

**Government of the People’s Republic of Bangladesh**

**Ministry of Planning**

**Implementation Monitoring and evaluation Division (IMED)**

**Central Procurement Technical Unit (CPTU)**

**Final Report**

On

**Post Procurement Review**

Of

**Bangladesh Inland Water Transport Authority (BIWTA)**

Period: 2018-19

**June 2020**

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**Abbreviations**

|  |  |  |
| --- | --- | --- |
| **AA** | **:** | **Approving Authority** |
| **AO** | **:** | **An Officer Authorized by HOPE** |
| **APP** | **:** | **Annual Procurement Plan** |
| **BEC** | **:** | **Bid Evaluation Committee** |
| **BOC** | **:** | **Bid Opening Committee** |
| **BIWTA** | **:** | **Bangladesh Inland Water Transport Authority** |
| **BWDB** | **:** | **Bangladesh Water Development Board** |
| **BDT** | **:** | **Bangladesh Taka** |
| **BE** | **:** | **Bid Evaluation** |
| **CPTU** | **:** | **Central Procurement Technical Unit** |
| **CSFM** | **:** | **Clearing, Storage and Movement** |
| **DPM** | **:** | **Direct Procuring Method** |
| **DL** | **:** | **Distribution List** |
| **DPP** | **:** | **Development Project Proforma** |
| **DoFP** | **:** | **Delegation of Financial Power** |
| **GOV** | **:** | **Government of Bangladesh** |
| **GCC** | **:** | **General Conditions of Contracts** |
| **EED** | **:** | **Education Engineering Department** |
| **HOPE** | **:** | **Head of Procuring Entity** |
| **HRD** | **:** | **Human Resource Development** |
| **IMED** | **:** | **Implementation Monitoring and Evaluation Division** |
| **ITD** | **:** | **Inspection and Testing Directorate** |
| **IFT** | **:** | **Invitation of Tender** |
| **ICT** | **:** | **International Competitive Tender** |
| **LGED** | : | **Local Government Engineering Department** |
| **LOI** | **:** | **Letter of Invitation** |
| **OSTETM** | **:** | **One stage Two Envelops Tendering Method** |
| **OTM** | **:** | **Open Tendering Method** |
| **ODA** | **:** | **Official Development Assistance** |
| **PPA** | **:** | **Public Procurement ACT** |
| **PPR** | **:** | **Public Procurement Rules** |

|  |  |  |
| --- | --- | --- |
| **PE** | **:** | **Procuring Entity** |
| **PKg** | **:** | **Package** |
| **PD** | **:** | **Project Director** |
| **PCC** | **:** | **Particular Condition of Contracts** |
| **POC** | **:** | **Proposal Opening Committee** |
| **PEC** | **:** | **Proposal Evaluation Committee** |
| **RHD** | **:** | **Roads and Highways Department** |
| **RFT** | **:** | **Request of Tender** |
| **RR** | **:** | **Receiving Report** |
| **SE** | **:** | **Superintendent Engineer** |
| **SSTETM** | **:** | **Single Stage Two Envelope Tendering Method** |
| **STD** | **:** | **Standard Tender Document** |
| **TEC** | **:** | **Tender Evaluation Committee** |
| **TOC** | **:** | **Tender Opening Committee** |
| **TOS** | **:** | **Tender Opening Sheet** |
| **TSC** | **:** | **Technical Sub-Committee** |
| **TDC** | **:** | **Tender Data Sheet** |
| **LD** | **:** | **Liquidated Damage** |
| **LTM** | **:** | **Limited Tendering Method** |
| **MPSS** | **:** | **Material Planning, Standardization and Specification** |
| **NCT** | **:** | **National Competitive Tender** |
| **NOA** | **:** | **Notification of Award** |

**Executive Summary**

As per Section-24 of PPA- 2006 and Rules - 45 and 46 of PPR -2008 the responsibility of CPTU is to review and monitor the progress of implementation of the PPA and the PPR in procurement management in the government agencies for the procurement of goods, works and services. According to Rules - 45 and 46, the records of procurement activities of any procuring entity shall be reviewed by CPTU using own resource or by hiring independent consultants for the total procurement performed in a financial year worth at least taka 10.00 core in a PE. The procuring entity to be reviewed will be specified by the CPTU and the independent consultants will verify the compliance of the provisions of the Act and Rules taken in procurement process.

Independent consultant is assigned to review and evaluate 4 (four) procurement contracts (selected by CPTU) of each of the 3 (three) Procuring Entities (PE's) of Bangladesh Inland Water Transport Authority (BIWTA), The procuring entities are : - (a)Project Director, Capital Dredging of 53 River route in Inland Waterways (1st Phase:24 River Routes) (1st Revised) (b) Project Director, Establishment of Ferry Ghat including allied Facilities at Balashi and Bahadurabad and (c) Project Director, Establishment of River Port with allied Facilities at Nagarbari.

To achieve the objectives and perform the scope of services of the assignment, post review was conducted to the selected contracts in the format prescribed by the CPTU. Individual contract review incorporating part: -1: General information, part: -2: Compliance with Act and Rules, part: -3: Post review of works contract and part: -4: Report on physical inspection, has been annexed at Annex-A (Part- 1, Part-2, Part-3 and Part-4), Annex-B (Part-1, Part-2, Part-3 and Part-4) and Annex-C (Part-1, Part-2, Part-3 and Part-4).

Field visits were undertaken for physical inspection/verification of dredging and construction work under projects: Mahanganj-Lalitabari river route 3 Lot-3(dredging work), b-002 Lot-1 (establishment of ferry ghat), and WDN-1-Lot-1(establishment of river port) to verify the dredging and construction work executed by the concern Additional Chief Engineer2 (Civil), Executive Engineer and Chief Engineer (Civil), Mahanganj, Balashi, Bhadurabad, and Nagarbari, of BIWTA. An extensive field visits could not be done due to nationwide lockdown for COVID-19.

There were many findings of the procurement contracts are unfolded. Some of those were answered by concern authorities. Some are not, this were: 1) The contract file was not prepared with required records and document as per rule 4(7) of the PPR-2008. 2) Checklists showing the time spent at each stage of procurement contracts/schedule of activities were not maintained fully as per Rule - 8(17)(18) and schedule-IV of the PPR-2008. 3) Excessive evaluation time has been taken for package b-004-Lot-1 (24 days), b-006-Lot-1 (29 days), WDN-1-Lot-1 (83 days), WDN-2-Lot-1(83 days), WDN-3-Lot-1 (128 days). 4)There were no provisions of insurance for dredging and construction equipment and workers in tender document. 5)Publication of tender notice in all edition of the well circulated daily newspapers on the day of publication was not done as per Rule - 90(2)(d) of the PPR-2008. 6)The procurement contracts do not contain required records and documents as per Rule - 43(3) of the PPR-2008. 7)Records of sending notification of award for contract for Publication in CPTU’s website and PE’s website was not done as per Rule - 37(2) of the PPR-2008. 8) The contract agreement is only 03-04 pages. It does not contain required documents as per Rule - 38 and 39 of the PPR-2008. 9) The contract time extension was done due lengthy land acquisition process and dry season for Package: b-002 Lot-1, b-003 Lot-1(p-3), b-004, Lot-1, b-006, Lot-1. 10) Official Cost estimate was done on previous costing, not on present market price. 11) Procurement documents were not sent to the Zone office. 12) Less Number of officials of PE were involved in procuring training. 13)Almost all the contract done at the price of 10% less then official estimate. 14) Due to the dispute over the boundaries of the river and for the dry season dredging work could not be started in schedule time. 15) For land acquisition problem, construction work may not start at the right time.

The recommendations for improvement are stated as: 1) To be maintained properly include all required records and documents as per Rule - 4(7) of the PPR-2008. 2) The time spent at each stage of procurement contract/schedule of the activities to be maintained as per Rule - 8(17) (18) and as schedule-IV of PPR-2008. 3) Step to be taken to complete the evaluation in time, as per Rule -36(6), schedule-III, Part-A of the PPR-2008. 4) Steps to be taken to sign the contract within the initial tender validity time. 5)The un-successful bidders are to be notified the refund of their Bank Guarantee in time after the contract sign with the successful bidder as per Rule - 35 (1)(2)(3) of the PPR-2008. 6) Insurance coverages are to be kept by contractor for equipment and workers. 7)To ensure competition the publication of tender notice in all edition of well circulated daily newspapers to be done on the day of publication as per Rule - 90(2)(d). 8) Records and required documents of procurement contracts should include required file as per Rule - 43(3) of the PPR-2008. 9) The notification of award (NOA) for contracts are to be published in CPTU’s website as per Rule -37(2) of the PPR-2008. 10)The contract agreement should be very specific as per Rule 38 and 39 of the PPR-2008. 11) Necessary procurement document should be sent to zone office at the right time. 12)The Annual Procurement Plan with cost estimate should be updated on a quarterly basis as per Rule – 16(10) of the PPR-2008. 13)The official estimate, must be prepared on local market price, not on previous price. 14) The lengthy process for government land acquisition should be minimized.

It is believed that BIWTA will follow the recommendation to improve/correct identified deficiencies in order to carry out the compliance of provisions of the Act and Rules in their procurement process.

**Chapter One**

**1.1 Introduction:**

As per Section-24 of PPA-2006 Rules - 45 and 46 of PPR-2008, CPTU is entrusted with a responsibility to review and monitor the progress of implementation of the PPA and the PPR in procurement management in the Government agencies for the procurement of goods, works and services and to inform the Government about its recommendation for remedial measures concerning adherence to the relevant Rules. According to Rules - 45 and 46, the records of procurement activities of any procuring entity shall be reviewed by CPTU using own resources or by hiring independent consultants for the total procurement performed in a financial year worth at least take 10.00 core in a PE. the procuring entity to be reviewed will be specified by the CPTU and the independent consultants will verify the compliance of the provisions of the Acts and Rules taken in the procurement process.

**1.2 Background:**

Post procurement review is the process for reviewing procurement processes. This review aims to ensure that the procurement processes comply with the PPA-2006 and PPR-2008 as well as project aids rules and regulations. This post review discusses the method for determining the most appropriate type of review applicable to specific contracts under a project based on the project procurement contract values, complexity, and highlights other factors to consider in performing each type of review. An effective procurement review may increase efficiency and reduce procurement time. Appropriate use of post review reduces procurement times by removing the need for prior review of each main step in the procurement process. Procurement reviews avert additional delays that may result from insufficient identification and handling of procurement hazards and non-compliance. The procurement reviews identify hazards and deficiencies in the PPA-2006 and PPR-2008 and borrower’s procurement processes and recommend ways to mitigate them, thereby reducing hazards of future non-compliance or project failure.

**1.3 Objectives of the Assignment:**

The background, objectives and scope of services of the post procurement review have been comprehensively described in the TOR which is the part of the contract agreement.

The overall objective of the assignment is to check the compliance of the provisions of PPA-2006 and PPR-2008 in the procurement process through reviewing the records and other necessary documents related to the sample contracts. The specific objectives as specified by CPTU are to:

1. Determine whether the procurement processes and contracting proceedings are in accordance with the Public Procurement Act and Rules;
2. Review whether STD is followed and tender document is prepared in line with the act and rules;
3. Assess the extent to which value-for-money is being achieved in the procurement process as required by the procuring entities;
4. Review and assess the capacity of the Procuring Entity in handling procurement from preparation to contract implementation and documents are maintained as per Rules and required standards;
5. Review and assess that the procurement made are being used for the intended purpose;
6. Identify improvements in the procurement contracting in the light of deficiencies identified during the earlier review; and
7. Any other issues that may appear pertinent.

**1.4 Scope of the Assignment:**

The scope of the assignment is reviewing and evaluating 4 (four) procurement contracts made by the 3(three) procuring entities (PE's) of BIWTA in the financial year 2018-2019. The 3(three) Procuring Entities as specified by CPTU are: -

1. Project Director, Capital Dredging of 53 River route in Inland Waterways (1st Phase:24 River Routes) (1st Revised)
2. Project Director, Establishment of Ferry Ghat including allied Facilities at Balashi and Bahadurabad
3. Project Director, Establishment of River Port with allied Facilities at Nagarbari

Therefore, the main tasks are to:

1. Verify the procurement and contracting proceeding executed by the procuring entities and identify non-compliance with the procurement Act and Rules;
2. Verify whether PEs have used Standard Tender Documents (STD) in its procurement content and put necessary information in tender data sheet and other formats correctly.
3. Verify, to the extent possible, whether the goods, works and consulting services contracted were supplied and/or completed according to the required specifications and technical standards;
4. Identify in appropriate practices or questionable discussions and/or actions;
5. Verify whether documents and the record keeping systems that are in place are adequate for ensuring post review requirements;
6. Verify whether goods and works exist at intended locations and are being used for the purposes they were acquired;
7. Recommend remedies to correct the identified deficiencies.

To achieve the objectives and perform the scope of services of the assignment, postreview will be conducted on the project files with special focus on the following aspects documentation and procedures of PE’s

1. Procurement plan
2. Pre/Post qualification
3. Tender /RFP Document
4. Advertisement
5. Tender opening
6. Formation of TEC/PEC and TOC/POC
7. Tender / proposal evaluation
8. Approval of Tender/Proposal
9. Contract Award
10. Completion of Contract
11. Complain and appeal
12. Contract Amendment
13. Procurement management Capacity
14. Fraudulence and Corruption
15. Maintain of Procurement related file

**1.5 Methodology and Approaches: -**

The strategic approach has some dimensions to the implementation of the assignment. These are:

1. To meet with the Chairman BIWTA (HOPE), member BIWTA, Project Directors of three selected projects and discuss with them about the objectives and legal obligation of the post procurement review.
2. Visits to three PD offices and to obtain annual procurement plan, lists of the procurement contracts made by the three procuring entities in the financial year 2018-2019, names of concerned officials and staff and other information the contract.
3. Make a tentative work plan for the assignment.
4. To select four procurement contracts from each of the three Procuring Entities taking care of the main considerations provided by CPTU as broad guidelines for selection.
5. Undertake documentary review of the selected procurement contracts in specified formats for goods works and services at the PD offices.
6. Undertake review of the selected sample procurement contracts for the works processed and implemented by the concern SE offices under three PD.
7. Undertake physical inspection at SE office and the implementation site.
8. Preparation of the post procurement review report.

**Deliverables:**

1. Preparation and submission of inception report.
2. Preparation and submission the 1st draft report
3. Preparation and submission of draft final report
4. Organizing workshop in cooperation with CPTU
5. Submission of final report.

In undertaking this assignment, the participatory approach has been adopted involving consultations and constructive engagement with all key stakeholders at all levels namely, District Commissioner Office or village officials, beneficiaries, community members, private sector providers, and any other relevant persons identified during the progress of the assignment. This participatory and consultative approach have been ensured effective communication with all the stakeholders at all levels especially the BIWTA and implementing agencies at the lower level. The approach also has been tried to achieve common understanding of the assignment at hand, emphasizing the roles and responsibilities of each and having regular communication and sharing of findings through sharing as well as receiving and jointly agreeing on programmers of work. The above approach to Value for Money assessment should lead the consultants to be identified weaknesses in the way present procedures are applied and be able to provide recommendations and way forward.

The approaches suggested above recognize international best practices as enshrined in the Governments own laws, procedures and regulations regarding procurement of goods and services where the following key principles are followed:

* Policy and fair dealing
* Accountability and transparency
* Equity or social safeguards
* Open and Fair competition
* Value for money

**1.6 Limitation for Post Procurement Review:**

There are few limitations were faced to performed in the Post Procurement Review:

1. Proper field visit was less for COVID-19.
2. Office staff were not available due to COVID-19.
3. Contractual clauses could not be performed by contractors due to nationwide lockdown.
4. Transportation was limited due to government embargo for COVID-19.
5. Nonattendance of BIWTA representative in coordination meeting at CPTU.

However, PE’s office supported a lot of cordially to conduct the post procurement review. In spite of the above-mentioned limitations, the post procurement review was conducted with the help of officers of the BIWTA.

**Chapter Two**

**2.1 Post Procurement Review Sampling**

The sampling methodology is based on the value, nature, and distribution of post review contracts and the project’s procurement and integrity risks, including the capacity of the agencies and its executing and implementing agencies. The sampling methodologies covered contracts amounting to a representative range of the total number of transactions covered by the project procurement plan in terms of value and number, but including in the sample the review of all types of contracts identified in the plan. Contracts chosen for post review are based essentially on a stratified random sampling process.

Variables to consider when creating groups of similar contracts for post review

1. Value of contracts
2. Nature or type of contracts
3. Distribution of contracts
4. Procurement risks
5. Integrity risks

**2.2 General Assessment on Post Procurement Review**

**Organization Profile of Bangladesh Inland Water Transport Authority (BIWTA)**

The Bangladesh Inland Water Transport Authority (BIWTA) is set for development, maintenance, and control of inland water transport and of certain inland navigable waterways. At first, BIWTA has a few departments to manage and operation of all activities. But the Authority in 1973 June separated all functions and created the different departments.

There are ‍some department under the Bangladesh Inland Water Transport Authority (BIWTA) which are as follows:

* Ports and Transport department
* Engineering department
* Dredging department
* Conservancy and Pilotage
* Hydrography department
* Ports and Traffic department

In the FY: 2018-19 the total procurement value of BIWTA is TK. 258192.00 lac only and total procurement contract is 40. The selected procurement value is TK. 27,703r.79 only out of total TK. 258192.00 lac only and total procurement contract is 11 out of 40 which is covered 11.25 % of procurement value and 27.5% of procurement contracts respectively as sampling. The project capital dredging of 53 river-route in inland waterways (1st Phase:24 river routes) (1st revised) four contracts under reviewed which cover 16.67 % of the total 24 contracts. The selected contracts cover 5.39 % amounting TK 10,362.93 lakh in respect of the value of total procurement amount of TK. 192300 lakh. The project establishment of ferry ghat including allied facilities at Balashi and Bahadurabad four contracts under reviewed which cover 40% of the total 10 contracts. The selected contracts cover 20.73% amounting TK 3007.04 lakh in respect of the value of total procurement amount of TK. 14502 lakh and the project establishment of river port with allied facilities at Nagarbari three contracts under reviewed which cover 50% of the total 06 contracts. The selected contracts cover 27.89% amounting TK 14,333.82 lakhin respect of the value of total procurement amount of TK. 51390 lakh.

**2.1 Selection of Procurement Contracts:**

The list supplied by the Project Director/Procurement Entities BIWTA, The Following 11 contract has been selected from 3 PE’s for post procurement review on the following criteria:

1. High value, medium value, low value of the contract
2. OTM, DPM, LTM, e-GP etc.
3. Goods, works and service etc.
4. NCT and ICT tendering.
5. Location of implementation of contract.

**A. Project Director, Capital Dredging of 53 River-route in Inland Waterways (1st Phase:24 River Routes) (1st Revised)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Sl No.** | **Contract Pkg. No.** | **Description of Procurement** | **Contract Price**  **(lakh Taka)** | **Method/type** | **Nature of PE** |
| 01 | WD-Dilalpur-Nikil-Netrokona | Dredging work by cutter suction dredger and Excavator for Developing Navigability of Dilalpur – Ghoradigha – Chamraghut - Netrokona Atpara to Netrokona river route-2 | 2691.00 | OTM (NCT) | PD  Office |
| 02 | WD-Narsingdi-Belabo | Dredging work by cutter suction dredger and Excavator for Developing Navigability of Norshingdi (Bhairab) – Belabo- Katiadi river route-3 | 2295.33 | OTM  (NCT) | PD  Office |
| 03 | Mahanganj - lalitabari river route 3 | Dredging work by cutter suction dredger and Excavator including dredging related works for developing Navigability of Mahanganj – lalitabari river route Package - 3 | 2681.19 | OTM(NCT) | PD  Office |
| 04 | Mahanganj-Netrokona river  route 4 | Dredging work by cutter suction dredger and Excavator including dredging related works for developing Navigability of Mahanganj – lalitabari river route Package - 4 | 2695.41 | OTM(NCT) | PD  Office |
| Total TK.= | | | **10,362.93** |  |  |

Four (4) contracts under reviewed to Cover **16.67 %** of the Total **24** contracts. The selected contracts cover **5.39 %** in respect of the value of total procurement amount of **TK. 192300 lakh.**

**B. Project Director, Establishment of Ferry Ghat including allied Facilities at Balashi and Bahadurabad**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Sl No.** | **Contract Pkg. No.** | **Description of Procurement** | **Contract Price**  **(lakh Taka)** | **Method/type** | **Nature of PE** |
| 01 | b-002 Lot-1 | Construction of Parking Yard and BIWTA office, Waiting Shed, Store room, Rest room, Pump house, Toll Both, Pilot House, Police House, Toilet Complex, Driver Shed including Toilet, Restaurant, Weigh bridge, Control room, sub-station room, Fire service barrack, Ansar barrack, Staff barrack, Generator room, Garage, BITWA office Payer room and Building at Balashi and Bhadurabad | 2095.19 | OTM(NCT) | PD  Office |
| 02 | b-003 Lot-1(p-3) | Construction of Boundary and Fencing wall and slope protection of parking yard at Balashi and Bhadurabad | 553.68 | OTM(NCT) | PD  Office |
| 03 | b-004, Lot-1 | Construction of Ferry Ghat and Adjustment for operation during Project period at Balashi and Bahadurabad | 228.58 | OTM(NCT) | PD  Office |
| 04 | b-006, Lot-1 | Construction of Steel jetty (With shed) and Steel spud at Balashi and Bahadurabad | 129.59 | OTM(NCT) | PD  Office |
| Total TK.= | | | **3007.04** |  |  |

Four (4) contracts under reviewed to Cover **40%** of the total **10** contracts. The selected contracts cover **20.73%** in respect of the value of total procurement amount of **TK. 14502 lakh.**

**C. Project Director, Establishment of River Port with allied Facilities at Nagarbari**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Sl No.** | **Contract Pkg. No.** | **Description of Procurement** | **Contract Price**  **(lakh Taka)** | **Method/type** | **Nature of PE** |
| 01 | WDN-1-Lot-1 | Construction of RCC jetty and Access Road at Nagarbari | 8984.66 | OTM(NCT) | PD  Office |
| 02 | WDN-2-Lot-1 | Construction Bank Protection / Revetment Structure at Nagarbari | 3553.10 | OTM(NCT) | PD  Office |
| 03 | WDN-3-Lot-1 | Construction of Administrative Building, Inspection Banglo, Dormitory, Pilot House, Pump House, Generator room, Store room, Guard room, Mosque, Boundary Wall, Fencing, Gate, Water Connection and Sewerage, Drainage, Deep Tube Well, Electrical work, Land Development and other related works at Nagarbari | 1796.06 | OTM(NCT) | PD  Office |
| Total TK.= | | | **14,333.82** |  |  |

Three (3) contracts under reviewed to Cover **50%** of the total **06** contracts. The selected contracts cover **27.89%** in respect of the value of total procurement amount of **TK. 51390 lakh.**

**2.2 Profile of Procurement Contracts (2018-2019):**

The profile of procurement contracts showing (a) category of procurement (b) method and type and (c) summery of individual contract review in prescribed format (goods, works, and services) is listed below:

1. **Category:**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Name of PE** | **Total Contract No** | | **Goods** | | **Works** | | **Services** | | **Number**  **Review**  **ed** |
| **Total**  **(No.)** | **Review**  **ed**  **(No.)** | **Total**  **(No.)** | **Reviewed**  **(No.)** | **Total**  **(No.)** | **Review**  **Ed (No.)** | **Total**  **(No.)** | **Review**  **ed**  **(No.)** |
| Office of the chief Engineer (Civil), Dhaka | 24 | 04 | - | - | 24 | 04 | - | - | 04 |
| Office of the Executive Engineer Aricha Sub -Division Engineering Dept. Manikgonj | 10 | 04 | - | - | 10 | 04 | - | - | 04 |
| Office of the Additional Chief Engineer2 (Civil), Dredging Dept. Dhaka | 06 | 03 | - | - | 06 | 03 | - | - | 03 |

1. **Method / Type:**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Name of**  **PE** | **OTM** | | **DPM** | | **ICT** | | **NCT** | | **SSTETM** | |
| **Total**  **(No.)** | **Review**  **ed(No.)** | **Total**  **(No.)** | **Review**  **ed(No.)** | **Total**  **(No.)** | **Review**  **ed(No.)** | **Total**  **(No.)** | **Review**  **ed(No.)** | **Total**  **(No.)** | **Review**  **ed(No.)** |
| Office of the chief Engineer (Civil), Dhaka | 24 | 04 | - | - | - | - | 24 | 04 | - | - |
| Office of the Executive Engineer Aricha Sub -Division Engineering Dept. Manikgonj | 10 | 04 | - | - | - | - | 10 | 04 | - | - |
| Office of the Additional Chief Engineer2 (Civil), Dredging Dept. Dhaka | 06 | 03 | - | - | - | - | 06 | 03 | - | - |

**Summary of individual contract review format (Goods, Works, and Services):**

**(Value in lakh Taka)**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Sl.**  **No** | **Procuring**  **Entity ID**  **and Name** | **Total Procurement** | | | | | | **Contracts Reviewed**  **(Million/Taka)** | | | | | |
| **No** | **Value in Taka/ Million** | **Total** | | | | **Goods/Works** | | | | | |
| **OTM** | | **DPM** | | **SSTEM** | |
| **No** | **%** | **Value** | **%** | **No** | **Value** | **No** | **Value** | **No** | **Value** |
| 1. | Office of the chief Engineer (Civil), Dhaka | 24 | 1923 | 04 | 16.67 | 103.62 | 5.39 | 04 | 103.62 | - | - | - | - |
| 2. | Office of the Executive Engineer Aricha Sub -Division Engineering Dept. Manikgonj | 10 | 145.02 | 04 | 40 | 30.07 | 20.73 | 04 | 30.070 | - | - | - | - |
| 3. | Office of the Additional Chief Engineer2 (Civil), Dredging Dept. Dhaka | 06 | 513.90 | 03 | 50 | 163.33 | 27.89 | 03 | 163.33 | - | - | - | - |

**Chapter Three**

**3.0 Brief description of 3 (three) Project:**

**3.1 Name of project: Capital dredging of 53 river-route in inland waterways (1st phase:24 river routes) (1st revised)**

**3.1.1 Background:** Bangladesh is closely related to water. Because of this relation, shipping services have played an important role in our economy and transportation system. So, Bangladesh Government has taken an extensive plan for dredging the rive routes. The project will support the navigability of mymensingh and dhaka divisions.

**3.1.2 Completion Time:** The project period is january 2012 to June 2021. Under this project the related 4 packages works started january 2019 with the target to finish by december 2020. The physical progress of the Project as now is about 73% and expected to complete 95% by 2020.

**3.1.3 Cost of the Project:**

|  |  |  |
| --- | --- | --- |
| Project cost | : | **192300.00** lakh Taka |
| GOB | : | **192300.00** lakh Taka |
| 4 (four) packages Cost: | | |
| Total | : | **10,362.93** lakh Taka |
| GOB | : | **10,362.93** lakh Taka |

**3.1.4 Geographical Area:** This project covers river route under monohorpur, netrokona and isorkhola, salukanda, mymensingh and botchapa, norshingdi and krishnapur, kishoreganj.

**3.1.5 Major Component of the Project:**

1. A total of 996 lakh cubic meters of dredging in 24 waterways.
2. To develop the navigability of 2386 km waterways.
3. Fill the lowland area with soil.

**3.2 Name of project: Establishment of ferry ghat including allied facilities at Balashi and Bahadurabad**

**3.2.1 Background:** Bangladesh is closely related to water. Because of this relation, the ferry services have played an important role in our economy and transportation system. So, Bangladesh Government has taken an extensive plan to add more ferry ghat in Bangladesh. This project will help to prepare for the new economic zone in rangpur and mymensingh division.

**3.2.2 Completion Time:** The project started march 2019 with the target to finish by 31 december 2020. The physical works of the projects as of now is about 65%, so it will be possible to close the project by 30 december 2020. but now project time extended till 30 june 2021.

**3.2.3 Cost of the Project:**

|  |  |  |
| --- | --- | --- |
| Project cost | : | **14502.00** lakh Taka |
| GOB | : | **14502.00** lakh Taka |
| 4 (four) packages Cost: | | |
| Total | : | **3007.04** lakh Taka |
| GOB | : | **3007.04** lakh Taka |

**3.2.4 Geographical Area:** This project covers balashi, gaibandah and bahadurabad, jamalpur in Bangladesh.

**3.2.5 Major Component of the Project:**

|  |
| --- |
| 1. Construction of parking yard and ferry ghat. 2. Construction of BIWTA Office, Sub-station Room. 3. Construction of police barrack, ansar barrack, staff barrack and fire service barrack. 4. Construction of store room and generator room |

**3.3 Name of project: Establishment of river port with allied facilities at Nagarbari**

**3.3.1 Background:** The broad objective of the project is to boost up the economic development, better communication system ‍and reducing rural poverty. In order to achieve this objective BIWTA undertake a project under the name of establishment of river port with allied facilities at nagarbari. The specific task of this project is to build the river port, bank protection and administrative building in Nagarbari. There is already a temporary ghat set up and operations are being conducted.

**3.3.2 Completion Time:** The project started october 2019 with the target to finish by 31 march 2021. The physical works of the projects as of now is about 20.5%.

**3.3.3 Cost of the Project:**

|  |  |  |
| --- | --- | --- |
| Project cost | : | **51390.00** lakh Taka |
| GOB | : | **51390.00** lakh Taka |
| 3 (three) packages Cost: | | |
| Total | : | ­­­­­**14,333.82** lakh Taka |
| GOB | : | ­­­­­**14,333.82** lakh Taka |

**3.3.4 Geographical Area:** This project covers nagarbari ghat,pabna in rajshahi division.

**3.3.5 Major Component of the Project:**

|  |
| --- |
| 1. RCC jetty and access Road 2. Bank protection/revetment structure 3. Construction work for highways, airfields and railways 4. Administrative building, inspection banglo 5. Electrical installation work |

**Chapter Four**

**4.0 Field Visit of PE’s Office:**

The intimation letter has given to BIWTA for conducting post procurement review under the sample basis of three PE’s for the year of 2018-19. According the discussions, PE’s office has been visited and requested PE to nominate a contact person whom will be communicated regularly to conduct the post procurement review work.

The required information has been collected regarding all contract documents, tender documents, related annual procurement plan (APP), official estimate cost, notification of award (NOA), tender opening report, tender evaluation report, formation of tender opening committee (TOC), tender evaluation committee (TER), invitation for tender (IFT), pre-tender meeting minutes, clarification, any complaint, approval of all reports and committee as well as financial as per DoFP regarding the selected 11 packages.

By scrutinizing all documents and discussion, post procurement review has been performed and also fills up the relating contract forms from selected 11 procurement packages.

**Chapter Five**

**5.0 Procurement Management Capacity of the Procuring Entities:**

Bangladesh Inland Water Transport Authority (BIWTA) is a big organization expanding its activities in all over the Bangladesh. Each of the selected procuring entities has to spend every year a huge amount of money for procurement of goods works and services. Procurement management capacity of the procuring entities is described below:

**a) Project Director, Capital Dredging of 53 River-route in Inland Waterways (1st Phase:24 River Routes) (1st Revised)**

In the financial year 2018-2019, 24 (Twenty-Four) number of procurement agreements of goods, works and services were awarded by the PE. Total contract value of amount of BDT 1923 million. The PD is Mr. Saidur Rahman. He joined this project in November 2018. The PE has one Deputy Project Director (DPD) (Superintending Engineer), two Executive Engineers, three assistant Engineers, six sub-asssistant Engineers, six technical assistant, four computer operators to assist him in procurement management (project total 66 persons).09 (Nine) official receive training on procurement (PPR). PE has one Deputy Director Finance under him for keeping accountants and bill payments.

Procurements of works are done by the PE. But the allocation and distribution of works to the contractor are done by the Material Planning, Standardization and Specification Director (MPSS). The works are received by the concerned Additional Chief Engineer2 (Civil) and the contractor as per allocation letter issued by the MPSS Directorate. Before delivery or receive, pre-delivery inspection and/or post-leading inspection are carried out by the inspection and the technical team organized by Chairman BIWTA (HOPE). Final payments are made by the Finance Directorate under PD with the approval of the procuring entity.

**b) Project Director, Project Director, Establishment of Ferry Ghat including allied Facilities at Balashi and Bahadurabad**

In the financial year 2018-2019, 10 (Ten) number of procurement agreements of goods, works and services were awarded by the PE, total contract value of amount of BDT 14502 million. The PD is Mr. Nizam Uddin Pathan. He joined this project in January 2019 and start the work. The PE has one Deputy Project Directors (Executive Engineer), one Deputy Director Technical (xen), one Deputy Director (DD) Finance, one Assistant Engineers, one Sub-Assistant Engineer (SAE), one accountant, two data entry operators, two office peons to assist him in procurement management. 08(Eight) official receive training on procurement (PPR). PE Has one Deputy Director Finance under him for keeping accountants and bill payments.

Procurements of works are done by the PE. But the allocation and distribution of works to the contractor are done by the Material Planning, Standardization and Specification Director (MPSS). The works are received by the concerned Executive Engineer and the contractor as per allocation letter Issued by the MPSS Directorate. Before delivery or receive, pre-delivery inspection and/or post-leading inspection are carried out by the inspection and the technical team organized by Chairman BIWTA (HOPE). Final payments are made by the Finance Directorate under PD with the approval of the procuring entity.

**c) Project Director, Establishment of River Port with allied Facilities at Nagarbari**

In the financial year 2018-2019, 06 (Six) number of procurement agreements of goods, works and services were awarded by the PE. Total contract value of amount of BDT 513.90 million. The PD is Mr. Mohidul Islam. He joined this project in May 2019 and start the work. The PE has one Deputy Project Directors (Executive Engineer), one Deputy Director Technical (xen), one Deputy Director (DD) Finance, one Assistant Engineers, one Sub-Assistant Engineer (SAE), one accountant, two data entry operators, two office peons to assist him in procurement management. 08(Eight) official receive training on procurement (PPR). PE Has one Deputy Director Finance under him for keeping accountants and bill payments.

Procurements of works are done by the PE. But the allocation and distribution of works to the contractor are done by the Material Planning, Standardization and Specification Director (MPSS). The works are received by the concerned Chief Engineer (Civil) and the contractor as per allocation letter Issued by the MPSS Directorate. Before delivery or receive, pre-delivery inspection and/or post-leading inspection are carried out by the inspection and the technical team organized by Chairman BIWTA (HOPE). Final payments are made by the Finance Directorate under PD with the approval of the procuring entity.

It is to mention head that procurement of ‘’Dredging and Construction works contract’’ of above three projects are done by the concern Additional Chief Engineer2 (Civil), Executive Engineer and Chief Engineer (Civil), Project, Zone office which under control of CE (project). Advertisement opening and evaluation are carried out in the CE (project) zone office. The evaluation report of the TEC is forwarded to PE approval. PE forwarded the evaluation report to Charmin BIWTA (HOPE) for the approval. After approval, CE Zone Office Signs the contract agreement and issues a work order execution of construction works. Supervision of dredging and construction works is carried out by the consulting firm appointed by the BIWTA. The Executive Engineer and Assistant Engineer of the CE Zone office also supervise contractual works. Completion certificate is given by the local engineer of the consulting firm and approved by the Executive Engineer CE (project) Zone office. The bills of work are sent to the PE for approval and payment. Finally, PE made payment for the work executed by concerned CE.

**5.2 Time Management:**

Generally, the project is implementing in time except for the project Establishment of Ferry Ghat including allied Facilities at Balashi, and Bahadurabad. Time is extended for this project due to the lengthy land acquisition process for this project.

**5.3 Coordination between PE and Field:**

Standard coordination betweenPE’s and field work has been done for all the three projects. Regular coordination meeting and site visit has been done to run project work smoothly.

**5.4 Monitoring:**

Regular monitoring has been done for all three projects by collecting data every day from every worksite and then evaluating those data by PE offices.

**5.5 Delegation of financial power:**

Delegation of financial power (DoFP) has been exercised for the three projects. PD, PE, Chairman BIWTA, Ministry has been exercised delegation of financial power step by step for the three projects according to the rule and regulation.

**Chapter Six**

**6.0 Competition in Procurement:**

Number of sales of tender documents, number of advertised in newspaper, number of tenderers participated and number of responsive tenderers are shown below:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **SL.NO** | **Cont.**  **PKg.no** | **Adds (Newspaper)** | **T doc.**  **Sold** | **No.**  **Participated** | **Responsive**  **(no)** | **Cont. Price**  **(higher or lower)** |
| 1 | Mahanganj-Nalitabari river route 3 | 01 | 05 | 04 | 03 | 9.99% lower than the estimated price |
| 2 | Mahanganj-Nalitabari river route 4 | 01 | 04 | 03 | 02 | 10% lower than the estimated price |
| 3 | WD-Dilalpur-Nikil-Netrokona | 01 | 04 | 04 | 03 | 10% lower than the estimated price |
| 4 | WD-Narsingdi-Belabo | 01 | 03 | 03 | 03 | 9.99% lower than the estimated price |
| 5 | b-002 | 01 | 02 | 02 | 02 | 10.01% lower than the estimated price |
| 6 | b-003 | 01 | 02 | 02 | 02 | 10.01% lower than the estimated price |
| 7 | b-004 | 01 | 06 | 05 | 02 | 10.01% lower than the estimated price |
| 8 | b-006 | 01 | 03 | 02 | 02 | 10% lower than the estimated price |
| 9 | WND-1 | 03 | 19 | 09 | 06 | 10.01% lower than the estimated price |
| 10 | WND-2 | 04 | 20 | 11 | 05 | 10.02% lower than the estimated price |
| 11 | WND-3 | 03 | 25 | 10 | 05 | 10.01% lower than the estimated price |

From the above table, we get a summarized table and pie chart that are below:

|  |  |
| --- | --- |
| No. Participated | Cont. Procurement Contracts |
| 02 | 03 |
| 03 | 02 |
| 04 | 02 |
| 05 | 01 |
| 09 | 01 |
| 10 | 01 |
| 11 | 01 |

From the above table it appears that out of 11 procurement contracts PKg 2 participated in 3 procurement contractsPKg, 3-5 tenderers participated in 5 procurements contracts PKg, 9-11 tenderers participated in 3 procurement contractsPKg.

**Chapter Seven**

**7.0 Findings:**

Strengths, deficiencies, non-compliance with the procurement Rules and acts and comments and recommendations have been described while reviewing individual procurement contracts and are annexed as Annex -A, Annex-B and Annex -C. The common findings are described below:

**7.1 Strengths:**

1. Procuring Entities (PE) made Annual Procurement Plan (APP) with approval of Chairman, BIWTA (HOPE).
2. PEs processed all procurements through e –GP.
3. Advertisement given at least in one Bengali and one English national newspaper as per Rule - 90(2)(d) of the PPR-2008.
4. Tender notice is published of CPTU and PE website as per Rule-90 (2) of PPR-2008;
5. Procuring Entities used Standard Tender Documents (STD) of CPTU procurement and put necessary information in Tender Data Sheet (TDS) and other formats.
6. Tender Opening Committee (TOC) and Tender Evaluation Committee (TEC) were formed as per Rule-7 and 8(1), schedule-II of the PPR-2008 and e–GP guide line.
7. TEC completed evaluation in time for 55% contract packages as per Rule 98 (3) (d) of the PPR-2008.
8. NOA issued in time within 7 days from approval of award decision as per Rule – 36(4)(a), schedule-II of the PPR-2008
9. Procurement contract agreement were signed in time within 28 days from NOA issue as per Rule -102(11), schedule-II of the PPR-2008.
10. Above 45% of officials of the procuring entities involved in procurement, received training on PPR and e - GP.
11. Contract was signed before the start time mentioned in APP for two of the contract packages (17%). These are, WD-3 and b-006.

**7.2 weaknesses:**

**7.2.1 Non- Maintenance of Records and Documents:**

The following documents were not found:

1. The records and documents which are not found in the contract files are:(a) The signed Form of Contract Agreement (b) The Notification of award (c) The Completed Tender (d) Particular Conditions of Contract (e) General Condition of Contract (f) Technical Specifications (g) The General Specifications (h) Drawings (i) Bill of Quantities (j) Schedule of Day works (k) Other document including correspondences listed in the PCC as per Rule 4(7) of the PPR-2008.
2. The procurement record does not contain: (a) Original copy of advertisement in the newspaper with all edition (b) Copy of the original cost estimate with data for a particular contract (c) Delivery receipt, completion reports and management book for works, record book (d) Acknowledgment receipt of other relevant document for payment (e) Acknowledgment receipts of payment by the contractors were not prepared as per Rule - 43(3) of the PPR-2008
3. Records of sending notification of award for contract for Publication in CPTU’s website and PE’s website was not done as per Rule - 37(2) of the PPR-2008.
4. The contract agreement is signed as per format of STD but it is only 03-04 page .This contract does not contain: (a) The notification of award (b) Complete tender (c) Particular condition of contract (d) General condition of contract (e) Technical specification (f) Drawing (g) Price schedules and schedules of requirements and (h) Other documents including correspondence listed in the PCC with signature of both the parties in every page of the contract agreement as per Rule - 38 and 39 of the PPR-2008.

**7.2.2 Non-compliance with Acts and Rules:**

1. Checklists showing the time spent at each stage of procurement contracts/schedule of activities were not maintained fully as per Rule - 8(17)(18) and Schedule -IV of the PPR-2008.
2. Tender notices were not published in widely circulated daily newspapers (i. e Daily Star, Prothom-alo, Financial express etc.) to ensure competition as per Rule - 90(2)(d) of the PPR-2008.
3. Evaluation time were not maintained fully for 45% of contract packages as per Rule-36(6), Schedule-III, Part-A of the PPR-2008.
4. The Notification of Award (NOA) for contracts were not published in CPTU’s website as per Rule-37(2) of the PPR-2008.
5. The un-successful bidders were not notified with the refund of their bank guarantee in time, after the contract sign with successful bidder as per Rule 26 of the PPR-2008 and PPA section 53 and 63.
6. Some of contracts award are not made within the initial tender validity period according to the Rule - 19 of PPR-2008 (WDN-1-Lot-1, WDN-2-Lot-1, WDN-3-Lot-1).

**7.3 Delay in dredging and construction works:**

**7.3.1 Delay survey for dry season:**

At times due to the dispute over the boundaries of the river, dredging work for capital rivers could not start in schedule time. Again, for dry season sometimes it becomes difficult to fix the dredger for dredging. So as a whole it takes around 6 -7 months more to complete the task. It happened in case of around 36% of total contract packages.

**7.3.2 Delay survey for land acquisition:**

The land acquisition of any government project becomes an important issue. Government offices take more time for this. Lengthy acquisition process is the main cause of delay. For this reason, construction could not start at the right time for establishing river port at Nagarbari. It’s around 27% of total contract package.

**7.4 Updated APP:**

The annual procurement plan with estimated cost was not updated on a quarterly basis as per Rule 16(10) of PPR-2008.

**7.5 Official cost estimation (OCE):**

Official Cost estimation was done on previous costing, not on local current market price.

**7.6 Three contract signed with same firm:**

Three of the contract packages (27%) of same project is signed with same firm i.e S S Rahman International. These are, b-002, b-003, b-004.

**7.7 Weak Competition:**

Some of the selected procurement contracts competition were weak. Here 02 bidders participated in 03 contract, 03 bidders participated in 02 contract, 04 bidders participated in 02 contract, 05 bidders participated in 01 contract, 09 bidders participated in 01 contract, 10 bidders participated in 01 contract and 11 participated in 01 contract. In last three contracts participated 9,10 and 11 bidders but responsive only 6, 5 and 5 tenders.

**7.8 Excessive evaluation time:**

Excess evaluation time has taken for package b-004-Lot-1 (24 days), b-006-Lot-1 (29 days), WDN-1-Lot-1 (83 days), WDN-2-Lot-1(83 days), WDN-3-Lot-1 (128 days), which is 45% of total contract. As a result, it exceeded more than 200 days from IFT to contract sign.

**7.9 Problem for excessive evaluation time:**

If the tender evaluation steps take more time, then it creates a problem for bidders. Because they give offer for a particular price of the market considering not more than 90 days. If the evaluating time exceeded 200 days then bidders may be faced problems in their business. The reason for the problem is the increase in the market price of a particular product.

**7.10 Documents sending to zone office:**

Procurement documents were not sent to the Zone office.

**7.11 Insurance:**

There were no provisions of insurance for dredging and construction equipment and workers kept by contractor at any level as per tender requirement.

**7.12 Contract concluded on 10% less price of official estimate:**

Almost all the contract done at the price of 10% less then official estimate.

**7.13 Time extension:**

The contract time extension was done due lengthy land acquisition process and dry season for Package: b-002 Lot-1, Package: b-003 Lot-1(p-3), Package: b-004, Lot-1, Package: b-006, Lot-1.

**7.14 Social and environmental issued are not address:**

Dredging waste and construction dust are creating a direct impact on human body and environment by health hazard and pollution.

**7.15 Overall delay:**

Due to the COVID-19, a wide range of delay will be there for not getting workers, materials, administrative support, etc.

**Chapter Eight**

**8.0 Recommendation:**

**The recommendations for improvement are stated below:**

1. All contracts file to be maintain properly including:(a) The signed Form of Contract Agreement (b) The Notification of award (c) The Completed Tender (d) Particular Conditions of Contract (e) General Condition of Contract (f) Technical Specifications (g) The General Specifications (h) Drawings (i) Bill of Quantities (j) Schedule of Day works (k) Other document including correspondences listed in the PCC as per Rule - 4(7) of the PPR-2008.
2. The time spent at each stage of procurement contract/schedule of the activities to be maintained as per Rule - 8(17) (18) and as schedule-IV of PPR-2008.
3. Step to be taken to complete the evaluation in time, as per Rule -36(6), schedule-III, Part-A of the PPR-2008.
4. Steps to be taken to sign the contract within the initial tender validity time.
5. The un-successful bidders are to be notified with the refund of their Bank Guarantee in time after the contract sign with the successful bidder as per Rule - 35 (1)(2)(3) of the PPR-2008.
6. The insurance coverages are to be kept by contractor for equipment and workers.
7. To ensure competition the publication of tender notice in all edition of well circulated daily newspapers to be done on the day of publication as per Rule - 90(2)(d).
8. The procurement record should include (a) Original copy of advertisement in the newspaper with all edition (b) Copy of the original cost estimate with data for a particular contract (c) Delivery receipt, completion reports and management book for works, record book (d) Acknowledgment receipt of other relevant document for payment (e) Acknowledgment receipts of payment by the contractors and other relevant document prepared properly as per Rule -43(3) of the PPR-2008.
9. The notification of award (NOA) for contracts are to be published in CPTU’s website as per Rule -37(2) of the PPR-2008.
10. The contract agreement should be very specific. This should contain: (a)The notification of award (b) Complete tender (c) Particular condition of contract (d) General condition of contract (e)Technical specification (f) Drawing (g) Price schedules and schedules of requirements and (h) Other documents including correspondence listed in the PCC with signature of both the parties in every page of the contract agreement as per Rule 38 and 39 of the PPR-2008.
11. Initiative to be taken by the PD for timely completion of every contract.
12. PE/ PD must maintain all records of the payment including the bills, invoices for procurement of goods, works and services per Rule - 43(3)(n) of the PPR-2008.
13. PD must arrange regular frequent meeting with stakeholder to give approval of procurements.
14. Necessary procurement document should be sent to zone office at the right time.
15. The lengthy process for government land acquisition should be minimized.
16. Social and environmental issues must be addressed by minimalizing dredging waste and construction dust.
17. An alternative contingency plan should be done for any adverse situation like COVID-19, Cyclone Amphan, dry season etc. so that total procurement process does not hamper the public services.

**Chapter Nine**

**9.0 Conclusion:**

The Government enacted The Public Procurement Act-2006 and consequently made The Public Procurement Rules-2008 for ensuring transparency, accountability, efficiency and fair competition in the procurement of goods, works and services using public funds. So, compliance with the provisions of Rules and Act should be ensure d by Procuring Entities.

The objectives of the assignment were to determine whether the procurement processes and contracting proceeding are in accordance with the Public Procurement Act and Rules, to identify deficiencies or non-compliance etc. The final report is prepared with the help and support of client and stakeholders concerned. Through review some deficiencies or anomalies are identified which is occurred in procurement operation and suggested some remedies as recommendations to improve/correct those in order to carry out the compliance of the provisions of Act and Rules in their procurement process.

This kind of post procurement review will create consciousness and awareness in the Procuring Entities in complying with the Rules and Act in procurement contracts for achieving competition, transparency and value for money in using public fund.

**10.00 Annexures:**

**10.01 Annex: A-1**

**Individual Contract Review Format (Package:** **Mahanganj-Lalitabari river route 3, Lot-3)**

**(e-GP System)**

**Part-1: General**

|  |  |
| --- | --- |
| Data of Review | 5th April and 25 April 2020 |
| Name of Reviewer | Commodore (Retd) Syed Salahuddin Ahmed |
| Procuring Entity Name | Office of the Additional Chief Engineer2 (Civil) Dredging Department, Dhaka, BIWTA |
| Contract Name  and  Reference No. | Dredging work by cutter suction dredger and Excavator including dredging related works for Developing Navigability of Mahanganj-Lalitabari river route (Pakage-3).  Mahanganj-Lalitabari river route-3, Lot-3, Dated: 17.01.2019 |
| Contract Amount | BDT 26,81,19,000.394 |
| Procurement Type | NCT |
| Category of Procurement | Service (Dredging Mahanganj-Lalitabari river route 3) |
| Method of Procurement | OTM(e-GP) |
| Object of Procurement | * To ensure Dredging work for Developing Navigability of Mahanganj - Lalitabari river route (Pakage-3) to facilitate water transportation throughout the area. * To accelerate economic activities in Bangladesh by increasing water transportation. * To achieve 100% water transportation for all. |
| Financing Arrangement  of the Procurement | GOB |

**Part-2: Compliance with Act and** **Rules (Package:** **Mahanganj-Lalitabari river route -3, Lot-3)**

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **Applicable Provision** | **Actual** |
| 1.0 | Procurement Plan | | |
| 1.1 | Approval Status of APP. | HOPE or AO  e-GP Guidelines, Section 3.3.1 and PPR-2008, Rule [R-16(7)], | Chairman BIWTA |
| 2.0 | Procurement Opportunities | | |
| 2.1 | Advertised in Newspaper | e-GP Guidelines, Section 3.5.1.3 and PPR-2008, [Rule 90(2) (ka)]  At least one Bengali and one English National Newspaper | |  |  |  | | --- | --- | --- | | Dainik Jugantor | : | 14.11.2018 | | English Newage | : | 13.11.2018 | |
| 2.2 | Advertised in CPTU’s website | Procurement of Tk. 1.00 crore and above be sent to CPTU’s website [R-90(2) (jha)]  e-GP Guidelines, Sec-3.5.1.2 | |  |  |  | | --- | --- | --- | | CPTU | : | 24.12.2018 | |
| 2.3 | Tenders/Proposals followed PPR,2008 | To be Followed PPR, 2008 and e-GP Guidelines, | e-GP Guidelines and PPR2008 |
| 2.4 | Tenders/Proposals followed DP’s Guideline | N/A | N/A |
| 3.0 | Tenders/Proposals Submission | | |
| 3.1 | No of Sale/Issuance of  Tender/Proposal  Document | No Limit | 5 (Five) |
| 3.2 | No of Tender Participate | No limit | 4 (Four) |
| 3.3 | Days allowed per Rule  For preparation and Submission of tender | At least 14 days: [R-61(5)] | |  |  |  | | --- | --- | --- | | Advertisement | : | 14.11.2018 | | Submission | : | 24.12.2018 |   41 days (preparation -submission) |
| 4.0 | Formation of TOC/BOC and TEC/BEC | | |
| 4.1 | No of members in TOC/BOC | 02(Two) [R-7, Schedule-II] and e-GP Guidelines Section-3.5.6.1 | 02 (Two) |
| 4.2 | No of members in TOC/BOC from TEC/BEC | 1 (One)  [R-7, Schedule-II] | 1 (One) |
| 4.3 | No of members in TEC/BEC | 03 (Three) member[R-8(1), Schedule-II] and e-GP, Section-3.5.6.1 | 03 (Three) |
| 4.4 | No of external members in TEC/BEC | N/A | N/A |
| 4.5 | Authority Approved TEC/BEC | Tender Approving Authority/  PD / Chairman / Secretary [R-8(3)] | HOPE |
| 5.0 | Tenders/Proposal Evaluation | | |
| 5.1 | Days Allowed per Rules between opening and completion /submission of evaluation Report | Safe Custody-2days(R-32), Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 24.12.2018 | | Evaluation | : | 02.01.2019 |   10 days (Opening-evaluation) |
| 5.2 | Days actual between opening and completion /submission of evaluation | Safe Custody-2 days(R-32), TEC Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 24.12.2018 | | Evaluation | : | 02.01.2019 | | 10 days (Opening-evaluation) | | | | Submission to Member | : | 02.01.2019 | | 10 days (opening-sub. to Member) | | | |
| 5.3 | Responsiveness of Tender/Proposal | No Limit | 3 (Three) |
| 5.4 | Re-invitation of Tender/Proposals recommended by TEC/BEC | PE may reject all tenders on the recommendations of the TEC, and with the approval HOPE invite Re-tender on certain grounds [R-33(2)], [R-11(2)(c)(II)] | N/A |
| 5.5 | Procurement proceedings annulled/cancelled | N/A | N/A |
| 6.0 | Approval of tenders / proposals | | |
| 6.1 | Days actual between evolution and approval | HOPE: 6 weeks (42 days)  Project Director: 1weeks (7 days) [R-36(6)-Schedule-III, Part -A] | |  |  |  | | --- | --- | --- | | Evaluation | : | 02.01.2019 | | Submission to Member (Eng.) | : | 02.01.2019 | | Member (Eng.) to Member (Finance) | : | 02.01.2019 | | Member (Finance) to Member (Plan and Ops) | : | 02.01.2019 | | Member (Plan and Ops) to HOPE | : | 02.01.2019 | | HOPE Approved | : | 03.01.2019 |   02 days (Evaluation-Approved) |
| 6.2 | AA as per DoFP | HOPE / PD | HOPE, Chairman (BIWTA) |
| 6.3 | Authority approved | HOPE / PD | HOPE, Chairman (BIWTA) |
| 6.4 | Evaluation report was sent directly to the AA | Be sent directly to AA in sealed envelope [R-36(3)] | Via Member (Eng.) to Chairman (BIWTA) |
| 6.5 | Days actual for issuance of NOA / PO / Contracts sign | a) NOA-Within 7 working days of receipt of approval but before expiry of tender validity date [R-36(4)]/(a), Schedule-II]  b) Contract singing-within 28 days from issuance NOA [R-102(11), schedule-II] | |  |  |  | | --- | --- | --- | | Approval | : | 03.01.2019 | | NOA Issue | : | 03.01.2019 | | 01 days (approval to NOA issue) | | | | Contract Sign | : | 17.01.2019 | | 15 days (NOA to Contract Sign) | | | |
| 6.6 | Days actual for contract award decision by AA | HOPE: 6 weeks (42 days)  Project Director: 1weeks (7 days) [R-36(6)-Schedule-III, Part -A] | |  |  |  | | --- | --- | --- | | Sub. Approval | : | 02.01.2019 | | Approval | : | 03.01.2019 |   02 days (Submission-approval) |
| 6.7 | Authority other than AA, if any, made additional review of the evaluation report | N/A | N/A |
| 6.8 | Authority higher or lower than AA, if any, approved the Tenders/ Proposals | Project Director | Chairman BIWTA |
| 7.0 | Contract Award | | |
| 7.1 | Procurement processing Lead time I.e. the actual between opening and Issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2days[R-32]  Days Actual Between Opening and Issuance  NOA:28 Days[R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | Opening | : | 24.12.2018 | | NOA issue | : | 03.01.2019 | | 11 days (Opening-NOA) | | | |  | | | | Contract Sign | : | 17.01.2019 | | 26 days (Opening-contract sign) | | | |
| 7.2 | The actual between IFT/RFP issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2 days [R-32]  Days Actual Between IFT and Issuance of NOA: Min 42 Days [R-36 (6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | IFT | : | 14.11.2018 | | NOA issue | : | 03.01.2019 | | 51 days (IFT -NOA) | | | | Contract Sign | : | 17.01.2019 | | 65 days (IFT -contract sign) | | | |
| 7.3 | Publication award in CPTUs website/PE's Website/others | a) CPTU’s website: Within 7 working days from issuance of NOA for not less than 1 month for TK 1.00 crore and above [R-31(1 and 2)]  b) PE’s website-Below Tk.1.00 crore e-GP Guidelines, Section-3.7.4 | Published |
| 7.4 | Contract awarded made within the initial tender/proposal validity period | Generally, 60-120 days  [R-19(1) and 117(10)] | Yes (23.12.2018 to 24.03.2019),  Within tender validity period |
| 8.0 | Completion Contract | | |
| 8.1 | Day per original contract time is specified for Supply/ Execution/Perform | |  |  |  | | --- | --- | --- | | 25% | : | 12.07.2019 | | 50% | : | 04.01.2020 | | 75% | : | 28.06.2020 | | 100% | : | 23.12.2020 | | Contract Sign: 17.01.2019  66.5% within 67 weeks and 100% within 100 weeks from day of contract   |  |  |  | | --- | --- | --- | | 66.5% | : | 30.04.2020 | | 100% | : | 23.12.2020 | |
| 8.2 | Day actual for Supply/ Execution/Delivery/ Perform | 66.5 % within 67 weeks and 100% within 100 weeks from day of contract   |  |  |  | | --- | --- | --- | | 66.5% | : | 30.04.2020 | | 100% | : | 23.12.2020 | | Ongoing (61% Completed)   |  |  |  | | --- | --- | --- | | 61% | : | 30.04.2020 | | 100% | : | 23.12.2020 | |
| 8.3 | Amount of LD imposed |  | N/A |
| 9.0 | Complaint and Appeal | | |
| 9.1 | Complaint, if any, Lodged and reasons there of | Complaint may be lodged to PE within 7 days of becoming aware of the matter of complaint [R-56] | N/A |
| 9.2 | Resolution of complaints per Rules | The PE within 5 working days shall consider the complaint and decide whether to reject the complaint or take corrective action [R-57(3)(4)] | N/A |
| 9.3 | Modification resulting from resolution of complaints | N/A | N/A |
| 9.4 | Appeal of Independent Review Panel | A person within 7 working days of the receipt of the written decision may be appeal to a Review Panel only if he has exhausted all his options of complaints to the administrative Authority  [R-57(10)(11)(12)] | N/A |
| 9.5 | Review Panel’s decision and follow-on | Decision of the Review Panel within 12 working days from the receipt of the complaint | N/A |
| 10.0 | Contract Amendment | | |
| 10.1 | No of times contract time extended and days | Up to 20% of original Contract time. Above 20% approval of HOPE shall be required [R-74(4)] and [R-39(3)] | N/A |
| 10.2 | Variation/Extra Work/Repeat/addl. Delivery Orders etc. made | 15% of original Contract Price[R-77(ka)] [Rule-78, 79, and 80] of PPR-2008 | N/A |
| 10.3 | No and Amount of such orders | [Rule -78,79, 80] of PPR-2008 | N/A |
| 11.0 | Contract Disputes unresolved | [Rule -42(2)] of PPR-2008 | N/A |
| 12.0 | Fraudulence and Corruption | [Rule -127] of PPR-2008 | N/A |
| 13.0 | Procurement Management Capacity | Capable | Capable |
| 13.1 | HRD/Facilities | Project Director-1, DD Technical (xen)- 1, DD (Finance)-1, Assistant engineer-1, Sub assistant engineer-1, Accountant-1, Data entry operator-2, peon-2. | |
| 13.2 | No of Staff trained in procurement | | 09 Completed training |

**Part-3: Post Reviews Goods/Works Contracts (Package: Mahanganj-Lalitabari river route-3, Lot-3)**

|  |  |
| --- | --- |
| **Date of Review:** **5th April and** **25 April 2020** | **Name of the Reviewer:** **Commodore (Retd) Syed Salahuddin Ahmed** |
| **Contract Name, Number and Date:**  **Dredging work by cutter suction dredger and Excavator including dredging related works for Developing Navigability of Mahanganj-Lalitabari river route (Pakage-3).**  **Mahanganj-Lalitabari river route-3, Lot-3, Dated: 17.01.2019** | **Contract Amount:**  **BDT 26,81,19,000.394** |
| **Contractor’s Name and Address:** **BDL SRDC(JV),**  **Sky lark Point (9th Floor), Suite # 9-J1, 175, Shaheed Syed Nazrul Islam Sarani,**  **24/A, Bijoy Nagar (Old), Dhaka-1000, Bangladesh.** | |

|  |  |  |
| --- | --- | --- |
| **Procurement Method** | **:** | **NCT, OTM(e-GP)** |
| **Category** | **:** | **Service (Dredging Mahanganj-Lalitabari river route 3)** |
|  |  |  |

|  |  |
| --- | --- |
| **Aspect** | **Comment and Findings** |
| Procurement Document (Filing) | Procurement was done following e-GP guidelines. Most of the documents is kept in archive of e-GP Portal. Standard Tender Documents of CPTU were followed. Tender Data Sheet(general, tender document, qualification criteria, preparation of tender, submission of tender, opening and evaluation of a tender, award of contract, complain and appeal), Particular condition of Contract, Tender and Contract form(Price schedule, Bank Guarantee form, payment terms, insurance etc.), Schedules of requirement, Technical Specification and Drawings, were filled up as per provisions of Rule-4(1), 96(1) and Schedule XII of PPR-2008. |
| Advertising | Advertised on 14.11.2018 with other 11 (Eleven) packages/sub-packages in the Dainik Jujantor, 13.11.2018 in the English Newage and CPTU’s website (at least one Bengali and one English national newspaper). The advertisement was as per provision of Rule-90(2) (ka) and in the format prescribed in Schedule-X and XI of PPR-2008. |
| Pre/Post Qualification | Pre-qualification was done by Office of the Additional Chief Engineer2 (Civil) Dredging Department, Dhaka, BIWTA |
| Time Allowed for submission of Tenders | 16 days (preparation-submission). The days allowed for preparation and submission is consistent with Rules. |
| Tender Opening and minutes of Tender opening | Well formatted and recovered. TOS, TOR-1 and TOR-2 were used for the purposes. |
| Tender security records | Records of the tender security as per TOR-1 and TOR-2. |
| BE Report verify existence  Of Tenders Names of Tenderers | TER-1, 2, 3, and 4 were used while evaluation   1. BDL SRDC(JV) 2. S.S Engineering and Construction Limited. 3. Sonalia Dredger Ltd. |
| Contract document | The documents mentioned in the contract agreement are: (a) The signed Form of Contract Agreement, (b) the Notification of award, (c) The Completed Tender (d) Particular Conditions of Contract, (e) General Condition of Contract, (f) Technical Specifications, (g) The General Specifications, (h) Drawings, (i) Bill of Quantities(j) Schedule of Day works (k) Other document including correspondences listed in the PCC performing part of the contract, were not attached with the contract agreement with signatures of both the parties on every page. |
| Advance payment guarantee  Details and records | N/A |
| Performance security details and records | Performance Guarantee NO: 04911000343, Issue date: 08.01.2019,  Expiry date: 27-03-2021, Guarantee amount: BDT 1,34,05,950.02;  Issued by Bank Asia Limited, Paltan Branch, Dhaka, Bangladesh |
| Complaints and  Appeals | N/A |
| Contractual  completion date | 66.5% within 67 weeks and 100% within 100 weeks from day of contract   |  |  |  | | --- | --- | --- | | 66.5% | : | 30.04.2020 | | 100% | : | 23.12.2020 | |
| Actual  completion date | |  |  |  | | --- | --- | --- | | 61% | : | 30.04.2020 | | 100% | : | 23.12.2020 | |
| Bill of lading, if  Any | N/A |
| Delivery receipt/ not  receipt or like  Instrument | As per dredging work |
| Liquidated Damages,  Details and  enforcement for  delays | There is no possibility |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | | FY (2019-2020) | 10,88,15,108.29 |  |  | 15% | 9,24,92,842.05 |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Others matters |  |
| Compliance with agreed provisions Yes or No (Explain) | Generally, the provisions of PPA -2006 and PPR-2008 has been complied. Because the procurement has been done on e-GP where if the provision is not complied then the next step will not be allowed by the e-GP system.  Some are not complied such as: the records and documents of procurement contracts were not prepared properly as per Rule - 43(3) of the PPR-2008. The un-successful bidders were not notified with the refund of their bank guarantee after the contract sign with the successful bidder as per Rule 35 (1)(2)(3) of the PPR-2008. |

**Part-4: Report on Physical Inception (Package: Mahanganj-Lalitabari river route (Pakage-3, Lot-3)**

|  |  |
| --- | --- |
| Procurement Item  Name and number | Dredging work by cutter suction dredger and Excavator including dredging related works for Developing Navigability of Mahanganj-Lalitabari river route (Pakage-3).  Mahanganj-Lalitabari river route-3, Lot-1, Dated: 17.01.2019 |
| Location | Isorkhola, Netrokona |
| Date of visit | 20 March 2020 (Insufficient) |
| Date of Contract | |  |  |  | | --- | --- | --- | | Contract Signing | : | 17.01.2019 | |
| Contracted  Completion date (Original) | 66.5% within 67 weeks and 100% within 100 weeks from day of contract   |  |  |  | | --- | --- | --- | | 66.5% | : | 30.04.2020 | | 100% | : | 23.12.2020 | |
| Contractual  completion date | |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | | |  |  |  | | --- | --- | --- | | 61% | : | 30.04.2020 | | 100% | : | 23.12.2020 | |  |  | |
| Contract value | BDT 26,81,19,000.394 |
| Final Contract  Value | BDT 26,81,19,000.394 |
| Supplier/ Contractor | BDL SRDC(JV)  Sky lark Point (9th Floor), Suite # 9-J1, 175, Shaheed Syed Nazrul Islam Sarani, 24/A, Bijoy Nagar (Old), Dhaka-1000, Bangladesh. |
| Arrival Date at port | N/A |
| Arrival Date at project site/ warehouse (Goods) | N/A |
| Scope of work | Service (dredging works) |
| Materials (Supply and quantity) | As per dredging Work. |
| Construction  supervision | Dredging work supervision was undertaken by BIWTA. |
| Time overruns | There is no possibility |
| Cost overruns | There is no possibility |
| Deficiencies/  Defects observed | For the dredging work, completion time of the work start from the date of the sign contract. |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | | FY (2019-2020) | 10,88,15,108.29 |  |  | 15% | 9,24,92,842.05 |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Comments and  recommendations | The dredging work of this project was supposed to be completed 66.5% by April 2020. It has been completed only 61% so far. PD should take extra initiative to complete in time. The tender advertisement should be published in the widely circulated daily newspapers to ensure competition. |

**10.02 Annex: A-2**

**Individual Contract Review Format (Package:** **Mahanganj-Lalitabari river route 4, Lot-4)**

**(e-GP System)**

**Part-1: General**

|  |  |
| --- | --- |
| Data of Review | 5th April and 25 April 2020 |
| Name of Reviewer | Commodore (Retd) Syed Salahuddin Ahmed |
| Procuring Entity Name | Office of the Additional Chief Engineer2 (Civil) Dredging Department, Dhaka, BIWTA |
| Contract Name  and  Reference Name | Dredging work by cutter suction dredger and Excavator including dredging related works for Developing Navigability of Mahanganj-Lalitabari river route (Pakage-4).  Mahanganj-Lalitabari river route-4, Lot-4, Dated: 16.01.2019 |
| Contract Amount | BDT 26,95,41,000.00 |
| Procurement Type | NCT |
| Category of Procurement | Service (Dredging Mahanganj-Lalitabari river route 4) |
| Method of Procurement | OTM(e-GP) |
| Object of Procurement | * To ensure Dredging work for Developing Navigability of Mahanganj - Lalitabari river route (Pakage-4) to facilitate water transportation throughout the area. * To accelerate economic activities in Bangladesh by increasing water transportation. * To achieve 100% water transportation for all. |
| Financing Arrangement  of the Procurement | GOB |

**Part-2: Compliance with Act and Rules (Package:** **Mahanganj-Lalitabari river route 4, Lot-4)**

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **Applicable Provision** | **Actual** |
| 1.0 | Procurement Plan | | |
| 1.1 | Approval Status of APP. | HOPE or AO  e-GP Guidelines, Section 3.3.1 and PPR-2008, Rule [R-16(17)] | Chairman BIWTA |
| 2.0 | Procurement Opportunities | | |
| 2.1 | Advertised in Newspaper | e-GP Guidelines, Section 3.5.1.3 and PPR-2008, [Rule 90(2) (ka)]  At least one Bengali and one English National Newspaper | |  |  |  | | --- | --- | --- | | Dainik Jugantor | : | 14.11.2018 | | English Newage | : | 13.11.2018 | |
| 2.2 | Advertised in CPTU’s website | Procurement of Tk. 1.00 crore and above be sent to CPTU’s website [PPR 2008 R-90(2) (jha)]  e-GP Guidelines, Sec-3.5.1.2 | |  |  |  | | --- | --- | --- | | CPTU | : | 11.12.2018 | |
| 2.3 | Tenders/Proposals followed PPR 2008 | To be Followed PPR 2008 and e-GP Guidelines, | e-GP Guidelines and PPR 2008 |
| 2.4 | Tenders/Proposals followed DP’s Guideline | N/A | N/A |
| 3.0 | Tenders/Proposals Submission | | |
| 3.1 | No of Sale/Issuance of  Tender/Proposal  Document | No Limit | 4 (Four) |
| 3.2 | No of Tender Participate | No limit | 3 (Three) |
| 3.3 | Days allowed per Rule  For preparation and Submission of tender | At least 14 days: [PPR 2008 R-61(5)] | |  |  |  | | --- | --- | --- | | Advertisement | : | 14.11.2018 | | Submission | : | 11.12.2018 |   28 days(preparation-submission) |
| 4.0 | Formation of TOC/BOC and TEC/BEC | | |
| 4.1 | No of members in TOC/BOC | 02(Two) [R-7, Schedule-II] and e-GP Guidelines Section-3.5.6.1 | 02 (Two) |
| 4.2 | No of members in TOC/BOC from TEC/BEC | 1 (One)  [R-7, Schedule-II] | 1 (One) |
| 4.3 | No of members in TEC/BEC | 03 (Three) member[R-8(1), Schedule-II] e-GP, Section-3.5.6.1 | 03 (Three) |
| 4.4 | No of external members in TEC/BEC | N/A | N/A |
| 4.5 | Authority Approved TEC/BEC | Tender Approving Authority/  PD / Chairman / Secretary [R-8(3)] | HOPE |
| 5.0 | Tenders/Proposal Evaluation | | |
| 5.1 | Days Allowed per Rules between opening and completion /submission of evaluation Report | Safe Custody-2days(R-32), Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 11.12.2018 | | Evaluation | : | 19.12.2018 |   09 days (Opening-evaluation) |
| 5.2 | Days actual between opening and completion /submission of evaluation | Safe Custody-2 days(R-32), TEC Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 11.12.2018 | | Evaluation | : | 19.12.2018 | | 06 days (Opening-evaluation) | | | | Submission to Member | : | 20.12.2018 | | 08 days (opening-sub. to Member) | | | |
| 5.3 | Responsiveness of Tender/Proposal | No Limit | 2 (Two) |
| 5.4 | Re-invitation of Tender/Proposals recommended by TEC/BEC | PE may reject all tenders on the recommendations of the  TEC, and with the approval HOPE invite Re-tender on certain grounds [R-33(2)], [R-11(2)(c)(II)] | N/A |
| 5.5 | Procurement proceedings annulled/cancelled | N/A | N/A |
| 6.0 | Approval of tenders / proposals | | |
| 6.1 | Days actual between evolution and approval | HOPE: 6 weeks (42 days)  Project Director: 1weeks (7 days)  [R-36(6)-Schedule-III, Part -A] | |  |  |  | | --- | --- | --- | | Evaluation | : | 19.12.2018 | | Submission to Member (Eng.) | : | 20.12.2018 | | Member (Eng.) to Member (Finance) | : | 27.12.2018 | | Member (Finance) to Member  (Plan and Ops) | : | 31.12.2018 | | Member  (Plan and Ops)  to HOPE | : | 31.12.2018 | | HOPE Approved | : | 31.12.2018 |   12 days (Evaluation-Approved) |
| 6.2 | AA as per DoFP | HOPE / PD | HOPE, Chairman (BIWTA) |
| 6.3 | Authority approved | HOPE / PD | HOPE, Chairman (BIWTA) |
| 6.4 | Evaluation report was sent directly to the AA | Be sent directly to AA in sealed envelope [R-36(3)] | Via Member (Eng.) to Chairman (BIWTA) |
| 6.5 | Days actual for issuance of NOA/PO/ Contracts sign | a) NOA-Within 7 working days of receipt of approval but before expiry of tender validity date [R-36(4)]/(a), Schedule-II]  b) Contract singing-within 28 days from issuance NOA [R-102(11), schedule-II] | |  |  |  | | --- | --- | --- | | Approval | : | 31.12.2018 | | NOA Issue | : | 03.01.2019 | | 04 days (approval to NOA issue) | | | | Contract Sign | : | 16.01.2019 | | 15 days (NOA to Contract Sign) | | | |
| 6.6 | Days actual for contract award decision by AA | HOPE: 2 weeks (14 days)  [R-36(6), schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | Sub. Approval | : | 20.12.2018 | | Approval | : | 31.12.2018 |   12 days (Submission-approval) |
| 6.7 | Authority other than AA, if any, made additional review of the evaluation report | N/A | N/A |
| 6.8 | Authority higher or lower than AA, if any, approved Tenders/ Proposals | Project Director | Chairman BIWTA |
| 7.0 | Contract Award | | |
| 7.1 | Procurement processing Lead time I.e. the actual between opening and Issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2days[R-32]  Days Actual Between Opening and Issuance At least 14 days and NOA:28 Days[R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | Opening | : | 11.12.2018 | | NOA issue | : | 03.01.2019 | | 24 days (Opening-NOA) | | | | Contract Sign | : | 16.01.2019 | | 37 days (Opening-contract sign) | | | |
| 7.2 | The actual between IFT/RFP issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2 days [R-32]  Days Actual Between  IFT and Issuance of  NOA: Min 42 Days [R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | IFT | : | 14.11.2018 | | NOA issue | : | 03.01.2019 | | 51 days (IFT -NOA) | | | | Contract Sign | : | 16.01.2019 | | 64 days (IFT -contract sign) | | | |
| 7.3 | Publication award in CPTUs website/PE's Website/others | a) CPTU’s website: Within 7 working days from issuance of NOA for not less than 1 month for TK 1.00 crore and above [R-31(1 and 2)]  b) PE’s website-Below Tk.1.00 crore e-GP Guidelines, Section-3.7.4 | Published |
| 7.4 | Contract awarded made within the initial tender/proposal validity period | Generally, 60-120 days  [R-19(1) and 117(10)] | Yes (10.12.2018 to 11.03.2019),  Within tender validity period |
| 8.0 | Completion Contract | | |
| 8.1 | Day per original contract time is specified for Supply / Execution / Perform | |  |  |  | | --- | --- | --- | | 25% | : | 06.07.2019 | | 50% | : | 24.12.2019 | | 75% | : | 12.06.2020 | | 100% | : | 02.12.2020 | | 69% within 67 weeks and 100% within 98 weeks from day of contract   |  |  |  | | --- | --- | --- | | 69% | : | 30.04.2020 | | 100% | : | 02.12.2020 | |
| 8.2 | Day actual for Supply / Execution / Delivery / Perform | 69% within 67 weeks and 100%within 98 weeks from day of contract   |  |  |  | | --- | --- | --- | | 69% | : | 30.04.2020 | | 100% | : | 02.12.2020 | | Ongoing (25% completed)   |  |  |  | | --- | --- | --- | | 25% | : | 30.04.2020 | | 100% | : | 02.12.2020 | |
| 8.3 | Amount of LD imposed | N/A | N/A |
| 9.0 | Complaint and Appeal | | |
| 9.1 | Complaint, if any, Lodged and reasons there of | Complaint may be lodged to PE within 7 days of becoming aware of the matter of complaint [R-56] | N/A |
| 9.2 | Resolution of complaints per Rules | The PE within 5 working days shall consider the complaint and decide whether to reject the complaint or take corrective action [R-57(3)(4)] | N/A |
| 9.3 | Modification resulting from resolution of complaints | N/A | N/A |
| 9.4 | Appeal of Independent Review Panel | A person within 7 working days of the receipt of the written decision may be appeal to a Review Panel only if he has exhausted all his options of complaints to the administrative Authority  [R-57(10)(11)(12)] | N/A |
| 9.5 | Review Panel’s decision and follow-on | Decision of the Review Panel within 12 working days from the receipt of the complaint | N/A |
| 10.0 | Contract Amendment | | |
| 10.1 | No of times contract time extended and days | Up to 20% of original Contract time. Above 20% approval of HOPE shall be required [R-74(4)] and [R-39(3)] | N/A |
| 10.2 | Variation/Extra Work/Repeat/addl. Delivery Orders etc. made | 15% of original Contract Price[R-77(ka)] [Rule-78, 79, and 80] of PPR-2008 | N/A |
| 10.3 | No and Amount of such orders | [Rule -78,79, 80] of PPR-2008 | N/A |
| 11.0 | Contract Disputes unresolved | [Rule -42(2)] of PPR-2008 | N/A |
| 12.0 | Fraudulence and Corruption | [Rule -127] of PPR-2008 | N/A |
| 13.0 | Procurement Management Capacity | Capable | Capable |
| 13.1 | HRD/Facilities | Project Director-1, DD Technical (xen)- 1, DD (Finance)-1, Assistant engineer-1, Sub assistant engineer-1, Accountant-1, Data entry operator-2, peon-2 | |
| 13.2 | No of Staff trained in procurement | | 09 Completed training |

**Part-3: Post Reviews Goods/Works Contracts (Package: Mahanganj-Lalitabari river route 4, Lot-4)**

|  |  |
| --- | --- |
| **Date of Review:** **5th April and 25 April 2020** | **Name of the Reviewer:** **Commodore (Retd) Syed Salahuddin Ahmed** |
| **Contract Name, Number and Date:**  **Dredging work by cutter suction dredger and Excavator including dredging related works for Developing Navigability of Mahanganj-Lalitabari river route (Pakage-4).**  **Mahanganj-Lalitabari river route-4, Lot-4, Dated: 16.01.2019** | **Contract Amount:**  **BDT 26,95,41,000.00** |
| **Contractor’s Name and Address:** **S.S Rahman-Matri Bangla JV,**  **Rupayan Taj Tower, 5th Floor(k-5), 1-1/1, Naya Polton, Box Culvert Road, Dhaka-1000.** | |

|  |  |  |
| --- | --- | --- |
| **Procurement Method** | **:** | **NCT, OTM(e-GP)** |
| **Category** | **:** | **Service (Dredging Mahanganj-Lalitabari river route 4)** |
|  |  |  |

|  |  |
| --- | --- |
| **Aspect** | **Comment and Findings** |
| Procurement Document (Filing) | Procurement was done following e-GP guidelines. Most of the documents is kept in archive of e-GP Portal. Standard Tender Documents of CPTU were followed. Tender Data Sheet(general, tender document, qualification criteria, preparation of tender, submission of tender, opening and evaluation of a tender, award of contract, complain and appeal), Particular condition of Contract, Tender and Contract form(Price schedule, Bank Guarantee form, payment terms, insurance etc.), Schedules of requirement, Technical Specification and Drawings, were filled up as per provisions of Rule-4(1), 96(1) and Schedule XII of PPR-2008. |
| Advertising | Advertised on 14.11.2018 with other 11 (Eleven) packages/sub-packages in the Dainik Jujantor, 13.11.2018 in the English Newage and CPTU’s website (at least one Bengali and one English national newspaper). The Advertisement was as per provision of Rule-90(2) (ka) and in the format prescribed in Schedule-X and XI of PPR-2008. |
| Pre/Post Qualification | Pre-qualification was done by Addl. Chief Engineer2 (Dreg\_C), BIWTA |
| Time Allowed for submission of Tenders | 16 Days (preparation-submission). The days allowed for preparation and submission is consistent with Rules. |
| Tender Opening and minutes of Tender opening | Well formatted and recovered. TOS, TOR-1 and TOR-2 were used for the purposes. |
| Tender security records | Records of the tender security as per TOR-1 and TOR-2. |
| BE Report verify existence  Of Tenders Names of Tenderers | TER-1, 2, 3, and 4 were used while evaluation   1. Nabarun Traders Limited. 2. S.S Rahman-Matri Bangla JV. 3. Orient Trading and Builders Ltd. |
| Contract document | The documents mentioned in the contract agreement are: (a) The signed Form of Contract Agreement, (b) the Notification of award, (c) The Completed Tender (d) Particular Conditions of Contract, (e) General Condition of Contract, (f) Technical Specifications, (g) The General Specifications, (h) Drawings, (i) Bill of Quantities(j) Schedule of Day works (k) Other document including correspondences listed in the PCC performing part of the contract, were not attached with the contract agreement with signatures of both the parties on every page. |
| Advance payment guarantee  Details and records | N/A |
| Performance security details and records | Performance Guarantee NO: 1173, Issue date: 17.01.2019, Expiry date: 02.12.2020, Guarantee amount: BDT 1,34,77,050.00, Issued by Islami Bank Bangladesh Limited, Farmgate Branch, Malek Tower, 31 Tejkunipara, Farmgate, Dhaka-1215 |
| Complaints and  Appeals | N/A |
| Contractual  completion date | 69% within 67 weeks and 100% within 98 weeks from day of contract   |  |  |  | | --- | --- | --- | | 69% | : | 30.04.2020 | | 100% | : | 02.12.2020 | |
| Actual  completion date | |  |  |  | | --- | --- | --- | | 25% | : | 30.04.2020 | | 100% | : | 02.12.2020 | |
| Bill of lading, if  Any | N/A |
| Delivery receipt/ not receipt or like  Instrument | All cost by the contractor for this dredging work |
| Liquidated Damages,  Details and enforcement for  Delays | Probability is there |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | | FY (2019-2020) | 2,15,90,511.93 |  |  | 15% | 1,83,51,935.15 |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Others matters |  |
| Compliance with agreed provisions Yes or No (Explain) | The provisions of PPA -2006 and PPR-2008 have been complied with all required process. Since the procurement has been done on e-GP system so, it is not possible to skip any provision of Act and Rules.  But the contract agreement is only 03-04 pages. It does not contain required documents as per Rule - 38 and 39 of the PPR-2008. The un-successful bidders were not notified with the refund of their bank guarantee after the contract sign with the successful bidder as per Rule 35 (1)(2)(3) of the PPR-2008. |

**Part-4: Report on Physical Inception (Package: Mahanganj-Lalitabari river route-4, Lot-4)**

|  |  |
| --- | --- |
| Procurement Item  Name and number | Dredging work by cutter suction dredger and Excavator including dredging related works for Developing Navigability of Mahanganj-Lalitabari river route (Pakage-3).  Mahanganj-Lalitabari river route-4, Lot-4, Dated: 16.01.2019 |
| Location | Salukanda, Mymenshingh |
| Date of visit | 20 March 2020 (Insufficient) |
| Date of Contract | |  |  |  | | --- | --- | --- | | Contract Signing | : | 16.01.2019 | |
| Contracted  Completion date (Original) | 69% within 67 weeks and 100% within 98 weeks from day of contract   |  |  |  | | --- | --- | --- | | 69% | : | 30.04.2020 | | 100% | : | 02.12.2020 | |
| Contractual  completion date | |  |  |  | | --- | --- | --- | | 25% | : | 30.04.2020 | | 100% | : | 02.12.2020 | |
| Contract value | BDT 26,95,41,000.00 |
| Final Contract  Value | BDT 26,95,41,000.00 |
| Supplier/ Contractor | S.S Rahman-Matri Bangla JV,  Rupayan Taj Tower, 5th Floor(k-5), 1-1/1, Naya Polton, Box Culvert Road, Dhaka-1000. |
| Arrival Date at port | N/A |
| Arrival Date at project site/ warehouse (Goods) | N/A |
| Scope of work | Service (dredging works) |
| Materials (Supply and quantity) | As per dredging work |
| Construction  supervision | Dredging work supervision was undertaken by BIWTA. |
| Time overruns | Probability is there |
| Cost overruns | Probability is there |
| Deficiencies/  Defects observed | It takes 6-7 months for the survey of deaths river |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | | FY (2019-2020) | 2,15,90,511.93 |  |  | 15% | 1,83,51,935.15 |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Comments and  recommendations | The total progress of dredging work for this contract is slow. So far it is completed 25% only which should be 69%. PE should try to complete this contract within schedule time. The payment should be done by the proper examination of record book, management book etc. for this work. |

**10.03 Annex: A-3**

**Individual Contract Review Format (Package:** **WD-Dilalpur-Nikil-Netrokona, Lot-1)**

**(e-GP System)**

**Part-1: General**

|  |  |
| --- | --- |
| Data of Review | 5th April and 25 April 2020 |
| Name of Reviewer | Commodore (Retd) Syed Salahuddin Ahmed |
| Procuring Entity Name | Office of the Additional Chief Engineer (Civil), Dredging Department, Dhaka, BIWTA |
| Contract Name  and  Reference No. | Dredging work by cutter suction dredger and Excavator for Developing Navigability of Dilalpur – Ghoradigha – Chamraghut - Netrokona (Atpara to Netrokona) river route-2  WD-Dilalpur-Nikil-Netrokona, Lot-1, Dated: 24.01.2019 |
| Contract Amount | BDT 26,91,00,000.00 |
| Procurement Type | NCT |
| Category of Procurement | Service (Dredging Dilalpur - Ghoradigha - Chamraghut - Netrokona (Atpara to Netrokona) river route 2) |
| Method of Procurement | OTM(e-GP) |
| Object of Procurement | * To ensure dredging work for dredging Dilalpur - Ghoradigha - Chamraghut - Netrokona (Atpara to Netrokona) river route 2 to facilitate water transportation throughout the area. * To accelerate economic activities in Bangladesh by increasing water transportation. * To achieve 100% water transportation for all.   . |
| Financing Arrangement  of the Procurement | GOB |

**Part-2: Compliance with Act and Rules (Package:** **WD-Dilalpur-Nikil-Netrokona, Lot-1)**

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **Applicable Provision** | **Actual** |
| 1.0 | Procurement Plan | | |
| 1.1 | Approval Status of APP. | HOPE or AO  e-GP Guidelines, Section 3.3.1 and PPR-2008, Rule [R-16(17)] | Chairman BIWTA |
| 2.0 | Procurement Opportunities | | |
| 2.1 | Advertised in Newspaper | e-GP Guidelines, Section 3.5.1.3 and PPR-2008, [Rule 90(2) (ka)]  At least one Bengali and one English National Newspaper | |  |  |  | | --- | --- | --- | | Dainik Jugantor | : | 14.11.2018 | | English Newage | : | 13.11.2018 | |
| 2.2 | Advertised in CPTU’s website | Procurement of Tk. 1.00 crore and above be sent to CPTU’s website [R-90(2) (jha)]  e-GP Guidelines, Sec-3.5.1.2 | |  |  |  | | --- | --- | --- | | CPTU | : | 24.12.2018 | |
| 2.3 | Tenders/Proposals followed PPR,2008 | To be Followed PPR-2008 and e-GP Guidelines, | e-GP Guidelines and PPR-2008 |
| 2.4 | Tenders/Proposals followed DP’s Guideline | N/A | N/A |
| 3.0 | Tenders/Proposals Submission | | |
| 3.1 | No of Sale/Issuance of  Tender/Proposal  Document | No Limit | 4 (Four) |
| 3.2 | No of Tender Participate | No limit | 4 (Four) |
| 3.3 | Days allowed per Rule  For preparation and Submission of tender | At least 14 days: [R-61(5)] | |  |  |  | | --- | --- | --- | | Advertisement | : | 14.11.2018 | | Submission | : | 24.12.2018 |   41days(preparation-submission) |
| 4.0 | Formation of TOC/BOC and TEC/BEC | | |
| 4.1 | No of members in TOC/BOC | 02(Two) [R-7, Schedule-II] and e-GP Guidelines Section-3.5.6.1 | 02 (Two) |
| 4.2 | No of members in TOC/BOC from TEC/BEC | 1 (One)  [R-7, Schedule-II] | 1 (One) |
| 4.3 | No of members in TEC/BEC | 03 (Three) member[R-8(1), Schedule-II] and e-GP, Section-3.5.6.1 | 03 (Three) |
| 4.4 | No of external members in TEC/BEC | N/A | N/A |
| 4.5 | Authority Approved TEC/BEC | Tender Approving Authority/ PD / Chairman / Secretary [R-8(3)] | HOPE |
| 5.0 | Tenders/Proposal Evaluation | | |
| 5.1 | Days Allowed per Rules between opening and completion /submission of evaluation Report | Safe Custody-2days(R-32), Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 24.12.2018 | | Evaluation | : | 02.01.2019 |   10 days (Opening-evaluation) |
| 5.2 | Days actual between opening and completion /submission of evaluation | Safe Custody-2 days(R-32), TEC Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 24.12.2018 | | Evaluation | : | 02.01.2019 | | 10 days (Opening-evaluation) | | | | Submission to Member | : | 02.01.2019 | | 10 days (opening - sub. To Member) | | | |
| 5.3 | Responsiveness of Tender/Proposal | No Limit | 3 (Three) |
| 5.4 | Re-invitation of Tender/Proposals recommended by TEC/BEC | PE may reject all tenders on the recommendations of the  TEC, and with the approval HOPE invite Re-tender on certain grounds [R-33(2)], [R-11(2)(c)(II)] | N/A |
| 5.5 | Procurement proceedings annulled/cancelled | N/A | N/A |
| 6.0 | Approval of tenders / proposals | | |
| 6.1 | Days actual between evolution and approval | HOPE: 6 weeks (42 days)  Project Director: 1weeks (7 days) [R-36(6)-Schedule-III, Part -A] | |  |  |  | | --- | --- | --- | | Evaluation | : | 02.01.2019 | | Submission to Member (Eng.) | : | 02.01.2019 | | Member (Eng.) to Member  (Finance) | : | 02.01.2019 | | Member (Finance) to Member  (Plan and Ops) | : | 02.01.2019 | | Member (Plan  and Ops) to HOPE | : | 02.01.2019 | | HOPE Approved | : | 03.01.2019 |   2 days (Evaluation-Approved) |
| 6.2 | AA as per DoFP | HOPE / PD | HOPE, Chairman (BIWTA) |
| 6.3 | Authority approved | HOPE / PD | HOPE, Chairman (BIWTA) |
| 6.4 | Evaluation report was sent directly to the AA | Be sent directly to AA in sealed envelope [R-36(3)] | Via Member (Eng.) to Chairman (BIWTA) |
| 6.5 | Days actual for issuance of NOA/PO/ Contracts sign | a) NOA-Within 7 working days of receipt of approval but before expiry of tender validity date [R-36(4)]/(a), Schedule-II]  b) Contract singing-within 28 days from issuance NOA [R-102(11), schedule-II] | |  |  |  | | --- | --- | --- | | Approval | : | 03.01.2019 | | NOA Issue | : | 06.01.2019 | | 04 days (approval to NOA issue) | | | | Contract Sign | : | 24.01.2019 | | 22 days (NOA to Contract Sign) | | | |
| 6.6 | Days actual for contract award decision by AA | HOPE: 6 weeks (42 days)  Project Director: 1weeks (7 days) [R-36(6)-Schedule-III, Part -A | |  |  |  | | --- | --- | --- | | Sub. Approval | : | 02.01.2019 | | Approval | : | 03.01.2019 |   02 days (Submission-approval) |
| 6.7 | Authority other than AA, if any, made additional review of the evaluation report | N/A | N/A |
| 6.8 | Authority higher or lower than AA, if any, approved Tenders/ Proposals | Project Director | Chairman BIWTA |
| 7.0 | Contract Award | | |
| 7.1 | Procurement processing Lead time I.e. the actual between opening and Issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2days[R-32]  Days Actual Between Opening and Issuance  NOA:28 Days[R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | Opening | : | 24.12.2018 | | NOA issue | : | 06.01.2019 | | 14 days (Opening-NOA) | | | | Contract Sign | : | 24.01.2019 | | 32 days (Opening-contract sign) | | | |
| 7.2 | The actual between IFT/RFP issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2 days [R-32]  Days Actual Between  IFT and Issuance of  NOA: Min 42 Days [R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | IFT | : | 14.11.2018 | | NOA issue | : | 06.01.2019 | | 24 days (IFT -NOA) | | | | Contract Sign | : | 24.01.2019 | | 62 days (IFT -contract sign) | | | |
| 7.3 | Publication award in CPTUs website/PE's Website/others | a) CPTU’s website: Within 7 working days from issuance of NOA for not less than 1 month for TK 1.00 crore and above [R-31(1 and 2)]  b) PE’s website-Below Tk.1.00 crore e-GP Guidelines, Section-3.7.4 | Published |
| 7.4 | Contract awarded made within the initial tender/proposal validity period | Generally, 60-120 days  [R-19(1) and 117(10)] | Yes (23.12.2018 to 24.03.2019), Within tender validity period |
| 8.0 | Completion Contract | | |
| 8.1 | Day per original contract time is specified for Supply /Execution/ Perform | |  |  |  | | --- | --- | --- | | 25% | : | 19.07.2019 | | 50% | : | 11.01.2020 | | 75% | : | 05.07.2020 | | 100% | : | 29.12.2020 | | Contract Sign: 24.01.2019  65.5% within 66 weeks and 100% within 100 weeks from day of contract   |  |  |  | | --- | --- | --- | | 65.5% | : | 30.04.2020 | | 100% | : | 29.12.2020 | |
| 8.2 | Day actual for Supply/ Execution/Delivery/ Perform | 65.5% within 66 weeks and 100% within 100 weeks from day of contract   |  |  |  | | --- | --- | --- | | 65.5% | : | 30.04.2020 | | 100% | : | 29.12.2020 | | Ongoing (40% completed)   |  |  |  | | --- | --- | --- | | 40% | : | 30.04.2020 | | 100% | : | 29.12.2020 | |
| 8.3 | Amount of LD imposed | N/A | N/A |
| 9.0 | Complaint and Appeal | | |
| 9.1 | Complaint, if any, Lodged and reasons there of | Complaint may be lodged to PE within 7 days of becoming aware of the matter of complaint [R-56] | N/A |
| 9.2 | Resolution of complaints per Rules | The PE within 5 working days shall consider the complaint and decide whether to reject the complaint or take corrective action [R-57(3)(4)] | N/A |
| 9.3 | Modification resulting from resolution of complaints | N/A | N/A |
| 9.4 | Appeal of Independent Review Panel | A person within 7 working days of the receipt of the written decision may be appeal to a Review Panel only if he has exhausted all his options of complaints to the administrative Authority  [R-57(10)(11)(12)] | N/A |
| 9.5 | Review Panel’s decision and follow-on | Decision of the Review Panel within 12 working days from the receipt of the complaint | N/A |
| 10.0 | Contract Amendment | | |
| 10.1 | No of times contract time extended and days | Up to 20% of original Contract time. Above 20% approval of HOPE shall be required [R-74(4)] and [R-39(3)] | N/A |
| 10.2 | Variation/Extra Work/Repeat/addl. Delivery Orders etc. made | 15% of original Contract Price[R-77(ka)] [Rule-78, 79, and 80] of PPR-2008 | N/A |
| 10.3 | No and Amount of such orders | [Rule -78,79, 80] of PPR-2008 | N/A |
| 11.0 | Contract Disputes unresolved | [Rule -42(2)] of PPR-2008 | N/A |
| 12.0 | Fraudulence and Corruption | [Rule -127] of PPR-2008 | N/A |
| 13.0 | Procurement Management Capacity | Capable | Capable |
| 13.1 | HRD/Facilities | Project Director-1, DD Technical (xen)- 1, DD (Finance)-1, Assistant engineer-1, Sub assistant engineer-1, Accountant-1, Data entry operator-2, peon-2. | |
| 13.2 | No of Staff trained in procurement | | 09 Completed training |

**Part-3: Post Reviews Goods/Works Contracts (Package:** **WD-Dilalpur-Nikil-Netrokona, Lot-1)**

|  |  |
| --- | --- |
| **Date of Review:** **5th April and 25 April 2020** | **Name of the Reviewer:** **Commodore (Retd) Syed Salahuddin Ahmed** |
| **Contract Name, Number and Date:**  **Dredging work by cutter suction dredger and excavator for developing navigability of Dilalpur – Ghoradigha – Chamraghut - Netrokona (Atpara to Netrokona) river route-2**  **WD-Dilalpur-Nikil-Netrokona, Lot-1, Dated: 24.01.2019** | **Contract Amount:**  **BDT 26,91,00,000.00** |
| **Contractor’s Name and Address:** **Orient Trading and Builders ltd and Kanak Construction Co. (JV), House No:80, Road No:02, Chairmanbari, Banani, Dhaka-1213** | |

|  |  |  |
| --- | --- | --- |
| **Procurement Method** | **:** | **NCT, OTM(e-GP)** |
| **Category** | **:** | **Service (dredging Dilalpur - Ghoradigha - Chamraghut -Netrokona (Atpara to Netrokona) river route 2)** |
|  |  |  |

|  |  |
| --- | --- |
| **Aspect** | **Comment and Findings** |
| Procurement Document (Filing) | Procurement was done following e-GP guidelines. Most of the documents is kept in archive of e-GP Portal. Standard Tender Documents of CPTU were followed. Tender Data Sheet(general, tender document, qualification criteria, preparation of tender, submission of tender, opening and evaluation of a tender, award of contract, complain and appeal), Particular condition of Contract, Tender and Contract form(Price schedule, Bank Guarantee form, payment terms, insurance etc.), Schedules of requirement, Technical Specification and Drawings, were filled up as per provisions of Rule-4(1), 96(1) and Schedule XII of PPR-2008. |
| Advertising | Advertised on 14.11.2018 with other 11 (Eleven) packages/sub-packages in the Dainik Jujantor, 13.11.2018 in the English Newage and CPTU’s Website (at least one Bengali and one English national newspaper). The Advertisement was as per provision of Rule-90(2) (ka) and in the format prescribed in Schedule-X and XI of PPR-2008. |
| Pre/Post Qualification | Pre-qualification was done by Office of the Additional Chief Engineer (Civil), Dredging Department, Dhaka, BIWTA |
| Time Allowed for submission of Tenders | 16 Days (preparation-submission). The days allowed for preparation and submission is consistent with Rules. |
| Tender Opening and minutes of Tender opening | Well formatted and recovered. TOS, TOR-1 and TOR-2 were used for the purposes. |
| Tender security records | Records of the tender security as per TOR-1 and TOR-2. |
| BE Report verify existence  Of Tenders Names of Tenderers | TER-1, 2, 3, and 4 were used while evaluation   1. Bashundhara Infrastructure Development Limited 2. Orient Trading and Builders ltd and Kanak Construction Co. (JV). 3. S.S. engineering and construction Ltd. 4. Sonali Dredger Ltd. |
| Contract document | The documents mentioned in the contract agreement are: (a) The signed Form of Contract Agreement, (b) the Notification of award, (c) The Completed Tender (d) Particular Conditions of Contract, (e) General Condition of Contract, (f) Technical Specifications, (g) The General Specifications, (h) Drawings, (i) Bill of Quantities (j) Schedule of Day works (k) Other document including correspondences listed in the PCC performing part of the contract, were not attached with the contract agreement with signatures of both the parties on every page. |
| Advance payment guarantee  Details and records | N/A |
| Performance security details and records | Performance Guarantee NO: DBL/LO/PG/10/2019, Issue date: 15.01.2019, Expiry date: 27.01.2021, Guarantee amount: BDT 1,34,55,000.00; Issued by Dhaka Bank Limited, Local Office ,115-120, Motijiheel C/A, Dhaka-1000, Bangladesh. |
| Complaints and  Appeals | N/A |
| Contractual  completion date | 65.5% within 66 weeks and 100% within 100 weeks from day of contract   |  |  |  | | --- | --- | --- | | 65.5% | : | 30.04.2020 | | 100% | : | 29.12.2020 | |
| Actual  completion date | |  |  |  | | --- | --- | --- | | 40% | : | 30.04.2020 | | 100% | : | 02.12.2020 | |
| Bill of lading, if  Any | N/A |
| Delivery receipt/ not  receipt or like  Instrument | As per dredging work |
| Liquidated Damages,  Details and  enforcement for  delays | Probability is there |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | | FY (2019-2020) | 5,85,89,358.23 |  |  | 15% | 4,98,00,954.50 |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Others matters |  |
| Compliance with agreed provisions Yes or No (Explain) | Here the provisions of PPA-2008 have been complied with. Because of, the procurement has been done on the e-GP system.  The records and documents of procurement contracts were not prepared properly as per Rule - 43(3) of the PPR-2008. The tender advertisements were not published in widely circulated daily newspapers as per Rule - 90(2)(d) of the PPR-2008. |

**Part-4: Report on Physical Inception (Package: WD-Dilalpur-Nikil-Netrokona, Lot-1)**

|  |  |
| --- | --- |
| Procurement Item  Name and number | Dredging work by cutter suction dredger and Excavator for Developing Navigability of Dilalpur – Ghoradigha – Chamraghut - Netrokona (Atpara to Netrokona) river route-2  WD-Dilalpur-Nikil-Netrokona, Lot-1, Dated: 24.01.2019 |
| Location | Monohorpur, Netrokona |
| Date of visit | 20 March 2020 (Insufficient) |
| Date of Contract | |  |  |  | | --- | --- | --- | | Contract Signing | : | 24.01.2019 | |
| Contracted  Completion date (Original) | 65.5% within 66 weeks and 100% within 100 weeks from day of contract   |  |  |  | | --- | --- | --- | | 65.5% | : | 30.04.2020 | | 100% | : | 29.12.2020 | |
| Contractual  completion date | |  |  |  | | --- | --- | --- | | 40% | : | 30.04.2020 | | 100% | : | 02.12.2020 | |
| Contract value | BDT 26,91,00,000.00 |
| Final Contract  Value | BDT 26,91,00,000.00 |
| Supplier/ Contractor | Orient Trading and Builders ltd and Kanak Construction Co. (JV),  House No:80, Road No:02, Chairman bari, Banani, Dhaka-1213. |
| Arrival Date at port | N/A |
| Arrival Date at project site/ warehouse (Goods) | N/A |
| Scope of work | Works (dredging works) |
| Materials (Supply and quantity) | As per dredging work |
| Construction  supervision | Dredging work supervision was undertaken by BIWTA. |
| Time overruns | Probability is there |
| Cost overruns | Probability is there |
| Deficiencies/  Defects observed | For the dry season and death river, not possible to the establishment of the dredger. That's why to work wasn't start in schedule time. |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | | FY (2019-2020) | 5,85,89,358.23 |  |  | 15% | 4,98,00,954.50 |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Comments and  recommendations | The dredging work of this contract was supposed to be completed 68% by April 2020. It has been completed only 40% so far. PD should take extra initiative to complete in time. Social and environmental issues must be addressed by minimalizing dredging waste and construction dust. |

**10.04 Annex: A-4**

**Individual Contract Review Format (Package:** **WD-Norsingdi-Belabo, Lot-1)**

**(e-GP System)**

**Part-1: General**

|  |  |
| --- | --- |
| Data of Review | 5th April and 25 April 2020 |
| Name of Reviewer | Commodore (Retd) Syed Salahuddin Ahmed |
| Procuring Entity Name | Office of the Additional Chief Engineer (Civil) Dredging Department, Dhaka, BIWTA |
| Contract Name  and  Reference Name | Dredging work by cutter suction dredger and Excavator for Developing Navigability of Norshindi (Bhairab)-Belabo-Katiadi river route-3.  WD-Norsingdi-Belabo, Lot-1, Dated: 27.12.2018 |
| Contract Amount | BDT 22,95,33,750.018 |
| Procurement Type | NTC |
| Category of Procurement | Service (dredging Norshindi (Bhairab) - Belabo-Katiadi river route - 2) |
| Method of Procurement | OTM(e-GP) |
| Object of Procurement | * To ensure dredging work for dredging Norshindi (Bhairab)-Belabo-Katiadi river route-2 to facilitate water transportation throughout the area * To accelerate economic activities in Bangladesh by increasing water transportation. * To achieve 100% water transportation for all. |
| Financing Arrangement  of the Procurement | GOB |

**Part-2: Compliance with Act and Rules (Package:** **WD-Norsingdi-Belabo, Lot-1)**

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **Applicable Provision** | **Actual** |
| 1.0 | Procurement Plan | | |
| 1.1 | Approval Status of APP. | HOPE or AO  e-GP Guidelines, Section 3.3.1 and PPR-2008, Rule [R-16(17)] | Chairman BIWTA |
| 2.0 | Procurement Opportunities | | |
| 2.1 | Advertised in Newspaper | e-GP Guidelines, Section 3.5.1.3 and PPR-2008, [Rule 90(2) (ka)]  At least one Bengali and one English National Newspaper | |  |  |  | | --- | --- | --- | | Dainik Jugantor | : | 14.11.2018 | | English Newage | : | 13.11.2018 | |
| 2.2 | Advertised in CPTU’s website | Procurement of Tk. 1.00 crore and above be sent to CPTU’s website [R-90(2) (jha)]  e-GP Guidelines, Sec-3.5.1.2 | |  |  |  | | --- | --- | --- | | CPTU | : | 29.11.2018 | |
| 2.3 | Tenders/Proposals followed PPR,2008 | To be Followed PPR-2008 and e-GP Guidelines, | e-GP Guidelines  and PPR-2008 |
| 2.4 | Tenders/Proposals followed DP’s Guideline | N/A | N/A |
| 3.0 | Tenders/Proposals Submission | | |
| 3.1 | No of Sale/Issuance of  Tender/Proposal  Document | No Limit | 3 (Three) |
| 3.2 | No of Tender Participate | No limit | 3 (Three) |
| 3.3 | Days allowed per Rule  For preparation and Submission of tender | At least 14 days: [R-61(5)] | |  |  |  | | --- | --- | --- | | Advertisement | : | 14.11.2018 | | Submission | : | 29.11.2018 |   16 days(preparation-submission) |
| 4.0 | Formation of TOC/BOC and TEC/BEC | | |
| 4.1 | No of members in TOC/BOC | 02(Two) [R-7, Schedule-II] and  e-GP Guidelines Section-3.5.6.1 | 02 (Two) |
| 4.2 | No of members in TOC/BOC from TEC/BEC | 1 (One)  [R-7, Schedule-II] | 1 (One) |
| 4.3 | No of members in TEC/BEC | 03 (Three) member[R-8(1), Schedule-II] and e-GP, Section-3.5.6.1 | 03 (Three) |
| 4.4 | No of external members in TEC/BEC | N/A | N/A |
| 4.5 | Authority Approved TEC/BEC | Tender Approving Authority/  PD / Chairman / Secretary [R-8(3)] | HOPE |
| 5.0 | Tenders/Proposal Evaluation | | |
| 5.1 | Days Allowed per Rules between opening and completion /submission of evaluation Report | Safe Custody-2days(R-32), Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 29.11.2018 | | Evaluation | : | 03.12.2018 |   05 days (Opening-evaluation) |
| 5.2 | Days actual between opening and completion /submission of evaluation | Safe Custody-2 days(R-32), TEC Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 29.11.2018 | | Evaluation | : | 03.12.2018 | | 05 days (Opening-evaluation) | | | | Submission to Member | : | 05.12.2018 | | 07 days (opening-sub. to Member) | | | |
| 5.3 | Responsiveness of Tender/Proposal | No Limit | 3 (Three) |
| 5.4 | Re-invitation of Tender/Proposals recommended by TEC/BEC | PE may reject all tenders on the recommendations of the  TEC, and with the approval HOPE invite Re-tender on certain grounds [R-33(2)], [R-11(2)(c)(II)] | N/A |
| 5.5 | Procurement proceedings annulled/cancelled | N/A | N/A |
| 6.0 | Approval of tenders / proposals | | |
| 6.1 | Days actual between evolution and approval | HOPE: 6 weeks (42 days)  Project Director: 1weeks (7 days) [R-36(6)-Schedule-III, Part -A] | |  |  |  | | --- | --- | --- | | Evaluation | : | 03.12.2018 | | Submission to Member (Eng.) | : | 05.12.2018 | | Member (Eng.)  to Member (Finance) | : | 05.12.2018 | | Member (Finance) to Member (Plan and Ops) | : | 05.12.2018 | | Member (Plan and Ops) to HOPE | : | 05.12.2018 | | HOPE Approved | : | 05.12.2018 |   03 days (Evaluation-Approved) |
| 6.2 | AA as per DoFP | HOPE / PD | HOPE, Chairman (BIWTA) |
| 6.3 | Authority approved | HOPE / PD | HOPE, Chairman (BIWTA) |
| 6.4 | Evaluation report was sent directly to the AA | Be sent directly to AA in sealed envelope [R-36(3)] | Via Member (Eng.) to Chairman (BIWTA) |
| 6.5 | Days actual for issuance of NOA/PO/ Contracts sign | a) NOA-Within 7 working days of receipt of approval but before expiry of tender validity date [R-36(4)]/(a), Schedule-II]  b) Contract singing-within 28 days from issuance NOA [R-102(11), schedule-II] | |  |  |  | | --- | --- | --- | | Approval | : | 05.12.2018 | | NOA Issue | : | 06.12.2018 | | 02 days (approval to NOA issue) | | | | Contract Sign | : | 27.12.2018 | | 23 days (NOA to Contract Sign) | | | |
| 6.6 | Days actual for contract award decision by AA | HOPE: 2 weeks (14 days)  [R-36(6), schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | Sub. Approval | : | 03.12.2018 | | Approval | : | 05.12.2018 |   03 days (Submission-approval) |
| 6.7 | Authority other than AA, if any, made additional review of the evaluation report | N/A | N/A |
| 6.8 | Authority higher or lower than AA, if any, approved Tenders/ Proposals | Project Director | Chairman BIWTA |
| 7.0 | Contract Award | | |
| 7.1 | Procurement processing Lead time I.e. the actual between opening and Issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2days[R-32]  Days Actual Between Opening and Issuance  NOA:28 Days[R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | Opening | : | 29.11.2018 | | NOA issue | : | 06.12.2018 | | 08 days (Opening-NOA) | | | | Contract Sign | : | 27.12.2020 | | 29 days (Opening-contract sign) | | | |
| 7.2 | The actual between IFT/RFP issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2 days [R-32]  Days Actual Between  IFT and Issuance of  NOA: Min 42 Days [R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | IFT | : | 14.11.2018 | | NOA issue | : | 06.12.2018 | | 23 days (IFT -NOA) | | | | Contract Sign | : | 27.12.2018 | | 44 days (IFT -contract sign) | | | |
| 7.3 | Publication award in CPTUs website/PE's Website/others | a) CPTU’s website: Within 7 working days from issuance of NOA for not less than 1 month for TK 1.00 crore and above [R-31(1 and 2)]  b) PE’s website-Below Tk.1.00 crore e-GP Guidelines, Section-3.7.4 | Published |
| 7.4 | Contract awarded made within the initial tender/proposal validity period | Generally, 60-120 days  [R-19(1) and 117(10)] | Yes (28.11.2018 to 27.02.2019),  Within tender validity period |
| 8.0 | Completion Contract | | |
| 8.1 | Day per original contract time is specified for Supply/Execution/Perform | |  |  |  | | --- | --- | --- | | 25% | : | 25.06.2019 | | 50% | : | 22.12.2019 | | 75% | : | 19.06.2020 | | 100% | : | 16.12.2020 | | Contract Sign: 27.12.2018  68% within 70 weeks and 100%  within 102 weeks from day of contract   |  |  |  | | --- | --- | --- | | 68% | : | 30.04.2020 | | 100% | : | 16.12.2020 | |
| 8.2 | Day actual for Supply/ Execution/Delivery/ Perform | |  |  |  | | --- | --- | --- | | 68% | : | 30.04.2020 | | 100% | : | 16.12.2020 | | Ongoing (41% completed)   |  |  |  | | --- | --- | --- | | 41% | : | 30.04.2020 | | 100% | : | 16.12.2020 | |
| 8.3 | Amount of LD imposed | N/A | N/A |
| 9.0 | Complaint and Appeal | | |
| 9.1 | Complaint, if any, Lodged and reasons there of | Complaint may be lodged to PE within 7 days of becoming aware of the matter of complaint [R-56] |  |
| 9.2 | Resolution of complaints per Rules | The PE within 5 working days shall consider the complaint and decide whether to reject the complaint or take corrective action [R-57(3)(4)] | N/A |
| 9.3 | Modification resulting from resolution of complaints | N/A | N/A |
| 9.4 | Appeal of Independent Review Panel | A person within 7 working days of the receipt of the written decision may be appeal to a Review Panel only if he has exhausted all his options of complaints to the administrative Authority  [R-57(10)(11)(12)] | N/A |
| 9.5 | Review Panel’s decision and follow-on | Decision of the Review Panel within 12 working days from the receipt of the complaint | N/A |
| 10.0 | Contract Amendment | | |
| 10.1 | No of times contract time extended and days | Up to 20% of original Contract time. Above 20% approval of HOPE shall be required [R-74(4)] and [R-39(3)] | N/A |
| 10.2 | Variation/Extra Work/Repeat/addl. Delivery Orders etc. made | 15% of original Contract Price[R-77(ka)] [Rule-78, 79, and 80] of PPR-2008 | N/A |
| 10.3 | No and Amount of such orders | [Rule -78,79, 80] of PPR-2008 | N/A |
| 11.0 | Contract Disputes unresolved | [Rule -42(2)] of PPR-2008 | N/A |
| 12.0 | Fraudulence and Corruption | [Rule -127] of PPR-2008 | N/A |
| 13.0 | Procurement Management Capacity | Capable | Capable |
| 13.1 | HRD/Facilities | Project Director-1, DD Technical (xen)- 1, DD (Finance)-1, Assistant engineer-1, Sub assistant engineer-1, Accountant-1, Data entry operator-2, peon-2. | |
| 13.2 | No of Staff trained in procurement | | 09 Completed training |

**Part-3: Post Reviews Goods/Works Contracts (Package: WD-Norsingdi-Belabo, Lot-1)**

|  |  |
| --- | --- |
| **Date of Review:** **5th April and 25 April 2020** | **Name of the Reviewer:** **Commodore (Retd) Syed Salahuddin Ahmed** |
| **Contract Name, Number and Date:**  **Dredging work by cutter suction dredger and Excavator for Developing Navigability of Norshindi (Bhairab)-Belabo-Katiadi river route-3.**  **WD-Norsingdi-Belabo, Lot-1,**  **Dated: 27.12.2018** | **Contract Amount:**  **BDT 22,95,33,750.018** |
| **Contractor’s Name and Address:** **Bashundhara Infrastructure Development Limited,**  **Plot#125/A, Block#A, Bashundhara R/A, Dhaka-1229** | |

|  |  |  |
| --- | --- | --- |
| **Procurement Method** | **:** | **NCT, OTM(e-GP)** |
| **Category** | **:** | **Service (Dredging Norshindi (Bhairab) - Belabo-Katiadi river route - 2)** |
|  |  |  |

|  |  |
| --- | --- |
| **Aspect** | **Comment and Findings** |
| Procurement Document (Filing) | Procurement was done following e-GP guidelines. Most of the documents is kept in archive of e-GP Portal. Standard Tender Documents of CPTU were followed. Tender Data Sheet(general, tender document, qualification criteria, preparation of tender, submission of tender, opening and evaluation of a tender, award of contract, complain and appeal), Particular condition of Contract, Tender and Contract form(Price schedule, Bank Guarantee form, payment terms, insurance etc.), Schedules of requirement, Technical Specification and Drawings, were filled up as per provisions of Rule-4(1), 96(1) and Schedule XII of PPR-2008. |
| Advertising | Advertised on 14.11.2018 with other 11 (Eleven) packages/sub-packages in the Dainik Jujantor, 13.11.2018 in the English Newedge and CPTU’s Website (at least one Bengali and one English national newspaper). The Advertisement was as per provision of Rule-90(2) (ka) and in the format prescribed in Schedule-X and XI of PPR-2008. |
| Pre/Post Qualification | Pre-qualification was done by Additional Chief Engineer (Civil), Dredging Department, BIWTA |
| Time Allowed for submission of Tenders | 16 days (preparation-submission). The days allowed for preparation and submission is consistent with Rules. |
| Tender Opening and minutes of Tender opening | Well formatted and recovered. TOS, TOR-1 and TOR-2 were used for the purposes. |
| Tender security records | Records of the tender security as per TOR-1 and TOR-2. |
| BE Report verify existence  Of Tenders Names of Tenderers | TER-1, 2, 3, and 4 were used while evaluation   1. Bashundhara Infrastructure Development Limited 2. Nabarun Traders Limited. 3. Kanak Construction Co. |
| Contract document | The documents mentioned in the contract agreement are: (a) The signed Form of Contract Agreement, (b) the Notification of award, (c) The Completed Tender (d) Particular Conditions of Contract, (e) General Condition of Contract, (f) Technical Specifications, (g) The General Specifications, (h) Drawings, (i) Bill of Quantities(j) Schedule of Day works (k) Other document including correspondences listed in the PCC performing part of the contract, were not attached with the contract agreement with signatures of both the parties on every page. |
| Advance payment guarantee  Details and records | N/A |
| Performance security details and records | Performance Guarantee NO: 015PG005018, Issue date: 19.12.2018, Expiry date:18.12.2019, Guarantee amount: BDT 1,14,76,687.50; Issued by Social Islami Bank LTD, Panthapath Branch. |
| Complaints and  Appeals | N/A |
| Contractual  completion date | 68% within 70 weeks and 100% within 102 weeks from day of contract   |  |  |  | | --- | --- | --- | | 68% | : | 30.04.2020 | | 100% | : | 16.12.2020 | |
| Actual  completion date | |  |  |  | | --- | --- | --- | | 40% | : | 30.04.2020 | | 100% | : | 16.12.2020 | |  |  |  | |
| Bill of lading, if  Any | N/A |
| Delivery receipt  Or like Instrument | As per dredging work |
| Liquidated Damages,  Details and  enforcement for  delays | Probability is there |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | | FY (2019-2020) | 3,91,36,596.87 |  |  | 15% | 3,32,66,107.36 |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Others matters |  |
| Compliance with agreed provisions Yes or No (Explain) | Generally, the provisions of PPA -2006 and PPR-2008 has been complied. Because the procurement has been done on e-GP where if the provision is not complied then the next step will not be allowed by the e-GP system.  The un-successful bidders were not notified with the refund of their bank guarantee after the contract sign with the successful bidder as per Rule 35 (1)(2)(3) of the PPR-2008. The records and documents of procurement contracts were not prepared properly as per Rule - 43(3) of the PPR-2008. |

**Part-4: Report on Physical Inception (Package: WD-Norsingdi-Belabo, Lot-1)**

|  |  |
| --- | --- |
| Procurement Item  Name and number | Dredging work by cutter suction dredger and Excavator for Developing Navigability of Norshindi (Bhairab)-Belabo-Katiadi river route-3.  WD-Norsingdi-Belabo, Lot-1, Dated: 27.12.2018 |
| Location | Botchapa, Norshindi and Krishnapur, Kishoreganj |
| Date of visit | 20 March 2020 (Insufficient) |
| Date of Contract | |  |  |  | | --- | --- | --- | | Contract Signing | : | 27.12.2018 | |
| Contracted  Completion date (Original) | 68% within 70 weeks and 100% within 102 weeks from day of contract   |  |  |  | | --- | --- | --- | | 68% | : | 30.04.2020 | | 100% | : | 16.12.2020 | |
| Contractual  completion date | |  |  |  | | --- | --- | --- | | 40% | : | 30.04.2020 | | 100% | : | 16.12.2020 | |
| Contract value | BDT 22,95,33,750.018 |
| Final Contract  Value | BDT 22,95,33,750.018 |
| Supplier/ Contractor | Bashundhara Infrastructure Development Limited,  Plot#125/A, Block# A, Bashundhara R/A, Dhaka-1229 |
| Arrival Date at port | N/A |
| Arrival Date at project site/ warehouse (Goods) | N/A |
| Scope of work | Service (dredging works) |
| Materials (Supply and quantity) | As per dredging work |
| Construction  supervision | Dredging work supervision was undertaken by BIWTA. |
| Time overruns | Probability is there |
| Cost overruns | Probability is there |
| Deficiencies/  Defects observed | Due to the dispute over the boundaries of the river work wasn't start in schedule time |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | | FY (2019-2020) | 3,91,36,596.87 |  |  | 15% | 3,32,66,107.36 |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Comments and  recommendations | The tender advertisements were not published in the widely circulated daily newspapers. The total progress of dredging work for this contract is slow. So far it is completed 40% only which should be 68%. PE should try to complete this contract within schedule time. Payment should be done by the proper examination of record book, management book etc. for dredging work. The tender advertisement should be published in the well circulated daily newspapers for ensure competition. |

**10.05 Annex: B-1**

**Individual Contract Review Format (Package: b-002 Lot-1)**

**(e-GP System)**

**Part-1: General**

|  |  |
| --- | --- |
| Data of Review | 3 and 13 May 2020 |
| Name of Reviewer | Commodore (Retd) Syed Salahuddin Ahmed |
| Procuring Entity Name | Office of the Executive Engineer Aricha sub-Division Engineering Department, BIWTA, Manikgonj |
| Contract Name  and  Reference No | Construction of Parking Yard and BIWTA office, Waiting Shed, Store room, Rest room, Pump house, Toll Booth, Pilot House, Police House, Toilet Complex, Driver Shed including Toilet, Restaurant, Weigh bridge, Control room, sub-station room, Fire service barrack, Ansar barrack, Staff barrack, Generator room, Garage, BITWA office prayer room and Building at Balashi and Bhadurabad  b-002 Lot-1, Dated: 03.03.2019 |
| Contract Amount | BDT 20,95,19,010.619 |
| Procurement Type | NCT |
| Category of Procurement | Works (Construction) |
| Method of Procurement | OTM(e-GP) |
| Object of Procurement | * Construction works for Establishment of BIWTA office at Balashi and Bahadurabad to facilitate water transportation for general public throughout the area. * To accelerate economic activities in Bangladesh by increasing water transportation. * To achieve 100% water transportation for all. |
| Financing Arrangement  of the Procurement | GOB |

**Part-2: Compliance with Act and Rules (Package: b-002 Lot-1)**

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **Applicable Provision** | **Actual** |
| 1.0 | Procurement Plan | | |
| 1.1 | Approval Status of APP. | HOPE or AO  e-GP Guidelines, Section 3.3.1 and PPR-2008, Rule [R-16(17)] | Chairman BIWTA (13.012.2018) |
| 2.0 | Procurement Opportunities | | |
| 2.1 | Advertised in Newspaper | e-GP Guidelines, Section 3.5.1.3 and PPR-2008, [Rule 90(2) (ka)]  At least one Bengali and one English National Newspaper | |  |  |  | | --- | --- | --- | | Amader Somoy | : | 13.12.2018 | |
| 2.2 | Advertised in CPTU’s website | Procurement of Tk. 1.00 crore and above be sent to CPTU’s website [R-90(2) (jha)]  e-GP Guidelines, Sec-3.5.1.2 | |  |  |  | | --- | --- | --- | | CPTU | : | 01.01.2019 | |
| 2.3 | Tenders/Proposals followed PPR,2008 | To be Followed PPR-2008 and e-GP Guidelines, | e-GP Guidelines  and PPR-2008 |
| 2.4 | Tenders/Proposals followed DP’s Guideline | N/A | N/A |
| 3.0 | Tenders/Proposals Submission | | |
| 3.1 | No of Sale/Issuance of  Tender/Proposal  Document | No Limit | 2 (Two) |
| 3.2 | No of Tender Participate | No limit | 2 (Two) |
| 3.3 | Days allowed per Rule  For preparation and Submission of tender | At least 14 days: [R-61(5)] | |  |  |  | | --- | --- | --- | | Advertisement | : | 13.12.2018 | | Submission | : | 01.01.2019 |   20 days(preparation-submission) |
| 4.0 | Formation of TOC/BOC and TEC/BEC | | |
| 4.1 | No of members in TOC/BOC | 02(Two) [R-7, Schedule-II] and  e-GP Guidelines Section-3.5.6.1 | 02 (Two) |
| 4.2 | No of members in TOC/BOC from TEC/BEC | 1 (One)  [R-7, Schedule-II] | 1 (One) |
| 4.3 | No of members in TEC/BEC | 03 (Three) member[R-8(1), Schedule-II] and e-GP, Section-3.5.6.1 | 03 (Three) |
| 4.4 | No of external members in TEC/BEC | N/A | N/A |
| 4.5 | Authority Approved TEC/BEC | Tender Approving Authority/  PD / Chairman / Secretary [R-8(3)] | HOPE |
| 5.0 | Tenders/Proposal Evaluation | | |
| 5.1 | Days Allowed per Rules between opening and completion /submission of evaluation Report | Safe Custody-2days(R-32), Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 01.01.2019 | | Evaluation | : | 14.02.2019 |   14 days (Opening-evaluation) |
| 5.2 | Days actual between opening and completion /submission of evaluation | Safe Custody-2 days(R-32), TEC Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 01.01.2019 | | Evaluation | : | 14.02.2019 |   14 days (Opening-evaluation)  Submission to CE: 14.01.2019  14 days (opening-sub. to CE) |
| 5.3 | Responsiveness of Tender/Proposal | No Limit | 2 (Two) |
| 5.4 | Re-invitation of Tender/Proposals recommended by TEC/BEC | PE may reject all tenders on the recommendations of the  TEC, and with the approval HOPE invite Re-tender on certain grounds [R-33(2)], [R-11(2)(c)(II)] | N/A |
| 5.5 | Procurement proceedings annulled/cancelled | N/A | N/A |
| 6.0 | Approval of tenders / proposals | | |
| 6.1 | Days actual between evolution and approval | HOPE: 6 weeks (42 days)  Project Director: 1weeks (7 days) [R-36(6)-Schedule-III, Part -A] | |  |  |  | | --- | --- | --- | | Evaluation | : | 14.01.2019 | | Submission to SE | : | 14.01.2019 | | SE to CE | : | 14.01.2019 | | CE to Member | : | 14.01.2019 | | Member to HOPE | : | 14.01.2019 | | HOPE Approved | : | 15.01.2019 |   02 days (Evaluation-Approved) |
| 6.2 | AA as per DoFP | Project Director / HOPE | HOPE, Chairman (BIWTA) |
| 6.3 | Authority approved | Project Director / HOPE | HOPE, Chairman (BIWTA) |
| 6.4 | Evaluation report was sent directly to the AA | Be sent directly to AA in sealed envelope [R-36(3)] | Via CE to Chairman (BIWTA) |
| 6.5 | Days actual for issuance of NOA/PO/ Contracts sign | a) NOA-Within 7 working days of receipt of approval but before expiry of tender validity date [R-36(4)]/(a), Schedule-II]  b) Contract singing-within 28 days from issuance NOA [R-102(11), schedule-II] | |  |  |  | | --- | --- | --- | | Approval | : | 14.01.2019 | | NOA Issue | : | 04.02.2019 | | 22 days (approval to NOA issue) | | | | Contract Sign | : | 03.03.2019 | | 49 days (NOA to Contract Sign) | | | |
| 6.6 | Days actual for contract award decision by AA | HOPE: 6 weeks (42 days)  Project Director: 1weeks (7 days) [R-36(6)-Schedule-III, Part -A] | |  |  |  | | --- | --- | --- | | Sub. Approval | : | 14.01.2019 | | Approval | : | 15.01.2019 |   02 days (Submission-approval) |
| 6.7 | Authority other than AA, if any, made additional review of the evaluation report | N/A | N/A |
| 6.8 | Authority higher or lower than AA, if any, approved Tenders/ Proposals | Project Director | Chairman BIWTA |
| 7.0 | Contract Award | | |
| 7.1 | Procurement processing Lead time I.e. the actual between opening and Issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2days[R-32]  Days Actual Between Opening and Issuance  NOA:28 Days[R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | Opening | : | 01.01.2019 | | NOA issue | : | 04.02.2019 | | 35 days (Opening-NOA) | | | | Contract Sign | : | 03.03.2019 | | 61 days (Opening-contract sign) | | | |
| 7.2 | The actual between IFT/RFP issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2 days [R-32]  Days Actual Between  IFT and Issuance of  NOA: Min 42 Days [R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | IFT | : | 13.12.2018 | | NOA issue | : | 04.02.2019 | | 54 days (IFT -NOA) | | | | Contract Sign | : | 03.03.2019 | | 80 days (IFT -contract sign) | | | |
| 7.3 | Publication award in CPTUs website/PE's Website/others | a) CPTU’s website: Within 7 working days from issuance of NOA for not less than 1 month for TK 1.00 crore and above [R-31(1 and 2)]  b) PE’s website-Below Tk.1.00 crore e-GP Guidelines, Section-3.7.4 | Published |
| 7.4 | Contract awarded made within the initial tender/proposal validity period | Generally, 60-120 days  [R-19(1) and 117(10)] | Yes (01.01.2019 to 01.04.2019),  Within tender validity period |
| 8.0 | Completion Contract | | |
| 8.1 | Day per original contract time is specified for Supply/Execution/Perform | |  |  |  | | --- | --- | --- | | 25% | : | 02.07.2019 | | 50% | : | 31.10.2019 | | 75% | : | 29.02.2020 | | 100% | : | 30.06.2020 | | Contract Sign: 03.03.2019  50% within 34 weeks and 100% within 69 weeks from day of contract   |  |  |  | | --- | --- | --- | | 50% | : | 01.11.2019 | | 100% | : | 30.06.2020 | |
| 8.2 | Day actual for Supply/ Execution/Delivery/ Perform | 50% within 34 weeks and 100% within 64 weeks from day of contract   |  |  |  | | --- | --- | --- | | 50% | : | 01.11.2019 | | 100% | : | 30.06.2020 | | |  |  |  | | --- | --- | --- | | 65% | : | 30.04.2020 | | 100% | : | 30.06.2020 | |
| 8.3 | Amount of LD imposed |  | N/A |
| 9.0 | Complaint and Appeal | | |
| 9.1 | Complaint, if any, Lodged and reasons there of | Complaint may be lodged to PE within 7 days of becoming aware of the matter of complaint [R-56] | N/A |
| 9.2 | Resolution of complaints per Rules | The PE within 5 working days shall consider the complaint and decide whether to reject the complaint or take corrective action [R-57(3)(4)] | N/A |
| 9.3 | Modification resulting from resolution of complaints | N/A | N/A |
| 9.4 | Appeal of Independent Review Panel | A person within 7 working days of the receipt of the written decision may be appeal to a Review Panel only if he has exhausted all his options of complaints to the administrative Authority  [R-57(10)(11)(12)] | N/A |
| 9.5 | Review Panel’s decision and follow-on | Decision of the Review Panel within 12 working days from the receipt of the complaint | N/A |
| 10.0 | Contract Amendment | | |
| 10.1 | No of times contract time extended and days | Up to 20% of original Contract time. Above 20% approval of HOPE shall be required [R-74(4)] and [R-39(3)] | 01(One)  Up to 30.06.2020 with the approval of HOPE |
| 10.2 | Variation/Extra Work/Repeat/addl. Delivery Orders etc. made | 15% of original Contract Price[R-77(ka)] [Rule-78, 79, and 80] of PPR-2008 | N/A |
| 10.3 | No and Amount of such orders | [Rule -78,79, 80] of PPR-2008 | N/A |
| 11.0 | Contract Disputes unresolved | [Rule -42(2)] of PPR-2008 | N/A |
| 12.0 | Fraudulence and Corruption | [Rule -127] of PPR-2008 | N/A |
| 13.0 | Procurement Management Capacity | Capable | Capable |
| 13.1 | HRD/Facilities | Project Director-1, DD Technical (xen)- 1, DD (Finance)-1, Assistant engineer-1, Sub assistant engineer-1, Accountant-1, Data entry operator-2, peon-2. | |
| 13.2 | No of Staff trained in procurement | | 08 Completed training |

**Part-3: Post Reviews Goods/Works Contracts (Package: b-002-Lot-1)**

|  |  |
| --- | --- |
| **Date of Review:** **3 and 13 May 2020** | **Name of the Reviewer:** **Commodore Syed Salahuddin Ahmed** |
| **Contract Name, Number and Date:**  **Construction of Parking Yard and BIWTA office, Waiting Shed, Store room, Rest room, Pump house, Toll Booth, Pilot House, Police House, Toilet Complex, Driver Shed including Toilet, Restaurant, Weigh bridge, Control room, sub-station room, Fire service barrack, Ansar barrack, Staff barrack, Generator room, Garage, BITWA office prayer room and Building at Balashi and Bhadurabad**  **b-002, Lot-1, Dated: 03.03.2019** | **Contract Amount:**  **BDT 20,95,19,010.619** |
| **Contractor’s Name and Address:** **S.S Rahman International,**  **65/2/1, Purana Polton, Paramount Height, Dhaka-1000** | |

|  |  |  |
| --- | --- | --- |
| **Procurement Method** | **:** | **NCT, OTM(e-GP)** |
| **Category** | **:** | **Works (Construction work)** |
|  |  |  |

|  |  |
| --- | --- |
| **Aspect** | **Comment and Findings** |
| Procurement Document (Filing) | Procurement was done following e-GP guidelines. Most of the documents is kept in archive of e-GP Portal. Standard Tender Documents of CPTU were followed. Tender Data Sheet(general, tender document, qualification criteria, preparation of tender, submission of tender, opening and evaluation of a tender, award of contract, complain and appeal), Particular condition of Contract, Tender and Contract form(Price schedule, Bank Guarantee form, payment terms, insurance etc.), Schedules of requirement, Technical Specification and Drawings, were filled up as per provisions of Rule-4(1), 96(1) and Schedule XII of PPR-2008. |
| Advertising | Advertised on 13.12.2018 with other 01 (One) packages/sub-packages in the Amader somoy and CPTU’s Website (at least one Bengali and one English national newspaper). The Advertisement was as per provision of Rule-90(2) (ka) and in the format prescribed in Schedule-X and XI of PPR-2008. |
| Pre/Post Qualification | Pre-qualification was done by Office of the Executive Engineer Aricha sub-Division Engineering Department, BIWTA, Manikgonj. |
| Time Allowed for submission of Tenders | 16 days (preparation-submission). The days allowed for preparation and submission is consistent with Rules. |
| Tender Opening and minutes of Tender opening | Well formatted and recovered. TOS, TOR-1 and TOR-2 were used for the purposes. |
| Tender security records | Records of the tender security as per OR-1 and TOR-2. |
| B.E Report verify existence  Of Tenders Names of Tenderers | TER-1, 2, 3, and 4 were used while evaluation   1. S.S International and Construction Ltd 2. S.S Rahman International |
| Contract document | The documents mentioned in the contract agreement are: (a) The signed Form of Contract Agreement, (b) the Notification of award, (c) The Completed Tender (d) Particular Conditions of Contract, (e) General Condition of Contract, (f) Technical Specifications, (g) The General Specifications, (h) Drawings, (i) Bill of Quantities(j) Schedule of Dayworks (k) Other document including correspondences listed in the PCC performing part of the contract, were not attached with the contract agreement with signatures of both the parties on every page. |
| Advance payment guarantee  Details and records | N/A |
| Performance security details and records | Bank Guarantee NO: MBL/GRB/BG-11/2019, Issue date: 17.02.2019, Expiry date: 31.12.2020(Extended), Previous Expiry date:12.01.2020,  Guarantee amount: BDT 2,09,51,901.0600; Issued by Mercantile Bank Limited, Banani Branch, Dhaka. |
| Complaints and  Appeals | N/A |
| Contractual  completion date | Contract Sign: 03.03.2019  50% within 34 weeks and 100% within 69 weeks from day of contract   |  |  |  | | --- | --- | --- | | 50% | : | 01.11.2019 | | 100% | : | 30.06.2020 | |
| Actual  completion date | |  |  |  | | --- | --- | --- | | 65% | : | 30.04.2020 | | 100% | : | 30.06.2020 | |
| Bill of lading, if  Any | N/A |
| Delivery receipt / not  receipt or like  Instrument | As per construction work |
| Liquidated Damages,  Details and  enforcement for  delays | N/A |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | | FY(2018-2019) and FY(2019-2020) | 10,90,50,000 |  |  | 15% | 9,26,92,500 |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Others matters |  |
| Compliance with agreed provisions Yes or No (Explain) | The provisions of PPA -2006 and PPR-2008 has been complied. Because the procurement has been done on e-GP where if the provision is not complied then the next step will not be allowed by the e-GP system.  Some are not complied such as: the time spent at each stage of procurement activities were not maintained fully as per Rule - 8(17)(18) and Schedule -IV of the PPR-2008. The Notification of Award (NOA) for contracts were not published in CPTU’s website as per Rule-37(2) of the PPR-2008. |

**Part-4: Report on Physical Inception (Package: b-002-Lot-1)**

|  |  |
| --- | --- |
| Procurement Item  Name and number | Construction of Parking Yard and BIWTA office, Waiting Shed, Store room, Rest room, Pump house, Toll Booth, Pilot House, Police House, Toilet Complex, Driver Shed including Toilet, Restaurant, Weigh bridge, Control room, sub-station room, Fire service barrack, Ansar barrack, Staff barrack, Generator room, Garage, BITWA office prayer room and Building at Balashi and Bhadurabad  **b-002 Lot-1, Dated: 03.03.2019** |
| Location | Bahadurabad, Jamalpur and Balashi, Gaibandah. |
| Date of visit | 22 March 2020 (Insufficient) |
| Date of Contract | |  |  |  | | --- | --- | --- | | Contract Signing | : | 03.03.2019 | |
| Contracted  Completion date (Original) | 50% within 34 weeks and 100% within 69 weeks from day of contract   |  |  |  | | --- | --- | --- | | 50% | : | 01.11.2019 | | 100% | : | 30.06.2020 | |
| Contractual  completion date | |  |  |  | | --- | --- | --- | | 65% | : | 30.04.2020 | | 100% | : | 30.06.2020 | |
| Contract value | **BDT 20,95,19,010.619** |
| Final Contract  Value | **BDT 20,95,19,010.619** |
| Supplier/ Contractor | S.S Rahman International,  65/2/1, Purana Polton, Paramount Height, Dhaka-1000 |
| Arrival Date at port | N/A |
| Arrival Date at project site/ warehouse (Goods) | N/A |
| Scope of work | Works (construction works) |
| Materials (Supply and quantity) | As per construction work |
| Construction  supervision | Construction supervision was undertaken by BIWTA. |
| Time overruns | Probability is there |
| Cost overruns | Probability is there |
| Deficiencies/  Defects observed | Extending project completion time. |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | | FY(2018-2019) and  FY(2019-2020) | 10,90,50,000 |  |  | 15% | 9,26,92,500 |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Comments and  recommendations | The contract was extended for lengthy land acquisition process. Total construction work for this contract is slow. So far it is completed 65% only which should be 87.5%. PD should take extra initiative to complete in time. PE/ PD must maintain all records of the payment including the bills, invoices for procurement of construction works. Social and environmental issues must be addressed by minimalizing dredging waste and construction dust. |

**10.06 Annex: B-2**

**Individual Contract Review Format (Package: b-003 Lot-1(p-3))**

**(e-GP System)**

**Part-1: General**

|  |  |
| --- | --- |
| Data of Review | 3 and 13 May 2020 |
| Name of Reviewer | Commodore (Retd) Syed Salahuddin Ahmed |
| Procuring Entity Name | Office of the Executive Engineer Aricha sub-Division Engineering Department, BIWTA, Manikgonj |
| Contract Name  and  Reference No | Construction of Boundary and Fencing wall and slope protection of parking yard at Balashi and Bhadurabad under the project of Establishment of ferry Ghat including allied facilities at Balashi and Bahadurabad.  b-003 Lot-1(p-3), Dated: 24.03.2019 |
| Contract Amount | BDT 05,33,68,031.688 |
| Procurement Type | NCT |
| Category of Procurement | Works (construction) |
| Method of Procurement | OTM(e-GP) |
| Object of Procurement | * Construction works for Establishment of Boundary and Fencing wall including allied facilities at Balashi and Bahadurabad to facilitate water transportation for general public throughout the area. * To accelerate economic activities in Bangladesh by increasing water transportation. * To achieve 100% water transportation for all. |
| Financing Arrangement  of the Procurement | GOB |

**Part-2: Compliance with Act and Rules (Package: b-003-Lot-1(p-3))**

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **Applicable Provision** | **Actual** |
| 1.0 | Procurement Plan | | |
| 1.1 | Approval Status of APP. | HOPE or AO  e-GP Guidelines, Section 3.3.1 and PPR-2008, Rule [R-16(17)] | Chairman BIWTA (27.01.2019) |
| 2.0 | Procurement Opportunities | | |
| 2.1 | Advertised in Newspaper | e-GP Guidelines, Section 3.5.1.3 and PPR-2008, [Rule 90(2) (ka)]  At least one Bengali and one English National Newspaper | |  |  |  | | --- | --- | --- | | Daily Amader Shomay | : | 29.01.2019 | |
| 2.2 | Advertised in CPTU’s website | Procurement of Tk. 1.00 crore and above be sent to CPTU’s website [R-90(2) (jha)]  e-GP Guidelines, Sec-3.5.1.2 | |  |  |  | | --- | --- | --- | | CPTU | : | 28.02.2019 | |
| 2.3 | Tenders/Proposals followed PPR,2008 | To be Followed PPR-2008 and  e-GP Guidelines, | e-GP Guidelines  and PPR-2008 |
| 2.4 | Tenders/Proposals followed DP’s Guideline | N/A | N/A |
| 3.0 | Tenders/Proposals Submission | | |
| 3.1 | No of Sale/Issuance of  Tender/Proposal  Document | No Limit | 2 (Two) |
| 3.2 | No of Tender Participate | No limit | 2 (Two) |
| 3.3 | Days allowed per Rule  For preparation and Submission of tender | At least 14 days: [R-61(5)] | |  |  |  | | --- | --- | --- | | Advertisement | : | 29.01.2019 | | Submission | : | 28.02.2019 |   31 days(preparation-submission) |
| 4.0 | Formation of TOC/BOC and TEC/BEC | | |
| 4.1 | No of members in TOC/BOC | 02(Two) [R-7, Schedule-II] and e-GP Guidelines Section-3.5.6.1 | 02 (Two) |
| 4.2 | No of members in TOC/BOC from TEC/BEC | 1 (One)  [R-7, Schedule-II] | 1 (One) |
| 4.3 | No of members in TEC/BEC | 03 (Three) member[R-8(1), Schedule-II] and e-GP, Section-3.5.6.1 | 03 (Three) |
| 4.4 | No of external members in TEC/BEC | N/A | N/A |
| 4.5 | Authority Approved TEC/BEC | Tender Approving Authority/  PD / Chairman / Secretary [R-8(3)] | HOPE |
| 5.0 | Tenders/Proposal Evaluation | | |
| 5.1 | Days Allowed per Rules between opening and completion /submission of evaluation Report | Safe Custody-2days(R-32), Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 28.02.2019 | | Evaluation | : | 07.03.2019 |   08 days (Opening-evaluation) |
| 5.2 | Days actual between opening and completion /submission of evaluation | Safe Custody-2 days(R-32), TEC Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 28.02.2019 | | Evaluation | : | 07.03.2019 |   08 days (Opening-evaluation)  Submission to CE: 07.03.2019  08 days (opening-sub. to CE) |
| 5.3 | Responsiveness of Tender/Proposal | No Limit | 2 (Two) |
| 5.4 | Re-invitation of Tender/Proposals recommended by TEC/BEC | PE may reject all tenders on the recommendations of the  TEC, and with the approval HOPE invite Re-tender on certain grounds [R-33(2)], [R-11(2)(c)(II)] | N/A |
| 5.5 | Procurement proceedings annulled/cancelled | N/A | N/A |
| 6.0 | Approval of tenders / proposals | | |
| 6.1 | Days actual between evolution and approval | HOPE: 6 weeks (42 days)  Project Director: 1weeks (7 days) [R-36(6)-Schedule-III, Part -A] | |  |  |  | | --- | --- | --- | | Evaluation | : | 07.03.2019 | | Submission to SE | : | 07.03.2019 | | SE to CE | : | 07.03.2019 | | CE to Member | : | 07.03.2019 | | Member to HOPE | : | 10.03.2019 | | HOPE Approved | : | 13.03.2019 |   07 days (Evaluation-Approved) |
| 6.2 | AA as per DoFP | Project Director / HOPE | HOPE, Chairman (BIWTA) |
| 6.3 | Authority approved | Project Director / HOPE | HOPE, Chairman (BIWTA) |
| 6.4 | Evaluation report was sent directly to the AA | Be sent directly to AA in sealed envelope [R-36(3)] | Via CE to Chairman (BIWTA) |
| 6.5 | Days actual for issuance of NOA/PO/ Contracts sign | a) NOA-Within 7 working days of receipt of approval but before expiry of tender validity date [R-36(4)]/(a), Schedule-II]  b) Contract singing-within 28 days from issuance NOA [R-102(11), schedule-II] | |  |  |  | | --- | --- | --- | | Approval | : | 13.03.2019 | | NOA Issue | : | 21.03.2019 | | 09days (approval to NOA issue) | | | | Contract Sign | : | 24.03.2019 | | 04 days (NOA to Contract Sign) | | | |
| 6.6 | Days actual for contract award decision by AA | HOPE: 6 weeks (42 days)  Project Director: 1weeks (7 days) [R-36(6)-Schedule-III, Part -A] | |  |  |  | | --- | --- | --- | | Sub. Approval | : | 07.03.2019 | | Approval | : | 13.03.2019 |   07 days (Submission-approval) |
| 6.7 | Authority other than AA, if any, made additional review of the evaluation report | N/A | N/A |
| 6.8 | Authority higher or lower than AA, if any, approved Tenders/ Proposals | Project Director | Chairman BIWTA |
| 7.0 | Contract Award | | |
| 7.1 | Procurement processing Lead time I.e. the actual between opening and Issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2days[R-32]  Days Actual Between Opening and Issuance  NOA:28 Days[R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | Opening | : | 28.02.2019 | | NOA issue | : | 21.03.2019 | | 22 days (Opening-NOA) | | | | Contract Sign | : | 24.03.2019 | | 25 days (Opening-contract sign) | | | |
| 7.2 | The actual between IFT/RFP issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2 days [R-32]  Days Actual Between  IFT and Issuance of  NOA: Min 42 Days [R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | IFT | : | 29.01.2019 | | NOA issue | : | 21.03.2019 | | 52 days (IFT -NOA) | | | | Contract Sign | : | 24.03.2019 | | 55 days (IFT -contract sign) | | | |
| 7.3 | Publication award in CPTUs website/PE's Website/others | a) CPTU’s website: Within 7 working days from issuance of NOA for not less than 1 month for TK 1.00 crore and above [R-31(1 and 2)]  b) PE’s website-Below Tk.1.00 crore e-GP Guidelines, Section-3.7.4 | Published |
| 7.4 | Contract awarded made within the initial tender/proposal validity period | Generally, 60-120 days  [R-19(1) and 117(10)] | Yes (18.02.2019 to 29.05.2019),  Within tender validity period |
| 8.0 | Completion Contract | | |
| 8.1 | Day per original contract time is specified for Supply/Execution/Perform | |  |  |  | | --- | --- | --- | | 25% | : | 17.07.2019 | | 50% | : | 10.11.2019 | | 75% | : | 05.03.2020 | | 100% | : | 30.06.2020 | | Contract Sign: 24.03.2019  50% within 33 weeks and 100% within 66 weeks from day of contract   |  |  |  | | --- | --- | --- | | 50% | : | 10.11.2019 | | 100% | : | 30.06.2020 | |
| 8.2 | Day actual for Supply/ Execution/Delivery/ Perform | 50% within 33 weeks and 100% within 66 weeks from day of contract  50% : 10.11.2019  100% : 30.06.2020 | Ongoing (65% completed)   |  |  |  | | --- | --- | --- | | 65% | : | 30.04.2019 | | 100% | : | 30.06.2020 | |
| 8.3 | Amount of LD imposed |  | N/A |
| 9.0 | Complaint and Appeal | | |
| 9.1 | Complaint, if any, Lodged and reasons there of | Complaint may be lodged to PE within 7 days of becoming aware of the matter of complaint [R-56] | N/A |
| 9.2 | Resolution of complaints per Rules | The PE within 5 working days shall consider the complaint and decide whether to reject the complaint or take corrective action [R-57(3)(4)] | N/A |
| 9.3 | Modification resulting from resolution of complaints | N/A | N/A |
| 9.4 | Appeal of Independent Review Panel | A person within 7 working days of the receipt of the written decision may be appeal to a Review Panel only if he has exhausted all his options of complaints to the administrative Authority  [R-57(10)(11)(12)] | N/A |
| 9.5 | Review Panel’s decision and follow-on | Decision of the Review Panel within 12 working days from the receipt of the complaint | N/A |
| 10.0 | Contract Amendment | | |
| 10.1 | No of times contract time extended and days | Up to 20% of original Contract time. Above 20% approval of HOPE shall be required [R-74(4)] and [R-39(3)] | 01(One)  Up to 30.06.2020 with the approval of HOPE |
| 10.2 | Variation/Extra Work/Repeat/addl. Delivery Orders etc. made | 15% of original Contract Price[R-77(ka)] [Rule-78, 79, and 80] of PPR-2008 | N/A |
| 10.3 | No and Amount of such orders | [Rule -78,79, 80] of PPR-2008 | N/A |
| 11.0 | Contract Disputes unresolved | [Rule -42(2)] of PPR-2008 | N/A |
| 12.0 | Fraudulence and Corruption | [Rule -127] of PPR-2008 | N/A |
| 13.0 | Procurement Management Capacity | Capable | Capable |
| 13.1 | HRD/Facilities | Project Director-1, DD Technical (xen)- 1, DD (Finance)-1, Assistant engineer-1, Sub assistant engineer-1, Accountant-1, Data entry operator-2, peon-2. | |
| 13.2 | No of Staff trained in procurement | | 08 Completed training |

**Part-3: Post Reviews Goods/Works Contracts (Package: b-003, Lot-1(p-3))**

|  |  |
| --- | --- |
| **Date of Review:** **3 and 13 May 2020** | **Name of the Reviewer:** **Commodore Syed Salahuddin Ahmed** |
| **Contract Name, Number and Date:**  **Construction of Boundary and Fencing wall and slope protection of parking yard at Balashi and Bhadurabad under the project of Establishment of ferry Ghat including allied facilities at Balashi and Bahadurabad.**  **b-003, Lot-1(p-3), Dated: 24.03.2019** | **Contract Amount:**  **BDT 05,33,68,031.688** |
| **Contractor’s Name and Address:** **S.S Rahman International,**  **65/2/1, Purana Polton, Paramount Height, Dhaka-1000** | |

|  |  |  |
| --- | --- | --- |
| **Procurement Method** | **:** | **NCT, OTM(e-GP)** |
| **Category** | **:** | **Works (Construction work)** |
|  |  |  |

|  |  |
| --- | --- |
| **Aspect** | **Comment and Findings** |
| Procurement Document (Filing) | Procurement was done following e-GP guidelines. Most of the documents is kept in archive of e-GP Portal. Standard Tender Documents of CPTU were followed. Tender Data Sheet(general, tender document, qualification criteria, preparation of tender, submission of tender, opening and evaluation of a tender, award of contract, complain and appeal), Particular condition of Contract, Tender and Contract form(Price schedule, Bank Guarantee form, payment terms, insurance etc.), Schedules of requirement, Technical Specification and Drawings, were filled up as per provisions of Rule-4(1), 96(1) and Schedule XII of PPR-2008. |
| Advertising | Advertised on Daily Amader Shomoy with other 1 (One) packages/sub-packages in the 29.1.2019 and CPTU’s Website (at least one Bengali and one English national newspaper). The Advertisement was as per provision of Rule-90(2) (ka) and in the format prescribed in Schedule-X and XI of PPR-2008. |
| Pre/Post Qualification | Pre-qualification was done by Office of the Executive Engineer Aricha sub-Division Engineering Department, BIWTA, Manikgonj |
| Time Allowed for submission of Tenders | 16 days (preparation-submission). The days allowed for preparation and submission is consistent with Rules. |
| Tender Opening and minutes of Tender opening | Well formatted and recovered. TOS, TOR-1 and TOR-2 were used for the purposes. |
| Tender security records | Records of the tender security as per TOR-1 and TOR-2. |
| B.E Report verify existence  Of Tenders Names of Tenderers | TER-1, 2, 3, and 4 were used while evaluation   1. M.R Construction- S.K. International JV 2. S.S Rahman International |
| Contract document | The documents mentioned in the contract agreement are: (a) The signed Form of Contract Agreement, (b) the Notification of award, (c) The Completed Tender (d) Particular Conditions of Contract, (e) General Condition of Contract, (f) Technical Specifications, (g) The General Specifications, (h) Drawings, (i) Bill of Quantities(j) Schedule of Dayworks (k) Other document including correspondences listed in the PCC performing part of the contract, were not attached with the contract agreement with signatures of both the parties on every page. |
| Advance payment guarantee  Details and records | N/A |
| Performance security details and records | Bank Guarantee NO: MBL/GRB/BG-23/2019, Issue date: 03.04.2019, Expiry date:15.12.2019, Extended Previous Expiry date: 31.12.2020,  Guarantee amount: BDT 2,09,51,901.0600; Issued by Mercantile Bank Limited, Green Road Branch, Dhaka. |
| Complaints and  Appeals | N/A |
| Contractual  completion date | Contract Sign: 24.03.2019  50% within 33 weeks and 100% within 66 weeks from day of contract   |  |  |  | | --- | --- | --- | | 50% | : | 10.11.2019 | | 100% | : | 30.06.2020 | |
| Actual  completion date | Ongoing (65% completed)   |  |  |  | | --- | --- | --- | | 65% | : | 30.04.2019 | | 100% | : | 30.06.2020 | |
| Bill of lading, if  Any | N/A |
| Delivery receipt / not receipt or like  Instrument | As per construction work |
| Liquidated Damages,  Details and  enforcement for  delays | N/A |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | | FY(2018-2019) and  FY(2019-2020) | 98,63,500 |  |  | 15% | 83,83,975 |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Others matters |  |
| Compliance with agreed provisions Yes or No (Explain) | The procurement has been done on the e-GP framework. For that, the provisions of PPA -2006 and PPR-2008 have been complied.  The contract agreement does not contain required documents as per Rule- 38 and 39 of the PPR-2008. The publication of tender notice in all edition of the widely circulated daily newspapers on the day of publication was not done as per Rule - 90(2)(d) of the PPR-2008. |

**Part-4: Report on Physical Inception (Package: b-003, Lot-1(p-3))**

|  |  |
| --- | --- |
| Procurement Item  Name and number | **Construction of Boundary and Fencing wall and slope protection of parking yard at Balashi and Bhadurabad under the project of Establishment of ferry Ghat including allied facilities at Balashi and Bahadurabad.**  **b-003 Lot-1(p-3), Dated: 24.03.2019** |
| Location | Bahadurabad, Jamalpur and Balashi, Gaibandah. |
| Date of visit | 22 march 2020 (Insufficient) |
| Date of Contract | |  |  |  | | --- | --- | --- | | Contract Signing | : | 24.03.2019 | |
| Contracted  Completion date (Original) | 50% within 33 weeks and 100% within 66 weeks from day of contract   |  |  |  | | --- | --- | --- | | 50% | : | 10.11.2019 | | 100% | : | 30.06.2020 | |
| Contractual  completion date | Ongoing (65% completed)   |  |  |  | | --- | --- | --- | | 65% | : | 30.04.2019 | | 100% | : | 30.06.2020 | |
| Contract value | BDT 05,33,68,031.688 |
| Final Contract  Value | BDT 05,33,68,031.688 |
| Supplier/ Contractor | S.S Rahman International,  65/2/1, Purana Polton, Paramount Height, Dhaka-1000 |
| Arrival Date at port | N/A |
| Arrival Date at project site/ warehouse (Goods) | N/A |
| Scope of work | Works (construction works) |
| Materials (Supply and quantity) | As per construction work |
| Construction  supervision | Construction supervision was undertaken by BIWTA. |
| Time overruns | Probability is there |
| Cost overruns | Probability is there |
| Deficiencies/  Defects observed | Extending project completion time. |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | | FY(2018-2019) and  FY(2019-2020) | 98,63,500 |  |  | 15% | 83,83,975 |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*Deducted amount TK 1250 for non-return of wooded drums  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Comments and  recommendations | The construction work of this contract was supposed to be completed 87%. by April 2020. It has been completed only 65% so far. PD should take extra initiative to complete in time. The tender advertisement should be published in the widely circulated daily newspapers to ensure competition. Official cost estimation should be done on local market price. |

**10.07 Annex: B-3**

**Individual Contract Review Format (Package: b-004, Lot-1)**

**(e-GP System)**

**Part-1: General**

|  |  |
| --- | --- |
| Data of Review | 3 and 13 May 2020 |
| Name of Reviewer | Commodore (Retd) Syed Salahuddin Ahmed |
| Procuring Entity Name | Office of the Executive Engineer Aricha sub-Division Engineering Department, BIWTA, Manikgonj |
| Contract Name  and  Reference No | Construction of Ferry Ghat and Adjustment for operation during Project period at Balashi and Bahadurabad under the project of Establishment of ferry Ghat including allied facilities at Balashi and Bahadurabad.  b-004 Lot-1, Dated: 07.04.2019 |
| Contract Amount | BDT 02,28,58,177.437 |
| Procurement Type | NCT |
| Category of Procurement | Works (Construction) |
| Method of Procurement | OTM(e-GP) |
| Object of Procurement | * Construction works for Establishment of Ferry Ghat including allied facilities at Balashi and Bahadurabad to facilitate water transportation for general public throughout the area. * To accelerate economic activities in Bangladesh by increasing water transportation. * To achieve 100% water transportation for all. |
| Financing Arrangement  of the Procurement | GOB |

**Part-2: Compliance with Act and Rules (Package: b-004-Lot-1)**

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **Applicable Provision** | **Actual** |
| 1.0 | Procurement Plan | | |
| 1.1 | Approval Status of APP. | HOPE or AO  e-GP Guidelines, Section 3.3.1 and PPR-2008, Rule [R-16(17)] | Chairman BIWTA (17.01.2019) |
| 2.0 | Procurement Opportunities | | |
| 2.1 | Advertised in Newspaper | e-GP Guidelines, Section 3.5.1.3 and PPR-2008, [Rule 90(2) (ka)]  At least one Bengali and one English National Newspaper | |  |  |  | | --- | --- | --- | | Daily Amader Somoy | : | 29.01.2019 | |
| 2.2 | Advertised in CPTU’s website | Procurement of Tk. 1.00 crore and above be sent to CPTU’s website [R-90(2) (jha)]  e-GP Guidelines, Sec-3.5.1.2 | |  |  |  | | --- | --- | --- | | CPTU | : | 18.02.2019 | |
| 2.3 | Tenders/Proposals followed PPR,2008 | To be Followed PPR-2008 and  e-GP Guidelines, | e-GP Guidelines  and PPR-2008 |
| 2.4 | Tenders/Proposals followed DP’s Guideline | N/A | N/A |
| 3.0 | Tenders/Proposals Submission | | |
| 3.1 | No of Sale/Issuance of  Tender/Proposal  Document | No Limit | 6 (Six) |
| 3.2 | No of Tender Participate | No limit | 5 (Five) |
| 3.3 | Days allowed per Rule  For preparation and Submission of tender | At least 14 days: [R-61(5)] | |  |  |  | | --- | --- | --- | | Advertisement | : | 29.01.2019 | | Submission | : | 18.02.2019 |   21 days (preparation-submission) |
| 4.0 | Formation of TOC/BOC and TEC/BEC | | |
| 4.1 | No of members in TOC/BOC | 02(Two) [R-7, Schedule-II] and  e-GP Guidelines Section-3.5.6.1 | 02 (Two) |
| 4.2 | No of members in TOC/BOC from TEC/BEC | 1 (One)  [R-7, Schedule-II] | 1 (One) |
| 4.3 | No of members in TEC/BEC | 03 (Three) member[R-8(1), Schedule-II] and -GP, Section-3.5.6.1 | 03 (Three) |
| 4.4 | No of external members in TEC/BEC | N/A | N/A |
| 4.5 | Authority Approved TEC/BEC | Tender Approving Authority/  PD / Chairman / Secretary [R-8(3)] | HOPE |
| 5.0 | Tenders/Proposal Evaluation | | |
| 5.1 | Days Allowed per Rules between opening and completion /submission of evaluation Report | Safe Custody-2days(R-32), Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 18.02.2019 | | Evaluation | : | 13.03.2019 |   24 days (Opening-evaluation) |
| 5.2 | Days actual between opening and completion /submission of evaluation | Safe Custody-2 days(R-32), TEC Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 18.02.2019 | | Evaluation | : | 13.03.2019 |   24 days (Opening-evaluation)  Submission to CE: 24.03.2019  35 days (opening-sub. to CE) |
| 5.3 | Responsiveness of Tender/Proposal | No Limit | 2 (Two) |
| 5.4 | Re-invitation of Tender/Proposals recommended by TEC/BEC | PE may reject all tenders on the recommendations of the  TEC, and with the approval HOPE invite Re-tender on certain grounds [R-33(2)], [R-11(2)(c)(II)] | N/A |
| 5.5 | Procurement proceedings annulled/cancelled | N/A | N/A |
| 6.0 | Approval of tenders / proposals | | |
| 6.1 | Days actual between evolution and approval | HOPE: 6 weeks (42 days)  Project Director: 1weeks (7 days) [R-36(6)-Schedule-III, Part -A] | |  |  |  | | --- | --- | --- | | Evaluation | : | 13.03.2019 | | Submission to SE | : | 24.03.2019 | | SE to CE | : | 24.03.2019 | | CE to Member | : | 24.03.2019 | | Member to HOPE | : | 27.03.2019 | | HOPE Approved | : | 28.03.2019 |   15 days (Evaluation-Approved) |
| 6.2 | AA as per DoFP | Project Director / HOPE | HOPE, Chairman (BIWTA) |
| 6.3 | Authority approved | Project Director / HOPE | HOPE, Chairman (BIWTA) |
| 6.4 | Evaluation report was sent directly to the AA | Be sent directly to AA in sealed envelope [R-36(3)] | Via CE to Chairman (BIWTA) |
| 6.5 | Days actual for issuance of NOA/PO/ Contracts sign | a) NOA-Within 7 working days of receipt of approval but before expiry of tender validity date [R-36(4)]/(a), Schedule-II]  b) Contract singing-within  28 days from issuance NOA [R-102(11), schedule-II] | |  |  |  | | --- | --- | --- | | Approval | : | 28.03.2019 | | NOA Issue | : | 31.03.2019 | | 04 days (approval to NOA issue) | | | | Contract Sign | : | 07.04.2019 | | 08 days (NOA to Contract Sign) | | | |
| 6.6 | Days actual for contract award decision by AA | HOPE: 6 weeks (42 days)  Project Director: 1weeks (7 days) [R-36(6)-Schedule-III, Part -A] | |  |  |  | | --- | --- | --- | | Sub. Approval | : | 24.03.2019 | | Approval | : | 28.03.2019 |   05 days (Submission-approval) |
| 6.7 | Authority other than AA, if any, made additional review of the evaluation report | N/A | N/A |
| 6.8 | Authority higher or lower than AA, if any, approved Tenders/ Proposals | Project Director | Chairman BIWTA |
| 7.0 | Contract Award | | |
| 7.1 | Procurement processing Lead time I.e. the actual between opening and Issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2days[R-32]  Days Actual Between Opening and Issuance  NOA:28 Days[R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | Opening | : | 18.02.2019 | | NOA issue | : | 31.03.2019 | | 42 days (Opening-NOA) | | | | Contract Sign | : | 07.04.2019 | | 49 days (Opening-contract sign) | | | |
| 7.2 | The actual between IFT/RFP issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2 days [R-32]  Days Actual Between  IFT and Issuance of  NOA: Min 42 Days [R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | IFT | : | 29.01.2019 | | NOA issue | : | 31.03.2019 | | 62 days (IFT -NOA) | | | | Contract Sign | : | 07.04.2019 | | 69 days (IFT -contract sign) | | | |
| 7.3 | Publication award in CPTUs website/PE's Website/others | a) CPTU’s website: Within 7 working days from issuance of NOA for not less than 1 month for TK 1.00 crore and above [R-31(1 and 2)]  b) PE’s website-Below Tk.1.00 crore e-GP Guidelines, Section-3.7.4 | Published |
| 7.4 | Contract awarded made within the initial tender/proposal validity period | Generally, 60-120 days  [R-19(1) and 117(10)] | Yes (18.02.2019 to 19.05.2019),  Within tender validity period |
| 8.0 | Completion Contract | | |
| 8.1 | Day per original contract time is specified for Supply/Execution/Perform | |  |  |  | | --- | --- | --- | | 25% | : | 28.07.2019 | | 50% | : | 18.11.2019 | | 75% | : | 09.03.2020 | | 100% | : | 30.06.2020 | | Contract Sign: 07.04.2019  50% within 32 weeks and 100% within 64 weeks from day of contract   |  |  |  | | --- | --- | --- | | 50% | : | 18.11.2019 | | 100% | : | 30.06.2020 | |
| 8.2 | Day actual for Supply/ Execution/Delivery/ Perform | 50% within 32 weeks and 100% within 64 weeks from day of contract   |  |  |  | | --- | --- | --- | | 50% | : | 18.11.2019 | | 100% | : | 30.06.2020 | | Ongoing (65 % completed)   |  |  |  | | --- | --- | --- | | 65% | : | 30.04.2019 | | 100% | : | 30.06.2020 | |
| 8.3 | Amount of LD imposed |  | N/A |
| 9.0 | Complaint and Appeal | | |
| 9.1 | Complaint, if any, Lodged and reasons there of | Complaint may be lodged to PE within 7 days of becoming aware of the matter of complaint [R-56] |  |
| 9.2 | Resolution of complaints per Rules | The PE within 5 working days shall consider the complaint and decide whether to reject the complaint or take corrective action [R-57(3)(4)] | N/A |
| 9.3 | Modification resulting from resolution of complaints | N/A | N/A |
| 9.4 | Appeal of Independent Review Panel | A person within 7 working days of the receipt of the written decision may be appeal to a Review Panel only if he has exhausted all his options of complaints to the administrative Authority  [R-57(10)(11)(12)] | N/A |
| 9.5 | Review Panel’s decision and follow-on | Decision of the Review Panel within 12 working days from the receipt of the complaint | N/A |
| 10.0 | Contract Amendment | | |
| 10.1 | No of times contract time extended and days | Up to 20% of original Contract time. Above 20% approval of HOPE shall be required [R-74(4)] and [R-39(3)] | 01(One)  Up to 30.06.2020 with the approval of HOPE |
| 10.2 | Variation/Extra Work/Repeat/addl. Delivery Orders etc. made | 15% of original Contract Price[R-77(ka)] [Rule-78, 79, and 80] of PPR-2008 | N/A |
| 10.3 | No and Amount of such orders | [Rule -78,79, 80] of PPR-2008 | N/A |
| 11.0 | Contract Disputes unresolved | [Rule -42(2)] of PPR-2008 | N/A |
| 12.0 | Fraudulence and Corruption | [Rule -127] of PPR-2008 | N/A |
| 13.0 | Procurement Management Capacity | Capable | Capable |
| 13.1 | HRD/Facilities | Project Director-1, DD Technical (xen)- 1, DD (Finance)-1, Assistant engineer-1, Sub assistant engineer-1, Accountant-1, Data entry operator-2, peon-2. | |
| 13.2 | No of Staff trained in procurement | | 08 Completed training |

**Part-3: Post Reviews Goods/Works Contracts (Package: b-004, Lot-1)**

|  |  |
| --- | --- |
| **Date of Review:** **3** and **13 May 2020** | **Name of the Reviewer:** **Commodore Syed Salahuddin Ahmed** |
| **Contract Name, Number and Date:**  **Construction of Ferry Ghat and Adjustment for operation during Project period at Balashi and Bahadurabad under the project of Establishment of ferry Ghat including allied facilities at Balashi and Bahadurabad**  **b-004, Lot-1, Dated: 07.04.2019** | **Contract Amount:**  **BDT 02,28,58,177.437** |
| **Contractor’s Name and Address:** **S.S Rahman International,**  **65/2/1, Purana Polton, Paramount Height, Dhaka-1000** | |

|  |  |  |
| --- | --- | --- |
| **Procurement Method** | **:** | **NCT, OTM(e-GP)** |
| **Category** | **:** | **Works (Construction work)** |
|  |  |  |

|  |  |
| --- | --- |
| **Aspect** | **Comment and Findings** |
| Procurement Document (Filing) | Procurement was done following e-GP guidelines. Most of the documents is kept in archive of e-GP Portal. Standard Tender Documents of CPTU were followed. Tender Data Sheet(general, tender document, qualification criteria, preparation of tender, submission of tender, opening and evaluation of a tender, award of contract, complain and appeal), Particular condition of Contract, Tender and Contract form(Price schedule, Bank Guarantee form, payment terms, insurance etc.), Schedules of requirement, Technical Specification and Drawings, were filled up as per provisions of Rule-4(1), 96(1) and Schedule XII of PPR-2008. |
| Advertising | Advertised on 29.01.2019 with other 02 (Two) packages/sub-packages in the Daily amader somoy and CPTU’s Website (at least one Bengali and one English national newspaper). The Advertisement was as per provision of Rule-90(2) (ka) and in the format prescribed in Schedule-X and XI of PPR-2008. |
| Pre/Post Qualification | Pre-qualification was done by Office of the Executive Engineer Aricha sub-Division Engineering Department, BIWTA, Manikgonj |
| Time Allowed for submission of Tenders | 16 days (preparation-submission). The days allowed for preparation and submission is consistent with Rules. |
| Tender Opening and minutes of Tender opening | Well formatted and recovered. TOS, TOR-1 and TOR-2were used for the purposes. |
| Tender security records | Records of the tender security as per TOR-1 and TOR-2. |
| B.E Report verify existence  Of Tenders Names of Tenderers | TER-1, 2, 3, and 4 were used while evaluation   1. J Enterprise 2. M/S Hosain Enterprise 3. M/S Wadud Enterprise - 4. S.K. International 5. S.S Rahman International |
| Contract document | The documents mentioned in the contract agreement are: (a) The signed Form of Contract Agreement, (b) the Notification of award, (c) The Completed Tender (d) Particular Conditions of Contract, (e) General Condition of Contract, (f) Technical Specifications, (g) The General Specifications, (h) Drawings, (i) Bill of Quantities(j) Schedule of Dayworks (k) Other document including correspondences listed in the PCC performing part of the contract, were not attached with the contract agreement with signatures of both the parties on every page. |
| Advance payment guarantee  Details and records | N/A |
| Performance security details and records | Bank Guarantee NO: MBL/GRB/BG-24/2019, Issue date: 11.04.2019, Expiry date:31.12.2019, Extended Expiry date: 31.12.2020, Guarantee amount: BDT 22,58,817.7400; Issued by Mercantile Bank Limited, Green Road Branch, Dhaka. |
| Complaints and  Appeals | N/A |
| Contractual  completion date | Contract Sign: 07.04.2019  50% within 32 weeks and 100% within 64 weeks from day of contract   |  |  |  | | --- | --- | --- | | 50% | : | 18.11.2019 | | 100% | : | 30.06.2020 | |
| Actual  completion date | Ongoing (65 % completed)   |  |  |  | | --- | --- | --- | | 65% | : | 30.04.2019 | | 100% | : | 30.06.2020 | |
| Bill of lading, if  Any | N/A |
| Delivery receipt / not receipt or like  Instrument | As per construction work |
| Liquidated Damages,  Details and  enforcement for  delays | N/A |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | | FY(2018-2019) and  FY(2019-2020) | 72,62,600 |  |  | 15% | 61,73210 |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Others matters |  |
| Compliance with agreed provisions Yes or No (Explain) | The provisions of PPA -2006 and PPR-2008 have been complied with all required process. Since the procurement has been done on e-GP system so, it is not possible to skip any provision of Act and Rules.  But evaluation time were not maintained as per Rule-36(6), Schedule-III, Part-A of the PPR-2008.The procurement record and other relevant document were not prepared as per Rule - 43(3) of the PPR-2008 |

**Part-4: Report on Physical Inception (Package: b-004, Lot-1)**

|  |  |
| --- | --- |
| Procurement Item  Name and number | Construction of Ferry Ghat and Adjustment for operation during Project period at Balashi and Bahadurabad under the project of Establishment of ferry Ghat including allied facilities at Balashi and Bahadurabad  **b-004 Lot-1, Dated:07.04.2019** |
| Location | Bahadurabad, Jamalpur and Balashi, Gaibandah. |
| Date of visit | 22 March 2020 (Insufficient) |
| Date of Contract | |  |  |  | | --- | --- | --- | | Contract Signing | : | 07.04.2019 | |
| Contracted  Completion date (Original) | 50% within 32 weeks and 100% within 64 weeks from day of contract   |  |  |  | | --- | --- | --- | | 50% | : | 18.11.2019 | | 100% | : | 30.06.2020 | |
| Contractual  completion date | Ongoing (65 % completed)   |  |  |  | | --- | --- | --- | | 65% | : | 30.04.2019 | | 100% | : | 30.06.2020 | |
| Contract value | **BDT 02,28,58,177.437** |
| Final Contract  Value | **BDT 02,28,58,177.437** |
| Supplier/ Contractor | S.S Rahman International,  65/2/1, Purana Polton, Paramount Height, Dhaka-1000 |
| Arrival Date at port | N/A |
| Arrival Date at project site/ warehouse (Goods) | N/A |
| Scope of work | Works (construction works) |
| Materials (Supply and quantity) | As per construction work |
| Construction  supervision | Construction supervision was undertaken by BIWTA. |
| Time overruns | Probability is there |
| Cost overruns | Probability is there |
| Deficiencies/  Defects observed | Extending project completion time. |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | | FY(2018-2019) and  FY(2019-2020) | 72,62,600 |  |  | 15% | 61,73,210 |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Comments and  recommendations | This contract was extended for lengthy land acquisition process. The total construction work for this contract is slow. So far it is completed 65% only which should be 86.5%. PD should take extra initiative to complete in time. PE/ PD must maintain all records of the payment including the bills, invoices for procurement of construction works. The time of government offices for land acquisition process should be reduced. |

**10.08 Annex: B-4**

**Individual Contract Review Format (Package: b-006, Lot-1)**

**(e-GP System)**

**Part-1: General**

|  |  |
| --- | --- |
| Data of Review | 3 and 13 May 2020 |
| Name of Reviewer | Commodore (Retd) Syed Salahuddin Ahmed |
| Procuring Entity Name | Office of the Executive Engineer Aricha sub-Division Engineering Department, BIWTA, Manikgonj |
| Contract Name  and  Reference No | Construction of Steel jetty (With shed) and Steel spud at Balashi and Bahadurabad under the project of Establishment of ferry Ghat including allied facilities at Balashi and Bahadurabad.  b-006 Lot-1, Dated: 19.08.2019 |
| Contract Amount | BDT 01,29,59,963.882 |
| Procurement Type | NCT |
| Category of Procurement | Works (Construction) |
| Method of Procurement | OTM(e-GP) |
| Object of Procurement | * Construction works for Establishment of Steel jetty including allied facilities at Balashi and Bahadurabad to facilitate water transportation for general public throughout the area. * To accelerate economic activities in Bangladesh by increasing water transportation. * To achieve 100% water transportation for all. |
| Financing Arrangement  of the Procurement | GOB |

**Part-2: Compliance with Act and Rules (Package: b-006-Lot-1)**

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **Applicable Provision** | **Actual** |
| 1.0 | Procurement Plan | | |
| 1.1 | Approval Status of APP. | HOPE or AO  e-GP Guidelines, Section 3.3.1 and PPR-2008, Rule [R-16(17)] | Chairman BIWTA |
| 2.0 | Procurement Opportunities | | |
| 2.1 | Advertised in Newspaper | e-GP Guidelines, Section 3.5.1.3 and PPR-2008, [Rule 90(2) (ka)]  At least one Bengali and one English National Newspaper | |  |  |  | | --- | --- | --- | | Daily Kaler Khantho | : | 08.05.2019 | |
| 2.2 | Advertised in CPTU’s website | Procurement of Tk. 1.00 crore and above be sent to CPTU’s website [R-90(2) (jha)]  e-GP Guidelines, Sec-3.5.1.2 | |  |  |  | | --- | --- | --- | | CPTU | : | 19.05.2019 | |
| 2.3 | Tenders/Proposals followed PPR,2008 | To be Followed PPR-2008 and  e-GP Guidelines, | e-GP Guidelines and  PPR-2008 |
| 2.4 | Tenders/Proposals followed DP’s Guideline | N/A | N/A |
| 3.0 | Tenders/Proposals Submission | | |
| 3.1 | No of Sale/Issuance of  Tender/Proposal  Document | No Limit | 3 (Three) |
| 3.2 | No of Tender Participate | No limit | 2 (Two) |
| 3.3 | Days allowed per Rule  For preparation and Submission of tender | At least 14 days: [R-61(5)] | |  |  |  | | --- | --- | --- | | Advertisement | : | 08.05.2019 | | Submission | : | 19.05.2019 |   12 days (preparation-submission) |
| 4.0 | Formation of TOC/BOC and TEC/BEC | | |
| 4.1 | No of members in TOC/BOC | 02(Two) [R-7, Schedule-II] and  e-GP Guidelines Section-3.5.6.1 | 02 (Two) |
| 4.2 | No of members in TOC/BOC from TEC/BEC | 1 (One)  [R-7, Schedule-II] | 1 (One) |
| 4.3 | No of members in TEC/BEC | 03 (Three) member[R-8(1), Schedule-II] and e-GP, Section-3.5.6.1 | 03 (Three) |
| 4.4 | No of external members in TEC/BEC | N/A | N/A |
| 4.5 | Authority Approved TEC/BEC | Tender Approving Authority/  PD / Chairman / Secretary [R-8(3)] | HOPE |
| 5.0 | Tenders/Proposal Evaluation | | |
| 5.1 | Days Allowed per Rules between opening and completion /submission of evaluation Report | Safe Custody-2days(R-32), Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 19.05.2019 | | Evaluation | : | 16.06.2019 |   29 days (Opening-evaluation) |
| 5.2 | Days actual between opening and completion /submission of evaluation | Safe Custody-2 days(R-32), TEC Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 19.05.2019 | | Evaluation | : | 16.06.2019 |   29 days (Opening-evaluation)  Submission to SE: 16.06.2019  29 days (opening-sub. to SE) |
| 5.3 | Responsiveness of Tender/Proposal | No Limit | 2 (Two) |
| 5.4 | Re-invitation of Tender/Proposals recommended by TEC/BEC | PE may reject all tenders on the recommendations of the  TEC, and with the approval HOPE invite Re-tender on certain grounds [R-33(2)], [R-11(2)(c)(II)] | N/A |
| 5.5 | Procurement proceedings annulled/cancelled | N/A | N/A |
| 6.0 | Approval of tenders / proposals | | |
| 6.1 | Days actual between evolution and approval | HOPE: 6 weeks (42 days)  Project Director: 1weeks (7 days) [R-36(6)-Schedule-III, Part -A] | |  |  |  | | --- | --- | --- | | Evaluation | : | 16.06.2019 | | Submission to SE | : | 16.06.2019 | | SE to CE | : | 16.06.2019 | | CE to Member | : | 17.06.2019 | | Member to HOPE | : | 04.07.2019 | | HOPE Approved | : | 07.07.2019 |   22 days (Evaluation-Approved) |
| 6.2 | AA as per DoFP | Project Director / HOPE | HOPE, Chairman (BIWTA) |
| 6.3 | Authority approved | Project Director / HOPE | HOPE, Chairman (BIWTA) |
| 6.4 | Evaluation report was sent directly to the AA | Be sent directly to AA in sealed envelope [R-36(3)] | Via SE to Chairman (BIWTA) |
| 6.5 | Days actual for issuance of NOA/PO/ Contracts sign | a) NOA-Within 7 working days of receipt of approval but before expiry of tender validity date [R-36(4)]/(a), Schedule-II]  b) Contract singing-withing 28 days from issuance NOA [R-102(11), schedule-II] | |  |  |  | | --- | --- | --- | | Approval | : | 07.07.2019 | | NOA Issue | : | 08.08.2019 | | 33 days (approval to NOA issue) | | | | Contract Sign | : | 19.08.2019 | | 12 days (NOA to Contract Sign) | | | |
| 6.6 | Days actual for contract award decision by AA | HOPE: 6 weeks (42 days)  Project Director: 1weeks (7 days) [R-36(6)-Schedule-III, Part -A] | |  |  |  | | --- | --- | --- | | Sub. Approval | : | 16.06.2019 | | Approval | : | 07.07.2019 |   22 days (Submission-approval) |
| 6.7 | Authority other than AA, if any, made additional review of the evaluation report | N/A | N/A |
| 6.8 | Authority higher or lower than AA, if any, approved Tenders/ Proposals | Project Director | Chairman BIWTA |
| 7.0 | Contract Award | | |
| 7.1 | Procurement processing Lead time I.e. the actual between opening and Issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2days[R-32]  Days Actual Between Opening and Issuance  NOA:28 Days[R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | Opening | : | 19.05.2019 | | NOA issue | : | 08.08.2019 | | 82 days (Opening-NOA) | | | | Contract Sign | : | 19.08.2019 | | 93 days (Opening-contract  sign) | | | |
| 7.2 | The actual between IFT/RFP issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2 days [R-32]  Days Actual Between  IFT and Issuance of  NOA: Min 42 Days [R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | IFT | : | 08.05.2019 | | NOA issue | : | 08.08.2019 | | 93 days (IFT -NOA) | | | | Contract Sign | : | 19.08.2019 | | 104 days (IFT -contract sign) | | | |
| 7.3 | Publication award in CPTUs website/PE's Website/others | a) CPTU’s website: Within 7 working days from issuance of NOA for not less than 1 month for TK 1.00 crore and above [R-31(1 and 2)]  b) PE’s website-Below Tk.1.00 crore e-GP Guidelines, Section-3.7.4 | Published |
| 7.4 | Contract awarded made within the initial tender/proposal validity period | Generally, 60-120 days  [R-19(1) and 117(10)] | No (19.05.2019 to 17.08.2019) |
| 8.0 | Completion Contract | | |
| 8.1 | Day per original contract time is specified for Supply/Execution/Perform | |  |  |  | | --- | --- | --- | | 25% | : | 05.02.2020 | | 50% | : | 24.07.2020 | | 75% | : | 10.01.2021 | | 100% | : | 30.06.2021 | | Contract Sign: 19.08.2019  50% within 48 weeks and 100% within 97 weeks from day of contract   |  |  |  | | --- | --- | --- | | 50 % | : | 24.07.2020 | | 100% | : | 30.06.2021 | |
| 8.2 | Day actual for Supply/ Execution/Delivery/ Perform | 50% within 48 weeks and 100% within 97 weeks from day of contract  50 % : 24.07.2020  100% : 30.06.2021 | Ongoing (37.50% Completed)   |  |  |  | | --- | --- | --- | | 37.50% | : | 30.04.2020 | | 100% | : | 30.06.2021 | |
| 8.3 | Amount of LD imposed |  | N/A |
| 9.0 | Complaint and Appeal | | |
| 9.1 | Complaint, if any, Lodged and reasons there of | Complaint may be lodged to PE within 7 days of becoming aware of the matter of complaint [R-56] |  |
| 9.2 | Resolution of complaints per Rules | The PE within 5 working days shall consider the complaint and decide whether to reject the complaint or take corrective action [R-57(3)(4)] | N/A |
| 9.3 | Modification resulting from resolution of complaints | N/A | N/A |
| 9.4 | Appeal of Independent Review Panel | A person within 7 working days of the receipt of the written decision may be appeal to a Review Panel only if he has exhausted all his options of complaints to the administrative Authority  [R-57(10)(11)(12)] | N/A |
| 9.5 | Review Panel’s decision and follow-on | Decision of the Review Panel within 12 working days from the receipt of the complaint | N/A |
| 10.0 | Contract Amendment | | |
| 10.1 | No of times contract time extended and days | Up to 20% of original Contract time. Above 20% approval of HOPE shall be required [R-74(4)] and [R-39(3)] | 01(One)  Up to 30.06.2021 with the approval of HOPE |
| 10.2 | Variation/Extra Work/Repeat/addl. Delivery Orders etc. made | 15% of original Contract Price[R-77(ka)] [Rule-78, 79, and 80] of PPR-2008 | N/A |
| 10.3 | No and Amount of such orders | [Rule -78,79, 80] of PPR-2008 | No |
| 11.0 | Contract Disputes unresolved | [Rule -42(2)] of PPR-2008 | No |
| 12.0 | Fraudulence and Corruption | [Rule -127] of PPR-2008 | No |
| 13.0 | Procurement Management Capacity | Capable | Capable |
| 13.1 | HRD/Facilities | Project Director-1, DD Technical (xen)- 1, DD (Finance)-1, Assistant engineer-1, Sub assistant engineer-1, Accountant-1, Data entry operator-2, peon-2. | |
| 13.2 | No of Staff trained in procurement | | 05 Completed training |

**Part-3: Post Reviews Goods/Works Contracts (Package: b-006, Lot-1)**

|  |  |
| --- | --- |
| **Date of Review:** **3 and 13 May 2020** | **Name of the Reviewer:** **Commodore Syed Salahuddin Ahmed** |
| **Contract Name, Number and Date:**  **Construction of Steel jetty (With shed) and Steel spud at Balashi and Bahadurabad under the project of Establishment of ferry Ghat including allied facilities at Balashi and Bahadurabad**  **b-006, Lot-1, Dated: 19.08.2019** | **Contract Amount:**  **BDT 1,29,59,963.882** |
| 1. **Contractor’s Name and Address:** **S.K. International,**   **121, Jiban Bima Bhaban (Level-04), Motijheel C/A, Dhaka-1000** | |

|  |  |  |
| --- | --- | --- |
| **Procurement Method** | **:** | **NCT, OTM(e-GP)** |
| **Category** | **:** | **Works (Construction work)** |
|  |  |  |

|  |  |
| --- | --- |
| **Aspect** | **Comment and Findings** |
| Procurement Document (Filing) | Procurement was done following e-GP guidelines. Most of the documents is kept in archive of e-GP Portal. Standard Tender Documents of CPTU were followed. Tender Data Sheet(general, tender document, qualification criteria, preparation of tender, submission of tender, opening and evaluation of a tender, award of contract, complain and appeal), Particular condition of Contract, Tender and Contract form(Price schedule, Bank Guarantee form, payment terms, insurance etc.), Schedules of requirement, Technical Specification and Drawings, were filled up as per provisions of Rule-4(1), 96(1) and Schedule XII of PPR-2008. |
| Advertising | Advertised on 08.05.2019 with other 02 (Two) packages/sub-packages in the Daily Kaler Kantho and CPTU’s Website (at least one Bengali and one English national newspaper). The Advertisement was as per provision of Rule-90(2) (ka) and in the format prescribed in Schedule-X and XI of PPR-2008. |
| Pre/Post Qualification | Pre-qualification was done by Office of the Executive Engineer Aricha sub-Division Engineering Department, BIWTA, Manikgonj |
| Time Allowed for submission of Tenders | 16 days (preparation-submission). The days allowed for preparation and submission is consistent with Rules. |
| Tender Opening and minutes of Tender opening | Well formatted and recovered. TOS, TOR-1 and TOR-2 were used for the purposes. |
| Tender security records | Records of the tender security as per TOS, TOR-1 and TOR-2 |
| B.E Report verify existence  Of Tenders Names of Tenderers | TER-1, 2, 3, and 4 were used while evaluation   1. S.K. International 2. MS Amdad International |
| Contract document | The documents mentioned in the contract agreement are: (a) The signed Form of Contract Agreement, (b) the Notification of award, (c) The Completed Tender (d) Particular Conditions of Contract, (e) General Condition of Contract, (f) Technical Specifications, (g) The General Specifications, (h) Drawings, (i) Bill of Quantities(j) Schedule of Dayworks (k) Other document including correspondences listed in the PCC performing part of the contract, were not attached with the contract agreement with signatures of both the parties on every page. |
| Advance payment guarantee  Details and records | N/A |
| Performance security details and records | Bank Guarantee NO: SEBL/AGN/BG-0020/90042, Issue date: 19.08.2019, Expiry date:18.02.2020, Guarantee amount: BDT 22,58,817.7400; Issued by Southeast Bank Limited, Agargaon Branch, Dhaka. |
| Complaints and  Appeals | N/A |
| Contractual  completion date | Contract Sign: 19.08.2019  50% within 48 weeks and 100% within 97 weeks from day of contract   |  |  |  | | --- | --- | --- | | 50 % | : | 24.07.2020 | | 100% | : | 30.06.2021 | |
| Actual  completion date | Ongoing (37.50% Completed)   |  |  |  | | --- | --- | --- | | 37.50% | : | 30.04.2020 | | 100% | : | 30.06.2021 | |
| Bill of lading, if  Any | N/A |
| Delivery receipt / not  receipt or like  Instrument | As per construction work |
| Liquidated Damages,  Details and  enforcement for  delays | N/A |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | |  | Not paid |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Others matters |  |
| Compliance with agreed provisions Yes or No (Explain) | Here the provisions of PPA-2008 have been complied with. Because of, the procurement has been done on the e-GP system.  The publication of tender notice in all edition of the well circulated daily newspapers on the day of publication was not done as per Rule - 90(2)(d) of the PPR-2008. The contract agreement does not contain required documents as per Rule - 38 and 39 of the PPR-2008. |

**Part-4: Report on Physical Inception (Package: b-006, Lot-1)**

|  |  |
| --- | --- |
| Procurement Item  Name and number | Construction of Steel jetty (With shed) and Steel spud at Balashi and Bahadurabad under the project of Establishment of ferry Ghat including allied facilities at Balashi and Bahadurabad.  b-006 Lot-1, Dated: 19.08.2019 |
| Location | Bahadurabad, Jamalpur and Balashi, Gaibandah. |
| Date of visit | 22 march 2020 (Insufficient) |
| Date of Contract | |  |  |  | | --- | --- | --- | | Contract Signing | : | 19.08.2019 | |
| Contracted  Completion date (Original) | 50% within 48 weeks and 100% within 97 weeks from day of contract   |  |  |  | | --- | --- | --- | | 50 % | : | 24.07.2020 | | 100% | : | 30.06.2021 | |
| Contractual  completion date | Ongoing (37.50% Completed)   |  |  |  | | --- | --- | --- | | 37.50% | : | 30.04.2020 | | 100% | : | 30.06.2021 | |
| Contract value | **BDT 01,29,59,968.882** |
| Final Contract  Value | **BDT 01,29,59,968.882** |
| Supplier/ Contractor | S.K. International,  121, Jiban Bima Bhaban (Level-04), Motijheel C/A, Dhaka-1000 |
| Arrival Date at port | N/A |
| Arrival Date at project site/ warehouse (Goods) | N/A |
| Scope of work | Works (Construction works) |
| Materials (Supply and quantity) | As per construction work |
| Construction  supervision | Construction supervision was undertaken by BIWTA. |
| Time overruns | N/A |
| Cost overruns | N/A |
| Deficiencies/  Defects observed | One year and six months have been spent for land acquisition. It will take another six months for land acquisition. Due to this, the project will take more time to complete. |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | |  | Not paid |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Comments and  recommendations | The tender advertisements were not published in any daily English newspaper. The contract was extended for lengthy land acquisition process. The contract concluded on 10% price of official estimate. The tender advertisement should be published in the widely circulated daily newspapers for ensure competition. The time of government offices for land acquisition process should be reduced. |

**10. 09 Annex: C-1**

**Individual Contract Review Format (Package: WDN-1-Lot-1)**

**(e-GP System)**

**Part-1: General**

|  |  |
| --- | --- |
| Data of Review | 15 and 29 April 2020 |
| Name of Reviewer | Commodore (Retd) Syed Salahuddin Ahmed |
| Procuring Entity Name | Office of the Chief Engineer (Civil), BIWTA, Dhaka |
| Contract Name  and  Reference No | Construction of RCC jetty and Access Road at Nagarbari under the project of Establishment of River Port with allied facilities at Nagarbari.  WDN-1-Lot-1, Dated: 14.01.2020 |
| Contract Amount | BDT 89,84,66,310.450 |
| Procurement Type | NCT |
| Category of Procurement | Works (construction) |
| Method of Procurement | OTM(e-GP) |
| Object of Procurement | * Construction works for Establishment of River Port with allied facilities at Nagarbari to facilitate water transportation for general public throughout the area. * To accelerate economic activities in Bangladesh by increasing water transportation. * To achieve 100% water transportation for all. |
| Financing Arrangement  of the Procurement | GOB |

**Part-2: Compliance with Act and Rules (Package: WDN-1-Lot-1)**

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **Applicable Provision** | **Actual** |
| **1.0** | **Procurement Plan** | | |
| 1.1 | Approval Status of APP. | HOPE or AO  e-GP Guidelines, Section 3.3.1 and PPR-2008, Rule [R-16(17)] | Chairman BIWTA (10.06.2019) |
| 2.0 | Procurement Opportunities | | |
| 2.1 | Advertised in Newspaper | e-GP Guidelines, Section 3.5.1.3 and PPR-2008, [Rule 90(2) (ka)]  At least one Bengali and one English National Newspaper | |  |  |  | | --- | --- | --- | | Dainik Bonik Barta | : | 13.07.2019 | | Daily Sun | : | 13.07.2019 | | New Age | : | 13.07.2019 | |
| 2.2 | Advertised in CPTU’s website | Procurement of Tk. 1.00 crore and above be sent to CPTU’s website [R-90(2) (jha)]  e-GP Guidelines, Sec-3.5.1.2 | |  |  |  | | --- | --- | --- | | CPTU | : | 26.08.2019 | |
| 2.3 | Tenders/Proposals followed PPR,2008 | To be Followed PPR-2008 and e-GP Guidelines | e-GP Guidelines and PPR-2008 |
| 2.4 | Tenders/Proposals followed DP’s Guideline | N/A | N/A |
| 3.0 | Tenders/Proposals Submission | | |
| 3.1 | No of Sale/Issuance of  Tender/Proposal  Document | No Limit | 19 (Nineteen) |
| 3.2 | No of Tender Participate | No limit | 9 (Nine) |
| 3.3 | Days allowed per Rule  For preparation and Submission of tender | At least 14 days: [R-61(5)] | |  |  |  | | --- | --- | --- | | Advertisement | : | 13.07.2019 | | Submission | : | 26.08.2019 |   48 days(preparation-submission) |
| 4.0 | Formation of TOC/BOC and TEC/BEC | | |
| 4.1 | No of members in TOC/BOC | 02(Two) [R-7, Schedule-II] and  e-GP Guidelines Section-3.5.6.1 | 02 (Two) |
| 4.2 | No of members in TOC/BOC from TEC/BEC | 1 (One)  [R-7, Schedule-II] | 1 (One) |
| 4.3 | No of members in TEC/BEC | 03 (Three) member[R-8(1), Schedule-II] and e-GP, Section-3.5.6.1 | 03 (Three) |
| 4.4 | No of external members in TEC/BEC | N/A | N/A |
| 4.5 | Authority Approved TEC/BEC | Tender Approving Authority/  PD / Chairman / Secretary [R-8(3)] | HOPE |
| 5.0 | Tenders/Proposal Evaluation | | |
| 5.1 | Days Allowed per Rules between opening and completion /submission of evaluation Report | Safe Custody-2days(R-32), Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 26.08.2019 | | Evaluation | : | 16.11.2019 |   83 days (Opening-evaluation) |
| 5.2 | Days actual between opening and completion /submission of evaluation | Safe Custody-2 days(R-32), TEC Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 26.08.2019 | | Evaluation | : | 16.11.2019 |   83 days (Opening-evaluation)  Submission to CE : 17.11.2019  84 days (opening-sub. to CE) |
| 5.3 | Responsiveness of Tender/Proposal | No Limit | 6 (Six) |
| 5.4 | Re-invitation of Tender/Proposals recommended by TEC/BEC | PE may reject all tenders on the recommendations of the  TEC, and with the approval HOPE invite Re-tender on certain grounds [R-33(2)], [R-11(2)(c)(II)] | N/A |
| 5.5 | Procurement proceedings annulled/cancelled | N/A | N/A |
| 6.0 | Approval of tenders / proposals | | |
| 6.1 | Days actual between evolution and approval | HOPE: 6 weeks (42 days)  Project Director: 1 weeks (7 days) [R-36(6)-Schedule-III, Part -A] | |  |  |  | | --- | --- | --- | | Evaluation | : | 16.11.2019 | | Submission to CE | : | 17.11.2019 | | CE to Member | : | 17.11.2019 | | Member to chairman | : | 24.11.2019 | | Chairman to Secretary | : | 01.12.2019 | | Secretary to Minister | : | 23.12.2019 | | Minister Approved | : | 1.01.2020 |   47 days (Evaluation-Approved) |
| 6.2 | AA as per DoFP | HOPE / Project Director | HOPE, Chairman (BIWTA) |
| 6.3 | Authority approved | HOPE / Project Director | HOPE, Chairman (BIWTA) |
| 6.4 | Evaluation report was sent directly to the AA | Be sent directly to AA in sealed envelope [R-36(3)] | Via CE to Ministry (Shipping) |
| 6.5 | Days actual for issuance of NOA/PO/ Contracts sign | a) NOA-Within 7 working days of receipt of approval but before expiry of tender validity date [R-36(4)]/(a), Schedule-II]  b) Contract singing-within 28 days from issuance NOA [R-102(11), schedule-II] | |  |  |  | | --- | --- | --- | | Approval | : | 01.01.2020 | | NOA Issue | : | 01.01.2020 | | 1 days (approval to NOA issue) | | | | Contract Sign | : | 14.01.2020 | | 14 days (NOA to Contract Sign) | | | |
| 6.6 | Days actual for contract award decision by AA | HOPE: 6 weeks (42 days)  Project Director: 1 weeks (7 days) [R-36(6)-Schedule-III, Part -A]] | |  |  |  | | --- | --- | --- | | Sub. Approval | : | 16.11.2019 | | Approval | : | 01.01.2020 |   47 days (Submission-approval) |
| 6.7 | Authority other than AA, if any, made additional review of the evaluation report | N/A | N/A |
| 6.8 | Authority higher or lower than AA, if any, approved Tenders/ Proposals | Project Director | Chairman BIWTA |
| 7.0 | Contract Award | | |
| 7.1 | Procurement processing Lead time I.e. the actual between opening and Issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2days[R-32]  Days Actual Between Opening and Issuance  NOA:28 Days[R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | Opening | : | 26.08.2019 | | NOA issue | : | 01.01.2020 | | 129 days (Opening-NOA) | | | | Contract Sign | : | 14.01.2020 | | 142 days (Opening-contract sign) | | | |
| 7.2 | The actual between IFT/RFP issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2 days [R-32]  Days Actual Between  IFT and Issuance of  NOA: Min 42 Days [R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | IFT | : | 13.07.2019 | | NOA issue | : | 01.01.2020 | | 173 days (IFT -NOA) | | | | Contract Sign | : | 14.01.2020 | | 185 days (IFT -contract sign) | | | |
| 7.3 | Publication award in CPTUs website/PE's Website/others | a) CPTU’s website: Within 7 working days from issuance of NOA for not less than 1 month for TK 1.00 crore and above [R-31(1 and 2)]  b) PE’s website-Below Tk.1.00 crore e-GP Guidelines, Section-3.7.4 | Published |
| 7.4 | Contract awarded made within the initial tender/proposal validity period | Generally, 60-120 days  [R-19(1) and 117(10)] | NO (26.08.2019 to 24.12.2019) |
| 8.0 | Completion Contract | | |
| 8.1 | Day per original contract time is specified for Supply/Execution/Perform | |  |  |  | | --- | --- | --- | | 25% | : | 03.05.2020 | | 50% | : | 30.08.2020 | | 75% | : | 14.12.2020 | | 100% | : | 31.03.2021 | | Contract Sign: 14.01.2020  24% within 15 weeks and 100% within 63 weeks from day of contract   |  |  |  | | --- | --- | --- | | 24% | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| 8.2 | Day actual for Supply/ Execution/Delivery/ Perform | 24% within 15 weeks and 100% within 63 weeks from day of contract   |  |  |  | | --- | --- | --- | | 24% | : | 30.04.2020 | | 100% | : | 31.03.2021 | | Ongoing (24% completed)   |  |  |  | | --- | --- | --- | | 24%(Approx.) | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| 8.3 | Amount of LD imposed |  | Not yet |
| 9.0 | Complaint and Appeal | | |
| 9.1 | Complaint, if any, Lodged and reasons there of | Complaint may be lodged to PE within 7 days of becoming aware of the matter of complaint [R-56] | N/A |
| 9.2 | Resolution of complaints per Rules | The PE within 5 working days shall consider the complaint and decide whether to reject the complaint or take corrective action [R-57(3)(4)] | N/A |
| 9.3 | Modification resulting from resolution of complaints | N/A | N/A |
| 9.4 | Appeal of Independent Review Panel | A person within 7 working days of the receipt of the written decision may be appeal to a Review Panel only if he has exhausted all his options of complaints to the administrative Authority  [R-57(10)(11)(12)] | N/A |
| 9.5 | Review Panel’s decision and follow-on | Decision of the Review Panel within 12 working days from the receipt of the complaint | N/A |
| 10.0 | Contract Amendment | | |
| 10.1 | No of times contract time extended and days | Up to 20% of original Contract time. Above 20% approval of HOPE shall be required [R-74(4)] and [R-39(3)] | N/A |
| 10.2 | Variation/Extra Work/Repeat/addl. Delivery Orders etc. made | 15% of original Contract Price[R-77(ka)] [Rule-78, 79, and 80] of PPR-2008 | N/A |
| 10.3 | No and Amount of such orders | [Rule -78,79, 80] of PPR-2008 | N/A |
| 11.0 | Contract Disputes unresolved | [Rule -42(2)] of PPR-2008 | N/A |
| 12.0 | Fraudulence and Corruption | [Rule -127] of PPR-2008 | N/A |
| 13.0 | Procurement Management Capacity | Capable | Capable |
| 13.1 | HRD/Facilities | Project Director-1, DD Technical (xen)- 1, DD (Finance)-1, Assistant engineer-1, Sub assistant engineer-1, Accountant-1, Data entry operator-2, peon-2. | |
| 13.2 | No of Staff trained in procurement | | 5 Completed training |

**Part-3: Post Reviews Goods/Works Contracts (Package: WDN-1-Lot-1)**

|  |  |
| --- | --- |
| **Date of Review:** **15 and 29 April 2020** | **Name of the Reviewer:** **Commodore Syed Salahuddin Ahmed** |
| **Contract Name, Number and Date:**  **Construction of RCC jetty and Access Road at Nagarbari under the project of Establishment of River Port with allied facilities at Nagarbari.**  **WDN-1-Lot-1, Dated: 14.01.2020** | **Contract Amount:**  **BDT 89,84,66,310.450** |
| **Contractor’s Name and Address:** **S.S Rahman International,**  **65/2/1, Purana Polton, Paramount Height, Dhaka-1000.** | |

|  |  |  |
| --- | --- | --- |
| **Procurement Method** | **:** | **NCT, OTM** |
| **Category** | **:** | **Works (Construction work)** |
|  |  |  |

|  |  |
| --- | --- |
| **Aspect** | **Comment and Findings** |
| Procurement Document (Filing) | Procurement was done following e-GP guidelines. Most of the documents is kept in archive of e-GP Portal. Standard Tender Documents of CPTU were followed. Tender Data Sheet(general, tender document, qualification criteria, preparation of tender, submission of tender, opening and evaluation of a tender, award of contract, complain and appeal), Particular condition of Contract, Tender and Contract form(Price schedule, Bank Guarantee form, payment terms, insurance etc.), Schedules of requirement, Technical Specification and Drawings, were filled up as per provisions of Rule-4(1), 96(1) and Schedule XII of PPR-2008 |
| Advertising | Advertised on 13.07.2019 with other 02 (two) packages/sub-packages in the Dainik Bonik Barta, Daily Sun, New Age and CPTU’s Website (at least one Bengali and one English national newspaper). The Advertisement was as per provision of Rule-90(2) (ka) and in the format prescribed in Schedule-X and XI of PPR-2008. |
| Pre/Post Qualification | Pre-qualification was done by chief Engineer (Project), BIWTA |
| Time Allowed for submission of Tenders | 16 days (preparation-submission). The days allowed for preparation and submission is consistent with Rules. |
| Tender Opening and minutes of Tender opening | Well formatted and recovered. TOS, TOR-1 and TOR-2 were used for the purposes. |
| Tender security records | Records of the tender security as per TOR-1 and TOR-2. |
| BE Report verify existence  Of Tenders Names of Tenderers | TER-1, 2, 3, and 4 were used while evaluation   1. Concord Pragatee Consortium Ltd. 2. M.MBuilders and Engineers ltd and S. Mahmood International Ltd. JV 3. M/S. Md. Jamil Iqbal 4. PBL-SEL (JV) 5. RABRC-HCPL-SCL JV. 6. RP-FMC-Yakub (JV) 7. S.S Rahman International 8. SSECL-KSA JV 9. Surmarupaliaminul.jv |
| Contract document | The documents mentioned in the contract agreement are: (a) The signed Form of Contract Agreement, (b) the Notification of award, (c) The Completed Tender (d) Particular Conditions of Contract, (e) General Condition of Contract, (f) Technical Specifications, (g) The General Specifications, (h) Drawings, (i) Bill of Quantities(j) Schedule of Dayworks (k) Other document including correspondences listed in the PCC performing part of the contract, were not attached with the contract agreement with signatures of both the parties on every page. |
| Advance payment guarantee  Details and records | N/A |
| Performance security details and records | Bank Guarantee NO: DBL/LO/PG/07/2020, Issue date:13.03.2020, Expiry date: 31.03.2021, Guarantee amount: BDT 08,98,46,631.0500; Issued by Dhaka Bank Ltd, Head Office, Dhaka. |
| Complaints and  Appeals | N/A |
| Contractual  completion date | Contract Sign: 14.01.2020  24% within 15 weeks and 100% within 63 weeks from day of contract   |  |  |  | | --- | --- | --- | | 24% | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| Actual  completion date | Ongoing (24% completed)   |  |  |  | | --- | --- | --- | | 24%(Approx.) | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| Bill of lading, if  Any | N/A |
| Delivery receipt / not receipt or like  Instrument | As per construction work |
| Liquidated Damages,  Details and  enforcement for  delays | Probability is there |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | |  | Not paid |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Others matters |  |
| Compliance with agreed provisions Yes or No (Explain) | The provision of PPA -2006 and PPR-2008 have been complied with. Since the procurement has been done on e-GP system so, it is not possible to skip any provision of Act and Rules.  Some are not complied such as: completion of evaluation time was not maintained as per Rule-36(6), schedule -III, Part-A of PPR-2008. The time spent at each stage of procurement contract /schedule of activities were not maintained as per Rule -8(17) (18) and schedule-IV of PPR-2008. |

**Part-4: Report on Physical Inception (Package: WDN-1-Lot-1)**

|  |  |
| --- | --- |
| Procurement Item  Name and number | **Construction of RCC jetty and Access Road at Nagarbari under the project of Establishment of River Port with allied facilities at Nagarbari.**  **WDN-1-Lot-1, Dated: 14.01.2020** |
| Location | Nagarbari Ghat, Pabna |
| Date of visit | 23 March 2020 (Insufficient) |
| Date of Contract | Contract Signing: 14.01.2020 |
| Contracted  Completion date (Original) | 24% within 15 weeks and 100% within 63 weeks from day of contract   |  |  |  | | --- | --- | --- | | 24% | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| Contractual  completion date | Ongoing (24% completed)   |  |  |  | | --- | --- | --- | | 24%(Approx.) | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| Contract value | **BDT 89,84,66,310.450** |
| Final Contract  Value | **BDT 89,84,66,310.450** |
| Supplier/ Contractor | **S.S Rahman International,**  **65/2/1, Purana Polton, Paramount Height, Dhaka-1000.** |
| Arrival Date at port | N/A |
| Arrival Date at project site/ warehouse (Goods) | To be mentioned |
| Scope of work | Works (construction works) |
| Materials (Supply and quantity) | As per construction work |
| Construction  supervision | Construction supervision was undertaken by BIWTA. |
| Time overruns | Probability is there |
| Cost overruns | Probability is there |
| Deficiencies/  Defects observed | NOA issued (01.01.2020) after expired of tender validity (24.12.2020). So, the work started much later. Accordingly, project completion by 31.03.2021 to be impossible and there is no avoidance of time extension. |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | |  | Not paid |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Comments and  recommendations | The time spent at each stage of procurement contracts/schedule of activities were not maintained properly. Excessive evaluation time has been taken for this contract. PE/ PD must maintain all records of the payment including the bills, invoices for procurement of this construction work. Social and environmental issues must be addressed by minimalizing dredging waste and construction dust. |

**10.10 Annex: C-2**

**Individual Contract Review Format (Package: WDN-2-Lot-1)**

**(e-GP System)**

**Part-1: General**

|  |  |
| --- | --- |
| Data of Review | 15 and 29 April 2020 |
| Name of Reviewer | Commodore (Retd) Syed Salahuddin Ahmed |
| Procuring Entity Name | Office of the Chief Engineer (Civil), BIWTA, Dhaka |
| Contract Name  and  Reference No | Construction Bank Protection/Revetment Structure at Nagarbari  under the project of Establishment of River Port with allied facilities at Nagarbari.  WDN-2-Lot-1, Dated: 21.01.2020 |
| Contract Amount | BDT 35,53,10,296.380 |
| Procurement Type | NCT |
| Category of Procurement | Works (Construction) |
| Method of Procurement | OTM(e-GP) |
| Object of Procurement | * Construction works for Establishment of River Port with allied facilities at Nagarbari to facilitate water transportation for general public throughout the area. * To accelerate economic activities in Bangladesh by increasing water transportation. * To achieve 100% water transportation for all. |
| Financing Arrangement  of the Procurement | GOB |

**Part-2: Compliance with Act and Rules (Package: WDN-2-Lot-1)**

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **Applicable Provision** | **Actual** |
| 1.0 | Procurement Plan | | |
| 1.1 | Approval Status of APP. | HOPE or AO  e-GP Guidelines, Section 3.3.1 and PPR-2008, Rule [R-16(17)] | Chairman BIWTA (10.06.2019) |
| 2.0 | Procurement Opportunities | | |
| 2.1 | Advertised in Newspaper | e-GP Guidelines, Section 3.5.1.3 and PPR-2008, [Rule 90(2) (ka)]  At least one Bengali and one English National Newspaper | |  |  |  | | --- | --- | --- | | Dainik Kaler Khantho | : | 19.07.2016 | | Dainik Inqilab | : | 19.07.2016 | | Independent | : | 19.07.2016 | | Dhaka Tribune | : | 19.07.2016 | |
| 2.2 | Advertised in CPTU’s website | Procurement of Tk. 1.00 crore and above be sent to CPTU’s website [R-90(2) (jha)]  e-GP Guidelines, Sec-3.5.1.2 | |  |  |  | | --- | --- | --- | | CPTU | : |  | |
| 2.3 | Tenders/Proposals followed PPR,2008 | To be Followed PPR-2008 and  e-GP Guidelines, | e-GP Guidelines and PPR-2008 |
| 2.4 | Tenders/Proposals followed DP’s Guideline | N/A | N/A |
| 3.0 | Tenders/Proposals Submission | | |
| 3.1 | No of Sale/Issuance of  Tender/Proposal  Document | No Limit | 20 (Twenty) |
| 3.2 | No of Tender Participate | No limit | 11 (Eleven) |
| 3.3 | Days allowed per Rule  For preparation and Submission of tender | At least 14 days: [R-61(5)] | |  |  |  | | --- | --- | --- | | Advertisement | : | 19.07.2019 | | Submission | : | 26.08.2019 |   37 days(preparation-submission) |
| 4.0 | Formation of TOC/BOC and TEC/BEC | | |
| 4.1 | No of members in TOC/BOC | 02(Two) [R-7, Schedule-II] and  e-GP Guidelines Section-3.5.6.1 | 02 (Two) |
| 4.2 | No of members in TOC/BOC from TEC/BEC | 1 (One)  [R-7, Schedule-II] | 1 (One) |
| 4.3 | No of members in TEC/BEC | 03 (Three) member[R-8(1), Schedule-II] and e-GP, Section-3.5.6.1 | 03 (Three) |
| 4.4 | No of external members in TEC/BEC | N/A | N/A |
| 4.5 | Authority Approved TEC/BEC | Tender Approving Authority/  PD / Chairman / Secretary [R-8(3)] | HOPE |
| 5.0 | Tenders/Proposal Evaluation | | |
| 5.1 | Days Allowed per Rules between opening and completion /submission of evaluation Report | Safe Custody-2days(R-32), Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 26.08.2019 | | Evaluation | : | 16.11.2019 |   83 days (Opening-evaluation) |
| 5.2 | Days actual between opening and completion /submission of evaluation | Safe Custody-2 days(R-32), TEC Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 26.08.2019 | | Evaluation | : | 16.11.2019 |   83 days (Opening-evaluation)  Submission to CE : 17.11.2019  84 days (opening-sub. to CE) |
| 5.3 | Responsiveness of Tender/Proposal | No Limit | 5 (Five) |
| 5.4 | Re-invitation of Tender/Proposals recommended by TEC/BEC | PE may reject all tenders on the recommendations of the  TEC, and with the approval HOPE invite Re-tender on certain grounds [R-33(2)], [R-11(2)(c)(II)] | N/A |
| 5.5 | Procurement proceedings annulled/cancelled | N/A | N/A |
| 6.0 | Approval of tenders / proposals | | |
| 6.1 | Days actual between evolution and approval | HOPE: 6 weeks (42 days)  Project Director: 1weeks (7 days) [R-36(6)-Schedule-III, Part -A] | |  |  |  | | --- | --- | --- | | Evaluation | : | 16.11.2019 | | Submission to CE | : | 16.11.2019 | | CE to Member | : | 07.12.2019 | | Member to chairman | : | 10.12.2019 | | Chairman to Secretary | : | 10.01.2020 | | Secretary to Minister | : | 05.01.2020 | | Minister Approved | : | 08.01.2020 |   54 days (Evaluation-Approved) |
| 6.2 | AA as per DoFP | HOPE / Project Director | HOPE, Chairman (BIWTA) |
| 6.3 | Authority approved | HOPE / Project Director | HOPE, Chairman (BIWTA) |
| 6.4 | Evaluation report was sent directly to the AA | Be sent directly to AA in sealed envelope [R-36(3)] | Via CE to Ministry (Shipping) |
| 6.5 | Days actual for issuance of NOA/PO/ Contracts sign | a) NOA-Within 7 working days of receipt of approval but before expiry of tender validity date [R-36(4)]/(a), Schedule-II]  b) Contract singing-within 28 days from issuance NOA [R-102(11), schedule-II] | |  |  |  | | --- | --- | --- | | Approval | : | 08.01.2020 | | NOA Issue | : | 09.01.2020 | | 2 days (approval to NOA issue) | | | | Contract Sign | : | 21.01.2020 | | 13 days (NOA to Contract Sign) | | | |
| 6.6 | Days actual for contract award decision by AA | HOPE: 6 weeks (42 days)  Project Director: 1weeks (7 days) [R-36(6)-Schedule-III, Part -A] | |  |  |  | | --- | --- | --- | | Sub. Approval | : | 16.11.2019 | | Approval | : | 08.01.2020 |   54 days (Submission-approval) |
| 6.7 | Authority other than AA, if any, made additional review of the evaluation report | N/A | N/A |
| 6.8 | Authority higher or lower than AA, if any, approved Tenders/ Proposals | Project Director | Chairman BIWTA |
| 7.0 | Contract Award | | |
| 7.1 | Procurement processing Lead time I.e. the actual between opening and Issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2days[R-32]  Days Actual Between Opening and Issuance  NOA:28 Days[R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | Opening | : | 26.08.2019 | | NOA issue | : | 09.01.2020 | | 137 days (Opening-NOA) | | | | Contract Sign | : | 21.01.2020 | | 149 days (Opening-contract sign) | | | |
| 7.2 | The actual between IFT/RFP issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2 days [R-32]  Days Actual Between  IFT and Issuance of  NOA: Min 42 Days [R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | IFT | : | 19.07.2019 | | NOA issue | : | 09.01.2020 | | 175 days (IFT -NOA) | | | | Contract Sign | : | 21.01.2020 | | 187 days (IFT -contract sign) | | | |
| 7.3 | Publication award in CPTUs website/PE's Website/others | a) CPTU’s website: Within 7 working days from issuance of NOA for not less than 1 month for TK 1.00 crore and above [R-31(1 and 2)]  b) PE’s website-Below Tk.1.00 crore e-GP Guidelines, Section-3.7.4 | Published |
| 7.4 | Contract awarded made within the initial tender/proposal validity period | Generally, 60-120 days  [R-19(1) and 117(10)] | NO (26.08.2019 to 24.12.2019) |
| 8.0 | Completion Contract | | |
| 8.1 | Day per original contract time is specified for Supply/Execution/Perform | |  |  |  | | --- | --- | --- | | 25% | : | 08.05.2020 | | 50% | : | 25.08.2020 | | 75% | : | 12.12.2020 | | 100% | : | 31.03.2021 | | Contract Sign: 21.01.2020  23% within 14 weeks and 100% within 62 weeks from day of contract   |  |  |  | | --- | --- | --- | | 23% | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| 8.2 | Day actual for Supply/ Execution/Delivery/ Perform | 23% within 14 weeks and 100% within 62 weeks from day of contract   |  |  |  | | --- | --- | --- | | 23% | : | 30.04.2020 | | 100% | : | 31.03.2021 | | Ongoing (23 % Completed)   |  |  |  | | --- | --- | --- | | 23%(Approx.) | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| 8.3 | Amount of LD imposed |  | Not yet |
| 9.0 | Complaint and Appeal | | |
| 9.1 | Complaint, if any, Lodged and reasons there of | Complaint may be lodged to PE within 7 days of becoming aware of the matter of complaint [R-56] | N/A |
| 9.2 | Resolution of complaints per Rules | The PE within 5 working days shall consider the complaint and decide whether to reject the complaint or take corrective action [R-57(3)(4)] | N/A |
| 9.3 | Modification resulting from resolution of complaints | N/A | N/A |
| 9.4 | Appeal of Independent Review Panel | A person within 7 working days of the receipt of the written decision may be appeal to a Review Panel only if he has exhausted all his options of complaints to the administrative Authority  [R-57(10)(11)(12)] | N/A |
| 9.5 | Review Panel’s decision and follow-on | Decision of the Review Panel within 12 working days from the receipt of the complaint | N/A |
| 10.0 | Contract Amendment | | |
| 10.1 | No of times contract time extended and days | Up to 20% of original Contract time. Above 20% approval of HOPE shall be required [R-74(4)] and [R-39(3)] | N/A |
| 10.2 | Variation/Extra Work/Repeat/addl. Delivery Orders etc. made | 15% of original Contract Price[R-77(ka)] [Rule-78, 79, and 80] of PPR-2008 | N/A |
| 10.3 | No and Amount of such orders | [Rule -78,79, 80] of PPR-2008 | N/A |
| 11.0 | Contract Disputes unresolved | [Rule -42(2)] of PPR-2008 | N/A |
| 12.0 | Fraudulence and Corruption | [Rule -127] of PPR-2008 | N/A |
| 13.0 | Procurement Management Capacity | Capable | Capable |
| 13.1 | HRD/Facilities | Project Director-1, DD Technical (xen)- 1, DD (Finance)-1, Assistant engineer-1, Sub assistant engineer-1, Accountant-1, Data entry operator-2, peon-2. | |
| 13.2 | No of Staff trained in procurement | | 05 Completed training |

**Part-3: Post Reviews Goods/Works Contracts (Package: WDN-2-Lot-1)**

|  |  |
| --- | --- |
| **Date of Review:** **15 and 29 April 2020** | **Name of the Reviewer:** **Commodore Syed Salahuddin Ahmed** |
| **Contract Name, Number and Date:**  **Construction Bank Protection/ Revetment Structure at Nagarbari under the project of Establishment of River Port with allied facilities at Nagarbari.**  **WDN-2, Lot-1, Dated: 21.01.2020** | **Contract Amount:**  **BDT 35,53,10,296.380** |
| **Contractor’s Name and Address:** **SSRI-JE(JV), 116, Hossen Tower, Naya Polton, Dhaka-1000.** | |

|  |  |  |
| --- | --- | --- |
| **Procurement Method** | **:** | **NCT, OTM(e-GP)** |
| **Category** | **:** | **Works (Construction work)** |
|  |  |  |

|  |  |
| --- | --- |
| **Aspect** | **Comment and Findings** |
| Procurement Document (Filing) | Procurement was done following e-GP guidelines. Most of the documents is kept in archive of e-GP Portal. Standard Tender Documents of CPTU were followed. Tender Data Sheet(general, tender document, qualification criteria, preparation of tender, submission of tender, opening and evaluation of a tender, award of contract, complain and appeal), Particular condition of Contract, Tender and Contract form(Price schedule, Bank Guarantee form, payment terms, insurance etc.), Schedules of requirement, Technical Specification and Drawings, were filled up as per provisions of Rule-4(1), 96(1) and Schedule XII of PPR-2008. |
| Advertising | Advertised on 19.07.2016 with other 02 (two) packages/sub-packages in the Dainik Kaler Khantho, Dainik Inqilab, Independent, Dhaka Tribune and CPTU’s Website (at least one Bengali and one English national newspaper). The Advertisement was as per provision of Rule-90(2) (ka) and in the format prescribed in Schedule-X and XI of PPR-2008. |
| Pre/Post Qualification | Pre-qualification was done by chief Engineer (Project), BIWTA |
| Time Allowed for submission of Tenders | 16 days (preparation-submission). The days allowed for preparation and submission is consistent with Rules. |
| Tender Opening and minutes of Tender opening | Well formatted and recovered. TOS, TOR-1 and TOR-2 were used for the purposes. |
| Tender security records | Records of the tender security as per TOR-1 and TOR-2. |
| BE Report verify existence  Of Tenders Names of Tenderers | TER-1, 2, 3, and 4 were used while evaluation   1. M/S. Md. Jamil Iqbal and Kanak Construction Co. (JI-KCC JV) 2. PBL-SEL (JV) 3. Rana Builders (Pvt) Ltd-M/s Farjana Khan- Three Angle Marine Limited (JVCA) 4. SSECL-KAS JV 5. SSRI-JE (JV) 6. Surmarupalibellal.jv 7. M.M Builders and Engineers Ltd – S. Mahmood International Ltd. JV 8. RABRC-HCPL-SCL JV 9. Western Engineering (Pvt.) Ltd 10. Concord Pragatee Consortium Ltd. |
| Contract document | The documents mentioned in the contract agreement are: (a) The signed Form of Contract Agreement, (b) the Notification of award, (c) The Completed Tender (d) Particular Conditions of Contract, (e) General Condition of Contract, (f) Technical Specifications, (g) The General Specifications, (h) Drawings, (i) Bill of Quantities(j) Schedule of Dayworks (k) Other document including correspondences listed in the PCC performing part of the contract, were not attached with the contract agreement with signatures of both the parties on every page. |
| Advance payment guarantee  Details and records | N/A |
| Performance security details and records | Bank Guarantee NO: DBL/LO/PG/12/2020, Issue date:20.01.2020, Expiry date: 31.03.2021, Guarantee amount: BDT 03,55,31,029.6400; Issued by Dhaka Bank Ltd, Head Office, Dhaka. |
| Complaints and  Appeals | N/A |
| Contractual  completion date | Contract Sign: 21.01.2020  23% within 14 weeks and 100% within 62 weeks from day of contract   |  |  |  | | --- | --- | --- | | 23% | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| Actual  completion date | Ongoing (23% Completed)   |  |  |  | | --- | --- | --- | | 23% (Approx.) | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| Bill of lading, if  Any | N/A |
| Delivery receipt / not receipt or like  Instrument | As per construction work |
| Liquidated Damages,  Details and  enforcement for  delays | Probability is there |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | |  | Not paid |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Others matters |  |
| Compliance with agreed provisions Yes or No (Explain) | The procurement has been done on the e-GP framework. For that, the provision of PPA -2006 and PPR-2008 have been complied with.  Some are not complied such as: completion of evaluation time was not maintained as per Rule-36(6), schedule -III, Part-A of PPR-2008. The un-successful bidders were not notified with the refund of their bank guarantee after the contract sign with the successful bidder as per Rule 35 (1)(2)(3) of the PPR-2008. |

**Part-4: Report on Physical Inception (Package: WDN-2-Lot-1)**

|  |  |
| --- | --- |
| Procurement Item  Name and number | **Construction Bank Protection/ Revetment Structure at Nagarbari under the project of Establishment of River Port with allied facilities at Nagarbari.**  **WDN-2 Lot-1, Dated: 21.01.2020** |
| Location | Nagarbari Ghat, Pabna |
| Date of visit | 23 March 2020 (Insufficient) |
| Date of Contract | |  |  |  | | --- | --- | --- | | Contract Signing | : | 21.01.2020 | |
| Contracted  Completion date (Original) | 23% within 14 weeks and 100% within 63 weeks from day of contract   |  |  |  | | --- | --- | --- | | 23% | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| Contractual  completion date | Ongoing (23% Completed)   |  |  |  | | --- | --- | --- | | 23% (Approx.) | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| Contract value | BDT 35,53,10,296.380 |
| Final Contract  Value | BDT 35,53,10,296.380 |
| Supplier/ Contractor | SSRI-JE(JV),  116, Hossen Tower, Naya Polton, Dhaka-1000. |
| Arrival Date at port | N/A |
| Arrival Date at project site/ warehouse (Goods) | N/A |
| Scope of work | Works (Construction works) |
| Materials (Supply and quantity) | As per construction work |
| Construction  supervision | Construction supervision was undertaken by BIWTA. |
| Time overruns | Probability is there |
| Cost overruns | Probability is there |
| Deficiencies/  Defects observed | NOA issued (09.01.2020) after expired of tender validity (24.12.2019). So, the work started much later. Accordingly, project completion by 31.03.2021 to be impossible and there is no avoidance of time extension |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | |  | Not paid |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Comments and  recommendations | Due to excessive evaluation time the contract was singed little late. That why it will be difficulty to complete in time. PD/PE should take extra initiative to complete in time. The records and documents of procurement contracts were not prepared properly. It should be prepared properly. |

**10.11 Annex: C-3**

**Individual Contract Review Format (Package: WDN-3-Lot-1)**

**(e-GP System)**

**Part-1: General**

|  |  |
| --- | --- |
| Data of Review | 15 and 29 April 2020 |
| Name of Reviewer | Commodore (Retd) Syed Salahuddin Ahmed |
| Procuring Entity Name | Office of the Chief Engineer (Civil), BIWTA, Dhaka |
| Contract Name  and  Reference No | Construction of Administrative Building, Inspection Banglo, Dormitory, Pilot House, Pump House, Generator Room, Store room, Guard room, Mosque, Boundary Wall, Fencing, Gate, Water Connection and Sewerage, Drainage, Deep Tube Well, Electrical work, Land Development and Other related Works at Nagarbari under the project of Establishment of River Port with allied facilities at Nagarbari.  WDN-3-Lot-1, Dated: 21.01.2020 |
| Contract Amount | BDT 17,96,06,698.596 |
| Procurement Type | NCT |
| Category of Procurement | Works (Construction) |
| Method of Procurement | OTM(e-GP) |
| Object of Procurement | * Construction works for Establishment of River Port with allied facilities at Nagarbari to facilitate water transportation for general public throughout the area. * To accelerate economic activities in Bangladesh by increasing water transportation. * To achieve 100% water transportation for all. |
| Financing Arrangement  of the Procurement | GOB |

**Part-2: Compliance with Act and Rules (Package: WDN-3-Lot-1)**

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **Applicable Provision** | **Actual** |
| 1.0 | Procurement Plan | | |
| 1.1 | Approval Status of APP. | HOPE or AO  e-GP Guidelines, Section 3.3.1 and PPR-2008, Rule [R-16(17)] | Chairman BIWTA (10.07.2019) |
| 2.0 | Procurement Opportunities | | |
| 2.1 | Advertised in Newspaper | e-GP Guidelines, Section 3.5.1.3 and PPR-2008, [Rule 90(2) (ka)]  At least one Bengali and one English National Newspaper | |  |  |  | | --- | --- | --- | | Daily New Age | : | 12.07.2019 | | Daily Sun | : | 12.07.2019 | | Daily Banik Barta | : | 12.07.2019 | |
| 2.2 | Advertised in CPTU’s website | Procurement of Tk. 1.00 crore and above be sent to CPTU’s website [R-90(2) (jha)]  e-GP Guidelines, Sec-3.5.1.2 | |  |  |  | | --- | --- | --- | | CPTU | : | 26.08.2019 | |
| 2.3 | Tenders/Proposals followed PPR,2008 | To be Followed PPR-2008 and  e-GP Guidelines, | e-GP Guidelines and PPR-2008 |
| 2.4 | Tenders/Proposals followed DP’s Guideline | N/A | N/A |
| 3.0 | Tenders/Proposals Submission | | |
| 3.1 | No of Sale/Issuance of  Tender/Proposal  Document | No Limit | 25 (Twenty Five) |
| 3.2 | No of Tender Participate | No limit | 10 (Ten) |
| 3.3 | Days allowed per Rule  For preparation and Submission of tender | At least 14 days: [R-61(5)] | |  |  |  | | --- | --- | --- | | Advertisement | : | 12.07.2019 | | Submission | : | 26.08.2019 |   46 days(preparation-submission) |
| 4.0 | Formation of TOC/BOC and TEC/BEC | | |
| 4.1 | No of members in TOC/BOC | 02(Two) [R-7, Schedule-II] and e-GP Guidelines Section-3.5.6.1 | 02 (Two) |
| 4.2 | No of members in TOC/BOC from TEC/BEC | 1 (One)  [R-7, Schedule-II] | 1 (One) |
| 4.3 | No of members in TEC/BEC | 03 (Three) member[R-8(1), Schedule-II] and e-GP, Section-3.5.6.1 | 03 (Three) |
| 4.4 | No of external members in TEC/BEC | N/A | N/A |
| 4.5 | Authority Approved TEC/BEC | Tender Approving Authority/  PD / Chairman / Secretary [R-8(3)] | HOPE |
| 5.0 | Tenders/Proposal Evaluation | | |
| 5.1 | Days Allowed per Rules between opening and completion /submission of evaluation Report | Safe Custody-2days(R-32), Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 26.08.2019 | | Evaluation | : | 31.12.2019 |   128 days (Opening-evaluation) |
| 5.2 | Days actual between opening and completion /submission of evaluation | Safe Custody-2 days(R-32), TEC Evaluation-14 days [R-36(6), schedule-III, part-A]  16 days (opening to evaluation) | |  |  |  | | --- | --- | --- | | Opening | : | 26.08.2019 | | Evaluation | : | 31.12.2019 |   128 days (Opening-evaluation)  Submission to CE: 31.12.2019  128 days (opening-sub. to CE) |
|  | Responsiveness of Tender/Proposal | No Limit | 5 (Five) |
| 5.4 | Re-invitation of Tender/Proposals recommended by TEC/BEC | PE may reject all tenders on the recommendations of the  TEC, and with the approval HOPE invite Re-tender on certain grounds [R-33(2)], [R-11(2)(c)(II)] | N/A |
| 5.5 | Procurement proceedings annulled/cancelled | N/A | N/A |
| 6.0 | Approval of tenders / proposals | | |
| 6.1 | Days actual between evolution and approval | HOPE: 6 weeks (42 days)  Project Director: 1weeks (7 days) [R-36(6)-Schedule-III, Part -A] | |  |  |  | | --- | --- | --- | | Evaluation | : | 31.12.2019 | | Submission to CE | : | 31.12.2019 | | CE to Member | : | 31.12.2019 | | Member to HOPE | : | 31.12.2019 | | HOPE Approved | : | 06.01.2020 |   08 days (Evaluation-Approved) |
| 6.2 | AA as per DoFP | Project Director / HOPE | HOPE, Chairman (BIWTA) |
| 6.3 | Authority approved | Project Director/ HOPE | HOPE, Chairman (BIWTA) |
| 6.4 | Evaluation report was sent directly to the AA | Be sent directly to AA in sealed envelope [R-36(3)] | Via CE to Ministry (Shipping) |
| 6.5 | Days actual for issuance of NOA/PO/ Contracts sign | a) NOA-Within 7 working days of receipt of approval but before expiry of tender validity date [R-36(4)]/(a), Schedule-II]  b) Contract singing-withing 28 days from issuance NOA [R-102(11), schedule-II] | |  |  |  | | --- | --- | --- | | Approval | : | 6.01.2020 | | NOA Issue | : | 07.01.2020 | | 02 days (approval to NOA  issue) | | | | Contract Sign | : | 21.01.2020 | | 15 days (NOA to Contract Sign) | | | |
| 6.6 | Days actual for contract award decision by AA | HOPE: 2 weeks (14 days)  [R-36(6), schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | Sub. Approval | : | 31.12.2019 | | Approval | : | 06.01.2020 |   07 days (Submission-approval) |
| 6.7 | Authority other than AA, if any, made additional review of the evaluation report | N/A | N/A |
| 6.8 | Authority higher or lower than AA, if any, approved Tenders/ Proposals | Project Director | Chairman BIWTA |
| 7.0 | Contract Award | | |
| 7.1 | Procurement processing Lead time I.e. the actual between opening and Issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2days[R-32]  Days Actual Between Opening and Issuance  NOA:28 Days[R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | Opening | : | 26.08.2019 | | NOA issue | : | 07.01.2020 | | 135 days (Opening-NOA) | | | | Contract Sign | : | 21.01.2020 | | 149 days (Opening-contract sign) | | | |
| 7.2 | The actual between IFT/RFP issuance of NOA/PO/ Contract signing/LOI | Safe Custody: 2 days [R-32]  Days Actual Between  IFT and Issuance of  NOA: Min 42 Days [R-36(6) Schedule-III, Part-A] | |  |  |  | | --- | --- | --- | | IFT | : | 19.07.2019 | | NOA issue | : | 07.01.2020 | | 173 days (IFT -NOA) | | | | Contract Sign | : | 21.01.2020 | | 187 days (IFT -contract sign) | | | |
| 7.3 | Publication award in CPTUs website/PE's Website/others | a) CPTU’s website: Within 7 working days from issuance of NOA for not less than 1 month for TK 1.00 crore and above [R-31(1 and 2)]  b) PE’s website-Below Tk.1.00 crore e-GP Guidelines, Section-3.7.4 | Published |
| 7.4 | Contract awarded made within the initial tender/proposal validity period | Generally, 60-120 days  [R-19(1) and 117(10)] | NO (26.08.2019 to 24.12.2019) |
| 8.0 | Completion Contract | | |
| 8.1 | Day per original contract time is specified for Supply/Execution/Perform | |  |  |  | | --- | --- | --- | | 25% | : | 08.05.2020 | | 50% | : | 25.08.2020 | | 75% | : | 12.12.2020 | | 100% | : | 31.03.2021 | | Contract Sign: 21.01.2020  23% within 14 weeks and 100% within 62 weeks from day of contract   |  |  |  | | --- | --- | --- | | 23% | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| 8.2 | Day actual for Supply/ Execution/Delivery/ Perform | 23% within 14 weeks and 100% within 62 weeks from day of contract   |  |  |  | | --- | --- | --- | | 23% | : | 30.04.2020 | | 100% | : | 31.03.2021 | | Ongoing (23 % Completed)   |  |  |  | | --- | --- | --- | | 23%(Approx.) | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| 8.3 | Amount of LD imposed |  | Not yet |
| 9.0 | Complaint and Appeal | | |
| 9.1 | Complaint, if any, Lodged and reasons there of | Complaint may be lodged to PE within 7 days of becoming aware of the matter of complaint [R-56] | N/A |
| 9.2 | Resolution of complaints per Rules | The PE within 5 working days shall consider the complaint and decide whether to reject the complaint or take corrective action [R-57(3)(4)] | N/A |
| 9.3 | Modification resulting from resolution of complaints | N/A | N/A |
| 9.4 | Appeal of Independent Review Panel | A person within 7 working days of the receipt of the written decision may be appeal to a Review Panel only if he has exhausted all his options of complaints to the administrative Authority  [R-57(10)(11)(12)] | N/A |
| 9.5 | Review Panel’s decision and follow-on | Decision of the Review Panel within 12 working days from the receipt of the complaint | N/A |
| 10.0 | Contract Amendment | | |
| 10.1 | No of times contract time extended and days | Up to 20% of original Contract time. Above 20% approval of HOPE shall be required [R-74(4)] and [R-39(3)] | N/A |
| 10.2 | Variation/Extra Work/Repeat/addl. Delivery Orders etc. made | 15% of original Contract Price[R-77(ka)] [Rule-78, 79, and 80] of PPR-2008 | N/A |
| 10.3 | No and Amount of such orders | [Rule -78,79, 80] of PPR-2008 | N/A |
| 11.0 | Contract Disputes unresolved | [Rule -42(2)] of PPR-2008 | N/A |
| 12.0 | Fraudulence and Corruption | [Rule -127] of PPR-2008 | N/A |
| 13.0 | Procurement Management Capacity | Capable | Capable |
| 13.1 | HRD/Facilities | Project Director-1, DD Technical (xen)- 1, DD (Finance)-1, Assistant engineer-1, Sub assistant engineer-1, Accountant-1, Data entry operator-2, peon-2. | |
| 13.2 | No of Staff trained in procurement | | 05 Completed training |

**Part-3: Post Reviews Goods/Works Contracts (Package: WDN-3-Lot-1)**

|  |  |
| --- | --- |
| **Date of Review:** **15 and 29 April 2020** | **Name of the Reviewer:** **Commodore Syed Salahuddin Ahmed** |
| **Contract Name, Number and Date:**  **Construction of Administrative building, Inspection Banglo, Dormitory, Pilot House, Pump House, Generator room, Store room, Guard room, Mosque, Boundary, Wall Fencing, Gate, Water Connection and Sewerage Drainage, Deep Tube Well, Electrical Work, Land Development and other related works at Nagarbari under the project of Establishment of River Port with allied facilities at Nagarbari**.  **WDN-3, Lot-1, Dated: 21.01.2020** | **Contract Amount:**  **BDT 17,96,06,698.596** |
| **Contractor’s Name and Address:** **ES-JE JV** | |

|  |  |  |
| --- | --- | --- |
| **Procurement Method** | **:** | **NCT, OTM(e-GP)** |
| **Category** | **:** | **Works (Construction work)** |
|  |  |  |

|  |  |
| --- | --- |
| **Aspect** | **Comment and Findings** |
| Procurement Document (Filing) | Procurement was done following e-GP guidelines. Most of the documents is kept in archive of e-GP Portal. Standard Tender Documents of CPTU were followed. Tender Data Sheet(general, tender document, qualification criteria, preparation of tender, submission of tender, opening and evaluation of a tender, award of contract, complain and appeal), Particular condition of Contract, Tender and Contract form(Price schedule, Bank Guarantee form, payment terms, insurance etc.), Schedules of requirement, Technical Specification and Drawings, were filled up as per provisions of Rule-4(1), 96(1) and Schedule XII of PPR-2008. |
| Advertising | Advertised on 12.07.2019 with other 03 (three) packages/sub-packages in the Daily New Age, Daily Sun, Daily Banik Barta and CPTU’s Website (at least one Bengali and one English national newspaper). The Advertisement was as per provision of Rule-90(2) (ka) and in the format prescribed in Schedule-X and XI of PPR-2008. |
| Pre/Post Qualification | Pre-qualification was done by chief Engineer (Project), BIWTA |
| Time Allowed for submission of Tenders | 16 days (preparation-submission). The days allowed for preparation and submission is consistent with Rules. |
| Tender Opening and minutes of Tender opening | Well formatted and recovered. TOS, TOR-1 and TOR-2 were used for the purposes. |
| Tender security records | Records of the tender security as per TOR-1 and TOR-2. |
| B.E Report verify existence  Of Tenders Names of Tenderers | TER-1, 2, 3, and 4 were used while evaluation   1. Azadbellalsurma.jv 2. Dhaly Construction Ltd. 3. E-S-JE JV 4. M/S Belal and Brother 5. m/S Kohinoor Enterprise-M/S. Farjana Khan-Rana Builders (Pvt) Ltd. (JVCA) 6. M/S. MD. Jamil Iqbal – S.K. International – M/S.Tania Enterprise (JV) 7. MME-HCPL (JV) 8. Sazin Construction Ltd. 9. SSECL-KSA JV 10. Western Engineering (Pvt) Ltd. |
| Contract document | The documents mentioned in the contract agreement are: (a) The signed Form of Contract Agreement, (b) the Notification of award, (c) The Completed Tender (d) Particular Conditions of Contract, (e) General Condition of Contract, (f) Technical Specifications, (g) The General Specifications, (h) Drawings, (i) Bill of Quantities(j) Schedule of Dayworks (k) Other document including correspondences listed in the PCC performing part of the contract, were not attached with the contract agreement with signatures of both the parties on every page. |
| Advance payment guarantee  Details and records | N/A |
| Performance security details and records | Bank Guarantee NO: MBL/BN/BG/02/2020, Issue date: 21.01.2020, Expiry date: 29.04.2021, Guarantee amount: BDT 1,79,60,669.8600; Issued by Mercantile Bank Limited, Banani Branch, Dhaka. |
| Complaints and  Appeals | N/A |
| Contractual  completion date | Contract Sign: 21.01.2020  23% within 14 weeks and 100% within 62 weeks from day of contract   |  |  |  | | --- | --- | --- | | 23% | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| Actual  completion date | Ongoing (23 % Completed)   |  |  |  | | --- | --- | --- | | 23%(Approx.) | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| Bill of lading, if  Any | N/A |
| Delivery receipt / not receipt or like  Instrument | As per construction work |
| Liquidated Damages,  Details and  enforcement for  delays | Probability is there |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Others matters |  |
| Compliance with agreed provisions Yes or No (Explain) | The procurement has been done on the e-GP framework. For that, the provision of PPA -2006 and PPR-2008 have been complied with.  The time spent at each stage of procurement contract /schedule of activities were not maintained as per Rule -8(17) (18) and schedule-IV of PPR-2008. Evaluation time were not maintained properly as per Rule-36(6), schedule -III, Part-A of PPR-2008. The un-successful bidders were not notified with the refund of their bank guarantee after the contract sign with the successful bidder as per Rule 35 (1)(2)(3) of the PPR-2008. |

**Part-4: Report on Physical Inception (Package: WDN-3-Lot-1)**

|  |  |
| --- | --- |
| Procurement Item  Name and number | **Construction of Administrative building, Inspection Banglo, Dormitory, Pilot House, Pump House, Generator room, Store room, Guard room, Mosque, Boundary, Wall Fencing, Gate, Water Connection and Sewerage Drainage, Deep Tube Well, Electrical Work, Land Development and other related works at Nagarbari under the project of Establishment of River Port with allied facilities at Nagarbari**.  **WDN-3 Lot-1, Dated: 21.01.2020** |
| Location | Nagarbari Ghat, Pabna |
| Date of visit | 23 March 2020 (Insufficient) |
| Date of Contract | |  |  |  | | --- | --- | --- | | Contract Signing | : | 21.01.2020 | |
| Contracted  Completion date (Original) | 23% within 14 weeks and 100% within 62 weeks from day of contract   |  |  |  | | --- | --- | --- | | 23% | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| Contractual  completion date | Ongoing (23 % Completed)   |  |  |  | | --- | --- | --- | | 23%(Approx.) | : | 30.04.2020 | | 100% | : | 31.03.2021 | |
| Contract value | BDT 17,96,06,698.596 |
| Final Contract  Value | BDT 17,96,06,698.596 |
| Supplier/ Contractor | **ES-JE JV** |
| Arrival Date at port | N/A |
| Arrival Date at project site/ warehouse (Goods) | N/A |
| Scope of work | Works (Construction works) |
| Materials (Supply and quantity) | As per construction work |
| Construction  supervision | Construction supervision was undertaken by BIWTA. |
| Time overruns | Probability is there |
| Cost overruns | Probability is there |
| Deficiencies/  Defects observed | NOA issued (07.01.2020) after expired of tender validity (24.12.2020). So, the work started much later. Accordingly, project completion by 31.03.2021 to be impossible and there is no avoidance of time extension. |
| Timeliness of  Payment | **Payment Statement**   |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Payment Recommended by field office | Bill Amount  (BDT) | R/M-Refund (after completion) | R/M-Deduction (When R/A bill payment) | IT and Vat\*  (BDT) | Check Amount | Payment  Date | |  | Not paid |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |   Payments to contractor were timely as described above in the chart  \*\*15% VAT of the Works Were reimbursed by MUshak-11  N.B. Since it was a GOB Funded Project, there was no advance payment. |
| Comments and  recommendations | Excessive evaluation time has been taken for this contract. NOA issued and contract signed little late. So far approximately 23% construction work has been done. The effort to be taken to complete the construction work in time. PE/ PD must maintain all records of the payment including the bills, invoices for procurement of construction works. Social and environmental issues must be addressed by minimalizing dredging waste and construction dust. |

**Photographs**

**Photographs of three project**

****

College ground in Mohanganj area is being filled with the soil of dredging of Kangsha river



The low-lying areas of the Jangail area are being filled with the dredging soil of the Kangsha river

Paharpur Primary School in Madan upazila of Magra river was filled with soil by dredger



Kangsha river in Mohanganj area of Gaglajur-Mohanganj waterway





Establishment of Ferry Ghat including allied Facilities at Balashi and Bahadurabad





Establishment of Ferry Ghat including allied Facilities at Balashi and Bahadurabad



**Establishment of River Port with allied Facilities at Nagarbari**