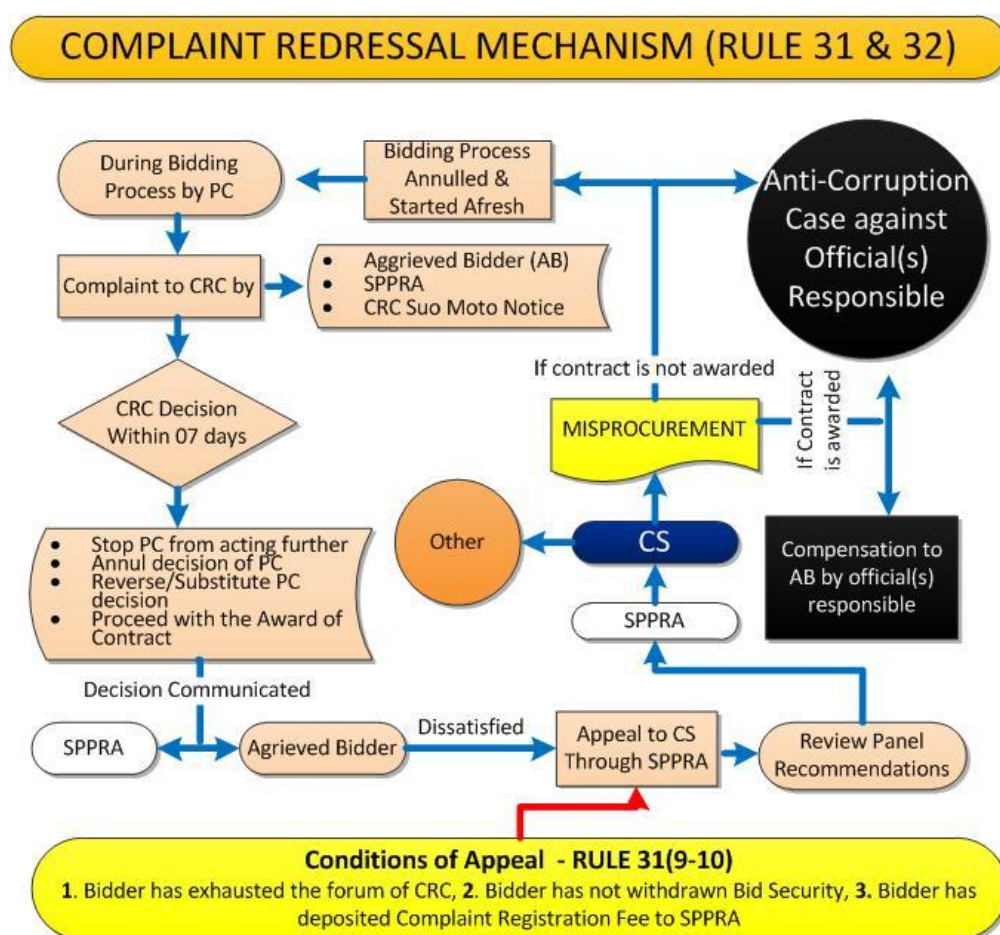
PD-SBEP shall disqualify any applicant/bidder if, at any time, it finds that the information submitted for qualification was either significantly inaccurate or incomplete, in such case the grounds for disqualification shall be clearly mentioned in the Evaluation Report.

PD-SBEP shall disqualify contractor, whether already pre-qualified or not, if it finds at any time, that the information submitted by him concerning his qualification and professional, technical, financial, legal or managerial competence as contractor, was false and materially inaccurate or incomplete, or at any stage has indulged in corrupt and fraudulent practices, as defined in this manual. The grounds for disqualification shall be clearly mentioned either in the evaluation report or disqualification orders whichever may be the case.

1.2.15 Redressal of Grievances:

(Rule 31 & 32 of SPPR, 2010)

A supplier, contractor or consultant being aggrieved by the decision of the PMIU regarding disqualification and other grievances regarding procurement process may seek relief through the **mechanism of grievance redressal**, as mentioned in the following chart.



Source: Sindh Public Procurement Regulatory Authority

Chapter 2 Pre Procurement Activities

2.1 Pre-Procurement Activities

The first step towards procurement is to identify each work, goods, or services to be procured for the SBEP. Based on the procurement plan and actual implementation requirement of the program the procurement section shall identify group of various types of works, goods or services and prepare a tentative list or table for each component of the program, such as;

a) Works

- (i) Works contracts for construction of schools and educational facilities.
- (ii) Works contracts for construction, reconstruction and consolidation of schools damaged by 2010 floods.
- (iii) Contract for emergency works.
- (iv) Contracts for provision of clean drinking water and sanitation facilities at schools.
- (v) Community contracts.

b) Goods

- (i) School furniture & fixtures, equipment and books.
- (ii) Computers, printers, scanners, photocopy machines, fax machines, digital cameras, generators, security devices etc.
- (iii) Communication equipment, internet connectivity equipment.
- (iv) Software including software for Program management and engineering design.

c) Consulting Services

- (i) Consulting services for design, supervision, inspection, etc.

d) Non-Consulting Services

- (ii) Services for internet.
- (iii) Security
- (iv) Other services.

Requirements for Works, Goods and/ or Services generated by sectional heads, Program Mangers shall be submitted to the DPD and he shall forward to PM Support Services . On the basis of received request for procurement of such works, goods, and services the SPS shall clarify the requirements, documents, specifications, estimates etc with the user's group and prepare procurement plan, bidding documents and NITs for approval.

A model checklist to be used by the SPS during pre-procurement stage is:

- (i) Type and nature of work together with the Bill of Quantities to be checked for item description, specification note, quantity, unit, space for unit rate in figure and words etc. Any mistake or unrealistic or incomplete information should be discussed with the sectional heads.

- (ii) Estimation of realistic time periods for completion with due consideration of contractor's capacities, working season (keeping in view monsoon season in Sindh Province), Law and order, security, and other constraints to be done jointly with the sectional head.
- (iii) Estimation of necessary equipment, plants, and other resources in consideration with specified completion time and nature of work to be done jointly with respective sectional head.
- (iv) Specification and drawings are also to be checked for its consistency with the related procurement, any ambiguity or incomplete information should be clarified with the design section.

Once the bid documents including NITs are prepared shall be presented to Program Manager Support Services for on-word approval of PD-SBEP through Deputy Program Director (DPD).

2.2 Procurement Planning

(Rule 11, SPPR, 2010)

The Procurement Plan will serve as a guideline, parameter and overall control for initiating the procurement process of the program. The Procurement Plan will be regularly and periodically reviewed by PD along with sectional heads to reflect the actual program implementation needs.

Note: While grouping the items into individual contract packages some of the factors, shall be taken into account;

(1) homogeneity,

- a) compatibility of the items,
- b) time of requirement/ need,
- c) suppliers' capabilities and wider competition

(2) Limitation on Splitting or Regrouping of proposed procurement (Rule 12 of SPPR, 2010)

- a) all proposed procurements for each financial year shall proceed accordingly without any splitting or regrouping of the procurements already grouped, allocated and scheduled in the Procurement Plan;
- b) The annual or longer rolling plan, as the case may be, thus prepared, will be posted in advance on the Authority's website as well as on website of the PMIU-SBEP and website of Education & Literacy Department.

Manager Support Services shall get verification of funds from Manager Finance, Accounts and Administration and approval from Program Director PMIU-SBEP before hoisting on the websites.

PROCUREMENT PLAN
SINDH BASIC EDUCATION PROGRAM
PROGRAM MANAGEMENT AND IMPLEMENTATION UNIT

For the year 20____ Ending on Jun 30, 20____ (Current Financial year)

| Serial Number | Item Description | Quantity required | Budget allocation | Estimated cost | Date of requirement | Method of Procurement | Anticipated date of Advertisement | Actual date of Advertisement | Anticipated date of signing of the contract | Actual date of signing of the contract | Anticipated date of availability of Store | Actual date of receiving of Store |
|---------------|------------------|-------------------|-------------------|----------------|---------------------|-----------------------|-----------------------------------|------------------------------|---|--|---|-----------------------------------|
| 1 | | | | | | | | | | | | |
| 2 | | | | | | | | | | | | |
| 3 | | | | | | | | | | | | |

Prepared by: Name Sr. Procurement /Specialist

Checked By: Name Manager Support Services/
Construction

Verified By: Name Manager Finance, Accounts & Administration

Approved By: Name Program Director

2.3 Contracts where pre-qualification is required

(Rule 27 of SPPR, 2010)

PMIU, may engage in pre-qualification of bidders in the following cases:

- (i) in cases of contracts for large and complex works and services, or in any other circumstances in which there are high costs of preparing detailed bids such as for complex information technology contracts;
- (ii) in the contracts to be let under turnkey, design and build, or management contracting;
- (iii) in case of procurement of expensive and technically complex equipment and civil and mechanical works to ensure that invitations to bid are extended only to those who have adequate capabilities and resources.

2.4 Pre-qualification of suppliers and contractors:

(Rule 27 of SPPR, 2010)

Pre-qualification is an assessment made by the Procurement Committee of the appropriate level of experience and capacity of firms expressing interest in undertaking a particular contract, prior to issuance of the invitations to bid. This is achieved through the publication of a pre-qualification notice, the receipt of submissions and the evaluation of submissions against pre-defined criteria, but its use is not mandatory under the Rules. A decision on whether or not to use pre-qualification should be made at the procurement planning stage.

The basic aim of the pre-qualification is intended to eliminate, early in procurement proceedings, unrealistic, unqualified or disreputable contractors that are not suitably qualified to perform the contract. Pre-qualification may not be considered as a substitution of enlistment/ or registration with departments and Pakistan Engineering Council. Pre-qualification is made on tender to tender basis and is valid for that project/scheme or for specific good only.

Furthermore, the prequalification is the basic tool to:

- (i) encourage realistic bids by the bidders because they know that they are competing against qualified bidders who fulfill the minimum competence criteria;
- (ii) assess the interest of the prospective bidders in the bidding process;
- (iii) make any adjustments/modifications in the bidding documents if an indication is available from the lack of interest by the prospective bidders applying for pre-qualification;
- (iv) reduce the effort and so the time in evaluation of bids from un-qualified bidders;
- (v) help the bidders to evaluate and take stock of their capability and consequently to form joint ventures with other firms;
- (vi) reduce the problems associated with low priced bids from bidders of doubtful capability and;

- (vii) help the bidders who are insufficiently qualified and where the preparation of detailed tenders may be costly which may discourage competition if bidders feel that they are competing against a large number of bidders.

2.5 Evaluation Criteria

Pre-qualification of bidders shall be based entirely upon the capability and resources of the prospective bidders to perform the particular contract satisfactorily and shall be evaluated in terms of special criteria set forth in the notices or bidding documents. The information/documents required must include but not limited to following:–

(i) Experience and past performance.

Successful experience as prime contractor in the execution of at least one to three projects within the last five years:

- (a) in similar nature and complexity comparable to the proposed contract(s)
- (b) in similar site/geographical condition;

(ii) Personnel Capabilities.

Requirement will vary from sub-project to sub-project. However following factors shall be given due consideration:-

- (a) For Key Positions.

| | |
|--------------------------|--|
| Academic qualification - | At least Masters or equivalent in relevant field from HEC recognized University. |
| Experience - | 2 or more of similar projects 5 to 10 years |

- (b) For other Engineering Positions

| | |
|--------------------------|---|
| Academic qualification - | BE/B.Sc. Engineering or equivalent qualification approved by PEC. |
| Experience | 1 or more similar projects 3 to 5 years |

- (c) For other Positions SPS shall assess and specify the experience/qualification requirements for other positions.

(iii) Equipment Capability

PM/SPS shall specify critical equipment required for the job/assignment with consultation of SBEP Engineer. High value equipment should be an option to purchase, lease or

hire. However the same shall be subject to achieve targets without abnormal failures.

(iv) Financial

Documentary evidence of financial position, e.g., a bank statement or audited accounts of the last two to three years. Annual turnover for construction be either equal or twice the cost of project.

(v) Any other information

Litigation history and arbitration with government departments.
Black listing if any.

Provided that pre-qualification may be carried out for specific procurement / package / scheme / contract or project and that will be not applicable for other schemes/contracts. The qualification of the contractors will cease with completion of the project/scheme.

Applicants meeting the minimum requirements mentioned in the pre- qualification documents. No compromise shall be made on key personnel, academic qualification and experience. History of excessive contract arbitrations and litigation resulting in decision against them will be considered sufficient grounds for dis-qualification

2.6 Prequalification Notice

Prequalification Notice prepared in line of instructions mentioned under the heading “**Methods of Advertisement**” (**Rule 17**) and advertised with mandatory requirements. (*Annexure - ‘A’*)

Pre-qualification documents: SPS shall **either** to mention the required details/documents including **Evaluation Criteria** in the Prequalification Notice as mentioned in the sample at Annexure ‘A’ **or** provide a set of pre-qualification documents completing the data sheet, the qualification criteria and a description of the type of works or equipment to which the pre-qualification applies on nominal cost not exceeding the cost of preparation and printing,; containing the following details, but not limited to:-

- (a) Instructions to applicants for preparation and submission of the pre-qualification documents;
- (b) Designation, address, Telephone and Fax No: of PD-SBEP;
- (c) Date, Time and Place of obtaining and submissions of Applications are clearly mentioned;
- (d) Scope of contract;
- (e) Source of funding;
- (f) Evaluation criteria;
- (g) Cost of documents;
- (h) List of documents and their evidence required from contractors.

i. Verification or post qualification of the Contractors, suppliers and Consultants:

PMIU, at any stage of the procurement proceedings, having credible reasons for or prima facie evidence of any defect in contractor's capacities, may require the contractors to provide information concerning their qualification and professional, technical, financial, legal or managerial competence whether already pre-qualified or not. In case of already pre-qualified contractor, PMIU may ask him to provide additional or update information which may include the following:

1. evidence of access to financial resources along with average annual turnover;
2. financial predictions for the current year and the following two years, including the effect of known commitments;
3. work commitments since prequalification;
4. current litigation information; and
5. availability of critical equipment.

Provided, that, such qualification shall only be laid down after recording reasons in writing. They shall form part of the records of that procurement proceeding.

ii. Composition and Functions of Procurement Committee: (Rule 7 of SPPR, 2010)**Composition of Procurement Committees:**

PD SBEP shall propose to Chairman PSC for the notification of Procurement Committee in the light of Rule 7 of SPPR, 2010. The Procurement Committees comprising of odd number of individuals shall ensure that at least one third of the members are from other departments. The Committee may co-opt any expert from relevant field as nonvoting member to achieve value for money.

iii. Procurement Committee for works may be of following composition:

- | | |
|--|----------------------|
| 1. Deputy Program Director | Chairman |
| 2. Deputy Secretary (Admin), E&L Department | Member |
| 3. Deputy Secretary (P&D) or his Representative not less than B-18 | Member |
| 4. Executive Engineer (C&W) or his Representative not less than B-18 | Member |
| 5. Representative of M/s Halcrow | Member (T) |
| 6. Program Manager Construction Design & and Construction Management | Member |
| 7. Senior Procurement Specialist | Member/ Secretary |

iv. Procurement Committee for Goods and non consulting services:

- | | |
|--|----------|
| 1. Deputy Program Director | Chairman |
| 2. Deputy Secretary (Admin), E&L Department | Member |
| 3. Deputy Secretary (P&D) or his Representative not less than B-18 | Member |
| 4. Director Industries or his Representative not less than B-18 | Member |
| 5. Program Manager (Requester/Consignee or end user) | Member |
| 6. Program Manager Support Services | Member |

7. Senior Procurement Specialist

Member/
Secretary

Quorum: Majority of members in odd numbers including at least one member from other department shall form the quorum

v. Functions of above Procurement Committees.

1. prepare/approve bidding documents, pre-qualification documents.
2. select/ approved appropriate method for the specific procurement from one of the procurement methods specified in the rules, considering the nature of procurement; shall prepare invitation of bids/pre-qualification notice;
3. short listing of contractors/firms responding to the pre-qualification notice, where applicable, in accordance with the criteria set forth in the notice or in bidding document;
4. evaluation of bids and quotations including technical and financial proposals if any, according to the selection method and evaluation criteria, mentioned in the notice invitation of bids/ pre-qualification or bidding document;
5. prepare evaluation report for hoisting on SPPRA web site;
6. finalization and recommendation for award of contract to the successful bidder.

vi. Procurement Process

The procurement process for procurement of works and goods will start from procurement planning to award and consists of following:

1. Procurement planning and method of selection.
2. Preparation of bidding documents and approval process.
3. Publication of Notice Inviting Tender (NIT).
4. Management of bidding process from advertisement to bid opening.
5. Bid evaluation and approval process.
6. Contract award.
7. Signing of contract.
8. Debriefing;
9. Closing of Contract



* with courtesy of SPPRA

2.7 Contract Packaging

The objective in contract packaging is to group the procurement requirements in such a way as to ensure economy and efficiency in processing and the delivery of the “right” work, goods and services at the “right” time and at “right” price for the Program. Each category of needs should be examined to see whether it is possible and sensible to combine similar or related items in a single package or not. A good packaging helps to get economy and efficiency in the procurement. Keeping in view conventional thinking, there will be substantial savings through large packages or bulking of orders, due to economy of scale.

Contract packaging in Lot system and/ or more than one slice in one package should be used to suite the local industry as well as to achieve good competitive bids. Lots or slice and package provide opportunity to the small contractors to middle or large contractors leading to open and cost effective competition.

Depending upon the situation at sites, the PM Construction Management will prepare packages of works to be undertaken under the program. It may be according to job nature. For instance packaging may be made for all works of existing schools damaged during floods. Similarly one package can be announced for provision of clean drinking water in all schools in a district.

2.8 Specifications

(Rule 13 of SPPR, 2010)

Respective Program Manager shall mention the specifications they required in their requisitions but SPS shall examine and confirm that required specifications allow the widest possible competition and shall not favour any single contractor or supplier nor put others at a disadvantage. Specifications shall be generic and shall not include references to brand names, model numbers, catalogue numbers or similar classifications. However, if he is convinced that the use of a reference to a brand name or a catalogue number is essential to complete an otherwise incomplete specification, such use or reference shall be qualified with the words “or equivalent”.

It is pertinent to mention that Procurement of used or reconditioned equipment, plant or machinery including motor vehicle is not permissible in any case whatsoever.

2.9 Selection of Procurement Methods

SPP Rules, 2010 requires fair and transparent method of procurement. To achieve this objective, open competitive bidding is defined as a principal method of procurement. However there are different procurement methods mentioned below which shall to be adopted in SBEP as per requirement. Open competitive bidding means a fair and transparent specified procedure defined under SPP rules, advertised in the prescribed manner, leading to the award of a contract whereby all interested persons, firms, companies or organizations may bid for the contract.

a) National Competitive Bidding (NCB) (Rule 15 of SPPR, 2010)

NCB is type of open competitive bidding. It is a principal method of procurement for cost below US \$ 10 million or equivalent local currency. Following steps shall be followed in procurement:

- i. Invitations to bid shall be advertised in three widely circulated national daily newspapers in Urdu, Sindhi and English languages. (See rule 17) as well as hoisted on website of Department of Education, GoS / SBEP and SPPRA. PM Support Services shall ensure that the newspapers have adequate space available for publication of the advertisement on the same day whereas the date mentioned in advertisement remains valid.
- ii. Bidding documents shall be made available to prospective bidders from the first day of publication of advertisement (see rule 18).
- iii. Bidding documents shall be made available, by mail or in person, to all who are willing to pay the required fee which shall not exceed the cost of preparation and printing.
- iv. Qualification criteria shall be stated in the bidding documents.
- v. Bidders shall deliver sealed bids, as per the required method mentioned in the advertisement, either in person or by mail.
- vi. All bidders shall provide bid security in shape of pay order or bank guaranty as indicated in the bidding documents. A bidder's bid security shall apply only to a specific bid.

- vii. Bids shall be opened in public in one place preferably immediately, but not later than one hour, after the deadline for submission of bids.
- viii. Evaluation of bids shall be made in strict adherence to the criteria disclosed in the bidding documents, in a format, as per format of Bid Evaluation Report and within the specified period.
- ix. Bids shall not be rejected merely on the basis of a comparison with an official estimate.
- x. Split award or lottery in award of contracts shall not be carried out. When two (2) or more bidders quote the same price, an investigation shall be made to determine any evidence of collusion, following which: (A) if collusion is determined, the parties involved shall be disqualified and the award shall then be made to the next lowest evaluated and qualified bidder; and (B) if no evidence of collusion can be confirmed, then goods can be awarded equally, if such division may rise to any technical conflict then fresh bids shall be invited.
- xi. Contracts shall be awarded to the lowest evaluated bidders within the initial period of bid validity so that extensions are not necessary. Extension of bid validity may be sought only under exceptional circumstances.
- xii. Extension of bid validity shall be allowed once up to one third (1/3) of the original validity.
- xiii. Negotiations shall not be allowed with the lowest evaluated or any other bidders.
- xiv. All contractors or suppliers shall provide performance security as indicated in the contract documents. Performance security shall not exceed 10% of contract value or value of goods to be supplied, in shape of pay order, or demand draft or bank guarantee from scheduled bank. A contractor's or a supplier's performance security shall apply to a specific contract under which it was furnished.
- xv. Unsuccessful bidders shall be notified within at least seven (7) days prior to award of contract about rejection of their bid and reason thereof.

b) International Competitive Bidding

- (i) International Competitive Bidding is open to all interested parties, firms or individuals, whether national or international provided that their eligibility is not inconsistent with Rule 29;
- (ii) International Competitive Bidding shall be the default method of procurement for all procurements with an estimated cost equivalent to US \$ 10 million or above;
- (iii) SPS may opt for International Competitive Bidding for procurements below the estimated cost equivalent to US \$ 10 million with prior approval of the PD PMIU, if he is convinced that technological sophistication, technical expertise or professional capability of the satisfactory level is not available within the country and the best value for money cannot be obtained, if competition is restricted to the domestic companies, firms or parties;

SPS may adopt any of the procedure defined at 10.2 below for open competitive bidding.

2.10 Conditions for Use of Various Procedures

- (1) **Single Stage One Envelope Bidding Procedure** shall be used as the standard bidding procedure for procurement of goods, works and services of simple and routine nature and where no technical complexity or innovation is involved;
- (2) **Single Stage Two Envelope Bidding Procedure** shall be used where the bids are to be evaluated on technical and financial grounds and price is taken into account after technical evaluation;
- (3) **Two Stage Bidding Procedure** shall be adopted in large and complex contracts where technically unequal proposals are likely to be encountered or where the PMIU is aware of its options in the market but, for a given set of performance requirements, there are two or more equally acceptable technical solutions available to the PMIU; and
- (4) **Two Stage Two Envelope Bidding Procedure** shall be used for procurement where alternate technical proposals are possible.

2.10.1 Bidding Procedures of open competitive bidding (Rule 46)

Following procedures are permissible for open competitive bidding:-

a) **Single Stage – One Envelope Procedure.**

Each bid shall comprise one single envelope containing the financial proposal only and along with company profile which should not only be limited to relevant experience, annual turn-over of last three years, information regarding litigation with government agencies, affidavit of not being black listed and registration with PEC or other professional authorities wherever applicable. Information regarding Company/Firm/Bidder's provided with financial bid will not be treated *Technical Proposal*.

- All bids received shall be opened and evaluated in the manner/criteria prescribed in the NIT or bidding document.
- Requirement of company profile is very appropriate and this process is adopted when bidders are not pre-qualified. In this method the relevant information or details required from interested bidders are mentioned in the advertisement/ notice inviting tender and bidding document. Non- serious bidders are screened out from bidding process by exercising either of following options:-

Option A. Interested bidder will be asked to produce required certificates as mentioned in the NIT before issuing bidding documents, if he fails to produce these certificates then he will not be eligible to participate in the process or entitled to obtain bidding document; *(This option may always be source of complaints that bidding documents are not issued by the PMIU for one or other reason for not providing relevant documents with the application, therefore this is not preferable option).* Templates at Annexure 'C, D'

Option B. Interested bidders in Notice Inviting Tender are directed to furnish required information/certificates **attached financial proposal**. Following steps are then taken prior to announcement of price or financial proposal:

- (i) information/certificates regarding capability and resources of the bidders are examined as per eligibility criteria given in the NIT;
- (ii) if the bidder does not meet the required qualification shall be announced publicly and shall be declared non responsive, his price proposal shall not be read out and shall be minuted in the BER and attendance sheet signed by the bidders or their representative;
- (iii) Recommendation regarding approval of the award of contract is made to the lowest evaluated bidder.

The use of either of these two options will avert complications emerging from post-qualification process carried out after opening of financial bid.

b) Single stage – Two Envelope Bidding Procedure (46.2).

In this procedure, Technical and Financial proposals in separate envelopes clearly marked as “TECHNICAL PROPOSAL” and “FINANCIAL PROPOSAL” are required. In order to determine responsiveness of bidder, the “TECHNICAL PROPOSAL” shall be evaluated in a manner described in NIT or Bidding document.

- Technical evaluation is based on any one of the following methods:
 - (i) when requirement for responsive bidder is based on the minimum managerial capacity, experience of similar projects/assignments, experience of professional persons and financial statement/annual turnover; then responsiveness shall be decided on *Yes/No* basis;
 - (ii) when *Marks* are assigned to each criteria/sub criteria then *minimum threshold* is to be mentioned in the document/NIT, bidders obtaining score less than threshold shall be treated non-responsive. In either case the least cost bid shall be accepted.
 - (iii) when weightage is assigned to technical and financial proposals then combined weight age as mentioned in evaluation criteria will be deciding factor, but this method is normally used in *selection of consultant (QCBS)*.
 - (iv) Procurement Committee may like the bid security be submitted with the technical proposal, so that non-responsive of bid security be immediately rejected before technical evaluation; but the bid security amount shall be fixed common to all bidders in order to avoid to disclose of the bid price and if required in %age of the cost of bid, then same be attached with the financial proposal. Sometimes portion of bid security (*fixed amount*) is asked to be attached with technical proposal and balance amount is required to be attached with financial proposal.
 - (vii) after evaluation and approval of the technical proposals, the Procurement Committee shall at a time within the bid proposal validity period, publicly open

- the financial proposals of only those bidders who are technically responsive for evaluation and comparison;
- (viii) PC shall evaluate the whole proposal in accordance with the evaluation criteria;
- (ix) evaluation report will be prepared accordingly and the best evaluated bid will be recommended for award of contract.

c) Two Stage, Bidding Procedure. Rule 46(3):

Two-Stage Bidding is used for goods, works or services which are difficult to define fully at the start of the procurement process, where it would be beneficial to the PMIU to consider the various solutions available, before defining its final requirements.

First stage: Technical proposals are demanded from the interested/pre-qualified bidders and Procurement Committee shall consider the relative advantages and disadvantages of the alternative technical solutions submitted by bidders. Procurement Committee will be able to firm up the scope and the best solution by evaluating the alternate proposals submitted by bidders to match its requirements. Step by step procedure is stated as under:-

- (i) bidders are invited through advertisement either by short listing or conditions set in it/ bidding document to determine the responsiveness of the bidder to submit a technical proposal only on the basis of the conceptual design and required specifications. The bidding document must clearly explain the bidding procedure which will be followed, contain an outline description of requirements and contract and state how tenders will be evaluated during the first stage of the tender. **The bidding document should not request any financial information at this stage;**
- (ii) in response to the invitation for technical proposal , bidders shall submit its technical proposals describing the technical performance, quality and other characteristics of the works and physical Services which they consider best suited to meet the PMIU 's needs and shall comment upon the terms and conditions suitable for managing contract performance. The evaluation must be conducted using the criteria and methodology stated in the bidding document. Procurement Committee should consider the relative advantages and disadvantages of the alternative solutions submitted and finalize the final requirements;
- (iii) bidders are not required to submit bid security with technical proposal in the First-Stage,

Second stage: Revised bidding document with modified evaluation criteria if any will be issued to bidders who conform to modified scope and technical requirements of the PMIU. Following procedure is to be adopted:-

- (i) PMIU shall revise the bidding documents to reflect the agreed new technical scope and set out the detailed bid evaluation criteria for the second stage bidding;
- (ii) bidders are allowed to amend their technical proposals in order to ensure that their revised technical proposals are in line with the revised requirements of the PMIU and to submit it with financial proposal. Revised/Modified/Original Technical Proposal along with financial Proposal will be evaluated accordingly.

d) Two Stage - Two Envelope Bidding Procedure. Rule 46(4):

This procedure is used for highly complex procurements and where alternative technical proposals are possible. It would be beneficial to the PMIU to be able to revise its requirements following technical discussions with bidders. The process is conducted either by pre-qualification to develop a shortlist, or prepare an invitation to tender notice;

First stage Step by step procedure is mentioned in the said rule. The main difference between two methods is that in this method financial proposal is also to be submitted with technical proposal each in separate envelope. Technical proposal submitted are discussed with all bidders;

- (i) bid shall comprise a single package containing **two separate envelopes**. Each envelope shall contain separately the **financial proposal** and the **technical proposal**;
- (ii) envelopes shall be marked as “FINANCIAL PROPOSAL” and “TECHNICAL PROPOSAL” in bold and legible letters to avoid confusion;
- (iii) initially, only the envelope marked “TECHNICAL PROPOSAL” shall be opened;
- (iv) envelope marked as “FINANCIAL PROPOSAL” shall be retained in the custody of the SPS without being opened;
- (v) technical proposal shall be discussed with all the bidders or their representatives present together with reference to the PMIU technical requirements;
- (vi) bidders willing to meet the requirements of the PMIU shall be allowed to revise their technical proposals following these discussions;
- (vii) bidders not willing to conform their technical proposal to the revised requirements of the PMIU shall be allowed to withdraw their respective bids without forfeiture of their bid security;

Second stage

- (i) after agreement between the PD PMIU and the bidders or their representatives present all together on the technical requirements, bidders who are willing to conform to the revised technical specifications shall submit a revised technical proposal and supplementary financial proposal if desired according to the revised technical requirements;
- (ii) revised / original technical proposal conforming to the agreed technical standards and along with their original financial proposal and supplementary financial proposal(if any) shall be opened at a date, time and venue announced in advance by the PMIU . The financial proposals of bidders whose technical proposals are not responsive shall be returned unopened;

Provided that in setting the date for the submission of the revised technical proposal and supplementary price proposal, PMIU shall allow sufficient time to the bidders to incorporate the agreed changes in the technical proposal and to prepare the required supplementary financial proposal; and

- (iii) Procurement Committee shall evaluate the whole proposal in accordance with the evaluation criteria and the bid found to be the lowest substantially responsive evaluated bid shall be accepted.

2.11 Alternative Methods of Procurement

a) Request for Quotations

Request for quotation is the method based on comparing price quotations obtained from at least three suppliers, contractors, and service providers, in the case of services other than consulting services, to assure competitive prices. Quotations may be submitted by letter, facsimile or by electronic means; PMIU shall engage in this method of procurement only if following conditions exist:

- i. The cost of object of procurement is below the prescribed limit of one hundred thousand rupees and above the financial limit prescribed for petty purchase, as provided below.
- ii. The object of procurement has standard specifications.
- iii. The object of the procurement is purchased from the supplier offering the lowest price.
- iv. Requests for quotations shall indicate the description and quantity of the goods or specifications of works, as well as desired delivery, or completion time and place.
- v. The evaluation of quotations shall follow the same principles as applicable to open competitive bidding.

b) **Direct Contracting** - (see rule 16 (b) of SPP rules) Means procurement from a single source without competition and shall only be applicable under any of following conditions:

- i. Standardization of equipment or spare parts, to be compatible with the existing equipment, Provided that the competent authority certifies in writing the compatibility of the equipment or spare part(s) to be procured.
- ii. The required item(s) is of proprietary nature and obtainable only from one source, provided that the Head of the Department certifies in writing the proprietary nature of the item(s) to be procured.
- iii. The contractor responsible for a process design requires the purchase of critical items from a particular supplier as a condition of a performance guarantee.
- iv. Where civil works are to be contracted and are a natural extension of an earlier or ongoing job and it can be ascertained that the engagement of the same contractor will be more economical and will ensure compatibility of results in terms of quality of work subject to clause (e) below.

- v. Where a change of supplier would oblige the PMIU to acquire material having different technical specifications or characteristics and would result in incompatibility or disproportionate technical difficulties in operation and maintenance, provided that the PD PMIU certifies in writing the compatibility of the materials to be procured.
 - vi. When the price of goods and works and service related thereto, is fixed by Government or any other authority, agency or body duly authorized by the Government, on its behalf.
 - vii. For purchase of locally manufactured motor vehicle from local manufacturers or their authorized agents at manufacturer's price.
 - viii. In cases of emergency, provided that the PD PMIU declares that a situation of emergency has arisen and reasons for making such a declaration shall be recorded in writing. The emergency situation must not evolve from delay due to lack of planning by the program's authorities. Emergency situation means natural disasters rather than self created emergencies.
- c) **Petty Purchases** – Procuring agencies may provide for petty purchases, where the object of the procurement is below the financial limit of twenty five thousand rupees. Such procurement shall be exempt from the requirements of bidding or quotation of prices. Provided that procuring agencies shall ensure that the procurement of petty purchases is in conformity with the principles of transparency fairness and bring value for money.
- d) **Repeat Orders** – Means procurement of additional quantities of the item(s) from the original contractor or supplier, where, after the items originally envisaged for the Program or scheme have been procured through open competitive bidding, and such additional quantities of the same item(s) of goods or works are needed to meet the requirements of the Program or Sub- project, provided that:
- i. The cost of additional quantities of item(s) shall not exceed 15% of the original contract amount.
 - ii. The original supplier and contractor are willing to supply goods or carry out additional work on the same prices as agreed in the original contract.
 - iii. In case of goods, it shall be permissible only within the same financial year, and in case of works, during the currency of the program(s) or scheme(s).

Chapter 3 Preparation of Standard Bidding Documents & Notice Inviting Tender (NIT)

3.1 Preparation and Hoisting of Bidding Documents

SBEP shall use SPPRA standard bidding documents for procurement of works and consultancy services however may customize draft bidding documents for goods for procurement of machines and equipments. The bidding document shall inform and instruct potential bidders, suppliers and contractors about the requirements expected from them and help them to prepare and submit responsive bids. Bid documents shall clearly define the scope of works, goods or services to be supplied, the rights and obligations of the program and of suppliers/ contractors, and the conditions to be met in order for a bid to be declared valid and responsive. The bidding documents shall also set out fair and non-discriminatory criteria for selecting the winning bid. The bidding documents shall clearly state the terms and conditions of the contract to be entered into.

Manager Support Services shall send bidding documents to SPPRA for hoisting on their website and shall also ensure these are available on their website for convenience of bidders and for efficient procurement process.

SPP Rules, 2010 in Rule 21 has listed following information to be contained in bid documents.

- i. Letter of invitation for bid.
- ii. Data sheet containing information about the assignment.
- iii. Instructions for preparing bids.
- iv. Amount and manner of payment of bid security and performance guarantee (where applicable).
- v. Manner and place, date and time for submission of bidding documents.
- vi. Manner, place, date and time of opening of bids.
- vii. Method of procurement used.
- viii. A detailed and unambiguous evaluation criteria.
- ix. Terms and conditions of the contract agreement.
- x. Terms Of Reference and technical specifications of goods, works or services to be procured.
- xi. Manner in which tender price is to be assessed and computed, including information about tax liability.
- xii. Currency in which tender price is to be formulated and expressed.
- xiii. Bid validity period.
- xiv. A copy of integrity pact to be signed by the parties (where applicable).
- xv. Any other information which is specified in regulations as may be issued by the SPPRA from time to time.

Though the details and complexity of bidding documents vary according to the nature and size of the contract, they include the standard sections as follows:

3.1.2 Invitation for Bid:

This is the specific Procurement Notice inviting the potential bidders to submit their bids for the goods and works to be procured. It needs to be prepared in the standard format with the standard information related to instant procurement. The invitation for bid shall only address to pre-qualified firms, suppliers and contractors in case the pre-qualification is made. For open competitive bidding Notice Inviting Tender (NIT) shall be used. The NIT shall appear in at least three widely circulated leading dailies of English, Urdu and Sindhi languages including all their regional circulations if any on the same day besides being published at SPPRA as well as SBEP website. Beside that the SPS at PMIU may circulate the notice to PEC registered firms in categories CA, CB, C1& C2 through e mail, wherever available.

The Notice Inviting Tender shall contain the following information:

- i. Name, postal address, telephone number(s), fax number, e-mail address (if available) of the PMIU.
- ii. Purpose and scope of the program.
- iii. Schedule of availability of bidding documents, submission and opening of bids, mentioning place from where bidding documents would be issued, submitted and opened.
- iv. Amount and manner of payment of tender fee and bid security.
- v. Any other information that PMIU may deem appropriate to disseminate at that stage.

Notification of specific contract opportunities or Notice Inviting Tender (NIT) under the program regardless of what procurement method is used. An example of tender notice is presented at Annexure 'B'

3.1.3 Instructions To Bidders (ITB):

This particularly provides information to bidders regarding the bidding document, procedure for preparing and submission of responsive bid, timing of bidding, qualification criteria, evaluation and award process. ITB are in detail covered under the Standard Bidding Documents of SPPRA which may be used as such or modified for each tender according to needs. While preparing the bidding documents the standard ITB clauses to be kept as it is. Any changes or data or additional information that is required for the bidders for particular procurement requirements to be specified in the Bid Data Sheet.

3.1.4 Bid Data Sheet (BDS):

This sheet needs to be filled and prepared carefully by the PMIU for each procurement. It specifies the parameters of the standard ITB such as amount, time, and address for the particular procurement. Any required changes in ITB (to the extent of not applicable or rewriting of ITB provision to be included in Bid Data Sheet). In case of difference in the ITB and BDS, it is the BDS which overrides the ITB.

3.1.5 Evaluation and Qualification Criteria:

This is to specify the required criteria which will be used to evaluate the bids. Standard formats for supplying the qualification information by the bidder to be included. Qualification criteria for each procurement. Need to be assessed and finalized together with the Program Manager Construction Management keeping in view the nature of works and time required for completion. Requirement of equipment type and numbers shall match the nature of work and schedule for completion. The minimum evaluation criteria to be required to clear the bidder for that particular procurement. In addition to the standard qualification criteria, additional check such as calculation of Assessed Bid Capacity may be also used to ensure that the bidder is not overloaded and may be beyond his capacity due to ongoing others contracts.

3.1.6 General Conditions of Contract (GCC)

Standard Contract Conditions shall be used to execute the contract. The SPPRA has prescribed standard GCC, which are being adopted for all procurement of goods and works in SBEP which are discussed in standard bidding and contract documents.

3.1.7 Special Conditions of Contract (SCC)

This needs to be prepared carefully by the PMIU to clarify or modify the provisions of General Conditions of Contract for the particular procurement. Any change or non-applicability of GCC clause then it needs to be specified in the SCC, and such provisions of SCC shall override the GCC, if any. Contract clauses like variation, price review, price adjustment, dispute settlement process may need to specify as per agreed conditions suitable to the local contracting industry.

3.1.8 Schedule of Supply

This needs to be carefully prepared by the SPS in close coordination with the design section or with end users. The schedule shall include the items and quantities, delivery locations and dates for the items required by PMIU-SBEP. As possible the schedule shall also indicate or relate to the technical specification number and or drawing number. For more clarity on structure of schedule (bill of quantities) and requirements a preamble to BOQ is necessary. The preamble shall clearly define what is required to be filled, how it should be filled, what if no unit rate is filled for specified quantity, how the provisional sum amount will be executed and paid, etc. For a quick reference a sample of BOQ Preamble is attached in the Annexure-‘J’. This needs to be checked and modified for each contract, as necessary.

3.1.9 Technical Specifications and drawings

To specify the actual requirements to the bidders the bid document should include the necessary specification and drawings. Specification must be drafted to permit the widest possible competition and at the same time make a clear statement of the required standards of workmanship, standards of goods, works and other supplies, and usage requirements. The specification and drawings needs to be prepared and finalized by the PM Construction Management or Procurement staff of SBEP. The Senior Procurement Specialist shall check the specification to extent that the laid down specification are appropriate and are generic and do not favour any specific brand.

3.1.10 Standard Contract and Bidding Documents:

Standard Bid Forms, Price Schedules, Bid Security Forms, Contract Agreement Form, Performance Security Form, and the Manufacturer's Authorization Form shall be used to prepare the bid in respective manner according to the size of procurement of works, goods and services.

SPS Shall use SPPRA notified Standard Bidding and Contract Documents for works and consultancy services and customize draft bidding documents for goods, available at its website.

3.1.11 Publication of Notice Inviting Tender

A Notice Inviting Tender (NIT) inviting the bidders to bid needs to be published for each procurement process unless the procurement method is used other than open competitive bidding. Publication of NIT should be as wider as possible to attract the potential bidders. The following means should be used to publish the NIT:

- i. Published in at least three newspapers of English, Urdu and Sindhi Languages on the same day.
- ii. NIT should be also sent to all the Regional offices of the Program for wider circulation among the potential bidders in the region.
- iii. NIT to be hoisted on website of Sindh Public Procurement Regulatory Authority and PMIU-SBEP.

3.1.12 Site visits, Pre-bid meeting, and Minutes

The PMIU may recommend that the interested bidders can make site visit to assess the physical, geological, law and order and political conditions and only thereafter prepare their bid. Where necessary, the program may organize site visit for all interested bidders. If so, the specific date of site visit and tentative program to be explained in the Specific Procurement Notice (SPN) itself. A responsible person from the Regional PMIU office should lead the interested bidders and show the specific works and challenges associated with it. Construction materials availability, social and environmental problem, law and order situation, climatic conditions, accessibility to site, working condition, could be the major points for discussions in such site visit. If necessary, the queries asked by the bidders should be collected in writing and clarified by issuance of clarification or addenda to the bidding documents. The PMIU shall record the name of bidders who attend the site visit.

For the purpose of clarifying the provisions of bidding documents, the PMIU may organize a pre-bid meeting for the interested bidders. PMIU-SBEP may choose a suitable date, probably not more than 7 days after publication of notice, and inform the same to all interested bidders with time and venue of meeting place either through specific publicized notice or may include in the NIT. Meeting to be represented by the program's responsible person from procurement section and relevant section or regional office that is associated with that specific procurement. An attendance sheet to be recorded for each procurement stating the bidder's name with designation, firm or organization and issues discussed. If necessary to clarify depending upon the clarification sought by the Bidders in such pre-bid meeting, the PMIU may prepare minutes of the meeting or

clarification and issue as addenda to the bidding documents. Such minutes or clarification are needed to be issued as addenda to the bidding documents only if such clarification or minutes change the provisions of the bidding documents and affect the preparation of bids.

3.1.13 Bid Submission

Bidders shall be permitted to submit their bids in hard copy during office hours of any working day before the last date and time for closing of bid submission. Bids submission needs to be at only one place and that should be specified in the NIT and in the bidding documents. Bidders may submit their bids by mail or by hand at the specified place and within the specified date and time. Bids submitted later than the deadline time shall be treated as late bids and returned to the bidder unopened or procurement staff shall write 'Late Bid' with time and date on the envelope.

While receiving the bids, the Procurement Officer designated by Sr. Procurement Specialist shall record the necessary information about the submitted bid (without opening it) such as:

- i. Name of procurement and contract number for which the bid is received.
- ii. Specify whether the submission is Modification, Withdrawal or Substitution,
- iii. Name of the Bidder.
- iv. Bid is whether sealed or not (specify what type of seal).
- v. Bid is submitted by hand delivery or mail.
- vi. If hand delivery name of person delivering the bid.
- vii. Date and time on which the bid is received, if received late then specify.
- viii. Name and signature of the person from designated Procurement Officer, who received the bid.

3.1.14 Bid Opening Procedures

The place, date, and time for bid opening shall be the same as for the deadline for receipt of bids or promptly thereafter or within one hour of submission deadline. Place, date and time for bid opening shall be notified in the tender notice. Once the bid submission process is completed and submission record sheet prepared, the bids shall be ready for opening.

Bids shall be opened in public i.e., bidders or their representatives shall be allowed to be present in the opening. Besides the bidder and their representatives or any other person, who likes to be an observer, may witness the bid opening process.

On the basis of Record Sheet of bid submission, the late submitted bids shall be rejected and shall not be opened and need to be kept away from the other bids. At first the bids marked with 'Withdrawal' 'Modification' and 'Substitution' in the outer envelope shall be checked /examined for sealed condition and then only opened and readout. In case of Withdrawal of bid by a bidder then at first the 'withdrawal' is opened and readout, and then his original bid shall not be opened. In case of 'Substitution' bid also, the bidder's 'Substitution' bid is opened and read out first, and then original bid will not be opened. Only in case of 'Modification' of bid the bidder's both modification and original bid shall be opened, read out and recorded

The readout of a bid consists of readout name of the bidder, letter of authorization to sign the bid, total bid amount, any modifications, alternative bids, discount, details of bid security, unit rates in the BOQ bill of quantities (in words), corrections or deletions in unit rates or amount in BOQ and recorded in the Bid Opening Record Sheet. The corrections or overwriting shall be recorded as the final version in the bid. For example if the bidder has corrected the unit rate of item 101 to be “fifty” by deleting “forty” then the record should read like “ unit rate of item 101 is corrected to be fifty, and signed and sealed”. If requested by the bidders during the bid opening process each unit rates in words to be read aloud and recorded. Attendance record for bid opening shall also be prepared with their name, designation and signature.

Except for decisions about rejecting bids received after the closing time, which is mandatory for all late bids, other decisions about whether a bid is compliant with bid document requirements should not be made during the bid opening. Checking of bid information as mentioned above and properly taking note in the bid opening, the record Sheet is very important as any information which is not noted at the time of opening like discounts, corrections etc. shall not be valid, if found later. While opening the bids the Bidder’s representative may be asked whether there is any such important information or not.

3.1.15 Bid Evaluation and Award of contract

3.1.15.1 Preliminary Examination

Prior to start the detail evaluation for the lowest bid purpose a preliminary examination of the bids needs to be carried out. Preliminary examination is to determine whether the bids meet the general eligibility requirements and responsive or not. The followings are main points for preliminary examination:

- i. Whether bid is signed by an ‘authorized person’ and there is Power of Attorney to the signatory of bid or not.
- ii. Required bid securities should be in acceptable format, for the required amount, and validity period.
- iii. Bid document should contain all required documents including supporting evidence of bidder’s eligibility and qualifications.
- iv. Bids should be complete with prices for all items in the lot or package as stipulated in the bidding document,
- v. Whether the bidder meets the eligibility requirements to bid or not.
- vi. Check for debarment / black listing from SPPRA and PPRA website.
- vii. Check for conflict of interest, if any.
- viii. Check for one bid per bidder in one contract or as provided in the bidding documents.

In case of procurement of Goods, the following may need to be examined:

- i. Manufacturer’s authorization.
- ii. Quality Assurance Certification.

This preliminary examination will help to identify the bids which are not substantially responsive and need not to be considered for detail evaluation. However, the Procurement Committee should reasonably judge in applying the preliminary examination criteria while declaring the bid to be non-responsive. Minor changes such as each page of the bid not signed, failed to initial one or more pages of supporting information, submission of less than the required number of bid copies, not using the form supplied in the bid document but providing bid prices on a similar form should not be the cause for the bid to be non-responsive. Any discrepancies and Procurement Committee's decision about their acceptance or rejection should be recorded in the Bid Evaluation Report. If any bid is found to be non-responsive, then the specific reason and supporting documents to be included in the report.

3.1.15.2 Determination of the Lowest Evaluated Responsive Bidder (LERB)

a) Correction of Arithmetic Errors

Bids are to be checked carefully by the Procurement Committee for arithmetic errors in the bill of quantities to ensure that stated bid amount is correct or not. A comparative chart shall be prepared using the quantities stated in the bill of quantities and unit rates quoted by the bidders. In case of any change in the unit price in figure and words the unit price in words shall prevail. If there is a discrepancy in the bidder's total amount and product of quoted unit price and quantity then the corrected amount shall govern. The Procurement Committee shall correct all arithmetic errors and use the corrected total price.

b) Corrections for Discounts or Additions

Besides the arithmetical errors the discounts or any additions that offered by the bidder in his bid shall need to be considered if so stated in the bidder's bid. The bidder may state such discounts or additions in percentage or an amount through a separate letter in his bid or in the bid form or in the bill of quantities sheet. Discounts offered or additions in amount shall be considered for the evaluation only when such discounts or additions are announced and recorded in the bid opening meeting and in the minutes of meeting.

3.1.15.3 Evaluation Package with more than one Lot

In case of a 'single package' with more than one lot the bid evaluation shall be for each lot separately. When a bidder is lowest evaluated bidder in more than one lot then the bidder's capacity in terms of qualification requirements is checked as per requirement for both the lots. In case if the bidder is found to be qualified for any one lot among two lots then the Evaluation Committee needs to check for the total package cost with possible alternative qualified bidders. The lowest total cost for overall package shall be calculated based on qualified and responsive bidder's combination for award of contract.

3.1.15.4 Special Evaluation of Bid prices for the Goods procurement

Special evaluations based on the basis of price, price adjustment, delivery time, and cost of spare parts are described below:

a) Evaluation on the Basis of Price Only

In procurement of goods, where all offers are of identical and comparable material, price alone is an appropriate deciding factor. For purposes of comparing bids for goods contracts, the Procurement Committee shall need to include the EXW (Ex. Works/factory, all costs, taxes, duties, custom duties and other levies up to end use/consignee or the destination mentioned in the bidding documents. This comparison shall be done by taking into considerations of all the required transport, insurance (if applicable) and handling charges that required delivering the goods up to the Program/sub-project site or as mentioned in the bidding documents.

b) Price Adjustment

Where the bid prices are subject to price adjustment, it should specify the price adjustment formula in the bidding documents and shall apply to all bidders uniformly. The evaluation shall be based on the basis bid price excluding the price adjustment that may be necessary during performance of the contract. The adjustment factors their respective weights, base line price index and source of indices should be written in the contract document to avoid conflicts in future.

c) Delivery Schedules

SBEP shall specify the delivery schedule based on end users requirement viz to viz the availability of required store in the market or market trend. The Evaluation Committee shall check the proposed delivery period and compare with the schedule required. In case of delivery schedule of supplier deviates from the required period then Procurement Committee may reject the offer considering bid as conditional offer.

d) Liquidity Damages (LD)

SPS shall indicate rate of LD in Bid Data Sheet or in special conditions of contract. The LD shall not exceed 10% of the contract amount. For example, if 0.2% per day LD is levied on unsupplied store then when it reaches to 10%, the contract shall be terminated and penal action including black listing, debarring from government contracts shall be imposed upon the contractor.

e) Force Majeure

Force Majeure means an event beyond the control of supplier not involving supplier's fault or negligence and was unforeseeable. Such event may include but not restricted to wars, revolution, floods, epidemics freight embargoes, intensive riots that may result market closure. If force majeure situation arises suppliers shall promptly notify PD PMIU in writing. Such clause shall be included in the conditions of contract.

3.2 Post Qualification Determination

Once the evaluated bid price of all responsive bids is determined and ranked based on their evaluated bid price the evaluation team needs to assess at first the lowest evaluated bidder's qualification information if not applied for prequalification. The post qualification requirement for award shall be as specified in the bidding documents. For works contract the qualification assessment involves checking of ability to meet the requirements for;

- i. Annual volume of construction work completed by the bidder to be as specified in Bid Data Sheet (BDS).
- ii. Valid Certification by PEC in relevant categories.
- iii. Similar work experience of value as specified in the BDS.
- iv. Availability of the equipment as specified in BDS.
- v. Availability of Contract Manager/ Engineer as specified in the BDS.
- vi. Availability of liquid asset with the bidder as specified in the BDS.
- vii. Assessed bid capacity of the bidders is also checked if the bidder is overloaded with works beyond his capacity. If so, the basis for such evaluation needs to be incorporated in BDS.

To assess each above criteria, the Evaluation Committee needs to go through the qualification documents submitted by the bidder. For the purpose of evaluation the documents provided by the Bidder shall be the basis and if necessary, to confirm or clarify, the details of historical data could be requested from the bidders. Such clarification request from the PMIU and information from the bidders shall be only in writing. The Evaluation Committee shall ignore new information received from the bidder, if it is not a historical information or clarification for the already submitted information.

Where the bidder is in a joint venture, the following shall apply for evaluating the capacity of lead partner and other partner for some of the above qualification criteria as;

- i. Figures for each of the partners of a joint venture shall be added together to determine the bidder's compliance with the minimum qualifying criteria.
- ii. Each of its partners must meet at least 40 percent of minimum criteria and the lead partner at least 60 percent of those minimum criteria.
- iii. The Joint Venture agreement must be registered in province of Sindh as per legal requirements spelling out clearly joint and several responsibilities of all of the JV partners.

While calculating the requirement for annual volume of construction works, similar works, and assessed bid capacity the evaluation committee may need to calculate the prices in the present value, if so stated in the BDS.

In the process of qualification check the lowest evaluated bidder may be found to meet all the qualification criteria which show that the lowest evaluated bidder has the capability and resources to effectively carry out the contract as offered in the bid. In such case the procurement

committee shall recommend for award of contract to that specified lowest evaluated responsive and qualified bidder.

If the first lowest evaluated bidder does not meet any one of the qualification criteria as set out in the bidding documents then in such case the bidder's bid shall be considered not qualified and rejected. In such event the procurement committee shall start similar qualification check for the second lowest evaluated bid and try to find out whether the bidder is qualified or not. This will continue till there is a lowest evaluated responsive and qualified bidder to whom the contract is recommended for an award.

Besides the above mentioned qualification assessment the procurement committee also needs to make assessment of bid prices in comparison to the engineer's estimate. While comparing the bid price with engineers' estimate rate, the followings shall be considered:

- i. Total bid price should be compared with the Engineer's Estimate (EE) excluding the amount of provisional sum amount, if any. Usually the provisional sum amount will be a fixed amount as per EE and incorporated in the bid, where a bidder does not need to bid. In case if it is not fixed amount but filled by the bidders than it should be considered for comparison purpose.
- ii. All unit rates filled by the bidder needs to be checked if these are higher or lower than EE. In case of major deviation i.e. very high or very low rates then necessary check or clarification is ought through rate analysis. If front loading rates are assessed the bidder may be asked for additional amount of performance security, provided there is provision in bid documents.

3.3 Clarifications of Bids

The bidders shall not be permitted to alter their bids after the deadline for receipt of bids. Any alteration of bid by the bidder after deadline for bid submission date could lead to be non-responsive bid and consequently forfeiture of his bid security.

During the bid evaluation process, Procurement Committee may ask bidders to provide clarifications on the submitted documents and information but shall not ask or permit bidders to change the substance or price of their bids after the bid opening. In principle, all historical information which is not affected by the time elapse may be requested from the bidders if needed to clarify the previously submitted information or documents. Requests for clarification and the bidders' responses shall be always made in writing.

3.4 Bid Evaluation Report

After the completion of the evaluation process the Sr. Procurement Specialist of PMIU shall prepare and present a Bid Evaluation Report to Procurement Committee for approval stating the process and steps followed to evaluate the received bids to procurement committee for its approval or otherwise. Standard Bid Evaluation Report format is attached as Annexure-'C' to this manual. The report shall cover:

- i. Information about the Program and procurement.
- ii. Key dates and steps in the bidding process.
- iii. Preliminary examination and its results.
- iv. Names of bidders rejected in preliminary examination and its reasons.
- v. Readout bid prices, corrections for arithmetical errors and bid price considering discounts.
- vi. Additions, adjustments and price deviations in the bid price, if any.
- vii. Special evaluation of bid prices in case of goods for taxes and transportation.
- viii. Evaluation of package (in lots).
- ix. Commercial and technical evaluations if any.
- x. Evaluation of post qualification information and result.
- xi. Names of bidders rejected due to qualification failure and reasons for rejection of bids.
- xii. The proposed contract award.

The documentation and underlying record for the above stated matters and processes will be kept for at least 5 years for audit and other purposes after closing of the SBEP.

The Bid Evaluation Report (BER) shall be sent to SPPRA as per Rule 45 of SPPR, 2010. Sample BER is at Annexure 'C'.

3.5 Bid Evaluation Process and Confidentiality

During the bid evaluation period the PMIU and procurement committee needs to strictly adhere to the following principles:

- i. Ensure that the bid evaluation process is strictly confidential.
- ii. Reject any attempts or pressure to distort the outcome of the evaluation.
- iii. Reject any proposed action likely to lead to fraud and corruption.
- iv. Strictly apply only the evaluation and qualification criteria specified in the bidding documents.
- v. Clarification, evaluation of bids and recommendations concerning awards shall not be disclosed to bidders or any other persons not formally concerned with this bid evaluation process until the publication of contract award.

It is to be encouraged that the Procurement Committee and any of its Members shall not meet or have no direct contact with the bidders who have participated. Any clarification required has to be in writing and there shall not be any meeting or verbal discussion..

3.6 Extension of Validity of Bids

The Procurement Committee is required to complete evaluation of bids and award of contract within the initial period of bid validity which may not exceed 90 days. Extension of bid validity shall be only in exceptional circumstances, which needs to be requested in writing from all bidders before the expiration date. The extension shall be one third of actual period, meaning thereby is; if original bid validity is 90 days then extension shall not be more than 30 days.

The agreed bidder shall also need to extend their bid security validity period for the extended period.

3.7 Approval and Award of Contract

Prior to award of contract Bid Evaluation Report (BER) shall be circulated to all bidders and shall be hosted on website of SPPRA, and SBEP under Rule 45. After seven days of hoisting on SPPRA website, the Program Director shall award the contract, within the period of the validity of bids, to the bidder who meets the appropriate standards of capability and resources and whose bid has been determined to be responsive to the bidding documents and offer the lowest evaluated price.

Basis for the award of bids shall be bid evaluation report and recommendation of the Procurement Committee. This Committee's report shall be further checked and reviewed by PD in important cases. The Sr. Procurement Specialist shall prepare the contract documents and the Letter of Acceptance (LOA) as per contract conditions and send to PD through his PM and DPD. The PD PMIU shall issue LOA within the bid validity period specifying the date by which the bidder is required to submit the necessary performance guarantee and signing of contract.

The award of contract shall be communicated to SPPRA under Rule 50 of the SPP Rules, 2010 for publication of the same at SPPRA website and on website of SBEP.

Standard format that provided in the bid document will be used for issuing such letter of acceptance. Similarly, a standard format for the contract agreement will be prepared. A detailed checklist for preparing the contract documents for signing of contract is given in SBD hoisted on website of SPPRA (www.pprasindh.gov.pk).

3.8 Documentation

Procurement office of PMIU while forwarding invoices to the Manger Finance, Accounts and Admin shall ensure that the procurement files are clearly labeled with a unique and sequential identification code and date, along with the unique code of the corresponding expenditure file that contains the documentation reflecting the contractor claims, payment vouchers, and receipts of Goods, Services, Works and Consulting services delivered. Good documentation practices facilitate effective contract administration and post-audit of expenditure.

Chapter 4 Procurement of Consulting Services

4.1 Consultant and Consulting Services

“Consultant” as defined in SPP Rules means a professional who can study, design, organize, evaluate and manage programs or assess, evaluate and provide specialist advice or give technical assistance for making or drafting policies, institutional reforms and includes private entities, consulting firms, legal advisors, engineering firms, construction managers, management firms, procurement agents, inspection agents, auditors, international and multinational organizations, investment and merchant banks, universities, research institutions, government agencies, nongovernmental organizations, and individuals.

Whereas

“Consulting Services” means services of an advisory and intellectual nature provided by consultants using their professional skills to study, design, organize, and manage programs, encompassing multiple activities and disciplines, including the crafting of sector policies and institutional reforms, specialist advice, legal advice and integrated solutions, change management and financial advisory services, planning and engineering studies, and architectural design services, supervision, social and environmental assessments, technical assistance, and program implementation;

Consultants are used for a more effective and efficient allocation of their resources by providing specialized services for limited period of time without any obligation of permanent employment. Consulting services may vary from simple routine tasks to highly specialized and complex assignments.

Consulting services requires meeting high standards of quality, being impartial, and executed according to the highest ethical standards. Impartiality, together with creativity, is the most important to be offered by consultants. It shows the consultant’s ability to study alternatives and recommend solutions, technologies, and products in range such that the solutions are in the best interest of the Program.

4.1.1 Consulting Services and Quality

Quality of a Consultant is very important to the Program as their ability and creativity is to help achieve its objectives in time, quality and within specified cost. Quality aspects of services provided by the consultants will find their way into Program’s strategies, plans, decisions. Hence, while the procuring the consulting service, quality is governing with high factor when the services required are of for large, complex works or equipments.

4.1.2 Consulting Organizations

The most common arrangements under which consultants engaged for the program activities are;

- i. Individual professional practitioners.
- ii. General partnerships.
- iii. Limited-liability companies.
- iv. For-profit corporations.
- v. State-owned enterprises.
- vi. Consulting marketing groups.
- vii. Universities and research institutes.
- viii. Non-Governmental Organizations.
- ix. Financial institutions.
- x. Procurement and inspection agents.

4.1.3 Main Considerations in the Selection of Consultants

The procurement arrangements required under the program is set forth in the Program Procurement Plan. These arrangements include consulting services contracts and proposed selection methods. The main principles behind procurement of consulting services are:

- i. High quality of services.
- ii. Efficiency and economy.
- iii. Competition among qualified consultants.
- iv. Transparency in procurement process.

In practice, each of these principles may be required for consideration depending on the type and complexity of the assignment. Demanding high quality of services may affect economy, and increasing transparency and competition may require detailed and time-consuming procedures that can impact efficiency and cost. The PMIU shall finalize and update the procurement plan as well as the selection method depending on the objectives, characteristics and complexity of the assignment.

Consultant Selection Committee: (Rule 67 of SPPR, 2010)

PD SBEP shall propose to PSC to notify Consultant Selection Committee comprising the following:

- | | |
|--|-------------------|
| 1. PD SBEP | Chairman |
| 2. Additional Secretary (Admin) E&L Department | Member |
| 3. Additional Secretary P&D Department or his representative not below BS18 | Member |
| 4. Additional Secretary Finance Department or his representative not below BS 18 | Member |
| 5. Representative of USAID | Observer |
| 6. Technocrat | Co-opted Member |
| 7. Program Manager Support Services, PMIU | Member/ Secretary |

Provided that observer and co-opted members shall have no voting right.

Quorum –(Rule 68 of SPPR, 2010)

The chairman, representatives of the Finance Department, and the Planning and Development Department shall form the quorum for conducting the business of the Consultants Selection Committee.

4.1.4 Methods for Selecting Consultant Services:

The SPP Rules, 2010 has described under Rule 72 methods for procurement of consulting services. The said rule be referred for procurement of consulting services in SBEP.

(a) Least Cost Selection Method

- i. This method shall be adopted for assignments of standard or routine nature where well-established practices and standards exist;
- ii. Financial proposals of only technically qualified firms shall be opened. The firm with the lowest quoted cost or bid shall be selected.
- iii. PMIU may adopt any other method as deemed fit with reason to be recorded in writing by the competent authority.

(b) Quality Based Selection Method –

This method shall be used only in case of highly specialized, innovative and complex assignments, where quality is the only factor to be taken into consideration. In Quality Based Selection method the technical proposal which attains the highest score according to the criteria mentioned in the bidding documents shall be selected without any consideration for cost. The selected firm shall be asked to submit its financial proposal and invited to negotiate the financial proposal and the contract.

(c) Quality and Cost Based Selection Method - This method shall be used only where;

- i. The Terms Of Reference are well-defined and quality is of prime consideration, while cost is a secondary consideration;
- ii. The firm which attains the highest combined weighted technical and financial score according to the criteria mentioned in the bidding documents shall be selected.

(d) Direct Selection Method - This method shall be used only if all or any of the following conditions exists:

- i. For tasks which are natural continuation of previous assignment and where continuity of technical services is required;
- ii. For assignments worth less than rupees one hundred thousand;
- iii. in cases of emergency;
- iv. Where only one consultant is qualified or has experience of exceptional worth.

(e) Fixed Budget

- i. this method shall be used only when all of the following conditions exist:
 - 1. assignment is simple;
 - 2. can be precisely defined;
 - 3. budget is fixed;
- ii. the Request for Proposal shall indicate the available budget. Proposals that exceed the indicated budget shall be rejected;
- iii. the ranking shall be based only on evaluation of technical proposals of the qualified bidders.

(f) Design Contest

This method shall be used only in such cases where aesthetic component is of prime consideration. The SBEP shall invite consultants to submit a financial proposal and present a plan or design for the Program based on a concept or criteria provided by it. The financial proposal of the top-ranked consultant shall only be opened.

(g) Consultant's Qualifications Selection Method

- i. this method shall apply only to small consultancies for which the cost of a full-fledged selection process would not be justified.
- ii. consulting firm is selected at the stage of Expression of Interest on the basis of criteria mentioned in the Request for Expression of Interest. The selected firm is asked to submit a technical and financial proposal, in single envelope, and then invited to negotiate the contract.

(h) Selection Process of Individual Consultants

- i. this method shall be adopted only if all or any of the following conditions exist:
 - 1. the scope of work is such that teams of personnel are not required;
 - 2. no additional professional support is required;
 - 3. the experience and qualifications of the individual are the paramount requirement.
- ii. individual consultants may not be required to submit proposals, and may be selected on the basis of the evaluation of their curriculum vitae.
Interviews may be set up for selection under this method

4.1.5 Consulting Firms, Associations and Consortiums

The consultants are to be free to associate with other firms (national or international) to complement their respective areas of expertise; to increase the technical responsiveness of their proposals and make larger pools of experts available; to provide better approaches and methodologies; and, in some cases, to offer lower prices.

An association of consultants can take either in the form of a Joint Venture Firm (also referred as “consortium” and “association”) or a sub-contract (sub consultancy). Under a joint venture, all members shall individually sign and be jointly and severally liable for the entire assignment. So under this arrangement of Joint Venture each partner needs to be reasonably qualified to take over the responsibilities and role of any of the partners in case one of them fails to perform or withdraws. This needs to be considered while short listing the firms. When expressing interest the consultants shall indicate whether they are expressing such interest alone or in association (for example, joint venture or sub consultancy).

In general, the short listed firms are not allowed to associate among themselves as this will reduce the competition. If required, the consultants can add association with permission of the Program Director.

A short listed firm shall submit only one proposal, either individually as a proponent or as a partner in a joint venture. No short listed firm (individual or any partner of JV firms) can be a sub consultant for another short listed firm while submitting a proposal for the same services. A short listed firm (individual or any partner of JV firms) which takes part in more than one proposal will lead to disqualification of all the proposals in which the firm participates. However, non short listed firms may take part in more than one proposal as sub consultants.

Firms entering into a joint venture are not required to provide their joint venture agreement when they submit their Expressions Of Interest, but must have a Letter Of Intent indicating their intent to form a joint venture if awarded the contract.

4.2 Contract Types for Consulting Services

Before proceeding with procurement processes like request for Expression of Interest (EoI) or Request for Proposal (RFP), which type of contract to be used in agreement shall need to be finalized. The **SERVICES** can be procured using the following contract types

- i. **Lump Sum Contract:** Used mainly for assignments in which the content and the duration of the services and the required output of the consultants are clearly defined like simple feasibility studies, environmental studies, detailed design of standard or common structures, preparation of data processing systems,. Payments are linked to outputs such as reports, drawings, bills of quantities, bidding documents, and software programs. Lump sum contracts are easy to administer because payments are due on clearly specified outputs.
- ii. **Time-Based Contract:** This type of contract is widely used for complex studies, supervision of construction, advisory services, and most training assignments where it is difficult to define the scope and the length of services. Payments are based on agreed hourly, daily, weekly, or monthly rates for staff and on reimbursable items using actual expenses and/or agreed unit prices.

4.3 Procurement Steps

4.3.1 Expression of Interest

When using the competitive method of procurement for the consulting services, Expression of Interest to be requested to short list the potential consulting firms for requesting proposals. EOI is generally requested through publication of specific procurement notice specifying the type of services and other necessary information. For the benefit of both the Program and consultants submitting EOI a standard formats for preparing the EOI information should be prepared by the SPS and make available to the interested consultants. This standard format will help consultants to prepare and submit a responsive EOI document for evaluating the EOI. Absence of standard questionnaire or format may lead to need of more clarification and time to short list.

4.3.2 Request for Expression of Interest

Once the procurement process and method is finalized with scope of services the Program shall start the procurement process by advertising the Request for Expression of Interest.

The Request for Expression of Interest shall contain at least the followings;

- i. Name of the program/Sub Project.
- ii. Scope and type of services required.
- iii. Time period for the assignment.
- iv. Evaluation basis and what details to be submitted by the consultants for their qualification requirements.
- v. Where, how, and by which date and time the EOI document to be submitted by the consultants.
- vi. Number of copies required, if any.
- vii. Contact address for further information or clarification.
- viii. Availability of EOI formats, if applicable.

4.3.3 Evaluation of EOI and Preparing Short listing

Before requesting for the proposal the Procurement Committee needs to short list the potential consulting firms who choose to express their interest for those specific services. It is done by requesting the interested consultant to submit their Expression of Interest with the necessary business information and qualification information.

Basis of qualification assessment shall be as specified in the EOI notice but the program may need to develop specific criteria and scoring system for detail evaluation before opening and start of evaluation procedure. The Program Director may propose an Evaluation committee having experience in such assignment to open the received EOI, examine the eligibility, evaluate qualifications of each of the consultants, and also to determine any Conflict Of Interest (COI) for assistance of Procurement Committee.

The evaluation team needs to follow strictly the qualification requirement and the information in documents supplied by the consultants in their EOI. Regarding the historical information of

consultants, the program may ask clarification and or supporting documents as well as contact their past or present employers for the consultant's performance in recently completed services.

Consultants may be required to state their conflict of interest, if any in their EOI but the final decision on whether to exclude or admit the particular consultant to the short list remains with the Procurement Committee.

SPS shall prepare long list of all consultants who submitted the EOI and their rank as per evaluation. Short lists shall comprise of six firms. However Procurement Committee may increase the number among those who secure minimum qualifying marks.

4.3.4 Preparation of TORs

The Program requires to prepare the necessary detailed TOR for the required services which shall be part of Request for Proposal document. TOR for each service requirement shall need to be prepared by the person(s) or the section who knows the requirement of the assignment in detail. Overall scope of the services and the detail TOR shall clearly provide the background information and define the objectives, goals, and scope of the assignment. A complete TOR shall facilitate the consultants' to understand well for preparing responsive, creative, and cost effective proposals. If required, a person or firm specialized in the area of assignment may be engaged by the PD-PMIU to prepare a TOR.

The TOR normally comprises the following sections:

- i. Program background.
- ii. Objectives of the assignment.
- iii. Scope of work.
- iv. Capacity-building program or training, if any.
- v. List of reports, schedule of deliveries, and period of performance.
- vi. Data, local services, personnel, and facilities to be provided by the program.
- vii. Institutional and organization arrangements.

If transfer of knowledge or training is an objective, it should be specifically outlined along with details of number of staff to be trained, and so forth, to enable consultants to estimate the required resources. TOR shall list the services and surveys necessary to carry out the assignment and the expected outputs (for example, reports, data, maps, surveys).

The programs responsibilities or facilities that will be provided by the SBEP should be clearly stated in the TOR.

4.3.5 Cost Estimate (Budget)

A through and realistic cost estimates to be prepared for each procurement the necessary budget resources. The cost estimate shall be based on the detail terms of reference and program's assessment and estimation for the required assignment. Past completed similar assignment or proposals from the consultants may be taken as example for the estimating the need for

professional staff month, support staff, logistical support, and physical inputs (for example, vehicles, laboratory equipment). While estimating for total services the costs shall be divided into two broad categories: (a) fee or remuneration and (b) reimbursable or out of pocket expenses.

In general, the cost estimate is directly proportional to the requirement of TOR for a service. For a general idea about calculating the cost estimate the following breakdown needs to be done to find out the total cost:

4.3.6 Local cost:

- i. Remuneration:
 - a. Professional local staffs remuneration
 - b. Technical and Office Support staff remuneration
- ii. Reimbursable or out of pocket expenses:
 - a. Per diem allowance for field visits,
 - b. Subsistence allowance for work station out of the city,
 - c. Support staff like office boy, driver
 - d. Travel cost for the field visits like plane, bus etc
 - e. Vehicle and other transport cost including operation and maintenance costs ,
 - f. Office rent, communication, office logistics, furniture, computers, printers, photocopy,
 - g. Survey equipment and necessary lab equipment, software, as necessary,
 - h. Report re-production costs,
 - i. Costs for tax and duties,
 - j. Costs for conducting training, if required

For budget purpose contingencies cost like for physical and or price contingency may be also needed to be considered while preparing the final estimate cost for services which are for longer period and complex in nature.

It is to note that the remuneration rates for the professional/ technical and office support staff include a certain amount of overhead cost whereas, the reimbursable amount are paid to the consultant at cost basis or upon submission of actual costs bills.

For the purpose of understanding the remuneration rate of consultants it is necessary to understand it's structure which is as flows:

- i. Basic salary (salary actually paid to the person).
- ii. Social charge (vacations, sick leave, maternity leave, social security, pension plan, insurance of persons which comprise of about 60% of the basic salary).
- iii. Overhead (office rent, office utilities, administrative salaries, non-bill able salaries, printing and reproduction, computer cost, transport, donations, business development, depreciation, auditing, insurance, communications, interest, taxes etc comprises about 130% of basic salary).
- iv. Fees or profit to the consultants generally taken as 70 to 100% of the basic salary.

Hence, a consultant's remuneration cost is nearly 2.5 times the basic salary cost when employed by the program. For individual consultants cost estimation the necessary overhead and fee cost could be reduced to some extent. Understanding of the fee structure for remuneration is very important as this will be the basis for negotiating the costs for Quality Based Services (QBS) selection process. In consulting contracts the consultant are required to submit the detail breakdown of fees for each professional in the above details.

4.3.7 Preparation and Issuance of the Request For Proposals (RFP's)

SPS shall obtained notified Request for proposal by SPPRA and customize to his requirement. Any required change shall be made in the data sheet and Special Conditions of Contract (SCC). The RFP preparation includes preparation of following:

- Section 1: Letter of Invitation (LOI).
- Section 2: Information to Consultants (ITC) and Data sheet.
- Section 3: Technical Proposal – standard forms.
- Section 4: Financial Proposal – standard forms.
- Section 5: Terms of Reference.
- Section 6: Standard forms for Contract (General conditions of Contract and Special conditions of Contract), and Appendices, if any.

4.3.7.1 Letter of Invitation (LOI)

This is the letter to all the short listed consultants inviting to submit their technical and financial proposal. The letter should clearly state the last date, time, and place for submission of proposal as well as request the consultants to acknowledge the LOI and confirm their participation in submitting the proposal. A short listed consultant may excuse himself from submitting the proposal. If the number of proposals is going to be less than the anticipated proposals from the short listed consultants the Procurement Committee may need to increase the number of short list.

4.3.7.2 Information To Consultants (ITC) and Data sheet

The ITC should contain all necessary information to help the consultants to prepare responsive proposals. It should clearly specify the selection procedure, information on the evaluation process, and indicate the evaluation criteria.

The evaluation criteria and scoring system to be openly described such as;

- i. The consultant's relevant experience for the assignment.
- ii. The quality of the methodology proposed.
- iii. The qualifications of the key staff proposed.
- iv. Transfer of knowledge, if required in the TOR.
- v. The extent of participation by nationals among key staff in the performance of the assignment.

Each criterion shall be marked on a scale of 1 to 100 and proposed weights shall be disclosed for each criterion in the RFP. It may be also necessary to further sub divide each criteria up to three sub criteria. Development and weight age of criteria and sub-criteria mainly depends upon the nature and complexity of the assignment.

The ITC shall also specify the proposal validity period required and the tentative time estimate by which the services is expected to start.

4.3.7.3 Technical Proposal

Technical proposal is the part where the consultants are required to describe their understanding of the Program and how they are going to complete the services. It is the most important part to evaluate the quality of proposal. Depending upon the nature of job and amount of services required there could be a requirement for Full Technical Proposal (FTP) or use of Small Technical Proposal (STP). Contents of both the technical proposals are described below.

The TP is the most detailed format of technical proposal and comprises the following seven sections and offers consultants the possibility of describing their proposed methodology without limit to the number of pages:

- i. Brief description of the consultants' organization and experience.
- ii. Consultants' comments on the TOR and on counterpart staff and facilities.
- iii. Description of the technical approach and methodology, work plan, and organization and staffing proposed by the consultants to perform the assignment.
- iv. Proposed professional staff.
- v. Estimates of the staff input needed to carry out the assignment.
- vi. Curriculum vitae (CVs) of the proposed professional staff.
- vii. Description of the proposed methodology and staffing for training, if the training is a specific component of the assignment.

4.3.7.4 Terms of Reference

Detail Terms of Reference shall be the part of overall Request of Proposal documents. The TOR shall need to specify the overall scope of works as well as the details of tasks that are required to be performed by the consultant.

4.4 Pre-proposal Clarifications and Proposal Submission

After receiving the LOI and RFP, the consultants are required to acknowledge the receipt of RFP and reconfirm their invitation for submitting their proposal in respect to the said services. If not participating in proposal submission the Consultant should inform immediately to the Program Director. Program Director may propose to add some additional consultants' for competition point of view, depending upon the number of remaining list of consultants.

The PMIU may organize a pre-proposal meeting with the short listed consultants for clarification purpose. It is recommended that any clarification required to the consultants to be requested in writing and the Program Director should also provide the necessary clarifications in writing to all the consultants.

The proposals to be received by the program shall be recorded properly stating the name of consultants, submitted date and time, receiving person etc on the bid submission format. The proposals to be checked for the name of assignment, whether technical or financial and condition (sealed or not). No amendments to the technical or financial proposal shall be accepted after the deadline.

4.5 Evaluation of Proposals: Consideration of Quality and Cost

4.5.1 Technical Evaluation (Quality)

The evaluation of the proposals needs to be carried out in two stages: first the quality, and then the cost. The Technical proposal envelopes shall be opened immediately by the Procurement Committee or within one hour of submission of the proposals.

The financial proposals shall remain sealed and recommended to be kept under lock and key with a SPS or Manager Support Services until they need to be opened publicly.

It is to note that the evaluators of technical proposals shall not have access to the financial proposals until the technical evaluation is complete.

The evaluation shall be strictly based on the main criteria/ sub criteria and scoring as stated in the RFP document and approved. It is to note that the technical proposal evaluation requires specific knowledge in the subject in which the services is required. In some cases, if there are no available resources, an expert or team could be hired for specific purpose.

A proposal shall be considered unsuitable and may be rejected if it does not respond to important aspects of the TOR or it fails to achieve a minimum technical score specified in the RFP. At the end of the evaluation process, the proposal Evaluation Committee or Procurement Committee shall need to prepare a Technical Evaluation Report showing the evaluation process and results of individual scores as well as total scores achieved by each proposal. The report shall also identify those consultants who secured more than the required threshold for opening the financial proposal.

4.5.2 Opening of Financial Proposal and Evaluation of Cost

Once the Technical Evaluation is approved financial proposal will be opened in public where the program needs to invite all the consultants who scored more than the minimum required threshold. The opening date shall be defined by allowing sufficient time for the consultants to attend the opening. At the same time other remaining consultants shall be also needed to be informed that their proposals did not meet the minimum qualifying mark and their financial proposals will be returned unopened after the signature of the contract.

The name of the consultant, the technical scores, and the proposed prices shall be read aloud and recorded when the financial proposals are opened.

4.6 Negotiation and Award of Contract

Contract negotiations shall include discussions on the TOR, the methodology proposed by the consultant, staffing, programs inputs, and special conditions of the contract. This will help the negotiating team to identify the reasonable comments on TOR, changes in methodology, work plan or staff planning. The negotiation team needs to recollect the all information about the specific proposal, evaluation reports, and any other new ideas proposed by other consultants than the selected consultant.

The selected firm should be asked whether the key staff proposed is available or not. Key staffs shall not be changed unless there was undue delay in the selection process making such substitution unavoidable or that such changes are critical to meet the objectives of the assignment.

If it is established that key staff were included in the proposal without confirming their availability, the firm may be disqualified. And the selection process could go to the next ranked firm after due approval process.

4.7 Selection of Individual Consultants

Individual consultants could be employed on assignments for which

- i. Teams of personnel are not required.
- ii. No additional outside (home office) professional support is required.
- iii. The experience and qualifications of the individual are the paramount requirement.

Individual consultants are selected on the basis of their qualifications for the assignment. The individual consultants do not need to submit proposals. Consultants shall be selected through comparison of qualifications among those who have expressed interest in the assignment.

Individuals considered for comparison of qualifications shall meet the minimum relevant qualifications and those selected to be employed by the SBEP shall be the best qualified and shall be fully capable of carrying out the assignment. Capability is judged on the basis of

academic background, experience, and, as appropriate, knowledge of the local conditions, such as local language, culture, administrative system, and government organization.

Individual consultants may be selected on a sole-source basis with due justification in exceptional cases such as:

- i. Tasks that are a continuation of previous work that the consultant has carried out.
- ii. Emergency situations resulting from natural disasters.
- iii. When the individual is the only consultant qualified for the assignment.

4.8 Rejection of All Bids or Proposals

(Rule 25 of SPPR, 2010)

It is obvious that all the bids may not be recommended for the award of contract but may need to be rejected on grounds as specified in the bidding documents. Bidding documents provide conditions, where under the Program Director may reject all bids or annul the bidding process by invoking Rule 25 of SPPR, 2010.

Rejection of all bids is justified when there is lack of effective competition, or bids are not substantially responsive or when bid prices are substantially higher than existing budget, or when the purpose of the bid is no more required for the program.

Lack of competition shall not be determined solely on the basis of the number of bidders. Even when only one bid is submitted, the bidding process may be considered valid, if the bid was satisfactorily advertised and the bid price is reasonable in comparison to market values. Necessary check on the market values may be necessary to check whether the bid is substantially higher.

Above 15% higher price than the engineer's estimate or budgeted provision shall be substantial high price. The Procurement Committee needs to assess the basis of engineer's estimate, present market price, and update the cost to present market rate. Present market rate could be also taken as the ongoing contract rates, if awarded in recent periods.

4.9 Record Keeping

The Sr. Procurement Specialist shall take particular note for the availability and completeness of procurement records. In addition to overall data on numbers, types, values and dates of contracts awarded and names of awardees, the program should maintain record for all contracts such as:

- i. Procurement plan and updated status.
- ii. Requirements received from the users and design section.
- iii. Selection of procurement methods.
- iv. Procurement notices like, NIT for bidding opportunities.
- v. Bidding documents, clarifications, addenda, site visit, pre-bid meeting minutes.
- vi. Bid opening record sheet.
- vii. Bid evaluation reports.
- viii. Bid review and approval records.

- ix. Issuance of letter of acceptance.
- x. Signed contract documents.
- xi. Formal appeals by bidders and outcomes, if any.
- xii. Debriefing meetings or notification, if any.

The Contracts and Purchase Orders issued should be numbered and filed at a safe place and periodically checked for.

The procurement documents are to be kept for at least five years after closing of the program by department of education, GoS (See Rule 9 of SPP Rules, 2010). Absence of or significant deficiencies in such records could cause lack of transparency.

4.10 Procurement Supervision of Audit

To assure the implementation of proper procurement process, effectiveness, efficiency, transparency, fairness, and open competition a regular supervision and monitoring is must. All procurement process implemented by the procurement office and Procurement Committee will be supervised and monitored by Program Steering Committee.

As provided in Public Interest Litigation the Auditor General will conduct audit of all accounts of the program. As part of the regular audit procedure the office of Auditor General of Pakistan will conduct the compliance audit of procurements made by the program.

4.11 Transparency and Anti-Corruption Measures

Disclosure of information and transparency of process has been proven a key element in reducing the opportunities for corruption and leakage of funds. As such the Program Director shall ensure that civil society has access to information regarding the Program activities and procurement opportunities. Publication of procurement opportunities' notice in national newspaper, Public notice in the regional offices and regional newspapers, and at SPPRA and PMIU websites shall be required.

The PMIU should commit to address instances of fraud or corruption and to take appropriate action whenever any bidder or staff member is found to have engaged in a fraudulent or corrupt practice. Standard clauses for corrupt and fraudulent practices are defined in the standard bidding documents

Allegations or complaints of bid-rigging or collusion in the procurement process, or any suspicions of fraud or corruption may be referred to the investigating agency for fraud and corruption by PMIU under Rule 56 of SPPR, 2010.

Under Rule 50 of SPP Rules, 2010 the PMIU, immediately upon award of contract, make the Evaluation Report of the bid, and the contract agreement public through hoisting on the website of SPPRA as well PMIU.

4.12 Handling Procurement Complaints and Grievances (Rule 31 & 32 of SPPR, 2010)

Procurement related inquiries and complaints from suppliers, contractors or consultants and public may occur from time to time. Such inquiries and complains require prompt, careful and consistent responses from PMIU-SBEP.

A system for handling comments and grievances needs to be established in the Program PD PMIU shall request and recommend in light of rule 31 of SPPR, 2010 to chairman PSC to notify Complaint Redressal Committee (CRC) to examine and settle the complaints. PD shall maintain and follow up of each received complaints / grievances and convene meeting of CRC with approval of PD, which shall announce its decision within seven days. The decision shall be intimated to the bidder and SPPRA within three working days. In case of failure of the committee to decide the complaint, the PMIU shall not award the contract.

4.12.1 Complaint Redressal Committee(CRC)

The Committee may consist of PD PMIU- SBEP, as chairman CRC and shall have the following:

| | |
|---|--------|
| Accountant General or his representative | Member |
| An independent professional from relevant field | Member |

PD-PMIU May also include member from education department, GoS and SPS or PM Support Services as non voting members just to facilitate the committee with record. The decision of Complaint Redressal Committee will be implemented by the PD, PMIU. The Committee can exercise all powers, including staying the procurement process.

The following needs to be established to handle the complaints and grievances:

- i. Record all incoming grievances or complaints and the same to be reported to the CRC.
- ii. The PMIU shall respond to all complaints, received from any source, promptly.
- iii. A comments, suggestions and grievances handling component to be included on the SPPRA website and updated on a monthly basis.
- iv. The program shall dedicate telephone 'hotline', dedicated email address and PO Box for receiving complaints, if any. Such communication lines need to be widely publicized.
- v. Public to be encouraged through web based campaigns, newspaper advertisements and displays on boards at visible locations, to provide information of any misconduct, misappropriation and grievance caused to any member of the public and seek to redress such grievance.
- vi. Anonymity of informants to be enforced.
- vii. Monthly reports should report the status of investigations on complaints and measures taken.

14.12.2 Review Panel

A bidder not satisfied with decision of CRC may lodge an appeal to Chief Secretary through SPPRA who shall refer the matter to review panel as per Rule 32, provided the aggrieved bidder has not withdrawn the bid security deposited by him during procurement process with following documents.

A written appeal for review panel and nature of the complaint
Copy of the complaint earlier to the CRC.

Non refundable complaint registration fee in form of pay order. (*Annexure - J*)

4.13 Procedure for Material Handling

- i. Inspection of material/goods
- iii. Receiving of material/goods
- iv. Issue of material.
- v. Consumption of material.
- vi Recording.

4.13.1 Inspection of material/goods/construction

PD PMIU-SBEP shall constitute an Inspection Committee for inspection of goods works and services over rupees one lac, shall comprising of the following:

| | |
|---|----------|
| DPD | Chairman |
| SPS | Member |
| Manager FAA | Member |
| Consignee/ End User or his representative | Member |
| Manager Construction | Member |

The Committee may co-opt any expert or specialist for achieving the objective of transparency, efficiency and value for money.

4.13.2 Meetings of Inspection Committee:

All meetings of the inspection committee shall be properly documented in recorded minutes which shall be signed and dated by all members of the Committee. If a member is unable to attend a meeting he shall delegate his authority in writing to an appropriate senior officer who shall attend the meeting on his behalf. The delegation letter shall be attached to the minutes of the Committee. It shall be responsibility of the delegating officer that the officer representing him has adequate skills and expertise to inspect the procured items. The Chairman shall not delegate his authority to any other officer.

4.13.3 Decision Making

The meetings of the inspection committee shall be attended by at least three members or their representatives. The Committee shall try to take decisions by consensus. Where consensus cannot be achieved, the decision shall be through voting by simple majority.

4.13.4 Functions:

The Inspection Committee shall perform following functions for procurements whose value exceeds PRs. one lac:

- (a) Inspect and review the Goods, Works and Services to ensure that these are compliant with the specifications and terms of the Contract;
- (b) Accept or reject on behalf of the Program, the Goods, Works and Services;
- (c) Ensure that the correct quantities has been received;
- (d) Ensure that the Goods, Works and Services meet the desired technical Standards;
- (e) The procured Goods, Works and Services have been received on time and delays (if any) have been noted;
- (f) The relevant manuals, warranties and documentation has been received;
- (g) Issue completion certificates.

4.13.5 Receiving of material/goods

On receipt of material the Staff of Manger Finance, Account & Admin office shall match the same with Inspection Note and verify validity of material received, allocate unique identification number and enter into Stock Register (Annexes E & F) with following documents:

- a. Commercial invoice
- b. Packing list
- c. Truck receipt if any
- d. Certificate of Analysis

4.13.6 Issue of material.

On receipt of approved issue requests (Annexure 'F') the Manger Admin will hand over the goods to requester and record issue of goods in the data base and in the Stock Register (Annexure 'E').

4.13.7 Consumption of Material

The material received by the requester, will be used for the intended purposes of the program as per approval. The unconsumed part or left over assets will be handed over to the GoS at the end of the program.

4.13.8 Safe Custody of Record

Manger Finance Accounts and Admin shall maintain record of all material received and issued and entered into a data base developed for recording of material received and issued.

Fixed assets which have life of more than one year will be tagged with unique identification number which will be displayed on such assets and record for their date of purchase, cost, and location will be kept in the Stock Register.

The record will be kept by the Manager FAA and will be under overall supervision of Deputy program Director. For the successful functioning of stock-taking procedures, the following tools of inventory control will be considered:

- i. ABC plan, i.e. more attention to the high value items.
- ii. Adequate written instructions to staff.
- iii. Documented identification of consignment stock from own stock.
- iv. Development of a standard checklist to confirm compliance.
- v. Development of modern Electronic Data Processing assisted stock taking system.

Partial stock checks, based on rotation by locations, and additional monitoring of high value items are recommended procedure. This will be made to fulfil all the tools mentioned above. The cut-off dates for complete stocktaking on a sample basis will be confirmed and approved by the Manager Administration & Finance beforehand.

The stock-takes will include procedures to identify damaged, obsolete or spoiled items. In case any such items found, the loss statement will be prepared and reported to PD through DPD.

Dead Stock Register shall also be maintained for defected or out dated stores.

4.13.9 Methods for Disposal of Unserviceable / Obsolete Items

The disposal of goods and assets can take any of the following forms:

- i. Scrapping/destruction and consequent write off.
- ii. Sale in the local market.

4.13.10 Scrapping and Sale

The scrapping and sale of fixed assets is possible in the following situations:

- i. Where a fixed asset is permanently damaged or impaired due to an accident.
- ii. Where the useful technical life of the asset expires.
- iii. Where the repair and maintenance cost does not justify the continued retention of the asset.
- iv. Where technological progress does not justify the retention of out dated technology.
- v. Cannibalization.

In any of the above cases, the user section head will immediately inform the Program Manager FAA of the possible scrapping, sale or write-off. The Manager FAA will arrange inspection of the fixed asset after getting approval from PD PMIU through DPD. The evaluation will be carried out primarily to identify the basis for a decision to retain or sell.

If the decision is for sale/disposal, Manager FAA will sell the goods / assets by calling quotation through public auction. Newspaper advertisement will be given for sale of all scrap items and the highest bidders will be sold all such goods.

Annexure 'A'



Sample Pre Qualification Notice

1. Program Management and implementation Unit (PMIU) of Sindh Basic Education Program(SBEP) has received funds from **Province/Loan/Grant** for the Project/Scheme with Scope, Estimated Cost and duration of project are as under:-
 - (i) Scope: ((Insert the scope).
 - (ii) estimated cost

2. Eligibility:

Valid Registration with Pakistan Engineering Council or any other relevant professional body (as applicable) in relevant category and discipline is mandatory (PM Construction must mention relevant category, discipline and professional body) and with tax Authorities.

3. Dead line of Submissions:

Applications are invited from interested firms for pre-qualification. The application along with following documents must reach at the address mentioned below on or before (Insert Time) and (Insert Date). Bidding Documents shall be issued only to the pre-qualified supplier.

4. Required Documents:

It must include following details/documents:-

(A) Profile of Firm:

- (i) Name, address, telephone, fax numbers and e-mail address of firm;
- (ii) Organizational Structure and year of establishment of the firm

(B) Qualification & Experience of technical staff.

Academic qualification -

Minimum qualification be mentioned by the Sr. Procurement Specialist. For additional qualification, additional weightage shall be given by separately (Marks 10 for basic qualification, 3 for Masters or technical/ professional course or post graduate (as the case may be) and 5 for PhD) Procurement Committee may adjust the weightage as per its requirement. 30 Marks.

Experience –

Number of similar assignments/equipments with length of experience be mentioned (preferably at least (number of) assignments with over all experience of ____ years). 20 Marks.

(Brief CVs of key personnel be attached)

(C) Financial

- (i) Documentary evidence of financial position, bank Statement or audited accounts of the last (mention number) years.
- (ii) Annual turnover of the last (mention number) years.
Income tax return, General sales tax for the last (mention number) years

(Minimum annual turnover be mentioned)

15 Marks

(D) Any other information:

- (i) Details of disputes/litigation or arbitration with client(s).
- (ii) Affidavit that firm has never been blacklisted.

(E) PMIU may add or delete any information/document if desired.

5. Evaluation Criteria:

Applications with required documents attached shall be evaluated as per prescribed method (Sr. Procurement Specialist shall decide the score) the score obtaining 70 to 80% of above score shall be declared pre qualified.

- (i) Applications of black listed firms shall not be considered;
- (ii) Procurement Committee shall disqualify the applicant if, at any stage, it finds that the information submitted for pre-qualification was inaccurate or dubious/tempered.

6. Interested firms shall address their queries and submit their applications to the following Address:-

Name :
Address :
Telephone No :
E-mail Address :
Fax No. :

7. PMIU may reject all or any bid subject to the relevant provisions of Public Procurement Rules, 2010.

Program Director
Sindh Basic Education Program
Education & Literacy Department
Government of Sindh

Annexure 'B'

Sample NIT

1. Program Management and Implementation Unit of Sindh Basic Education invites sealed bids /proposals/tenders from interested bidders contractors/firms for the (Name/List of goods with quantity shall be attached).

2. **Eligibility** for interested suppliers /contractors shall be based on following information/documents:-

- (i) Valid Registration certificate with relevant professional body;
- (ii) Having valid registration with tax authorities (Income Tax and GST)
- (iii) Affidavit that firm has never been black listed;
- (iv) Any addition or deletion can be made by PMIU.

3. **Bidding/Tender Documents:**

- (i) **Issuance:** Documents will be issued from date of publication to **(Insert the Date but not less than 15 days for NCB and 45 days for ICB)**, on payment of tender fee (Non- refundable) mentioned against each item in the list.
- (ii) **Submission:** Last date will be **(Insert the Date and time)**.
- (iii) **Opening:** will be opened on **(Insert the Date and time)**.
- (iv) **Place** of issuance, submission and opening will be **(Insert the address, telephone and fax for inquiries)**.
- (v) **Unresponded tenders** will be again issued/submitted/opened on following dates:-
(a) Issue date: **(Insert the Date)**. (b) Submission & opening date **(Insert the Date)**.

4. **Funding Position: (Mention the availability of funds and its source.**

5. **Terms & Conditions:**

Sample: PA may demand for sample (Refundable)

- (a) **Procurement procedure for evaluation:** PMIU may select anyone procedure from the rules i.e, Single Stage – one envelope , Single Stage two envelope , two stage bidding , two stage two envelope procedures
- (b) **Rejection of bids:-**
 - (i) Conditional and telegraphic bids/tenders;
 - (ii) Bids not accompanied by bid security of required amount and form;
 - (iii) Bids received after specified date and time.
- (c) **Bid validity Period: -** days **(Insert number of days. Not more than 90 days for NCB and 120 days for ICB).**
- (d) PMIU reserves the right to reject all or any bids subject to the relevant provisions of SPP Rules.

List of Goods with Quantities

| S No | Description | Bi Bid Security In % | Tender Fee | Delivery time | Destination |
|------|-------------|-------------------------|------------|---------------|-------------|
| | | | | | |

Annexure 'C'

Notice Inviting Tender for Single Stage One Envelope Procedure

Sindh Basic Education Program (SBEP) Government of Sindh *has* received funds from *Province/Federal/Loan/Grant /Self* for the Project/Scheme cited above with Scope, Estimated Cost and duration of project are as under:-

- (i) **Scope:** *((Insert the scope).*
- (ii) **Estimate Cost:** *(Insert the Cost).*
- (iii) **Scheme/Project Period:** *(Insert the Period).*
- (iv) **Bid Security: 2% of the Bid value**

Program Management & Implementation Unit of SBEP is inviting bids from interested firms, suppliers, contractors and service providers to for the above mentioned scope of work. The bidding documents shall be issued from (Insert Date & Time) and must be submitted on the address mentioned herein below on or before *(Insert Time) on (Insert Date).*

3. Eligibility.

Valid Registration with Pakistan Engineering Council and Tax Authorities of Pakistan

4. Required Documents: Bid must include following details/documents:-**(A) Profile of Firm:**

- (i) Name, address, telephone, fax numbers and e-mail address of firm;
- (ii) Ownership and Organizational Structure of the firm.
- (iii) Year of Establishment.

(B) Experience and past performance.

- (i) Firm / Contractor having experience of 7 similar assignments with cost, under-taken in the past 5 years;
- (ii) Having 3 assignments of similar site/geographical condition
Performance certificates of assignments /projects completion are to be attached.

(C) Financial.

- (i) Documentary evidence of financial position, e.g., a bank statement or audited accounts of the last three years.
- (ii) Annual turnover of the last three years not below 10 millions/ years.
- (iii) Income tax return for the last three years.

(E) information.

- (i) Details of disputes/litigation or arbitration with client(s) if any
- (ii) Affidavit that firm has never been blacklisted, debarred from any Government organization.

5. Evaluation Criteria:

- (i) Applications with required documents attached shall be evaluated on Pass or Fail/Yes or No basis (check list); any firm having one, 'No' shall be declared non responsive. The contract shall be awarded to lowest among the responsive bidder.
- (ii) Applications of black listed firms shall not be considered;
- (iii) PMIU –SBEP shall disqualify the applicant if, at any stage, it finds that the information submitted for qualification was either significantly inaccurate or incomplete.

6. Interested firms should address their inquiries and submit their bid to the following:-

Address :
Telephone No :
E-mail Address :
Fax No. :

7. PMIU may reject all or any bid subject to the relevant provisions of Sindh Public Procurement Rules 2010.

Program Director
PMIU-SBEP

Annexure 'D'

Program Management & Implementation Unit

Sindh Basic Education Program
Evaluation Criteria for Single Stage one envelope procedure

| S. No. | Name of Firm /Contract Date Establishment | P.O. Number & Amount 2% | Having experience of 7 similar assignments in the past 5 years; | Having 3 assignments of similar site/geographical condition | Bank statement or audited accounts of the last three years. | Annual turnover of the last three years not below 10 millions/ years | Bid Price | Ranking | Remarks |
|--------|---|----------------------------|---|--|---|---|-----------|---------|---------|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

Note: anyone 'NO' shall consider bid non responsive.

Award Criteria: lowest amount responsive bidder.

Procurement Committee

Signatures

1. _____

2. _____

3. _____

Annexure 'E'

Bid Evaluation Report

1. Name of Procuring Agency: _____
2. Tender Reference No: _____
3. Tender Description/Name of work/item: _____
4. Method of Procurement: _____
5. Tender Published: _____
Print & Electronic Media (SPPRA ID No. & News papers names with dates)
6. Total Bid documents Sold; _____
7. Total Bids Received: _____
8. Technical Bid Opening date: (if applicable) _____ (Provide details in separate form)
9. No. of Bid technically qualified (if applicable): _____
10. Bid(s) Rejected: _____
11. Financial Bid Opening date: _____

12. Bid Evaluation Report:

| S No | Name of Firm or Bidder | Cost offered by the Bidder | Ranking in terms of cost | Comparison with Estimated cost | Reasons for acceptance/rejection | Remarks |
|------|------------------------|----------------------------|--------------------------|--------------------------------|----------------------------------|---------|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 |
| 1. | A | | | | | |
| 2. | B | | | | | |
| 3. | C | | | | | |
| 4. | D | | | | | |

Signatures of the Members of the Committee.

Annexure 'F'



Indent/ Requisition Form
Program Management & Implementation Unit
Sindh Basic Education Program

Indent No _____

Date _____

For the Year _____

Indenter's Designation & Address, Telephone, Fax Numbers.

| Serial No | Detail description of item(s)/store | Specifications/ other particulars if any | Quantity required | Estimated unit rate | Estimated Total Cost | Head of Account & Budget allocation |
|-----------|-------------------------------------|--|-------------------|---------------------|----------------------|-------------------------------------|
| 1 | | | | | | |
| 2 | | | | | | |
| 3 | | | | | | |

Date by which stores are required: _____

Signature: _____

Name & Designation: _____

Note: Estimate Cost shall be realistic and based on prevailing trade price and average rate of last three years.

Annexure 'G'

**Program Management and Implementation Unit
Sindh Basic Education Program (SBEP)
Education & Literacy Department Government of Sindh**

Stock Register for Machinery & Equipments

Name & Signature

Name & Signature

| S. No | Item Description | Item Identification Number | Contract Number & Date | Date of Receiving the store | Warranty/ Guaranty | Issued to Name & Designation | Date of receiving | Signature |
|-------|------------------|----------------------------|------------------------|-----------------------------|--------------------|------------------------------|-------------------|-----------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

Admin Assistant /Store Keeper

FAO -II

Annexure 'H'

**Program Management and Implementation Unit
Sindh Basic Education Program (SBEP)
Education & Literacy Department Government of Sindh**

Stock Register for Furniture & Fixture

| S.No | Item Description | Item Identification Number | Contract Number & Date | Date of Receiving the store | Warranty | Issued to Name & Designation | Date of receiving | Signature |
|------|------------------|----------------------------|------------------------|-----------------------------|----------|------------------------------|-------------------|-----------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

Name & Signature
Admin Assistant /Store Keeper

Name & Signature
FAO-II

Annexure 'I'



**PROGRAM MANAGEMENT AND IMPLEMENTATION UNIT
SINDH BASIC EDUCATION PRGRAM (SBEP)
GOVERNMENT OF SINDH**

REQUISTION SLIP

Date: _____

No. _____

| S. No. | Items | Qty |
|--------|-------|-----|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Requested By

Approved by

Issued by

Received by

Remarks: _____

Annexure 'J'



**PROGRAM MANAGEMENT AND IMPLEMENTATION UNIT SINDH BASIC
EDUCATION PROGRAM (SBEP)
GOVERNMENT OF SINDH**

Inspection Note

| S. No. | Specifications of Store | Specifications of Store Received | Deviations, if any | Remarks |
|--------|-------------------------|----------------------------------|--------------------|---------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

DD (Industries): _____

SPS: _____

FAO: _____

DPD (Chairman): _____

Annexure-‘K’

Integrity Pact

**DECLARATION OF FEES, COMMISSION AND BROKERAGE ETC.
PAYABLE BY THE SUPPLIERS/CONTRACTORS/CONSULTANTS.**

Contract Number: _____ Dated: _____
 Contract Value: _____
 Contract Title: _____

_____[Name of Supplier/Contractor/Consultant]_____, hereby declares that it has not obtained or induced the procurement of any contract, right, interest, privilege or other obligation or benefit from Government of Sindh (GoS) or any administrative subdivision or agency thereof or any other entity owned or controlled by it (GoS) through any corrupt business practice.

Without limiting the generality of the foregoing, [Name of Supplier/Contractor/Consultant]_____, represents and warrants that it has fully declared the brokerage, commission, fees etc. paid or payable to anyone and not given or agreed to give and shall not give or agree to give to anyone within or outside Pakistan either directly or indirectly through any natural or juridical person, including its affiliate, agent, associate, broker, consultant, director, promoter, shareholder, sponsor or subsidiary, any commission, gratification, bribe, finder's fee or kickback, whether described as consultation fee or otherwise, with the object of obtaining or inducing the procurement of a contract, right, interest, privilege or other obligation or benefit, in whatsoever form, from PMIU-SBEP, except that which has been expressly declared pursuant hereto.

[Name of Supplier/Contractor/Consultant]_____ certifies that it has made and will make full disclosure of all agreements and arrangements with all persons in respect of or related to the transaction with PMIU-SBEP and has not taken any action or will not take any action to circumvent the above declaration, representation or warranty.

[Name of Supplier/Contractor/Consultant]_____ accepts full responsibility and strict liability for making any false declaration, not making full disclosure, misrepresenting facts or taking any action likely to defeat the purpose of this declaration, representation and warranty. It agrees that any contract, right, interest, privilege or other obligation or benefit obtained or procured as aforesaid shall, without prejudice to any other right and remedies available to PMIU-SBEP under any law, contract or other instrument, be voidable at the option of PMIU-SBEP.

Notwithstanding any rights and remedies exercised by PMIU-SBEP in this regard, [Name of Supplier/Contractor/Consultant]_____ agrees to indemnify PMIU-SBEP for any loss or damage incurred by it on account of its corrupt business practices and further pay compensation to PMIU-SBEP in an amount equivalent to ten times the sum of any commission, gratification, bribe, finder's fee or kickback given by [Name of Supplier/Contractor/Consultant]_____ as aforesaid for the purpose of obtaining or inducing the procurement of any contract, right, interest, privilege or other obligation or benefit, in whatsoever form, from PMIU-SBEP.

 Program Director
 PM U-SBEP

 [Supplier /Contractor/Consultant]

Annexure 'L'

**Program Implementation Unit
Sindh Basic Education program
E&L Department Government of Sindh**

Form for Preparation of Bill of Quantity

| S. No | Item Description | Qty | Rate | Unit | Amount |
|----------|------------------|-----|------|------|--------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Annexure 'M'

Complaint to Review Panel

For estimated contract value;

- (1) Less than Rs. 10 Million, the registration fee shall be Rs. 30,000/-
- (2) Between Rs. 10 Million and 50 million, the registration fee shall be Rs. 50,000/-
- (3) Between Rs. 50 million and Rs. 100 million, the registration fee shall be Rs. 100,000/-
- (4) Above Rs. 100 million the registration fee shall be 200,000/-

Annexure 'N'

DECLARATION BY BIDDER

1. I/we do hereby declare and affirm that I/we have not been black listed or debarred from a bidding process by any procuring agency of the Government of Sindh or any of the procuring agencies of the Federal Government or the Provincial Governments of Pakistan.
2. I/we do hereby further declare and affirm that I/we have not been declared guilty or responsible for any of the following acts by a court of law, competent legal forum or any procuring agency of the Government of Sindh or any of the procuring agencies of the Federal Government or the Provincial Governments of Pakistan.
 - a) supplying false information in the process of submitting a bid or prequalification application;
 - b) collusion with bidders or a bidder and a public official concerning the formulation of any part of the bidding documents or during the bidding process;
 - c) obstruction with the participation of competing bidders;
 - d) involvement in corrupt and fraudulent practices while obtaining or attempting to obtain a procurement contract;
 - e) conviction for an offence related to corruption, dishonesty, fraud, criminal misappropriation or forgery in his professional activity or for causing loss of life or property or for causing a threat to public health.
 - f) tax evasion;
 - g) willful failure to perform in accordance with the terms of one or more than one contract;
 - h) failure to remedy underperforming contracts, as identified by the procuring agency.

DEPONENT
CONTRACTOR/SUPPLIER/CONSULTANT

Annexure 'O'

UNDERTAKING FOR CONFLICT OF INTEREST

I being member of the Procurement Committee hereby declare and affirm:

- that I have no personal relation with any of the bidder or his agent participating in this bidding process.
- that any of the bidder participating in this bidding process is neither my friend nor family member
- that I have no financial interest with any of the bidder or his agent participating in this bidding process or has an arrangement for future employment.
- that I shall not assist any of the bidders or their employees or agents in their dealings with the government where this would result in preferential treatment for those entities or persons
- that I shall not solicit or accept gifts or transfer of economic benefits from bidders or contractors/suppliers, consultants and their employees or from an organization or individual who is interested in seeking business with the SBEP.
- that I shall always declare to the chairman Procurement Committee or Program Director any offer or acceptance of hospitality or entertainment offered regardless of the level of its significance.
- that in view of the nature of my responsibilities or otherwise are in possession of any information relating to procurement proceedings or to the bids submitted by the bidders shall keep such information confidential including bidders' proprietary information except as prescribed by SPP Rules.

Name of Member & Designation