



NATIONAL HIGHWAY AUTHORITY
Office of The General Manager (Maintenance)
Khyber Pakhtunkhwa Region,
NHA, Office Complex, Chamkani Interchange
Peshawar.

No. Dir (Coord)/NZ/NHA/21/ 4367

13 July, 2021

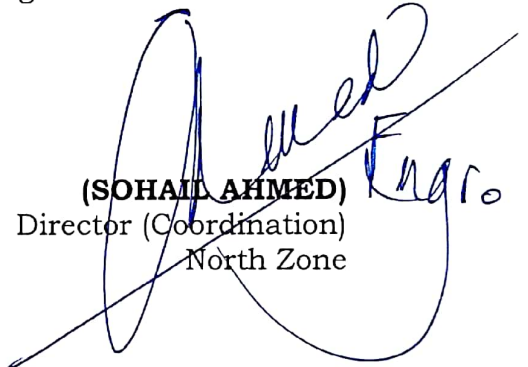
The Director (MIS)
National Highway Authority
Islamabad

Subject: **PUBLIC PROCUREMENT REGULATORY AUTHORITY (PPRA)**
CONTRACT AWARD PROFORMA - I & II

Sub-Head: **PERIODIC MAINTENANCE WORK (REHABILITATION) BETWEEN**
KM 517+000 TO KM 521+000 ON N-50 (D.I. KHAN URBAN AREA)
CONTRACT NO. RH-KPK-2019-20-01

Please find enclosed herewith duly filled and signed Contract Award Proforma of the subject contract for uploading the same on NHA & PPRA website at the earliest.

Encl: As stated.


(SOHAIL AHMED)
Director (Coordination)
North Zone

Copy to:

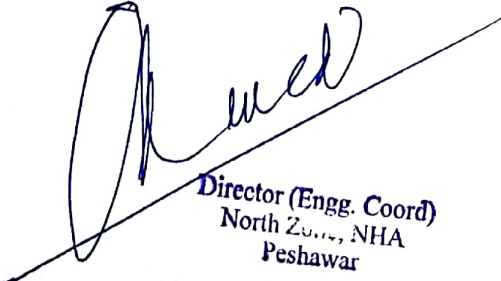
- Member (North Zone) NHA Peshawar.
- General Manager (Maint) NHA, KP Region, Peshawar.
- Director (General), PPRA, 1st Floor FBC, Building Near State Bank, Sector G-5/2, Islamabad.

ATTACHMENT-I
(See Regulation 2)

PUBLIC PROCUREMENT REGULATORY AUTHORITY (PPRA)
CONTRACT AWARD PROFORMA - I

TO BE FILLED AND UPLOADED ON PPRA WEBSITE IN RESPECT OF ALL
PUBLIC CONTRACTS OF WORKS, SERVICES AND GOODS WORTH RS. FIFTY
MILLION OR MORE

NAME OF THE ORGANIZATION/ DEPTT.	National Highway Authority
FEDERAL / PROVINCIAL GOVT.	Federal Government, Ministry of Communications
TITLE OF CONTRACT	Periodic Maintenance Work (Rehabilitation) between KM 517+000 to KM 521+000 on N-50 (D.I. Khan Urban Area)
TENDER NUMBER	RH-KPK-2019-20-01
BRIEF DESCRIPTION OF CONTRACT	Periodic Maintenance Work (Rehabilitation) between KM 517+000 to KM 521+000 on N-50 (D.I. Khan Urban Area)
TENDER VALUE	Rs. 113,995,606/=
ENGINEER ESTIMATE (For Civil Works Only)	Rs. 184,160,915/=
ESTIMATED COMPLETION PERIOD	178 days
WHETHER THE PROCUREMENTS WAS INCLUDED IN ANNUAL PROCUREMENT PLAN?	Yes. Included in Annual Maintenance Plan for Financial Year 2019 - 20.
ADVERTISEMENT: (i) PPRA Website (ii) News Papers	TS439740E The News/Express PID(I)3378/20
TENDER OPENED ON (DATE & TIME)	19 th January 2021 at 1130 hours.
NATURE OF PURCHASE	Downloaded from NHA & PPRA Website
EXTENSION IN DUE DATE (if any)	8 th February, 2021 at 1130 hours.
NAME OF TENDER DOCUMENTS SOLD (Attach List of Buyers) (F/A)	Bidders downloaded from NHA Website.


Director (Engg. Coord)
North Zone, NHA
Peshawar



WHETHER QUALIFICATION CRITERIA WAS INCLUDED IN BIDDING/TENDER DOCUMENTS (IF YES, ENCLOSE A COPY) (F/B & F/C)	Yes.
WHETHER BID EVALUATION CRITERIA WAS INCLUDED IN BIDDING/TENDER DOCUMENTS (IF YES, ENCLOSE A COPY) (F/B & F/C)	Yes.
PLEASE SPECIFY IF ANY OTHER METHOD OF PROCUREMENT WAS ADOPTED WITH BRIEF REASONS (I.E. EMERGENCY, DIRECT CONTRACTING, NEGOTIATED TENDERING ETC.)	N.A.
WHO IS THE APPROVING AUTHORITY?	Member (North Zone), NHA Peshawar
WHETHER APPROVAL OF COMPETENT AUTHORITY WAS OBTAINED FOR USING A METHOD OTHER THAN OPEN COMPETITIVE BIDDING	N.A.
NUMBER OF BIDS RECEIVED	08 (Eight). List attached.
WHETHER THE SUCCESSFUL BIDDER WAS LOWEST BIDDER?	Yes
WHETHER INTEGRITY PACT WAS SIGNED?	Yes



Director (Engg. Coord)
North Zone, NHA
Peshawar

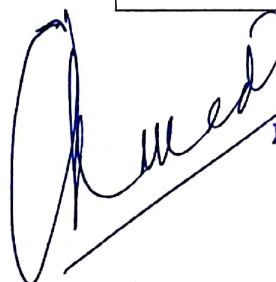


ATTACHMENT-II
(See Regulation 2)

PUBLIC PROCUREMENT REGULATORY AUTHORITY (PPRA)
CONTRACT AWARD PROFORMA - II

TO BE FILLED AND UPLOADED ON PPRA WEBSITE IN RESPECT OF ALL
PUBLIC CONTRACTS OF WORKS, SERVICES AND GOODS WORTH RS. FIFTY
MILLION OR MORE

NUMBER OF BIDDERS PRESENT AT THE TIME OF OPENING OF BIDS	08 (Eight) Bidders
NAME AND ADDRESS OF THE SUCCESSFUL BIDDER	M/s Rustam Associates - M/s Nasrullah Khan Miankhel & Sons (JV) Al Babar House, Saad Abad, Near Attock Petroleum, West Circular Road D.I. Khan
RANKING OF SUCCESSFUL BIDDER IN EVALUATION REPORT (i.e. 1 st , 2 nd , 3 rd evaluated bid)	1 st Evaluated Bid
NEED ANALYSIS (WHY THE PROCUREMENT WAS NECESSARY?)	N.A.
IN CASE OF EXTENSION WAS MADE IN RESPONSE TIME, WHAT WERE THE REASONS (BRIEFLY DESCRIBE)	Date and time was rescheduled to 8 th February, 2021 at 1100 hours.
WHETHER NAMES OF THE BIDDERS AND THEIR PRICES WERE READ OUT AT THE TIME OF OPENING OF BIDS	Yes
DATE OF CONTRACT SIGNING (ATTACH A COPY OF AGREEMENT)	6 th July, 2021. Copy attached.
CONTRACT AWARD PRICE	Rs. 113,995,606/=
WHETHER COPY OF EVALUATION REPORT GIVEN TO ALL BIDDERS (ATTACH COPY OF THE BID EVALUATION REPORT)	Yes
ANY COMPLAINTS RECEIVED (if yes result thereof)	No
ANY DEVIATION FROM SPECIFICATIONS GIVEN IN THE TENDER NOTICE/DOCUMENTS (IF YES, GIVE DETAIL)	No
DEVIATION FROM QUALIFICATION CRITERIA (IF YES, GIVE DETAILS)	No
SPECIAL CONDITIONS, IF ANY (GIVE BRIEF DESCRIPTION)	N.A.


Director (Engg. Coord)
North Zone, NHA
Peshawar



**PERIODIC MAINTENANCE WORK (REHABILITATION) BETWEEN
KM 517+000 TO KM 521+000 ON N-50 (D.I. KHAN URBAN AREA)**

RH-KPK-2019-20-01

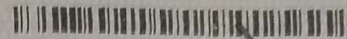
NAME OF BIDDERS

Sr. No.	Name of the Bidders Who Participated in the Tender
01	M/s Asif Wazir Construction Co
02	M/s UGALCO Construction Co.
03	M/s Ghulam Muhammad Khan – M/s Pasban Constructor (JV)
04	M/s Allied Constructors
05	M/s Taimoor Shah Construction Co. – M/s Mina Construction Co. (JV)
06	M/s Rustam Associates - M/s Nasrullah Khan Miankhel & Sons (Joint Venture)
07	M/s New Zam Traders
08	M/s Haji Aurnagzeb Khan Gandapur & Sons



Director (Engg. Coord)
North
Peshawar
HA





CONTRACT AGREEMENT

THIS CONTRACT AGREEMENT (hereinafter called the "Agreement") made on the 6th day of July, 2021 between **National Highway Authority, 28 Mauve Area, Sector-G-9/1, Islamabad.** (hereinafter called the "Employer" which expression shall include the successors, legal representatives and permitted assignees) of the one part and **M/s Rustum Associates - M/s Nasrullah Khan Main Khel & Sons (Joint Venture)** with office at **Al Badar House, Saad Abad, West Circular Road, Near Attock Petroleum, DI Khan.** (hereinafter called the "Contractor") of the other part.

WHEREAS bids have been received by the Employer for work "**Periodic Maintenance Work (Rehabilitation) between KM: 517+000 to KM: 521+000 on N-50 (DI Khan Urban Area), (AMP-2019-20), Contract No. RH-KPK-2019-20-C1**" and bid of the Contractor for the said work amounting to "**Pakistani Rupees One Hundred Thirteen Million, Nine Hundred Ninety Five Thousand, Six Hundred and Six Only**" (Pak Rs. Rs. 113,995,606.00) has been accepted by the Employer vide letter No. **GM (P&CA)/NHA/RMA/AMP-2019-20/KPKRH-01/21/244** dated **April 19, 2021** for the execution and completion of such Works in all respects and the remedying of any defects therein.

NOW this Agreement witnessed as follows:

1. In this Agreement words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract hereinafter referred to.
2. The following documents after incorporating addenda, if any, except those parts relating to Instructions to Bidders shall be deemed to form and be read and construed as part of this Agreement, viz:
 - (a). The Contract Agreement;
 - (b). The Letter of Acceptance;
 - (c). The completed Form of Bid;
 - (d). Addendum/ Corrigendum, if any, pertaining to Contract documents;
 - (e). Special stipulations (Appendix-A to Bid);
 - (f). Special Provisions (Contractual)
 - (g). The Particular Conditions of Contract - Part-II;
 - (h). The General Conditions - Part I,
 - (i). The priced Bill of Quantities (Appendix-D to Bid) along-with Rate Analysis;
 - (j). The completed Appendices to Bid (C, E to P);
 - (k). NHA General Specifications and its Addenda;
 - (l). The Drawings.

RA-NKS

(JV)



Continued.....



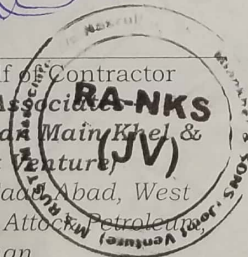
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RH-KPK-2019-20-01

3. In consideration of the payments to be made by the Employer to the Contractor as hereinafter mentioned, the Contractor hereby covenants with the Employer to execute and complete the Works and remedy defects therein in conformity and in all respects with the provisions of the Contract.
4. The Employer hereby covenants to pay the Contractor, in consideration of the execution and completion of the Works as per provisions of the Contract, the Contract Price or such other sum as may become payable under the provisions of the Contract at the times and in the manner prescribed by the Contract.
5. The work shall commence within Fourteen (14) days of issuance of Letter of Commencement and the Contractor shall fully complete the work within **178 Days**. The Defect Liability Period for the said work is **365 Days**.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed on the day, month and year first before written in accordance with their respective laws.

For and on behalf of Contractor
M/s Rustum Associates
M/s Nasrullah Khan Main Khel & Sons (Joint Venture)
 Al Badar House, Sadda Abad, West
 Circular Road, Near Attok Petrol Station,
 DI Khan

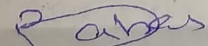


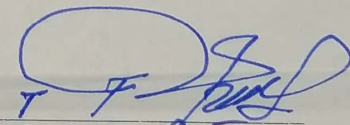
For and on behalf of
National Highway Authority

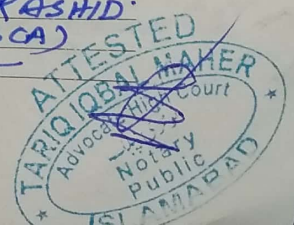
**Member (North Zone)-
National Highway Authority
Peshawar**

Signed, Sealed and Delivered in the presence of:

Witness:

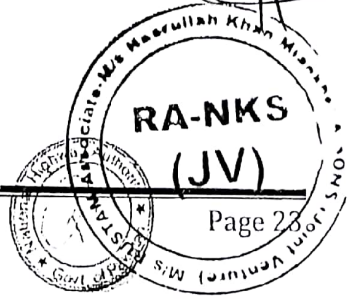
By: 
 Name: Baber Badshah
 Designation:
 CNIC No: 2101-0973076-7

By: 
 Name: FARHAD RASHID
 Designation: DD (P&CA)
 CNIC No:



BIDDING DATA SHEET

SAI NO. 2019-01



Contract No. RH-KPK-2019-20-01

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Bidding Data Sheet

The Following specific data for the works to be bid shall compliment, amend or supplement the provisions in the instructions to bidder. Wherever, there is a conflict, the provisions herein shall prevail over these in the instructions to bidders.

Instructions to Bidders

Clause Reference

1.1 Name and Address of the Employer:

National Highway Authority
 28-Mauve Area, G-9/1, Islamabad
 Islamic Republic of Pakistan
Tel: +92 51 9032727
Fax: +92 51 9260419
Email: gmpca.nha@gmail.com

1.1 Name of the Project and Summary of the Works

Rehabilitation Work from KM: 517 to KM: 521 on N-50 (DI Khan Urban Area)
 (Annual Maintenance Plan-2019-20)

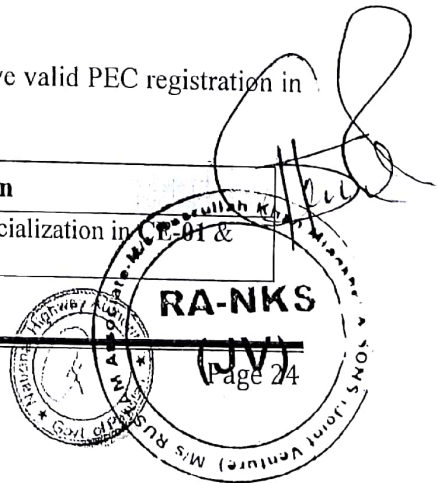
2.1 Name of the Borrower/Source of Financing/Funding Agency

The Employer is funding the project through funds available under Road Maintenance Account (RMA) of National Highway Authority.

3. Eligible Bidders (and Qualification Criteria)

- a. Each individual bidder and all members of JV must have valid registration by PEC;
- b. Must be registered with Income Tax Department;
- c. Each individual bidder and all members of JV must have valid PEC registration in the following categories;

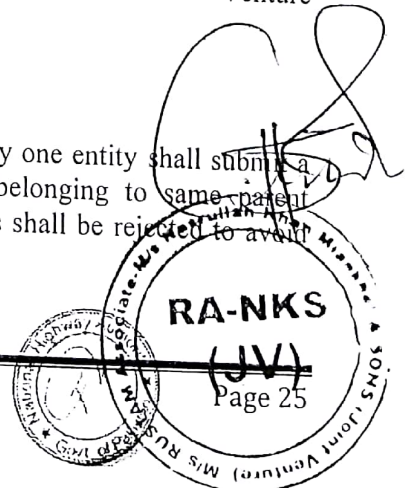
PEC Category & Specialization	
Individual Firm / Lead firm of JV / Member Firm(s) in JV	C-4 or Above, with Specialization in CE-01 & CE-10



- d. An individual bidder or JV meeting the above said conditions under Clause-3 (a), (b) & (c) will be considered for further evaluation and will be qualified if it meets the following Criteria:
- i) **Similar Work Experience:**
Firm that has completed at least Two (02) Contracts (but not more than one Contract summed up for their values in this regard for each completed contracts) of similar size and complexity as a contractor or management contractor (but not as Sub-Contractor) with a minimum value of **Rs. 93.00 Million** each during last Five (05) years. In case of JV, if Lead Partner alone fulfils the condition, then the other partner is not required to fulfil the condition, otherwise each member shall be assessed according to its share in JV.
 - ii) Has an Average Annual Construction Turnover of minimum **Rs. 370.00 Million**. In case of JV each partner must fulfill the Criteria with respect to its share in the JV Agreement.
 - iii) Has a minimum Cash Flow of **Rs. 93.00 Million**. In case of JV each partner must fulfill the Criteria with respect to its share in the JV Agreement.
 - iv) Has a minimum Net Working Capital for the latest year of **Rs. 19.00 Million**. In case of JV each partner must fulfill the Criteria with respect to its share in the JV Agreement.
 - v) Past or present performance of the bidder as contractor (individual or all partners of a JV) is satisfactory with NHA or any other executing agency and the contractor has not been blacklisted earlier by any government agency / authority / organization.
 - vi) Maximum Two (02) number firms are allowed to form Joint Venture (JV). Lead Partner must have 50 % or more share in the Joint Venture Agreement.

4.1 One Bid per Bidder

Out of a parent organization and / or sister organizations, only one entity shall submit a Bid. If more than one Bid is submitted by the entities belonging to same parent organization and / or being sister organizations, all such Bids shall be rejected to avoid Conflict of Interest.



7.1 Contents of Bidding Documents

The Bidding Documents, in addition to invitation for bids, are those stated below and should be read in conjunction with any Addenda issued in accordance with Clause IB.

1. Instructions to Bidders.
2. Bidding Data Sheet.
3. Letter of Technical Bid.
4. Letter of Price Bid.
5. Appendices to Bid (A through P to Bid).
6. Forms of Bid Security, Credit Line Facility and Income Tax Exemption.
7. Form of Performance Security.
8. Forms of Contract Agreement, and Mobilization Advance Guarantee.
9. General Conditions of Contract, Part-I (GCC).
10. Particular Conditions of Contract, Part-II (PCC) & Special Provisions (Contractual).
11. NHA General Specifications-1998 and its Addenda.
12. Special Provisions (Specification)
13. Drawings.

8.1 Time Limit for Clarification

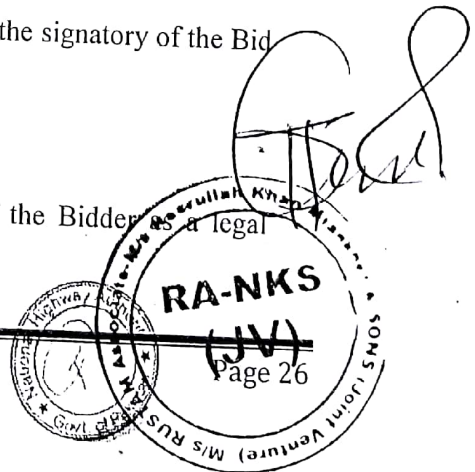
Minimum number of days to seek clarification by the prospective bidder is seven (7) days before the latest deadline for submission of Bids.

10.1 Bid Language

The same language, in which the Bidding Documents are written i.e English, should be used for preparation of Bid.

11.1 (A) The Bidder shall submit with its Technical Bid (**Envelope A**) the following documents detailed in 11.1 (C) hereunder:

- (a) Written confirmation (Power of Attorney) authorizing a person to submit the Bid.
- (b) Written confirmation (Power of Attorney) authorizing the signatory of the Bid to commit the Bid on behalf of the Bidder.
- (c) Letter of Technical Bid.
- (d) Bid Security.
- (e) Copy of Articles of Incorporation or Constitution of the Bidder entity.



Bidding Data Sheet

- (f) Valid Certificate of Registration from Pakistan Engineering Council.
- (g) Certified audit reports for last three (3) years.
- (h) Joint Venture Agreement or the Letter of Intent to execute the JV Agreement (if applicable).
- (i) Pending litigation and No Blacklisting information.
- (j) Special Stipulations (as issued with the bidding documents). (Appendix – A)
- (k) List of Major Equipment – Related Items. (Appendix – G)
- (m) Organization Chart for Supervisory Staff and Labour. (Appendix – K)
- (n) Integrity Pact. (Appendix – L)
- (o) Financial Competence and Access to Financial Resources. (Appendix – M)
- (p) Past Performance/ Experience. (Appendix – N)
- (q) Qualification of Key Staff. (Appendix – O)
- (r) Current Commitments / Projects in Hand. (Appendix – P)

11.1(B) The Bidder shall submit with its Price Bid (**Envelop B**) the following documents:

- (a) Letter of Price Bid
- (b) Bill of Quantities (Appendix –D)
- (c) Estimated Progress Payments (Appendix –J)

11.1(C)

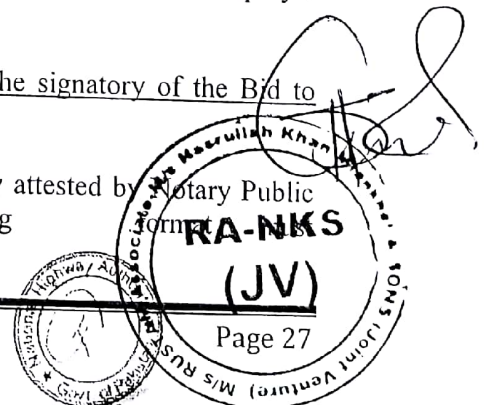
- i. Written confirmation (Power of Attorney) authorizing a person to submit the Bid

The Bid must accompany a Power of Attorney issued by authorized representative of the Firm / Company / (for all partners of a JV) having the name and CNIC No. of the person to whom Power of Attorney has been issued to submit the bid to the Employer on behalf of the Firm / Company / JV etc.

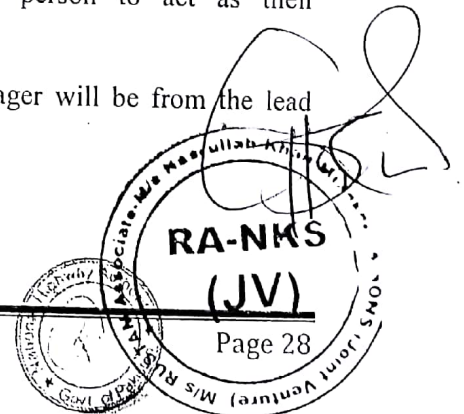
- ii. Written confirmation (Power of Attorney) authorizing the signatory of the Bid to commit the Bidder

Original Power of Attorney on Judicial Stamp Paper duly attested by Notary Public with original signatures to sign/commit the bid on following accompany the bid:

Contract No. RH-KPK-2019-20-01



- The person issuing authority of Power of Attorney shall provide the legal documents establishing his / her authority of issuing the Power of Attorney on behalf of Firm / Company / (for all partners of JV);
 - The name, designation / title in the Firm / Company, CNIC No. of the person issuing the Power of Attorney must be mentioned on the Power of Attorney;
 - The Power of Attorney shall bear the name, specimen signature, specimen initial of the signatory of the Bid as well as his designation / title in the Firm / Company and country identification number / CNIC No.
- iii. Copy of Articles of Incorporation or Constitution of the Bidder as a legal entity
- A copy of Articles of Incorporation or Constitution of the Bidder as a legal entity shall be submitted. The document shall indicate the Bidder's name, address and its representative Personnel. In case of Joint Venture, the copies of such document of all the partners firms shall be submitted.
- iv. Valid Certificate of Registration from Pakistan Engineering Council
- v. Certified Audit Reports
- Individual Bidder / Lead Partner of JV and JV members of JV have to submit along with his bid Audit Reports for F.Y 2015-16, 2016-17 & 2017-18 as per **Table-I**, to evaluate;
- a. Cash Flow
 - b. Average Annual Construction Turnover &
 - c. Net Working Capital
- vi. Joint Venture Agreement / Letter of Intent to Execute the JV Agreement
- a. Attached to Bid shall be a Power of Attorney from each of the Joint Venture partners, appointing and authorizing the named person to act as their representative.
 - b. The authorized representative and the Project Manager will be from the lead partner having 50% or above share in JV.



15.1 Amount of Bid Security

The amount of Bid Security shall be **Rs. 3.70 Million**. In case of non-registered JV, either each partner gives bid security equal to his share or the lead partner / major share holder provides bid security for all.

15.2 Form and Validity of Bid Security

The Bid Security shall be, at the option of the bidder, in the form of **Deposit at Call** or a **Bank Guarantee** issued by a Scheduled Bank in Pakistan or from a foreign bank duly counter guaranteed by a Scheduled Bank in Pakistan or an **insurance company** having atleast AA rating from PACRA/JCR in favour of the Employer valid for a period 28 days beyond the Bid Validity date i.e the Bid Security shall remain valid for **208 days (Two Hundred & Eight)** calendar days beyond the latest deadline for submission of Bids.

18.4 Number of Copies of the Bid to be Completed and Returned

One **ORIGINAL** & One **COPY**

18.5 Signing of Bid

As prescribed under item 11.1 (C) (ii) of the Bidding Data Sheet herein above.

19.2(a) Employer's Address for the Purpose of Bid Submission

Venue: NHA Auditorium, 28-Mauve Area, G-9/1 Islamabad

19.2(b) Name and the Number of the Contract

Rehabilitation Work from KM: 517 to KM: 521 on N-50 (DI Khan Urban Area).
(AMP-2019-20)

Contract No: RH-KPK-2019-20-01

20.1(a) Deadline for Submission of Bids

Not later than 1100 hours on **January 19, 2021**

Contract No. RH-KPK-2019-20-01



23.1 Venue, Time, and Date of Bid Opening (“Envelop A”)

Venue: NHA Auditorium, 27 Mauve Area, G-9/1 Islamabad,
Time: 1130 hours
Date: **January 19, 2021**

23.11 Add the following text at the end of Clause;

Any discount / premium offered by the Bidder on its quoted prices, shall only be considered if such discount is either shown on the duly filled –in, signed and stamped Letter of Price Bid or on the summary page of quoted amount for bill of quantities as applicable. Discount / Premium, if offered, though a separate letter of discount submitted with the Bid, will not be entertained and shall be considered null & void. However, envelope marked “SUBSTITUTION” or “MODIFICATION” shall be considered as per IB-22 & IB-23.

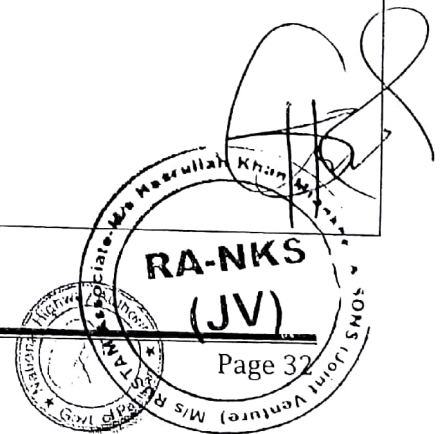
32.1 Standard Form and Amount of Performance Security Acceptable to the Employer

The performance security shall be of an amount in favor of the Employer, equal to 10% of the Contract Price stated in the Letter of Acceptance. Such security shall, at the option of the bidder, be in the form of either (a) bank guarantee from any Scheduled Bank in Pakistan or (b) bank guarantee from a bank located outside Pakistan duly counter-guaranteed by a Scheduled Bank in Pakistan or (c) an insurance company having atleast AA rating from PACRA/JCR.



TABLE-I

Sr	Type of Organization	Minimum requirement of Auditors	Basis of preparation of Audit Reports	Basis of preparation of Financial Statements
1.	Corporate entities (duly registered with Securities and Exchange Commission of Pakistan)	Licensed Chartered Accountant Firms (Minimum Partnership Firm with international affiliation) enlisted and appearing on the list of firms in ICAP directory as at the finalization of procurement.	International auditing standards as applicable in Pakistan.	i. Companies Ordinance 1984 or Companies Act 2017 (whichever is applicable). ii. International accounting and financial reporting standards as applicable in Pakistan at the time of issuance of the reports.
2.	Partnership Firm/ AOPs/Joint Ventures	Licensed Chartered Accountant Firms (Minimum Partnership Firm) enlisted and appearing on the list of firms in ICAP directory as at the finalization of procurement.		i. International accounting and financial reporting standards as applicable in Pakistan at the time of issuance of the reports.
3.	Individuals/Sole Proprietorship	Licensed Cost & Management Accountant Firms enlisted and appearing on the list of firms in ICMAP directory as at the finalization of procurement for organizations of net worth up to 10 million only. In all other cases Licensed Chartered Accountant Firms enlisted and appearing on the list of firms in ICAP directory as at the finalization of procurement,		Consistent and acceptable Accounting policies.


RA-NKS
(JV)
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M/S R... (Joint Venture)