

Rationality of Threshold Levels for Tenderer's Eligibility Criteria in the Standard Tender Documents under Public Procurement Act-2006 (PPA-2006)

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BANGLADESH UNIVERSITY OF ENGINEERING & TECHNOLOGY

October- 2012

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FACULTY OF CIVIL ENGINEERING**

This thesis titled 'Rationality of Threshold Levels for Tenderer's Eligibility Criteria in the Standard Tender Documents under Public Procurement Act-2006 (PPA-2006)' submitted by Md. Abul Bashar, Student No. 100604317P, Program :M. Engg, Civil (Structure) has been accepted as satisfactory in partial fulfillment of the requirements for the degree of MASTER OF ENGINEERING in Civil Engineering.

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DECLARATION

It is hereby declared that this project work which has been prepared and submitted by me with the title as 'Rationality of Threshold Levels for Tenderer's Eligibility Criteria in the Standard Tender Documents under Public Procurement Act-2006 (PPA-2006),' is my original work. This project work has been submitted in the partial fulfillment for the requirement of the degree of Master of Engineering in Civil Engineering (Structure) from the Bangladesh University of Engineering and Technology (BUET). This work has not been submitted for the award of any other Degree, Diploma or Fellowship.

Md. Abul Bashar

ACKNOWLEDGEMENT

A successful completion of any job is the result of summation of many efforts of different people. Like this, a large numbers of individuals have contributed to this study. I am greatly thankful to all of them for their help and encouragement. I have used the works of many authors and researchers in the field of tendering process. This study has also been influenced by number of Standard Tender Documents issued by CPTU and the similar documents existing abroad. I express my gratitude to all of them. I have also used some data of medium to large sized construction firms and conducted a survey on some government and non- government procuring entities. I am thankful to all these institutions.

At first, I would like to thank my supervisor Dr. Ishtiaque Ahmaed, Professor, Department of Civil Engineering, Bangladesh University of Engineering and Technology (BUET) who has supervised this study and given valuable time and sincere guidance in my study. His sincere guidance inspired me in completion of my project work. I am very grateful to him. I would like to appreciate and express sincere acknowledgement for the suggestions and various types of help from my colleagues and friends in Sonali Bank Limited. I would like to give heartiest thanks to my family members who have given me much time and inspiration to prepare my thesis.

ABSTRACT

In Bangladesh, procurement of goods, works and services using public fund is made following the Public Procurement Act-2006 (PPA-2006) and Public Procurement Rules-2008 (PPR-2008). In this process a competent bidder is selected applying some predetermined qualification criteria through a free and fair tendering process. These qualification criteria are set in Standard Tender Documents (STD) issued by Central Procurement Technical Unit (CPTU) and the tendering process is restricted by the act of PPA-2006 and rule of PPR-2008. The selected bidder or the contractor completes the contract of goods, works and services as per agreement. In some cases, the contractors could not complete the contract as per agreement and in some cases they would complete the work with considerable delay and even the contract would be abandoned.

In this project work, the qualifying criteria of the bidders and their threshold levels set in standard tender documents and tendering process of Bangladesh as well as in some of neighboring countries have been studied. In this regard, a survey was conducted over small to large sized construction firms about their technical and financial abilities. This survey work consists of eighteen numbers of construction firms whose technical and financial strength are studied. A contract of each firm has been studied in detail. These projects include successful, delayed and abandoned contracts. Detail information of these construction firms including the causes of success and failure of the said contracts in the light of threshold levels of qualifying criteria are presented in this thesis.

Survey data of the above construction firms have been used to establish the relationship among the threshold levels of bidder's qualification criteria with the success and failure of the construction projects. From the survey data, it was also attempted to find out the rationality of the threshold levels for tenderers' eligibility criteria in the standard tender documents under public procurement Act.-2006 (PPA-2006). At the end of the thesis, comments and as well as some suggestions on rationality of the existing thresholds values have been made to overcome the problems facing during the tendering process in Bangladesh.

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LIST OF ABBREVIATION

ADS	: Asian Development Bank
ADS	: Application Data Sheet
AO	: Authorized Officer
APEC	: Asia Pacific Economic Co-operation
ASEAN	: Association of South-East Asian Nations
BOG	: Board of Governors
BSTI	: Bangladesh Standard and Testing Institute
CCGP	: Cabinet Committee on Government Purchase
CIDB	: Construction Industry Development Board
CPTU	: Central Procurement Technical Unit
CSOs	: Community Service Organizations
DC	: Design Contest
DoFP	: Delegation of Financial Powers
DPP	: Development Project Proforma
DTM	: Direct Tendering Method
EXW	: Extra Work
FBCCI	: Federation of Bangladesh Chamber of Commerce and Industry
GCC	: General Conditions of Contract
HOPE	: Head of the Procuring Entity
IEC	: International Electro technical Committee
IFA	: Invitations for Application
IFE	: Invitations for Enlistment

IFPQ	: Invitations for Pre-Qualification
IFT	: Invitations for Tender
IMED	: Implementation Monitoring and Evaluation Division
ISO	: International Standard Organization
ITA	: Instructions to Applicants
ITC	: Instructions to Consultants
ITT	: Instructions to Tenderers
JVCA	: Joint Venture, Consortium or Association
LCS	: Least Cost Selection
LD	: Line Director
EOI	: Expressions of Interest
LOI	: Letter of Invitation
LTM	: Limited Tendering Method
NOA	: Notification of Award
NPIU	: National Project Implementation Unit
OTM	: Open Tendering Method
PCC	: Particular Conditions of Contract
PD	: Project Director
PDS	: Proposal Data Sheet
PEC	: Proposal Evaluation Committee
PM	: Project Manager
POC	: Proposal Opening Committee
QCBS	: Quality & Cost Based Selection
RFQ	: Request for Quotation

RHD	: Roads and Highways Department
SBCQ	: Selection Based on Consultant's Qualifications
SFB	: Selection under a Fixed Budget
SIC	: Selection of Individual Consultant
SPFU	: State Project Facilitation Unit
SSS	: Single Source Selection
TAPP	: Technical Assistance Project Proforma
TDS	: Tender Data Sheet
TEC	: Tender Evaluation Committee
TEQIP	: Technical Education Quality Improvement Program
TIN	: Tax Identification Number
TOC	: Tender Opening Committee
TOR	: Terms of Reference
TOS	: Tender Opening Sheet
TSC	: Technical Sub-Committee
TSTM	: Two-Stage Tendering Method
WB	: World Bank
WTO	: World Trade Organization

CHAPTER ONE

INTRODUCTION

1.1 Background

Two principal legal instruments to deal with public procurement are The Public Procurement Act 2006 (PPA-2006) and The Public Procurement Rules 2008 (PPR-2008). Until the enactment of the Public Procurement Act in 2006, the legal regime of public procurement in Bangladesh was based on procedures and practices that date back to the British era. For example, the Compilation of General Financial Rules (CGFR), originally issued under the British rule, which broadly outlined the principles governing government contracts, remained the primary legal framework for public contracts and procurements (World Bank, 2002). Building on CGFR principles, several government departments and autonomous public bodies and corporations developed their own rules and codes of practices for public contracts to follow. Interestingly, these regulations were greatly influenced by international development agencies and banks such as the World Bank, partly because Bangladeshi public procurements tended to rely mostly on external aid. Despite the fact that the primary objective of these legal instruments was to ensure openness and transparency in the public procurement system, the procurement process that was in practice was far from satisfactory. The following factors were widely regarded as having contributed to the then tardy and dilatory procurement system: poor advertisement, inadequate bidding period, poor specifications, nondisclosure of selection/competition criteria, award of contract by lottery without having developed the tools of attracting quality bidders, conclusion of one-sided contract documents, negotiation with all bidders, re-bidding without adequate grounds, corruption and outside influences such as political interventions, and, so on. The so detected poor performance of the public procurement regime in Bangladesh drew the attention of many including, as said, the international bodies. A World- Bank led assessment of the existing public procurement policy, legal frameworks, and institutions concluded with a finding of just-mentioned drawbacks in the procurement . In the context of escalating concerns for streamlining the country's public procurement system, the government undertook an array of reforms in order to strengthen the public procurement regime. The reform process ultimately led to the making and issuance of Public Procurement Regulations in 2003 (PPR - 2003), providing a unified procurement processing system.

The PPR 2003 was supplemented by Public Procurement Processing and Approval Procedures (PPPA), a revised Delegation of Financial Powers (DOFP) and several Standard Tender Documents (STDs) and Standard Request for Proposal Documents for the procurement of goods, works and services. Further later, in order to intensify the improvement measures in the public procurement system, the Jatyo Sangshad enacted the much desired law, the Public Procurement Act 2006. Under the Act of 2006, the Public Procurement Rules 2008 were framed and issued, which replaced the Public Procurement Regulations 2003.

For implementation of Public Procurement Act 2006 the Central Procurement Technical Unit (CPTU), Implementation, Monitoring and Evaluation Division, Ministry of Planning, Government of Bangladesh prepared the Public Procurement Rules in 2008, procedures and Standard Tender Documents (STD). The objective is to select a competent contractor ensuring transparency and accountability in the procurement of goods, services and works using public funds. The procurement process has to ensure equitable treatment and free and fair competition among all persons /firms wishing to participate in such competition. When the procuring entity wishes to select a Tenderer (a contractor) for the implementation of works, goods and service they use these STD for bidding competition. The Notification of Award is given to the lowest evaluated one among the responsive Tenderers. The responsiveness of tenderer is evaluated on the basis of some pre-determined criteria. These criteria are set as per the guidelines of the PPR- 2008. Qualification Criteria, such as (a) The Experience of completed work, (b) The Average Annual Turn Over, (c) The Tender Capacity, (d) The Cash Flow of the tenderer are used to assess the responsiveness of tenderers. The procuring entities have to fix the threshold levels for these criteria and evaluate them as per provision of the PPA- 2006 (PPA- 2006). For the sake of selecting the competent contractor in a fair way the threshold levels for these criteria are to be set in a rational manner. CPTU provides a guideline in the STD in selecting these threshold requirements. The rationality of these criteria needs to be evaluated in the context of the capacity and strength of the local firms. Stringent and unrealistic qualification criteria may sometimes lead to some unfair competition. In order to provide a fair and level ground of competition among the firms eligible to implement the work reasonable and practical thresholds should be set without any prejudice. It is important to assess the rationality of these thresholds.

Moreover it is also important to select a competent contractor.

To this aim a limited survey of the medium to large size construction firms would be conducted. It may be mentioned here that the firms means construction firms. This study covers only works - goods and services have been excluded.

1.2 Objectives of the study

The following are the objectives of this study:

- (a) To conduct a survey of medium to large sized construction firms to obtain the data relevant to various qualification criteria.
- (b) To evaluate selected cases of successful contracts and cases of hindered contracts to assess the relationship of the qualification criteria with the success of the project.
- (c) To assess the relevance of the criteria set by PPA-2006 to select of a competent contractor.
- (d) To identify shortcomings of the provisions of PPA-2006 in setting out the threshold levels for qualification criteria, if any.

The followings are the possible outcomes of the study:

- (i) Establish criteria for rationality of the various qualification criteria to select a competent contractor.
- (ii) Using those criteria establish rationality of the various thresholds.
- (iii) Provide a guidance to select the rational thresholds for various qualification criteria for procurement of works.

1.3 Methodology

The study has been conducted by reviewing of Public Procurement Act –2006 (CPTU-2006), The Public Procurement Rules (2008), Standard Tender Document (CPTU, 2004). A survey has been conducted to obtain the data pertaining to qualification criteria of various construction firms. Then a few number of case studies has been reviewed to assess the relevance of the qualification criteria to select a competent contractor.

1.4 Organization of the study

The organization of the thesis is as follows:

There are five chapters in this thesis. In chapter one background of the study, objective of the study, methodology of the study- possible outcomes and organization of the study are introductorily furnished. In chapter two with brief description of Methods of Tendering and practices in other countries are shown. Chapter 3 provides an overview of the Standard Tender Documents such as Procurement of Works PW-1, Procurement of Works PW-2, Procurement of Works PW-3, Procurement of Works – PW4. Obtaining Various qualification criteria of some firms, some cases of successful contracts, some cases of hindered contracts, assessment of the relationship of bidders' qualification criteria with the success of the project, assessment the relevance of the criteria and identifying the shortcomings of the provisions of PPA-2006 are presented in Chapter 4. Chapter 5, finally, summarizes the conclusion and recommendations for how to establish rationality of thresholds levels for bidders qualification criteria, providing a guidance for rational thresholds values for qualification criteria of the study.

CHAPTER TWO

LITERATURE REVIEW

2.1 Methods of Procurement

Procurement methods are based on nature of items procured and the Act explicitly categorizes the items as good, works and services (both stand alone and intellectual). There are five methods for procurement of goods and works. Electronic Government Procurement (e- GP) is the new addition. Procurement of intellectual services is made mainly following two methods. Stand alone services are procured using the methods of goods. In the Public Procurement Act.-2006 (PPA-2006) the acts from 31 to 36 and in the Public Procurement Rules-2008 (PPR-2008) the rules from 61 to 102 describe the different methods and process of procurement of goods and works.

2.1.1 Open Tendering Method (OTM)

The open Tendering shall be the preferred method of procurement unless the threshold or special circumstances relating to a specific requirement make it more appropriate for one of the other Procurement methods to be used. Tenders are invited from all eligible tenderers through public advertisement and tender security is mandatory under this method. Other methods of procurement may be resorted to under certain conditions and should be recorded stating the justifications for the method thus selected. The use of Open Tendering Method in the procurement of Goods and Works Etc. is described in Rule-61 of the PPR-2008.

2.1.2 Limited Tendering Method (LTM)

Limited Tendering Method applies when goods and works are available only from a limited number of suppliers or contractors or in urgency when competitive Tendering would be impractical. LTM usually follows an enlistment process and tender security is not mandatory here. The use and the procedure of Limited Tendering Method in the procurement of Goods and Works Etc. is described in Rule-63 & 64 of the PPR-2008.

2.1.3 Two-Stage Tendering Method (TSTM)

It is followed for large complex facilities or when complete specifications may not be possible in one stage or alternative technical solutions are available in the market. In the First-Stage, a Procuring Entity shall invite un-priced Technical proposals through advertisement on the basis of a conceptual design and for the Second-Stage, the procedures for tender submission, opening, evaluation and award of the contract shall follow the same procedures as for Open Tendering Method. The use and the procedure of Two Stage Tendering Method in the procurement of Goods and Works Etc. is described in Rule-65, 66, 67 & 68 of the PPR-2008.

2.1.4 Request for Quotation (RFQ)

RFQ is applied for standard off-the-shelf goods and services, low value simple works and physical services provided that the estimated value of such Procurement shall not exceed the threshold prescribed for this method. The Procuring Entity shall invite quotations from Suppliers by letter, fax or electronic mail. It does not need to be advertised in the newspaper. The procuring Entity shall request quotations from as many Tenderers as practical and shall obtain and compare at least three(3) responsive quotations to establish the competitiveness of the quoted price. There may be required to furnish documentary evidence demonstrating its eligibility by providing a valid Trade License, Tax Identification No.(TIN), VAT registration and Bank solvency certificate. The Conditions and Procedures for use of Request for Quotation Method, Documentation used, Invitation, Submission and Evaluation of Quotations are described in the Rules of 69, 70, 71, 72 and 73 of PPR-2008.

2.1.5 Direct Procurement Method (DPM)

Direct Procurement Method is allowed when, for technical reasons, goods are available from only one source, or for additional procurement of goods and services from the original supplier, or for the procurement of goods, services, and works of very urgent nature. DPM is discouraged as it does not provide the benefits of competition, lacks transparency and could encourage unacceptable and fraudulent practices. The use of Direct Procurement Method and Forms of Direct Procurement are out lined in the Rules 74 & 74 of PPR-2008. The following are forms of direct procurement:

- (i) Direct Contracting (Rules-76) or
- (ii) Additional deliveries and Repeat Orders (Rules-77) or
- (iii) Variation Orders or Extra Work Order (Rules-78, 79, 80) or
- (iv) Direct Cash Purchase (Rules-81) or
- (v) Force account (Rules-82).

2.1.6 Electronic Government Procurement (e- GP)

The government of Bangladesh is well aware of the irregularities and hassles associated with public procurement. To overcome these problems, the government has embarked upon a plan to introduce Electronic Government Procurement (e-GP) in the country. The e-GP is being introduced in the country to materialize the government vision for building a Digital Bangladesh. This system will be introduced in two phases. In the first phase e-tendering will be introduced in the four targeted departments. In the second phase, e-Contract Management System (e-CMS) will be introduced. Under the e-GP system the tenderers are not required to remain physically present to submit the tenders and thus the tenderers will be relieved from the coercive practices. This will broaden competition resulting in better procurement. It will usher a new era in ensuring transparency and accountability in public procurement because the Public Procurement Act and the Public Procurement rules will have to be followed by default in e-GP. A draft guidelines/governing principles is prepared for introducing e- Procurement (including e-Tendering) in pursuant to the provision made in the PPA 2006 (Ref. Section 65) and PPR 2008 (Ref. Rule 128). The CPTU is inviting comments/ suggestions for its improvements.

2.2 PROCUREMENT PRACTICES IN OTHER COUNTRIES

2.2.1 Procurement Manual, India

a) Introduction

The Procurement Manual provides the essential information and brief step-by-step procedures for procurement of goods, works and services.

This document is intended to guide the procurement officials directly involved in the procurement activities. It also intends to help in understanding the procurement processes and to achieve uniformity in procurement processes followed under the

project. However the Procurement Manual is only a guideline and the procurement of all Goods, Works and Services under the Project shall be carried out in accordance with the World Bank's Guidelines: Procurement Under IBRD Loans and IDA Credits. Procurement under the project will be processed and monitored through Procurement Management Support System (PMSS), a web based software system. The followings are the main points of this procurement manual:

b) Procurement Management Support System (PMSS)

PMSS will reduce variance in procurement processing and ensure adherence with agreed norms and guidelines with following measures:

- (i) It will capture end-to-end procurement process flow to standardizing the procurement under project.
- (ii) It will provide information on specifications of items, maintain database of manufacturers /suppliers.
- (iii) It will generate advertisement details, Standard Bidding Documents (SBDs), Bid Evaluation Report (BER), Purchase Order (PO), payment details etc.
- (iv) It will provide contract management functions like identifying contract milestones (warranty period, performance guarantee, delivery schedule etc), review supplier performance against contract etc.
- (v) It will meet MIS requirements for documentation/ report generation requirements of all the users.
- (vi) It will also generate print outs in the standard formats at every stage in unitized forms like daily, monthly and in the integrated/aggregated forms like quarterly, half yearly, annual etc.

c) Procurement Plan

The procurement process starts from the planning of yearly procurement.

d) Revision/Updation of Procurement Plan

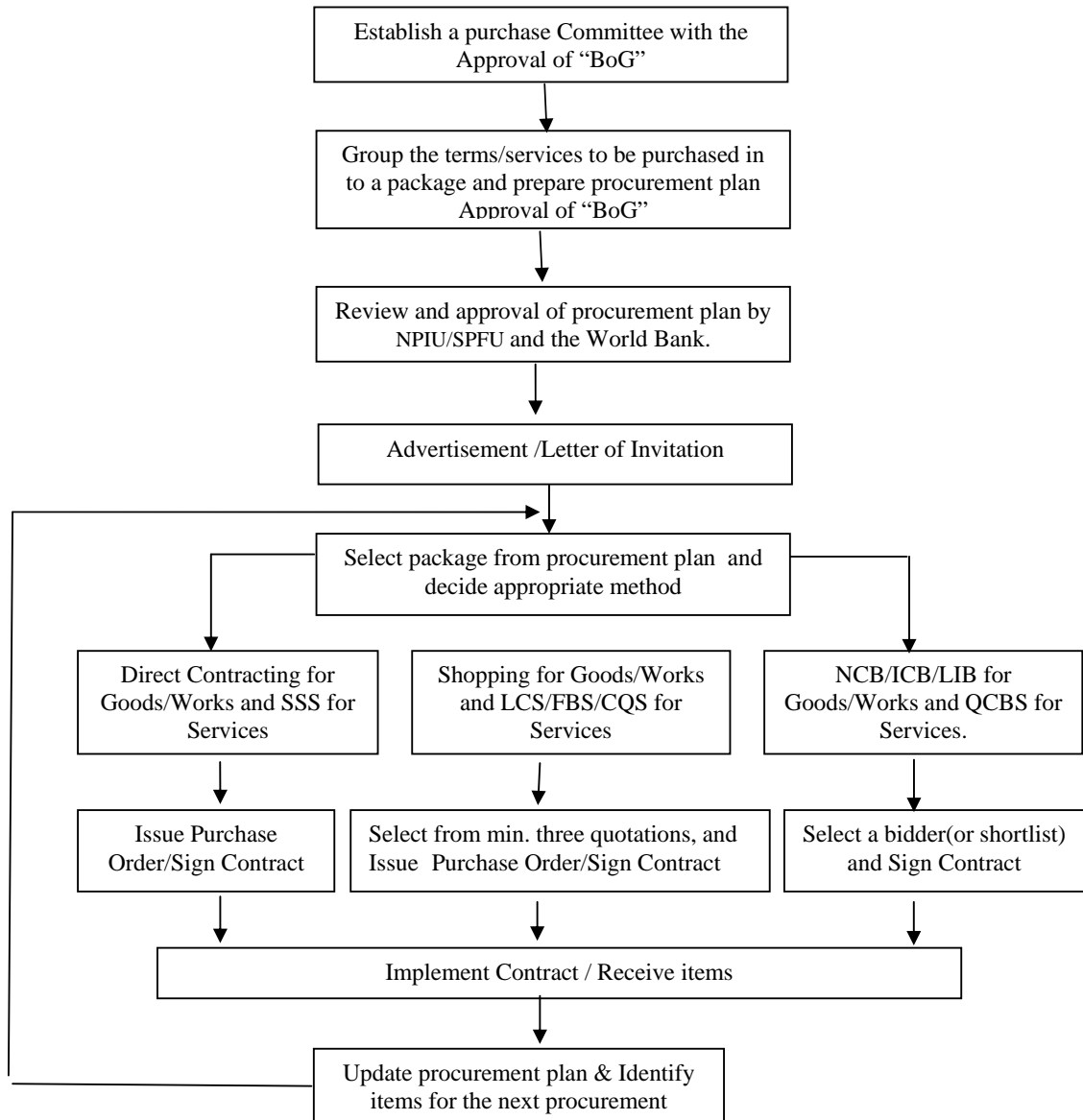
The procurement plan shall be revised/ updated annually, as required, to reflect the actual project implementations.

The revision/updation in finalized Procurement Plan can be carried out as per the following arrangements:

- <=10% of total plan value can be carried out by Institution with appropriate approvals.
- > 10% & <= 30% of total plan value can be carried with prior review of SPFU.
- > 30% of total plan value can be carried with prior review of NPIU/the World Bank.

e) Procurement Steps

The flow chart of procurement process given below broadly depicts the essential steps in procurement process:



f) Disclosure

For all procurements, information on pre-qualification and award of contract shall be posted on the institutional website for two weeks.

g) Procurement Audit

All documents related to procurement should be filed and kept systematically and safely for future audit.

h) Methods of Procurement of Goods & Works

- (i) International Competitive Bidding (ICB)
- (ii) Limited International Bidding (LIB)
- (iii) National Competitive Bidding (NCB)
- (iv) Shopping
- (v) Direct Contracting

International Competitive Bidding (ICB)

ICB is generally adopted where supplies cannot be met from indigenous sources and need import, and/or foreign firms are expected to participate resulting in more competition. Invitation for bids for ICBs shall be published in daily newspaper with wide circulation over the country. Apart from wide publicity nationally, advertisement of invitation for bids shall be published in United Nation's Development Business Market online and project website.

Limited International Bidding (LIB)

Limited International Bidding (LIB) is essentially ICB by direct invitation without open advertisement. It may be an appropriate method of procurement where (a) there are only limited numbers of suppliers, or (b) other exceptional reasons may justify departure from full ICB procedures.

National Competitive Bidding (NCB)

The procurement steps for NCB broadly consist of the following activities:

- (i) Preparation of tender Document
- (ii) Advertisement

(iii) Issue of Bid Document: Tender documents can also be made downloadable from Institute website. However the downloaded tender documents must be submitted with requisite tender fees in the form of bank DD without which the tender shall be rejected summarily.

(iv) Opening of Bids

(v) Bid Evaluation and Comparison

(vi) Award of Contract

i) Shopping

The following consideration should be kept in view for adopting this procedure:

(i) Shopping is a Procurement method based on comparing price quotations obtained from several national suppliers, usually at least three to ensure competitive prices.

(ii) Request should be addressed to more than three firms that are reputable.

(iii) In case of civil works prices shall be requested inclusive of all taxes and duties payable by the contractor.

j) Direct Contracting

The procedure for Direct Contracting may be adopted if any one of the following conditions is met:

(i) In case of articles including equipment/books, which are specifically certified as of proprietary in nature, or where only a particular firm is the manufacturer of the articles demanded.

(ii) Standardization of equipment or spare parts to be compatible with existing equipment may justify additional purchases from the original supplier.

(iii) Extension of existing contracts for goods/works awarded with the prescribed procedures, justifiable on economic grounds.

2.2.2 PROCUREMENT IN MALAYSIA

a) Introduction

The prime objective of the Malaysian Government procurement is to support Government programmes by obtaining value for money through acquisition of works,

supplies and services. To meet this objective close attention is given to price factors as well as non price factors such as whole life cost, quality, quantity timeliness, maintenance and warranty. The benefits or value from procurement should be commensurate with the costs involved and that the best procurement is well and thoroughly evaluated, reasoned and justified. In this context, the Malaysian Government procurement is based on the following policies, principles, objectives and procedures.

b) Government Procurement Policies

The Malaysian Government Procurement Policies, in general, provide support for the full achievement of the objectives and aspirations of the National Development Policy towards a developed nation status. The principal policies are as follows:

- (i) To stimulate the growth of local industries through the maximum utilization of local materials and resources.
- (ii) To encourage and support the evolvement of Bumiputera (indigenous) entrepreneurs in line with the nation's aspirations to create Bumiputera Commercial and Industrial Community.
- (iii) To increase and enhance the capabilities of local institutions and industries via transfer of technology and expertise.
- (iv) To stimulate and promote service oriented local industries such as freight and insurance; and
- (v) To accelerate economic growth where by Government procurement is used as a tool to achieve socio-economic and development objectives.

c) Procurement Principles

In general Government procurement is essentially based on the following principles:

- (i) Public Accountability: Procurement should obviously reflect public accountability Entrusted with the Government.
- (ii) Transparency: All procurement regulations, conditions, procedures and processes need to be clear and transparent to facilitate better understanding among suppliers and contractors.
- (iii) Value For Money: Government procurement should yield the best returns for every Malaysian Ringgit spent in terms of quality, quantity, timeliness, price and source.

(iv) Open And Fair Competition: Processes involving Government procurement should offer fair and equitable opportunities to all those participating or competing in any procurement.

(v) Fair Dealing: All acceptable bids will be processed fairly based on current rules policies and procedures.

d) Procurement Objectives

Government procurement comprises the following objectives in general:

(i) To ensure continuous supply of materials and services to meet the Government needs from the best and reliable sources;

(ii) To ensure efficient, effective and ethical procurement practices to enable the Government to achieve best value for money without compromising on quality, delivery and other price and non-price factors;

(iii) To stimulate and encourage the growth and development of local industries through the optimal usage of local resources and materials;

(iv) To expand and invigorate the local industrial sector by means of transfer of technology and expertise to suit the nation's needs; and

(v) To promote alternative and multiple sourcing through supplier/vendor development according to the aspirations and vision of the Government.

e) Procurement Entities

The Malaysian Public Sector and also the Malaysian Government Administration and machinery mainly consist of the following entities:

(i) The Federal Government: The Federal Government is, in fact, the Central Government with 25 Federal Ministries headed by their respective Ministers and administrative heads, the Secretary- Generals.

(ii) The State Governments: There are 13 State Governments within Malaysia implementing state functions along with Federal Departments. The State Governments generate their own revenues and incur their own expenditures even though the Federal Government undertakes projects at the state level agreed upon in the Concurrent List and Federal List in the Constitution of Malaysia. even though the Federal Government undertakes projects at the state level agreed upon in the Concurrent List and Federal List in the Constitution of Malaysia.

(iii) Local Authorities: The Local Authorities constitute the City Councils, Municipalities and District Councils that operate with revenue derived from sources within their jurisdiction and boundaries namely assessment, licensing etc. They also receive financial grants from the Federal Government and respective State Governments. These Local Authorities enjoy financial autonomy although they adhere to the general Government procurement procedures.

(iv) Statutory Bodies: Statutory bodies are set up under Statute Acts both by the Federal and State Governments. These bodies are normally set up for specific purposes and although they are autonomous, they are also generally governed by Government procurement procedures.

f) Law and Regulations Related to Government Procurement

The following are the law and regulation body and institutions for the government procurement:

- (i) Financial Authority
- (ii) Financial Procedure Act 1957 (Revised 1972)
- (iii) Treasury Instructions
- (iv) Government Contract Act 1949
- (v) Treasury Circular Letters
- (vi) Federal Central Contract Circulars

g) Categories of Government Procurement

For purposes of procurement, the Malaysian Government procurement has been categorized as follows:

Works :Works contracts include construction and engineering activities involve in infrastructure and structures such as buildings, airports, roads/highways, dams, drainage etc. It is also inclusive of mechanical and electrical aspects of works.

Supplies: Supplies include the supply of raw, intermediate or finished goods and products for any activity of users. Also included are construction materials, food products, uniforms, vehicles, equipment, spare parts, furniture

Services: Services include engagement of manpower, expertise and consultants in the areas of feasibility studies, research, designing, surveying, management etc. Other services such as repairs, maintenance and cleaning services are minor activities under this category etc.

h) Types and Modes of Procurement

Direct Purchase: (i) This procedure allows procurement of supplies and services up to the value of RM 50,000 directly through the issue of a Government Order to any known suppliers of goods or services consistently supplying goods at acceptable quality and reasonable price. The requirement of registration is exempted. (ii) Procurement of works up to the value of RM20,000 may be done through the issue of a Works Indent to a contractor who is registered with the Contractors Services Centre (PKK) and Construction Industry Development Board (CIDB) Malaysia.

Quotation: (i) Procurement of supplies and services above the value of RM50,000 and up to RM500,000 is done through calling of quotations and the minimum number of quotations to be invited is five. All suppliers wishing to take part in quotations must be registered with the Government. (ii) Procurement of works above the value of RM20,000 and up to RM500,000 is done through calling of quotations and the minimum number of quotations to be invited is five. All contractors wishing to take part in quotations must be registered with the PKK and CIDB.

Tenders: Procurement of works, supplies and services above the value of RM 500,000 must be done through tender processes. All contractors intending to participate in local tenders must be registered with the Government. International tenders will be invited for supplies and services if there are no locally produced supplies or services available. For specific works, if local contractors do not have the expertise and capability, tenders may be called on a joint venture basis between local and foreign contractors to encourage the transfer of technology. International tenders for works may only be called when local contractors do not have the expertise and capability, and a joint venture is not possible.

i) Tender Procurement Process

(i) Specifications: Ministries and Departments are required to initially prepare tender specifications. For this purpose a technical committee needs to be formed.

Tender Documents: Tender documents are prepared and distributed at a minimum cost.

(ii) Advertisement: All tenders are advertised in at least one local daily in the Malay language. International tenders must be advertised in at least two local dailies ie one in the Malay language and one in the English language. Procurement opportunities can also be accessed through the procuring agencies' websites, My PROCUREMENT portal (<http://myprocurement.treasury.gov.my>) and My Government portal (www.malaysia.gov.my). Bidders are given a submission period of not less than 21 days for local tenders. For international tenders the submission period may not be less than 56 days.

(iii) Sale of tender Documents: Sale of tender documents may commence from the date of publication of advertisement in the dailies. Only contractors fulfilling the local registration requirement may purchase tender documents for local tenders. In the case of international tender, supplies and services contractors are exempted from the local registration requirement. However, works contracts require foreign contractors to register with the CIDB. The requirement to register with CIDB is mandatory for all contractors (iv) dealing Sale of tender Documents: Sale of tender documents may commence from the date of publication of advertisement in the dailies. Only contractors fulfilling the local registration requirement may purchase tender documents for local tenders. In the case of international tender, supplies and services contractors are exempted from the local registration requirement. However, works contracts require foreign contractors to register with the CIDB. The requirement to register with CIDB is mandatory for all contractors dealing with the construction industry in Malaysia under an Act of Parliament.

(v) Tender Deposits: Local suppliers and contractors registered with the Government are exempted from tender deposits. But for international bidders are required to furnish a tender deposit as per requirement.

(vi) Closing and Opening of tenders: The tender advertisement stipulates the precise date and time of closing and the address to which all tenders must be sent. The tenders may be sent by post or dropped into boxes specially made available for this purpose. Tender proposals by bidders should include the technical and financial proposals prepared separately in two copies and sealed in separate envelopes to facilitate scheduling and independent evaluation. A Tender Opening Committee comprising of senior government officers will open and schedule all the tenders and prepare a schedule of prices quoted. All tenders will be accorded a serial number and the name of bidders will be omitted to enable fair, just and independent evaluation of tenders by the Technical and Financial Evaluation committee.

(vii) Evaluation of Tenders: Evaluation committees will evaluate all tenders based on the criteria set in the tender document.

(viii) Selection of Successful Bidder: The Agency Procurement Boards will consider and select the successful bidder. Selection of tenders will be based on the general procurement principles, pre-determined criteria and final evaluation. All tenders are to be considered by the Agency Procurement Boards. However in cases where the tender value is above RM100 million for works and RM50 million for supplies and services, the tenders would then be sent with recommendation of the Agency Procurement Boards to the Ministry of Finance for final decision. Information of successful bidder will be displayed in the procuring agencies' websites and PROCUREMENT portal.

j) Registration Requirement of Contractors

All individuals, companies or corporate bodies intending to participate in Government procurement i.e. to do business with the Government are required to undergo a registration process. This includes all contractors of works, supplies and services. Registration authorities are as below:

Registration Authorities

Category	Registration Authorities
Works	Contractors Services Centre (PKK), Ministry of Works and the Construction Industry Development Board (CIDB) Malaysia
Supplies	Government Procurement Division, Ministry of Finance Malaysia
Services	Government Procurement Division, Ministry of Finance Malaysia

(i) The registration requirement is to ensure that companies/contractors are bona fide, truly committed in the relevant business fields and possesses the capability to carry out works or supply and provide the services. For works, construction and electrical contractors are registered separately. There are six (6) classes of registration for construction and four (4) classes for electrical contractors under the PKK registration.

(ii) This registration requirement enables the government to take disciplinary action and impose penalties on contractors who do not perform according to contract. Penalties imposed according to seriousness of deviations, range from warning, suspension of registration for a maximum period of 5 years and to blacklisting of Companies/Board of Directors of the contracting parties from conducting further businesses with any Government Ministry, Department or Agency. This applies to contractors/suppliers with

consistent or serious deviations from the contract conditions where enforcement of the contract conditions alone would not resolve the seriousness or complications as the case might be. exemption is granted contractors need to furnish tender deposits.

k) Agency Procurement Boards

(i) All tenders i.e. procurement of supplies, services and works above the value of RM500,000 must be considered and decided by Agency Procurement Boards. The Minister of Finance appoints all Federal Government Procurement Boards and the Chief Ministers of the respective states appoints the State Government Procurement Boards. The chairperson is usually a Head of Department or a Controlling Officer who under the Financial Procedure Act 1957 is empowered to manage the annual allocation given to a particular Ministry or Department.

(ii) Currently two (2) Agency Procurement Boards have been established in all federal ministries i.e. Agency Procurement Board 'A' and Agency Procurement Board 'B'. The Agency Procurement Board 'A' is empowered to decide on tenders up to RM50 million for supplies and services, and up to RM100 million for works. The representative from the Ministry of Finance is the permanent member of the Agency Procurement Board 'A' and his presence is mandatory to validate the decision of the Board. This requirement is mainly to ensure that all procurement principles, policies, rules and regulations and procedures are strictly adhered to. The Agency Procurement Board 'B' is empowered to decide on all tenders below RM20 million without the presence of a representative from the Ministry of Finance.

(iii) Tenders above the values of RM50 million for supplies and services and RM100 million for works for Government Ministries/Departments and tenders above RM100 million for statutory bodies must be forwarded to the Ministry of Finance for final decision. An decisions of the Agency Procurement Boards which are not unanimous must also be forwarded to the Ministry of Finance for final decision.

(iv) Letter of Intent: The letter of intent will be issued to the successful bidder, if necessary. The letter of intent may consist of additional terms and conditions.

(v) Letter of Acceptance: The letter of acceptance is directly issued to the successful bidder.

l) Formal Contract

(a) For Supplies and Services contract

(i) 2.5 percent of contract value for contracts exceeding RM200,000 and less than RM500,000; and ii)5.0 percent for contracts exceeding RM500,000.

(b) For Works contract: (i) 5.0 percent of the contract value exceeding RM200,000.

2.2.3 PUBLIC PROCUREMENT RULES, 2004, PAKISTAN

a) Introduction

There are fifty one provisions in the Public Procurement Rules, 2004 of Pakistan. These provisions consist of general definitions, inviting tenders, evaluation of bids, the process of selecting bidder and implementation of the contract. The following provisions are the basic features of this procurement manual.

b) Integrity pact

Procurements exceeding the prescribed limit shall be subject to an integrity pact, as specified by regulation with approval of the Federal Government, between the procuring agency and the suppliers or contractors.

c) Procurement Planning

Within one year of commencement of these rules, all procuring agencies shall devise a mechanism, for planning in detail for all proposed procurements within the object of realistically determining the requirements of the procuring agency, within its available resources, delivery time or completion date and benefits that are likely to accrue to the procuring agency in future.

d) Procurement Advertisements

Procurements over forty thousand rupees and up to the limit of one million rupees shall be advertised on the Authority's website in the manner specified by the regulation from time to time. All procurement over one million rupees should be advertised on Authority's website as well as in other print media or newspaper with wide circulation.

e) Exceptions

It shall be mandatory for all procuring agencies to advertise all procurement requirements exceeding forty thousand rupees. However under following circumstances deviations may be permissible (i) procurement related with national security and (ii) available only in single source.

f) Pre-qualification of suppliers and contractors

A procuring agency, prior to the pre-qualification may take into consideration the following factors, namely:

- (a) Relevant experience and past performance;
- (b) Capabilities with respect to personnel, equipment, and plant;
- (c) Financial position;
- (d) Appropriate managerial capability; and
- (e) Any other factor that a procuring agency may deem relevant, not inconsistent with these rules.

g) Methods of procurement

- (i) Principal method of procurement.- Save as otherwise provided hereinafter, the procuring agencies shall use 'open competitive bidding' as the principal method of procurement for the procurement of goods, services and works.
- (ii) Open competitive bidding.- Subject to the provisions of rules 22 to 37 the procuring agencies shall engage in open competitive bidding if the cost of the object to be procured is more than forty thousand rupees.

h) Opening, Evaluation and Rejection of Bids

The date for opening of bids and the last date the submission of the bids shall be the same. The bids shall be opened minimum thirty minute later of submission of the bids. Procuring Agency shall formulate an appropriate evaluation criteria listing all the relevant information against which bids are to be evaluated.

Announcement of evaluation reports.- Procuring agencies shall announce the results of bid evaluation in the form of a report giving justification for acceptance or rejection of bids at least ten days prior to the award of procurement contract.

i) Alternative methods of procurements

A procuring agency may utilize the following alternative methods of procurement of goods, services and works, namely:-

Petty purchases:- Procuring agencies may provide for petty purchases where the object of the procurement is below the financial limit of ten thousand rupees. Such procurement shall be exempt from the requirements of bidding or quotation of prices.

Request for quotations:- A procuring agency shall engage in this method of procurement only if the conditions exist as per prescribed.

Negotiated tendering:- A procuring Entity may engage negotiated tendering with one or more suppliers of contractors with or without prior publication of a procurement notification.

j) On account payments

All procuring agencies shall make prompt payments to suppliers and contractors against their invoices or running bills within the time given in the conditions of the contract, which shall not exceed thirty days.

k) Redressal of grievances by the procuring agency

The procuring agency shall constitute a committee comprising of odd number of persons, with proper powers and authorizations, to address the complaints of bidders that may occur prior to the entry into force of the procurement contract. After coming into force of the procurement contracts, disputes between the parties to the contract shall be settled by arbitration. The procuring agencies shall provide for a method of arbitration in the procurement contract, not inconsistent with the laws of Pakistan. The provisions of these rules shall have effect notwithstanding anything to the contrary contained in any other rules concerning public procurements.

2.2.4 IMPORTANT FINDINGS

a) Introduction

In this article, the procurement procedure of three neighbouring countries such as India, Malaysia and Pakistan have been studied with a view to understand something new than those of Bangladesh. Important technique or rule procurement procedure are summarized below:

b) Procurement rule in India

This is a procurement Manual of Technical Education Quality Improvement Program (TEQIP). TEQIP is being assisted by the World Bank and Government Of India (GOI) has received a Credit (Credit No-4685-IN) from the International Development Association in various currencies towards the cost of the project. The following points are special features of this procurement Manual other than those of Bangladesh:

(i) Procurement Management Support System (PMSS) mainly processes and monitors the whole procurement system. It is a web based software system specially developed for TEQIP. It provides information of specifications, maintenance database, generate advertisement, supply standard tender Documents, MIS requirement for documentation / report generation requirements of all users.

(ii) This manual suggest for the preparation of Annual Procurement Plan and its updating.

(iii) For all procurements, information on prequalification and award of contract shall be posted on the institutional website for two weeks.

(iv) Tender Document can be made downloaded from the Institute website and that can be submitted with required fees.

c) Procurement rule in Malaysia

The procurement principles of Malaysia aims the objectives of the National Development Policy towards the developed nation status. Its special features are summarized below:

(i) After Opening the tenders, all the tenders will be accorded a serial number and the name of the bidders will be omitted to enable fair, just and independent evaluation of tenders by the Technical and Financial Evaluation committee.

(ii) Information of the successful bidders will be displayed in the procuring agencies' website and Procurement portal.

(iii) All individuals, companies or corporate bodies intending to participate in Government procurement i.e to do business with the government are required to undergo a registration process. This includes all contractors of works, service and goods Registration Authority. For the procurement of works the Registration Authority are Contractors Services Centre (PKK), Ministry of Works and the Construction Industry Development Board (CIDB) Malaysia.

d) Procurement rule in Pakistan

There are 51 Rules in the Public Procurement Rules, 2004 of Pakistan. The following points are special features of this procurement Rule-2004 :

(i) The annual procurement plan would be advertised on the Authority's website as well as on the website of the procuring agency.

(ii) There are some alternative methods of procurements in which PETTY PURCHASE is the important one. Below the procurement of ten thousand rupees, procurement shall be exempt from the requirement of bidding or quotation.

(iii) Negotiated tendering is allowed in some urgent and special type of cases where the time of Open tendering or Limited tendering cannot be met.

(iv) The procuring Entity shall constitute a committee of odd numbers of persons with proper powers and authorizations to address the complaints of bidders that may occur prior to entry into the force of the procurement contract.

CHAPTER THREE

STANDARD TENDER DOCUMENTS

3.1 Introduction

The Central Procurement Technical Unit (CPTU) was established in April 2002 as a unit within the Implementation Monitoring and Evaluation Division (IMED) of the Ministry of Planning. The CPTU is a permanent institution of the government, funded under the revenue budget and established for carrying out the purposes of Section 67 of the Public Procurement Act.-2006 state that for carrying out the purposes of the Public Procurement Act, the Government shall, through a Central Procurement Technical Unit (CPTU) or any other unit established by it relating to procurement monitoring, coordination and management, perform the following responsibility, namely

- (a) Providing for monitoring compliance with and implementation of this Act through the authority as designated by the government.
- (b) Arranging for performance of the necessary functions and responsibilities incidental thereto, through the authority as designated by the government.
- (c) Performing any other responsibilities as prescribed.

Then the Public Procurement Rules-2008 prescribed the following additional responsibility to CPTU.

- (a) Propose any Amendment to the Act, Rules or other Documents which appears necessary in the light of international practices and experience gained in course of the Public Procurement process in Bangladesh.
- (b) Issue guidance and instructions regarding the interpretation and implementation of these Rules and other Documents issued by it and give, upon request from the concerned Procuring Entity or Tenderer, advice and assistance to Procuring Entities without, however, diminishing the responsibility of a Procuring Entity.
- (c) Prepare and distribute Standard Tender Documents (STD) to be used in connection with public Procurement.

Documents needed for Pre-Qualifications, Tenders and Proposals shall be prepared by the Procuring Entity following the Standard Tender Documents issued by the CPTU listed in Schedule The Documents for Goods and related Services, Works and Physical Services shall be available there depending on the context, among others.

The main documents of the STD of Works includes as the following Chapters

- (i) Section 1. Instruction to Tenderers (ITT)
- (ii) Section 2. Tender Data Sheet (TDS)
- (iii) Section 3. General Conditions of Contract(GCC)
- (iv) Section 4. Particular Conditions of Contract(PCC)
- (v) Section 5. Tender and Contract Forms
- (vi) Section 6. Bill of Quantities
- (vii) Section 7. General Specifications
- (viii) Section 8. Particular Specifications
- (ix) Section 9. Drawings

The Section 1. Instruction to Tenderers(ITT) provides relevant information to help Tenderers prepare their Tenders. Information is also provided on the submission, opening, and evaluation of Tenders and on the award of Contract. The Instruction to Tenderer (ITT) specifies the instructions and procedures that govern the tendering process. This Section also contains the criteria to be used by the Procuring Entity to determine the lowest evaluated Tender and the qualifications of the Tenderer to perform the Contract. The Instructions to Tenderer (ITT) are therefore not a part of the Contract. The Standard Tender Documents of different value of Contract are briefly out lined .

3.2 STANDARD TENDER DOCUMENTS FOR PROCUREMENT OF WORKS-PW-1

3.2.1 Introduction

This Standard Tender Document is used in Request for Quotation Method (RFQM) for the procurement of works ranging the value upto Tk.1 million. This documents have been prepared by the CPTU to assist a Procuring Entity in the preparation of Quotation document, using the Standard Request for Quotation, SRFQ, for the procurement of low value simple Works and physical services All concerned are advised to refer to the Public Procurement Rules, 2008 issued to supplement the Public Procurement Act, 2006; available on CPTU's website: <http://www.cptu.gov.bd/>. Notes and guidance are provided for both the Procuring Entity and the Quotationer. The procurement under Request for Quotation Method (RFQM) shall follow the provisions pursuant to Rules 69 to 73 of the Public Procurement Rules, 2008 in accordance with Section 32 of the Public Procurement Act, 2006.

SRFQ is based upon best national practices that have been adapted to suit the particular needs of procurement. The use of SRFQ (PW1) applies when a Procuring Entity intends to select a Quotationer (a Contractor) for the Procurement of Works and physical services under RFQ Method (RFQM) pursuant to Rule 69(3) of the Public Procurement Rules, 2008.

3.2.2 Qualification Criteria of the Quotationers

- (a) Quotationer shall have legal capacity to enter into Contract.
- (b) Quotationer, in support of its qualification shall be required to submit certified photocopies of latest documents related to (i) Valid Trade License, (ii) Tax Identification Number (TIN), (iii) VAT Registration Number and (iv) Financial Solvency Certificate from any scheduled Bank; Without the above qualifications documents the Quotation may be considered non-responsive.

3.3 STANDARD TENDER DOCUMENT FOR THE PROCUREMENT OF WORK PW -2

3.3.1 Introduction

These documents have been prepared by the CPTU to assist a Procuring Entity in the preparation, using this Standard Tender Document (STD), for the procurement of Works and Physical services having estimated cost up to Tk 20 million. The Procuring Entity should also refer to the Public Procurement Act 2006 (Act No 24 of 2006) and the Public Procurement Rules, 2008, issued to supplement the Act available on CPTU's website: <http://www.cptu.gov.bd/> All concerned are advised to refer to the aforementioned Act and Rules while participating in any tendering process. The use of STD (PW2) applies when a Procuring Entity intends to select a Tenderer (a Contractor) for the Procurement of Works and physical services under Limited Tendering Method (LTM) and Open Tendering Method (OTM) while the contract award is being determined on the basis of lowest evaluated responsive Tender.

3.3.2 Qualification Criteria of the Tenderers

- (a) General: Tenderer to be qualified by meeting predefined, precise minimum

requirements, which entails setting pass/fail criteria, which if not met by the Tenderer, will be considered as non-responsive. To qualify for a multiple number of lots in a package for which Tenders are invited in the invitation for Tenders, the Tenderers shall demonstrate having resource and experience sufficient to meet the aggregate of the qualifying criteria for individual lots.

(b) Experience Criteria: The Tenderer shall have the construction experience of satisfactory completion of similar works of a minimum value under a single or multiple numbers of contracts over a period, as specified in the Tender Data Sheet (TDS). The minimum value of the similar works under a single or multiple number of contract (s) is recommended to be between 50 and 75 percent of the estimated cost, rounded off to nearest Taka thousand, of the proposed work. years counting backward from the date of publication of Invitation of Tender(IFT) in the newspaper. For Tenders where the package contains more than one (1) lot, this qualification requirements, shall be mentioned separately for each lot in the package.

(c) The Tenderer shall have the following minimum level of financial capacity to qualify for the performance of the Works under the Contract.

(i) Average Annual Turn Over: The average annual construction turnover as specified in the Tender Data Sheet(TDS) during the period specified in the TDS.

The required average annual construction turn over is recommended to be about less than or equal to the estimated annual cash flow for the Contract; however the multiplier may vary from 0.30 to 1.00;years counting backward from the date of publication of IFT in the newspaper. For Tenders where the package contains more than one (1) lot, this qualification requirements shall be mentioned separately for each lot in the package

(ii) Cash Flow: A availability of minimum liquid assets or working capital or credit facilities from a Bank, as specified in the TDS. Usually the required liquid asset is the equivalent of 2-6 months payment flow at the average construction rate (straight line distribution), accessible or available after taking into account the financial requirements of existing commitments. The actual period will depend on the speed with which the Procuring Entity will pay the Contractor's monthly certificate, allowing time to prepare an invoice, for the Project Manager's time to certify it, and at least one month contingency for preparing the cheque and making actual payment.

For Tenders where the package contains more than one (1) lot, this qualification requirements shall be mentioned separately for each lot in the package.

(d) Subcontractor (s):The successful Tenderer shall under no circumstances assign the Works or any part of it to the Subcontractor(s).

3.4 STANDARD TENDER DOCUMENTS FOR PROCUREMENT OF WORKS-PW-3

3.4.1 Introduction

This Standard Tender Document (STD) have been prepared by the CPTU to assist a Procuring Entity in the preparation of Tender Document for the procurement of Works and Physical services having estimated cost up to Tk 500 million. The Procuring Entity should also refer to the Public Procurement Act 2006 (Act No 24 of 2006) and the Public Procurement Rules, 2008, issued to supplement the Act available on CPTU's website: <http://www.cptu.gov.bd/>. All concerned are advised to refer to the aforementioned Act and Rules while participating in any Tendering process. The use of STD (PW3) applies when a Procuring Entity intends to select a Tenderer (a Contractor) for the Procurement of Works and physical services under Open Tendering Method (OTM) while the contract award is being determined on the basis of lowest evaluated responsive Tender and when a pre-qualification process has not taken place STD (PW3) is intended as a model for admeasurements contracts (unit prices or unit rates in a Bill of Quantities) and the main text refers to admeasurements Contracts.

STD (PW3) is based upon internationally acceptable model formats, which have been adapted to suit the particular needs of procurement within Bangladesh.

The Procuring Entity addresses its specific needs through the information provided in the Tender Data Sheet (TDS) and the Particular Conditions of Contract (PCC) as well as in the detailed requirements of the procurement in the Bill of Quantities, General and Particular Specifications and/or the Drawings. STD (PW3) when properly completed will provide all the information that a Tenderer needs in order to prepare and submit a Tender. This should provide a sound basis on which the Procuring Entity can fairly, transparently and efficiently carry out a Tender evaluation process on the Tenders submitted by the Tenderers STD (PW3) has 9 Sections, of which Section 1: Instruction to Tenderer and Section 3: General Conditions of Contract must not be altered or modified under any circumstances.

The Qualification Criteria of the tenderers on the basis of Section 1. Instruction to tenderers (ITT) and Section 2. Tender Data Sheet (TDS) are described as follows:

3.4.2 Qualifying Criteria of the Tenderers

(a) General Criteria :The Tenderers shall possess the necessary professional and technical qualifications and competence, financial resources, equipment and other physical facilities, managerial capability, specific experience, reputation, and the personnel, to perform the contract. To qualify for multiple number of contracts/lots in a package made up of this and other individual contracts/lots for which tenders are invited in the Invitation for Tenders, the Tenderer shall demonstrate having resources and experience sufficient to meet the aggregate of the qualifying criteria for the individual contracts.

(b) Litigation History: Litigation history shall comply with the requirement as specified in Instruction to Tenderer (ITT). The Tenderer shall have satisfactory resolution of all claims, arbitrations or other litigation cases and shall not have serious negative impact on the financial capacity.

(c) Experience Criteria: The Tenderer shall have the following minimum level of construction experience to qualify for the performance of the Works under the Contract.

(i) A minimum number of years of general experience in the construction of works as Prime Contractor or Subcontractor or Management Contractor as specified in the TDS; and

(ii) A minimum of three (3) years would be deemed reasonable; years counting backward from the date of publication of IFT in the newspaper.

(iii) Specific experience as a Prime Contractor or Subcontractor or Management Contractor in construction works of a nature, complexity and methods/construction technology similar to the proposed Works in at least a number of contract(s) and of a minimum value over the period, as specified in the TDS.

(iv) The minimum number of contracts will depend upon the size and type of construction work, and the Procuring Entity should make its own judgement based upon its experience in the sector and construction industry. For example, for large works, it could be one (1) contract of similar nature during the last three (3) years or five (5) years

or ten (10) years (whichever appropriate); years counting backward from the date of publication of IFT in the newspaper.

(v) For Tenders where the package contains more than one (1) lot, this qualification requirements, only when applicable, shall be mentioned separately for each lot in the package.

(vi) The minimum value of the similar works is recommended to be between 50 and 75 percent of the estimated cost of the proposed work.

(d) Financial Criteria: The Tenderer shall have the following minimum level of financial capacity to qualify for the performance of the Works under the Contract.

(i) The average annual construction turnover as specified in the TDS during the period specified in the TDS; The required average annual construction turn over is recommended to be about twice the estimated annual cash flow for the Contract; however the multiplier may vary from 1.0 to 2.0, the larger the Contract size the lesser the multiplier should be. The period may be best three (3) years in the last five (5) years or best five (5) years in the last ten (10) years (as appropriate) ; years counting backward from the date of publication of IFT in the newspaper. For Tenders where the package contains more than one (1) lot, this qualification requirements shall be mentioned separately for each lot in the package.

(ii) Availability of minimum liquid assets or working capital or credit facilities, as specified in the TDS; and Usually the required liquid asset is the equivalent of 2-6 months payment flow at the average construction rate (straight line distribution), accessible or available after taking into account the financial requirements of existing commitments.

The actual period will depend on the speed with which the Procuring Entity will pay the Contractor's monthly certificate, allowing time to prepare an invoice, for the Project Manager's time to certify it, and at least one month contingency for preparing the cheque and making actual payment. For Tenders where the package contains more than one (1) lot, this qualification requirements shall be mentioned separately for each lot in the package.

(e) Personnel Capacity: The Tenderer shall have the following minimum level of personnel capacity to qualify for the performance of the Works under the Contract:

(i) a Construction Project Manager, (ii) Engineers, and other key staff and (iii) with qualifications and experience as specified in the TDS.

(f) Equipment Capability: The Tenderer shall own suitable equipment and other physical facilities or have proven access through contractual arrangement to hire or lease such equipment or facilities for the desired period, where necessary or have assured access through lease, hire, or other such method, of the essential equipment, in full working order, as specified in the TDS.

(g) Joint Venture: Each partner of the JVCA shall be jointly and severally liable for the execution of the Contract, all liabilities and ethical and legal obligations in accordance with the Contract terms.

(i) The JVCA shall nominate a Representative (partner-in-charge) who shall have the authority to conduct all business for and on behalf of any and all the partners of the JVCA during the tendering process and, in the event the JVCA is awarded the Contract, during contract execution including the receipt of payments for and on behalf of the JVCA.

(ii) Each partner of the JVCA shall complete the JVCA Partner Information (Form PW3-3) for submission with the Tender.

(h) Subcontractors : i) A Tenderer may intend to subcontract an activity or part of the Works, in which case such elements and the proposed Subcontractor shall be clearly identified.

(ii) The Procuring Entity may require Tenderers to provide more information about their subcontracting arrangements. If any Subcontractor is found ineligible or unsuitable to carry out the subcontracted tasks, the Procuring Entity may request the Tenderer to propose an acceptable substitute.

(iii) The Procuring Entity may also select nominated Subcontractor(s) to execute certain specific components of the Works and if so, those will be specified in the TDS.

(iv) The successful Tenderer shall under no circumstances assign the Works or any part of it to a Subcontractor.

(v) Each Subcontractor shall complete the Subcontractor Information (Form PW3-4) for submission with the Tender.

3.5 STANDARD TENDER DOCUMENT FOR PREQUALIFICATION

3.5.1. Introduction

This Standard Tender Document (STD), have been prepared by the CPTU to assist a Procuring Entity in the preparation of Tender Documents of Prequalification Procedures for Procurement of Works.

The Procuring Entity should also refer to the Public Procurement Regulations 2003 and the Public Procurement Procedures, issued to supplement the Regulations. The use of SPD (PQW4) applies when a Procuring Entity (the Procurement Entity) wishes to take place a prequalification process prior to the Tendering process for procurement of works through National Competitive Tendering (NCB) in projects. Care should be taken to check the relevance of the provisions of the SPD against the requirements of the specific Works to be procured. The following directions should be observed when using the documents:

(a) All the documents listed in the Table of Contents are normally required for the prequalification for procurement of Works. However, they should be adapted as necessary to the circumstances of the particular Project. Such adaptations are limited to the Prequalification Data Sheet (PDS), Qualification Criteria and Requirement (QCR), Specifications, Drawings and Bill of Quantities.

(b) The notes contain instructions for the user, as in this Introduction section. They should not be incorporated in the Prequalification Document but adapted as necessary for the particular Document. The cover should be modified as required to identify the Prequalification Document as to the names of the Project, Contract, and Procurement Entity, in addition to date of issue.

(c) Other notes should be retained in the issued Prequalification Document, since these notes provide important guidance to applicants. The following table describes the Eligibility and Qualification criteria of the Applicants to be prequalified , Compliance Requirements and Documentations supplied by the Applicants.

3.5.2 Eligibility and Qualification Criteria

Eligibility and Qualification Criteria							
No	Subject	Requirement	Single Entity	Compliance Requirements			Documentation
				Joint Venture			
				All Parties Combined	Each Partner	One Partner	
Submission Requirements							
1. Eligibility							
1.1	Nationality	Nationality in accordance with ITA Sub-Clause 4.2	Must meet requirement	Existing or intended JV must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments
1.2	Conflict of Interest	No conflicts of interest in ITA Sub-Clause 4.4	Must meet requirement	Existing or intended JV must meet requirement	Must meet requirement	N/A	Application Submission Form
1.3	GOB Ineligibility	Not having been declared ineligible by the GOB, as described in ITA Sub-Clause 4.7	Must meet requirement	Existing JV must meet requirement	Must meet requirement	N/A	Application Submission Form
1.4	Government Owned Entity	Applicant required to meet conditions of ITA Sub-Clause 4.8	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments
1.5	United Nations resolution or Procurement Entity's country law	Not having been excluded as a result of the Procurement Entity's country laws or official regulations, or by an act of compliance with UN Security Council resolution, in accordance with ITA 4.11	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI – 1.1 and 1.2, with attachments

2. Historical Contract Non-Performance							
2.1	History of Non-Performing Contracts	Non-performance of a contract did not occur within the last years specified prior to the deadline for application submission based on all information on fully settled disputes or litigation. A fully settled dispute or litigation is one that has been resolved in accordance with the Dispute Resolution Mechanism under the respective contract and where all appeal instances available to the applicant have been exhausted.	Must meet requirement by itself or as partner to past or existing JV	N/A	Must meet requirement by itself or as partner to past or existing JV	N/A	Form CON-2
2.2	Failure to Sign Contract	Not being under execution of a Tender Securing Declaration pursuant to Sub-Clause 4.9 for years specified.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Application Submission Form
2.3	Pending Litigation	All pending litigation shall in total not represent more than % specified of the Applicant's net worth and shall be treated as resolved against the Applicant	Must meet requirement by itself or as a partner to past or existing JV	N/A	Must meet requirement by itself or as a partner to past or existing JV	N/A	Form CON – 2

3. Financial Situation							
3.1	Financial Performance	Submission of audited balance sheets or if not required by the law of the Applicant's country, other financial statements acceptable to the Procurement Entity, for the last years specified to demonstrate:	Must meet requirement	N/A	Must meet requirement	N/A	Form FIN – 3.1 with attachments
		(a) the current soundness of the applicant's financial position and its prospective long term profitability, and	(a) Must meet requirement	(a) N/A	(a) Must meet requirement	(a) N/A	
		(b) capacity to have a cash flow amount of US\$ as specified equivalent	(b) Must meet requirement	(b) Must meet requirement	(b) N/A	(b) N/A	
3.2	Average Annual Construction Turnover	Minimum average annual construction turnover of US\$ specified <i>equivalent</i> ,calculated as total certified payments received for contracts in progress or completed, within the last years specified ,	Must meet requirement	Must meet requirement	Must meet % as specified of the requirement	Must meet %, as specified of the requirement	Form FIN – 3.2

4. Experience							
4.1	General Construction Experience	Experience under construction contracts in the role of contractor, subcontractor, or management contractor for at least the last years specified prior to the application submission deadline, and with activity in at least nine (9) months in each year.	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP – 4.1
4.2 (a)	Specific Construction Experience	Participation as contractor, management contractor or subcontractor, in at least contracts as specified within the last years specified , each with a value of at least specified, that have been successfully and substantially completed and that are similar to the proposed works. The similarity shall be based on the physical size, complexity, methods/technology or other characteristics as described in Section VI, Scope of Works	Must meet requirement	Must meet requirement	N/A	Must meet require for one contract (can be a specialist subcontractor	Form EXP 4.2(a)
4.2 (b)		For the above or other contracts executed during the period stipulated in 4.2 (a) above, a minimum construction experience in the following key activities: as specified	Must meet requirements	Must meet requirements	N/A	Must meet the following requirements for the key activities listed as specified .	Form EXP – 4.2 (b)

Reference: Standard Prequalification Document (SPD) for Procurement of Works PQW4 issued by CPTU.

3.5.3 Evaluation of Prequalification of the Applicants

In the following ways prequalification of the applicants are completed as follows: Once the Procurement Entity has completed the evaluation of the applications it shall notify all Applicants in writing of the names of those applicants who have been prequalified. Promptly after the notification of the results of the prequalification the Procurement Entity shall invite Tenders from all the Applicants that have been prequalified. Tenderers may be required to provide a Tender Security or a Tender Securing Declaration acceptable to the Procuring Entity in the form and an amount to be specified in the Tender Documents and the successful Tenderer shall be required to provide a Performance Security to be specified in the Tender Documents.

3.6 THE STANDARD TENDER DOCUMENT FOR THE PROCUREMENT OF WORK-PW4

3.6.1 Introduction

These documents have been prepared by the CPTU to assist a Procuring Entity in the preparation, using the Standard Tender Document (STD), for the procurement of Large Works value above Tk 350 million. The Procuring Entity should also refer to the Public Procurement Act, 2006 and Public Procurement Rule, 2008.

The use of STD PW4 applies for National Procurement of Works under Open Tendering Method when the Procurement Entity wishes to select a Tenderer or a Contractor from the Pre-qualified Tenderers. The Standard Tendering Documents for Procurement of Works PW4 have been prepared by the CPTU to be used for the procurement of admeasurements i.e. unit price or rate type of works through National Competitive Tendering (NCB) in projects. These Tender Document PW4 assume that prequalification has taken place before Tendering. The process of prequalification shall follow the procedure indicated in Standard Prequalification Documents: Procurement of Works STD PQW4, issued by the CPTU. .STD (PW4) is based upon internationally acceptable model formats, which have been adapted to suit the particular needs of procurement within Bangladesh.

3.6.2 Evaluation and Award

The Procurement Entity shall compare all substantially responsive Tenders in view to determine the lowest evaluated Tender. The Procurement Entity shall determine to its satisfaction whether the Tenderer that is selected as having submitted the lowest evaluated and substantially responsive Tender either continues to meet (if prequalification applies) or meets (if post qualification applies) the qualifying criteria specified in Section III, Evaluation and Qualification Criteria. The determination shall be based upon an examination of the documentary evidence of the Tenderer's qualifications submitted by the Tenderer. An affirmative determination shall be a prerequisite for award of the Contract to the Tenderer. A negative determination shall result in disqualification of the Tender, in which event the Procurement Entity shall proceed to the next lowest evaluated Tender to make a similar determination of that Tenderer's qualifications to perform satisfactorily.

CHAPTER FOUR

A SURVEY OF MEDIUM TO LARGE SIZED CONSTRUCTION FIRMS

4.1 Introduction

There are many construction firms in our country. Some of them are large in their capacity and some are small. They are performing construction business in Bangladesh with different period of experiences. The execution of contracts of construction works undergo the acts of PPA -2006 and rules of PPR-2008 as well as procuring entity's own purchase Manuals. The procuring entities are using Request for Quotation Method (RFQM), Open Tendering Method (OTM), Limited Tendering Method (LTM), Direct Purchase Method, Two Stage Tendering Method, Frame work Contract Method etc according to the size and priority of the projects. A large numbers of construction firm have been surveyed for this study. Among these firm, eighteen firms' details are demonstrated in the report. From the survey data it was found that sometimes the firms could end the contract with successful completion of the projects, sometimes they had to terminate the contract due to various problems. In some cases they could complete the works in delay. In the following articles a few successful contracts completed in time and few contracts completed in delay including some hindered contracts of various construction firms of Bangladesh of medium to large sized are surveyed with a view to analyze the relation between the success and failure of contracts with their financial and technical capability.

4.2 Information of Surveyed Construction Firms

There are different types of construction firms are doing construction business in our country. Some of them are very experienced and some of them are newly established. Such 18 numbers medium to large construction firms are surveyed and their information about experience of business, including technical and nontechnical staff capacity, volume of works completed, turn over, cash flow, Trade license, VAT and TIN are collected. Details of the survey data are presented in the Annexure. Most of these construction firms had completed their projects in delay. In time completion of the projects are rare in numbers. Most of the firms have no skilled and technical manpower. It is also seen that the owner and key management staff are not the technical persons. Financial strength and previous experience on related works are also the other problems of many construction firms.

Now a days, most of the Real Estate developer firms have the non engineer proprietors. Thus the quality of the construction works are going to increasing deterioration of quality of work and low and high rise buildings are rising up without consideration of Bangladesh National Building Code (BNBC).

In this survey of eighteen numbers of construction firms , one project of each firm has been described detailed. Among the eighteen contracts, only three projects were found to be completed the project in time. Six numbers of projects are found to be completed in delay. And other nine projects became abandoned due to the faults of the contractors. The detailed of the projects has the project name, project duration, Contractors name, type of construction , project values etc . In the following articles the relations between the success of the projects including the completion in time and delay as well as the cases of project in abandonment are summarized the following articles. The real name of the contractors(firms), consultants and their addresses were not mentioned in this thesis for avoiding any bad circumstances in future. But they have the practical existence.

4.3 Some Cases of Successful Contracts

In this study, a number of projects of eighteen different numbers of construction firms, only three contracts were found completed in time. In the detail study of these three successful contracts, the following points in the light of eligibility criteria of the contractors were found the causes of success:

- (i) Accurate planning of the project by the procuring entity, their correct measurements for the contractor's qualifying criteria and setting them in the tender documents.
- (ii) The contractors having the qualifying criteria submitted with the tender documents of the same and to be selected for award of the projects.
- (iii) The contractors' qualifying criteria of the successful contracts were found genuine during the execution of the project. These contractors had the accurate previous work experience, enough cash flow or credit facility and proper annual average turnover.
- (iv) The duration of the project for completion were estimated correctly in the project planning stage and it was followed sincerely by both the procuring entity and the contractor.

- (v) These successful contractors had the proper and sufficient technical and nontechnical manpower and equipment capability.
- (vi) Both the procuring entities and the contractors followed the contracts strictly.

4.4 Some Cases of Contracts Completed in Delay

In the survey of eighteen projects, six contract for construction project completed in delay. The name, address, experience, financial and technical qualification every delayed projects are shown in the annexure. The causes of delay in the light of contractors' selection qualification criteria are summarized below:

- (i) Due to not follow the contract during the execution of the projects.
- (ii) Due to the insufficient cash flow or credit facility. By only one certificate of credit facility issued from a scheduled bank were used for many projects of different procuring entity.
- (iii) The contractors had not the previous similar work experience, cash flow or credit facility, average annual turnover, technical or non-technical manpower and equipment capability because the project executing construction firm is not the project awarded contractor. One firm was awarded the project and another non-qualified firm executes the project.
- (iv) Very low rate in some items of work and subsequent front loading in the tender are also the cause of delay in the project completion.
- (v) Fund flow problem and lack of work experience were also identified as the cause of delay in the project completion.
- (vi) Conditional letter of credit issued from the bank as the bidder's qualifying criteria for cash flow.

4.5 Cases of Some Abandonment of the Projects

In the above articles of the survey data nine abandoned projects of different construction firms had been identified. The related construction firms submitted their tender to the employers with the documents of qualifying criteria as per threshold levels set in the Standard Tender Documents.

After evaluation of the tenders, they were awarded with the work and they signed agreement with the employer. Then they started the work and after a progression of certain percentage of work, the contractors were not be able to continue the work more. At last the projects become abandoned.

But the reasons only related to bidders' eligibility criteria may be summarized as the following:

With some official formalities between the employers and the contractors and even after judicial arbitration the contract become terminated. There are many reasons behind the abandonment of the projects described below:

(i) The document of the previous similar work experience of the contractors, sometimes found false.

(ii) One qualified contractor signed the agreement with the employer and during the period of work execution another unassigned and inexperienced contractor goes to execute the work. For this, the quality of the work would not be up to the specifications and drawing. To maintain the work quality, employer bargains with contractor. For this, execution of work remains stop months after months. Once the contract become terminated.

(iii) The technical manpower and their CV supplied by the contractors during the tender submission found false later.

(iv) One qualified contractor with sufficient experienced manpower signed contract with employer and a contractor without technical manpower goes to execute the work. For this unnecessary delay in the work occur and subsequently the contract goes to be terminated.

(v) For financial insolvency, the contractors would not make progress in the work. Up to the getting of Pay Order of the running bills, they remain stopped the work. For fund problem, they could not supply the materials at site in time. For these causes, the work become in delay and at one time the contract becomes in terminated.

(vi) For the lack of knowledge in appropriate work program and the lack of equipment capability would also result delay in work, hampered the work quality and subsequently becomes terminated the contract.

(vii) Sometime a few numbers of unfair contractors submitted false performance security before signing the contract. Due to some lack of work capacity, this contractor remains to delay the work and ultimately the project becomes terminated. But for the false performance security, the procuring entity could not take any step of forfeit it against the contractors.

4.6 Assessment of the Relationship of the Qualification Criteria with the Success of the Project

In brief, Public procurement in Bangladesh are processed mainly through a six-tire process:

(i) Planning step: In this step, project is formulated by the analysis of employer's need. After formulating the project, necessary administrative approval is taken from the Head of the Procuring Entity(HOPE) for implementing it.

(ii)Advertising step: For seeking of the competent contractors, invitation for tender/ quotations are published in the daily Bangla/English news paper. It is also published in procuring entity's website(if any) in as well as in CPTU website.

(iii) Evaluation Step: Tenders/quotations received from the bidders are evaluated by the Tender evaluation Committee(TEC) formed previously by employer. TEC arranged all the bidders by checking their qualification criteria submitted in tender documents as responsive or non-responsive. Generally TEC gives recommendation for the lowest evaluated responsive bidder.

(iv) Approval step: Recommendation of the TEC for selecting the competent bidder is taken approval of the Head of the Procuring Entity.

(v) Awarding step: The Notification of Award (NOA) is issued to selected bidder and performing contract between the bidder and the procuring entity. A work order is also issued for the contractor.

(vi) Project Execution step: Appointed contractor start the work and continued it up to the project completion. Through the period of the project both the procuring entity and contractor obey contract agreement .With the satisfactory progress of the work and making payments in time , the project become completed successfully.

The success of the project depends on the above mentioned six steps of the procurement. The qualification criteria of the bidders/contractors have the influence on the success of the project in all the steps except (i). The qualification of the bidders/contractors influence the success of the project in the following ways:

(a) The qualified contractors having the qualification criteria mentioned in the Tender Data Sheet (STD) of the Standard Tender Documents(TDS) can buy the tender document to participate in the tender competition. The qualified contractors are generally committed to complete the project successfully.

(b) In the process of tender evaluation the qualified bidders having the qualification criteria are considered as responsive. Then the responsive bidders are arranged to find out the financially lowest bidder. The responsive bidder who quoted the lowest price is recommended for award.

(c) The bidder who owned the award is sufficient to technically and financially sound and they can go under contract easily. They are also assumed to complete the project successfully.

(d) The next and the last step is the project implementation period which is very important . In this step the success of the project depends on the contractors as well as on the employers simultaneously. The success of the project depends on the contractors' general work experience, Particular work experience, managerial experience, technical and non-technical of manpower, Cash flow and financial credit, equipment capability etc. These all are the contractors qualification criteria considered bidder selection process. Correct application of these capabilities ensure the success of the project. Lack of one of these criteria bring the project to complete in delay or in abandoned. On the other, if the employer and their consultant give decision in time and make the contractors payment duly, the project become completed successfully. For the successful completion of the project both the parties i.e. the employers and contractors have to follow the terms, conditions and specification of the contract agreement .

A survey was conducted on a large numbers of medium to large construction firms of Bangladesh. Among these firms, eighteen firms having each with a project under signing a contract showed detailed in the annexure.

Analysis of relevant data of some successful projects which were completed in time, some projects completed in delay and some projects which became abandoned showed that the successful projects, failure projects had the direct influence of contractors' qualifications and their performance. The contractors who represented their required qualifications in the tender documents falsely and they had got award, most of them are found to be failed in the long run and consequently the project became delay or in abandoned. From the survey study it was also found that projects' success also obtained for the employers performance and their good management of the contract. In some cases projects became delayed for the long pending decisions , lack of planning knowledge and multilayer administrative formalities.

4.7 Assessment of Relevance of the Criteria

The procuring entity invites tender to select a competent contractor for the procurement of a specific work. The success of the procurement depends on the competence of the contractor. The competence of the bidders are assessed on the basis of some predetermined criteria. These are the bidders' qualification criteria which are set up in standard tender document issued by the CPTU under the Public Procurement Act-2006 (PPA-2006).

The bidders' qualification criteria used in the standard tender document for the works up to taka five hundred million are as follows:

- (i) General Criteria
- (ii) Litigation History
- (iii) Experience Criteria
 - (a) General experience , (b) Specific experience
- (iv) Financial Criteria
 - (a) Average Annual Construction turnover , (b) Liquid assets or working capital or credit facilities
- (v) Personnel Criteria
- (vi) Equipment Capacity
- (vii) Joint Venture, Consortium or Association (JVCA)
- (viii) Subcontractor(s)

Among the above mentioned bidders' eligibility criteria, general experience, litigation history, personnel criteria, equipment capacity, JVCA and subcontractor(s) are set in the tender document generally by the procuring entity's previous experience. But under PPA-2006, CPTU has provided a certain guideline about the threshold levels for experience and financial criteria.

In the experience criteria, under the section of PPA-2006, CPTU has given a minimum of 3(three) years general experience and minimum one similar work of value minimum 50% to 75% of the estimated cost. This guide line on experience criteria given by CPTU is practical and justified. This guide line was also found justified in the analysis of survey data based on the success and failure of several contracts of several construction firms.

The guideline of the CPTU under the PPA-2006 on setting the threshold levels of cash flow or liquid asset or credit facility is that the minimum value of 2-6 months payment flow at the average construction rate(straight line distribution). Generally the bidders submits bank's account statement or the letter of credit issued by scheduled bank of the required

value as specified. The threshold level of this criteria for the bidder having only one contract is really practical and justified. But this guide line does not mention any arrangements about bidders' any other works in hand or other financial commitments. This reality came out from experience and as well from the survey data

Under the section of PPA-2006, CPTU has given the guideline about Average Annual Construction Turn over in the Standard Tender Document(STD). According their guide line, the minimum threshold level of average annual construction turn over will be (0.3 to 1.00 and 1.00 to 2.00) times of the annual cash flow. For the work up to the estimated cost Tk.20.00 million multiplying factor will be less for small work and multiplying factor will be large for the large work of the range 0.3 to 1.00. For the work estimated cost upto Tk.500 million, the multiplying factor will be larger for the small work and the multiplying will be larger for the small work of the range of 1.00 to 2.00. But in practice, for the very small work this range of multiplying factor becomes impractical. Using this factor the average annual turnover becomes a significant figure

4.8 Identifying the Shortcomings of the Provisions of PPA- 2006

Bangladesh's Public procurement law has sought to ensure transparency, accountability and fairness in governments procurements. Whether its accountability –goal has been satisfactorily achieved is, however, a database issue. From practical experience and survey data it was found that the procurement rules are somewhat defective in formulating guide lines on few threshold levels of bidders' qualifying criteria. On the other hand, the judiciary does not follow a searching review of public contracts. The rules and processes are exceedingly lengthy, causing delays and thereby discouraging genuine and performing tenderers or potential participants. The complex bureaucratic procedures underpinned by open-ended legal discretion may foster practice of corruption. Corruption in Bangladesh has indeed been a major problematic for business and efficiency in the administration, and thus calls for special attention while reforming the public procurement regime. Some difficulties over viewed by practical experience with the dealing of PPA-2006 and PPR-2008 in public procurement in Bangladesh are described below:

(i) A barrier of open competition in public procurements might be caused due to the (introduce of a new Act. (19) in the PPA -2006 . For this new rule, procurement of work at the value of Tk. 20.00 millions, the employer will have to disclose the amount of estimated

cost to the bidders. This discloses of estimated cost to the bidders will decrease the competition in bidding process

(ii) Corruption in public procurement may caused due to the inserting the administration's discretionary power to overlook lack of experience of certain contractors involving works of a prescribed financial value.

According to a newly inserted provision of law(Ref. Act. (26) of PPA-2006.) that has appeared much controversial, in case of domestic procurement in works through Limited tendering Method involving a value of not more than Tk. 20.00 millions. In this method a list of contractors should be prepared before hand and preserved but previous experience of the contractors are not necessary in determining their personal capacity. This provision is highly likely to generate a scope of corruption or nepotism

(iii) Barrier in prompt execution of procurement process due to a multiple layers in approving authorities stated in the Act 36 of PPA-2006) starting from a junior ranking public servant to the Cabinet Committee. Big and complex projects of purchase definitely need high ranking policy making bodies. Nevertheless, reduction of approving authorities to a minimum number would facilitate cost- effective and prompt public procurement.

(iv) The selection of a competent contractor depends on the experience and expertise of the member of Tender Evaluation Committee(TEC). In many cases, the members of TEC had no sufficient knowledge on PPA and PPR. But PPA-2006 or PPR-2008 did not mention any guile line about the experience and expertise of members of TEC.

(v) In the Act. 14 of PPA-2006 , mentioned that performance security will not be required to submit to appoint the consultant for procurement of service. But consultant should pay penalty for their wrong consultancy service.

(vi) In the Act. 49 of PPA-2006, lottery system is allowed to select a bidder among the responsive bidders of the same price. Lottery system hampered the proper competition among the bidders.

(vii) Public Procurement in Bangladesh, corruption is increasing day by day due to Tenderers negotiation between them. Hijacking of tenders is the regular news in the daily head line of news papers. Due to the Tenderers negotiation, selection of tenders/bids accountability, fairness, transparency and competition could not be ensured. For the lack of competition between tenderers, the employers are not getting competent contractors and subsequently have to spend more value the procurement of goods, works and services. There is no guideline for this tendering problem.

(viii) Sometime few contactors use the documents of other contractors as the bidders eligibility criteria. For this, the procuring entity selects a competent contractor by pen and paper. But the project executing contractor is another one who has no technical financial ability. There is no guide line about it in the provision of PPA-2006.

(ix) According the requirement of bidder's eligibility criteria as specified in standard tender document, bidders submit the letter of credit issued from a scheduled bank . Sometimes , this contractor uses this same letter of credit for another project. commitments of the contractor. There is no provision in the PPA-2006 to find out the number of works in hand of a contractor or any other financial

(x) For very small work, the amount of Annual Average Turnover calculated on the basis of cash flow as suggested by CPTU in the Standard Tender Document becomes a very impractical number. There is no other guide line to control the turnover value in STD of CPTU's guide line under the PPA-2006.

(xi) There is no guide line in STD under the provision of PPA – 2006 to identify a selected contractor whether he has any other works in hand or any other financial commitments when he has submitted the tender for a particular project.

(xii) In many cases appointment of subcontractor after Notification of Award (NOA) or work order hamper the quality of work and subsequently delay in project completion time. This type of subcontractor generally have no sufficient technical or non-technical manpower, previous similar work experience, cash flow, turnover etc. For this insufficient capacity , the quality and work progress become unsatisfactory and sometime stopped the work once.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATION

5.1 Conclusion

Public procurement involves the largest volume of expenditure in the annual development budget of Bangladesh. And the size of the public procurement in Bangladesh is increasing every year. Major areas of public procurement are construction of civil works, machineries and equipments , consultancy and stand one service, food grains etc.

Two principal legal instruments to handle the public procurement in Bangladesh are Public Procurement Act. 2006 (PPA - 2006) and the Public Procurement Rules -2008 (PPR - 2008), both became effective from 31st January -2008. Under the provision of PPA-2006, the Central Procurement Technical Unit (CPTU) established by the Ministry of Planning Bangladesh Government uses to issue upto date Standard Tender Documents (STD) for the procurement of works of different estimated cost . The standard tender documents contains rules and procedures for the selection of contractor including bidder's eligibility criteria and execution of the project. For the huge amount of public procurement with the above uniform procurement tools, it essential to attain the objective of accountability, competition, and fair dealings in its every steps. But in practical fields, corruption in public procurement processes and political interruption are widely observed. Exceedingly lengthy of the rules and processes causing delay and there by discouraging and performing tenderers or potential participants. Most of the projects found completed in very much delay and many of them are abandoned. All these unexpected situations have been destroying the objectives of PPA-2006 and PPR-2008 and subsequently increase the cost in public procuring.

With the view to find out causes of the problems, these uniform procurement tools of PPA-2006, PPR-2008 and CPTU's standard tender documents for the procurement of works of different estimated values are studied to search their any shortcomings. In the standard tender documents, CPTU's guide lines of threshold levels for bidders' qualifying criteria were also examined for their rationality. A survey work on several medium to large construction firms have been carried out to observe their technical and financial capability and finally their capabilities were assessed with the successes and failures of the contracts. Specific findings of the study are summarized below:

(i) A source of corruption in public procurement might be the administration's discretionary power to over look the lack of experiences of certain contractors involving works of a

prescribed financial value. According to a new inserted provision of law that has appeared much controversial, in case of domestic procurement of works through Limited Tendering Method involving a value of not more than 20 millions, list of contractors should be prepared beforehand and preserved but previous experiences of the contractors are not necessary in determining their personal capacity. (Ref. Act.(26) of PPA -2006). This provision is highly likely to generate a scope for the corruption or nepotism. For efficient public procurement, selection of a competent bidder is a must. A competent bidder is generally selected on the basis of their experience and capability. So for good utilization of public fund in the field of public procurement, this provision should be under consideration by involving bidders qualification criteria.

(ii) Standard Tender Document PW-2 is used for the procurement of work upto the estimated value of Tk.20 million. The threshold value of the required average annual construction turnover is recommended to be minimum 0.30 to 1.00 times estimated annual cash flow for the Contract. This limit is suitable for large volume of works. When this formula is used in low volume of work, the annual average turnover value becomes to be impractical figure. For the procurement of low value of work, the range of cash flow should be more wider i.e. to be widened backward from the range of 0.3 to 1.00

(iii) Only a group of negotiated tenderers buy tender documents and submit the same to get the award of the work by one of them. They control the buying tenders and dropping the same that other people cannot participate in the competition. Due to the Tenderers negotiation, selection of tenders/bids accountability, fairness, transparency and competition could not be ensured. For the lack of competition between tenderers, the employers are not getting competent contractors and subsequently have to spend more value for the procurement of works.

(iv) A bidder who had submitted the documents of sufficient amount of cash flow as specified in the tender document and awarded the work, sometimes, he could not continue the execution of the work of the contract due to the fund problem. This type of misleading about cash flow happens due to the insufficient guideline in CPTU's STD about the bidders' other financial commitments in hand.

(v) The bidders' qualification criteria about Subcontractors found absent in the CPTU's STD. The qualified bidder signed agreement with the procuring Entity after submitting the performance security. But another contractor having no previous work experience, no technical and financial ability start to execute the work. He cannot perform the work

according to the contract and sometimes this type of work found to be completed in delay or become abandoned. Restriction of the information about subcontractors and the use of other's papers of bidders' eligibility should be reconsidered in STD of the provision of PPA-2006.

5.2 Recommendation for Rational Thresholds Values for Bidders' Qualification Criteria

The following recommendation can be made on the basis of the study:

(i) For the lack of proper knowledge on PPA-2006 and PPR-2008 the concern officials cannot prepare tender document setting relevant criteria. This has an impact, undoubtedly, on the effectiveness and accountability of the system. To overcome this problem, CPTU may arrange workshops for training procurement personnel.

(ii) To stop the tenderers negotiation, controlled selling and dropping of tenders and hijacking of tenders, the use of e-government procurement will be fruitful. By introducing online tendering through e-government procurement, public procurement process will be competitive, transparent and free from influence, Tenders negotiations and other unlawful actions.

(iii) There are multiple layers in the approval and review processes of procurements. There is a line of approving authorities starting from a junior-ranking public servant to the Cabinet Committee. Large and complex projects and purchases definitely need high-ranking policy-making bodies. Nevertheless, reduction of approving authorities to a minimum number would facilitate cost-effective and prompt public procurements. The process of selecting a competent contractor will not be fruitful by considering desired qualifying criteria.

(iv) For efficient and timely completion of works, previous work experience is necessary . So the recently introduced provision of law in PPA-2006 that the bidders will get award of work up to the value of Tk. 20 million without previous experience is likely to result in poor selection of contractor.

(v) There should have a provision in the PPA , PPR or in CPTU's STD by which the procuring Entity can easily find out the other financial commitments of a contractor when he submits the documents of cash flow as the qualifying criteria. For this, the government of Bangladesh should introduces a legal frame work that all the contractors of our country must have the registration to a central organization. This registration system of bidders will

be the qualification of contractory business. This organization will act as a Data Bank based on data base. From this organization, all information about a contractor can be found when necessary by any one.. This system of registration is seen in Malaysian procuring manual.

vi) The CPTU's guidelines about the bidders' qualifying criteria of average annual construction turnover against the very small work should be reviewed. Sometimes, the calculation of annual average turnover by using the CPTU's recommended multiplying factor of 0.3 to 1.00 gives impractical values.

(vii) In setting the specified bidders' similar work experience criteria in the standard tender document, a liberal attitudes should be taken for the large group of competitors. Specifying particular criteria for similar work experience, focus to a special target group of bidders which tends to limit competitions.

(viii) The lottery system of selecting the lowest evaluated tenderer among the same priced responsive tenderers described in the PPA-2006 is regarded as a flaw in selecting a contractor. The lowest evaluated competent contractor can be selected on the basis of a predetermined criteria specified in the STD.

(ix) Most of the causes of delay or abandonment of project are due to the contractors insufficient technical or financial capability. These capabilities of a contractor for a particular project can be ensured by getting the contractor's information Data Bank set up centrally by the government. Government of Bangladesh should establish such an organization immediately.

(x) There is an ill practice of using papers of a competent bidder with a view to satisfying qualifying criteria should be stopped by applying specified rules set up in the standard tender documents. Contracts when it is found to be executed by the other contractor rather than who had won the award and signed agreement with the procuring entity should be immediately cancelled and debarred for participating in tender for a certain period .

(xi) When the contracts are found to be delay in work completion or the contracts are abandoned due to the contractors' false presentation of documents of qualifying capabilities, the rules for taking punishment should be specified in the standard tender documents previously. In this case, the procuring entity should set up the condition in the STD that the successful contractor would submit payment order issued from a scheduled Bank instead of Bank Guarantee. So that the procuring entity can easily an cash the performance guarantee

5.3 Recommendation for Future Study

The following recommendation can be made for the extension of this study:

(i) Detail study on online tendering (e-GP) is required for its vast application in Bangladesh to overcome the problematic situation of public procurement processes. The use of online tendering might remove all barriers of free and fair competition of tendering process.

(ii) Further study on the procurement system of other countries required so that few better rules or guideline could be added with our procurement tools.

(iii) To develop the mass skilled group of people in public procurement processes, PPA - 2006 and PPR-2008 would be added with the academic syllabus in public educational institutions.

(iv) Further huge research is essential to review and resetting the guideline of bidders' qualification criteria in CPTU's Standard Tender Document to overcome the problems in tendering and bring assurance of free and fair competition in public procurement processes.

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5.5 ANNEXTURE

VARIOUS QUALIFICATION CRITERIA OF SOME CONSTRUCTION FIRMS

5.5.1 No. Construction Firm

1.	(a) Name of the Construction Firm : M/S. `X` INTERNATIONAL																	
	(b) Address : Kaml Chamber (3 rd Floor), 176-Jubilee Road, Chittagong.																	
2.	(a) Date of Registration : 1998								(b) Years in Construction Business : 14									
3.	Indicate the qualifications experience of the full - time Engineers of the firm																	
	Type of Engineer		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Graduate Engineer (Civil)		3		1		1		1		-							
	(b) Graduate Engineer (Elect.)		1		-		-		-		-							
	(c) Diploma Engineer (Civil)		8		2		2		4		-							
	(d) Diploma Engineer (Elect)		3		2		1		-		-							
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Manager		1		-		-		1		-							
	(b) Accountant		2		1		-		1		-							
	(c) Computer Operator		2		1		1		-		-							
	(d)Others(foreman, Peon etc)		5		1		2		2		-							
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification				Yes		(vi) CB & A Certificate				Yes							
	(i) Valid Trade License				Yes		(vii) Own Equipment Capability				Yes							
	(ii) VAT Registration				Yes		(viii) CV of Staff Personnel.				Yes							
	(iii) Tax Identification Number				Yes		(b) Financial Qualification				Tk. in lac							
	(iv) Income tax clearance Certificate				Yes		(i) Annual Average Turn Over				Tk.1120.00							
	(v) Affidavit /Articles of association				Yes		(ii) Cash flow/Credit limit				Tk. 325.00							
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandoned in the last five years as Single Entity.																	
	Works Value		100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac			
	Work type		a		b		c		d		a		b		c		d	
	Building		4		2		2		1		3		-		2		1	
	Road		-		-		-		-		1		1		-		-	
	Bridge		-		-		-		-		-		-		-		-	
	Others		-		-		-		-		-		-		-		-	
7.	Indicate one successful/delay/ abandoned contract in details and also identify the cause.																	
	(a) Name of the work: Construction of a four stored Office building at Dist. Magura.																	
	(b) Total Floor Area: 28,750.00 sft.																	
	(c) Name of the Employer: A State Owned Bank , (d) Consultant: `PQ`.																	
	(e) Value of work: Tk. 6,15,80,350.00 (f) Completion time: 18 months.																	
	Date of work (g) Started :30 August-2009, (h) Completed:30 December-2011 (i) Delay:10 months																	
	(j) Cause of Delay :																	
	The above said firm was technically and financially qualified. Technical and non- technical manpower, equipment capability etc was also satisfactory as per requirement of Tender Documents. The main cause of delay in work completion was insufficient project duration . The other causes of delay were that the employer and the contractor could not follow the work program strictly. The employer's late payment of running bills also influenced the work completion in delay.																	

5.5.2 No. Construction Firm

1.	(a) Name of the Construction Firm : M/S. `Y` INTERNATIONAL																	
	(b) Address : 275,Kamal Ataturk Avenue, Banani C/A Dhaka -1213																	
2.	(a) Date of Registration : 1982								(b) Years in Construction Business : 30									
3.	Indicate the qualifications experience of the full - time Engineers of the firm																	
	Type of Engineer		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Graduate Engineer (Civil)		4		1		1		1		1							
	(b) Graduate Engineer (Elect.)		2		1		-		-		1							
	(c) Diploma Engineer (Civil)		9		2		2		2		3							
	(d) Diploma Engineer (Elect)		3		1		1		1		-							
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Manager		1		-		-		-		1							
	(b) Accountant		2		1		-		1		-							
	(c) Computer Operator		4		2		2		-		-							
	(d)Others(foreman, Peon etc)		12		3		2		4		3							
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification				Yes		(vi) CB & A Certificate				Yes							
	(i) Valid Trade License				Yes		(vii) Own Equipment Capability				Yes							
	(ii) VAT Registration				Yes		(viii) CV of Staff Personnel.				Yes							
	(iii) Tax Identification Number				Yes		(b) Financial Qualification				In lac							
	(iv) Income tax clearance Certificate				Yes		(i) Annual Average Turn Over				Tk.1020.00							
	(v) Affidavit /Articles of association				Yes		(ii) Cash flow/Credit limit				Tk. 175.00							
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandonment in the last five years as Single Entity.																	
	Works Value		100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac			
	Work type		a		b		c		d		a		b		c		d	
	Building		2		2		2		1		2		-		2		1	
	Road		-		-		-		-		1		1		-		-	
	Bridge		-		-		-		-		-		-		-		-	
	Others		-		-		-		-		-		-		-		-	
7.	Indicate one successful/delay/abandoned contract in details and also identify the cause.																	
	(a) Name of the work: Construction of a Bank's 3 Stored Staff College. Uttara ,Dhaka.																	
	(b) Name of the Employer: A State Owned Bank (c) Consultant: Environs Ltd.																	
	(d) Value of work: Tk. 4,61,80,300.00 (e) Completion time: 18 months.																	
	Date of work (f) Started :10 February-2006, (g) Abandoned: 30 July-2006.																	
	(i) Cause of Abandonment:																	
	This firm is technically and financially qualified. Technical and non- technical manpower, equipment capability etc was also satisfactory as per requirement Tender Documents. The main cause of abandonment of the contract was to start the work before getting approval of plan from Rajuk. Bank Authority stopped payment of running bills due to Rajuk's delay of approval of plan. For not getting running bills, the contractor stopped the work. But when employer request the contractor to start the work again after getting approval of the plan after two years later, contractor would not agree to do the work due to price hike of the construction materials. The contractor demanded price increase. But the employer did not agree to increase the price of the contract and subsequently they canceled the contract.																	

5.5.3 No. Construction Firm

1.	(a) Name of the Construction Firm : M/S `Z' TRADE INTERNATIONAL																	
	(b) Address : Flat No. 38, Pryo prangon Tower, 149-Kamal Ataturk Avenue, Banani C/A Dhaka -1213.																	
2.	(a) Date of Registration : 1990								(b) Years in Construction Business : 22									
3.	Indicate the qualifications experience of the full - time Engineers of the firm																	
	Type of Engineer		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Graduate Engineer (Civil)		6		2		1		1		2							
	(b) Graduate Engineer (Elect.)		2		1		1		-		-							
	(c) Diploma Engineer (Civil)		10		5		2		1		2							
	(d) Diploma Engineer (Elect)		2		1		1		-		-							
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Manager		1		-		-		-		1							
	(b) Accountant		3		2		-		-		1							
	(c) Computer Operator		2		2		-		-		-							
	(d)Others(foreman, Peon etc)		15		5		5		2		3							
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification				Yes		(vi) CB & A Certificate				Yes							
	(i) Valid Trade License				Yes		(vii) Own Equipment Capability				Yes							
	(ii) VAT Registration				Yes		(viii) CV of Staff Personnel.				Yes							
	(iii) Tax Identification Number				Yes		(b) Financial Qualification				In lac							
	(iv) Income tax clearance Certificate				Yes		(i) Annual Average Turn Over				Tk.700.00							
	(v) Affidavit /Articles of association				Yes		(ii) Cash flow/Credit limit				Tk. 135.00							
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandoned in the last five years as Single Entity.																	
	Works Value		100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac			
	Work type		a		b		c		d		a		b		c		d	
	Building		2		2		2		-		2		2		1		-	
	Road		-		-		-		-		1		1		-		-	
	Bridge		-		-		-		-		-		-		-		-	
	Others		1		-		-		-		4		-		2		-	
7.	Indicate one successful/delay/abandoned contract in details and also identify the cause.																	
	(a) Name of the work: Construction a 4 Stored Bank building at Satkhira , Dist. Satkhira																	
	(b) Name of the Employer: A State Owned Bank (c) Consultant: ``SR”.																	
	(d) Value of work: Tk. 5,91,80,670.00 (e) Completion time: 18 months.																	
	Date of work (f) Started :10 January-2008, (g) Completed: 13 July-2011.(h) Delay:1 yr.																	
	(i) Causes of Delay:																	
	M/S `Z' Trade International is a good construction firm by its records. Its technical, financial qualification, technical and non- technical manpower, equipment capability etc is also satisfactory as per their submission of Tender Documents . But the main case of one year delay was due to their funding problems. The required cash flow or credit facility was Tk. 60 lacs. This firm also submitted a credit facility document from a Bank. But they used to submit this same bank facility document against many projects in other organizations. At that time about 3 or 4 projects were going on . When they get one bill from this employer , they used to utilize it in other projects.																	

5.5.4 No. Construction Firm

1.	(a) Name of the Construction Firm : M/S `W' BUILDERS LIMITED																	
	(b) Address : 692/B Bara Bogbazar, Dhaka -1217.																	
2.	(a) Date of Registration : 1977								(b) Years in Construction Business : 35									
3.	Indicate the qualifications experience of the full - time Engineers of the firm																	
	Type of Engineer		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Graduate Engineer (Civil)		11		2		2		2		5							
	(b) Graduate Engineer (Elect.)		5		1		1		-		3							
	(c) Diploma Engineer (Civil)		15		5		2		3		5							
	(d) Diploma Engineer (Elect)		6		1		1		1		2							
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Manager		3		-		-		1		2							
	(b) Accountant		6		2		1		-		3							
	(c) Computer Operator		4		2		2		-		-							
	(d)Others(foreman, Peon etc)		35		5		5		10		15							
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification				Yes		(vi) CB & A Certificate				Yes							
	(i) Valid Trade License				Yes		(vii) Own Equipment Capability				Yes							
	(ii) VAT Registration				Yes		(viii) CV of Staff Personnel.				Yes							
	(iii) Tax Identification Number				Yes		(b) Financial Qualification				In lac							
	(iv) Income tax clearance Certificate				Yes		(i) Annual Average Turn Over				Tk.9500.00							
	(v) Affidavit /Articles of association				Yes		(ii) Cash flow/Credit limit				Tk.1560.00							
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandoned in the last five years as Single Entity.																	
	Works Value		100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac			
	Work type		a		b		c		d		a		b		c		d	
	Building		-		-		2		-		2		2		1		-	
	Road		-		-		-		-		1		1		-		-	
	Bridge		2		-		3		1		4		-		2		-	
	Others		-		-		3		1		4		-		2		-	
7.	Indicate one successful/delay/abandoned contract in details and also identify the cause.																	
	(a) Name of the work: Construction of a 5 Storied Office Building at Gazipur, Dist. Gazipur.																	
	(b) Name of the Employer: Giban Bima Corporation. (c) Consultant: Design Upodeshta.																	
	(d) Value of work: Tk. 6,50,56,370.00 (e) Completion time: 18 months.																	
	Date of work (f) Started :30 July-2010 (g) Contract Abandoned in March-2012																	
	(i) The Causes of Abandonment: The Bidder submitted the tender with all requiring documents for the work. As per recommendation of the TEC, this firm was awarded work Order. The contractor started the work in time and completed the RCC work within 8 months. Then the contractor demanded for raising the contract price for the price hike of construction materials. But the employer did not raise the contract price. For a long time of work stopped, the employer cancelled the contract for re-tender. The contractor awarded the work with 25% less than the market price. They submitted the tender with normal price of RCC items of the building and very less rate in other items. At first the contractor completed the RCC work of the building and availed the bill. For the rest of the items of less rate they demanded for price raising . But the employer did not increase the contract price and cancelled the contract.																	

5.5.5 No. Construction Firm

1.	(a) Name of the Construction Firm : M/S `A' ENTERPRIZE.																	
	(b) Address : H-27, R- 6, Pichiculture Housing Society Mohammadpur, Dhaka -1213.																	
2.	(a) Date of Registration : 2001								(b) Years in Construction Business : 11									
3.	Indicate the qualifications experience of the full - time Engineers of the firm																	
	Type of Engineer		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Graduate Engineer (Civil)		2		1		1		-		-							
	(b) Graduate Engineer (Elect.)		1		1		-		-		-							
	(c) Diploma Engineer (Civil)		3		2		1		-		-							
	(d) Diploma Engineer (Elect)		1		-		1		-		-							
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Manager		1		-		1		-		-							
	(b) Accountant		1		1		-		-		-							
	(c) Computer Operator		1		1		-		-		-							
	(d)Others(foreman, Peon etc)		5		3		2		-		-							
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification				Yes		(vi) CB & A Certificate				Yes							
	(i) Valid Trade License				Yes		(vii) Own Equipment Capability				Yes							
	(ii) VAT Registration				Yes		(viii) CV of Staff Personnel.				Yes							
	(iii) Tax Identification Number				Yes		(b) Financial Qualification				In lac							
	(iv) Income tax clearance Certificate				Yes		(i) Annual Average Turn Over				Tk.220.00							
	(v) Affidavit /Articles of association				Yes		(ii) Cash flow/Credit limit				Tk. 50.00							
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandoned in the last five years as Single Entity.																	
	Works Value		100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac			
	Work type		a		b		c		d		a		b		c		d	
	Building		2		2		2		1		1		-		2		-	
	Road		4		-		-		-		-		-		-		-	
	Bridge		-		-		-		-		-		-		-		-	
	Others		1		-		1		-		-		-		-		-	
7.	Indicate one successful/delay/abandoned contract in details and also identify the cause.																	
	(a) Name of the work: Construction of a one story Gymnasium Building at Arts Faculty, a public University , Dhaka.																	
	(b)Name of the Employer: Engineering Department, A Public University , Dhaka.																	
	(d) Value of work: Tk. 2,21,00,310.00 (e) Completion time: 12 months.																	
	Date of work (f) Started :30 May-2006, (g) Abandoned: 30 January-2007.																	
	(i) Causes of Abandonment:																	
	M/S `A' Enterprise submitted the tender in response of all qualifying criteria as per requirements of the procuring Entity. After all formalities, this contractor submitted performance Guarantee and signed the contract. Then the work was started by the contractor and after some progress of the work, the contractor applied for running bill. But at that time the specified amount of work was not done for running bill. The authority paid running bill by special arrangement for keeping the work in progress. Similarly after few months, the contractor stopped the work due to further fund problem. Then the procuring entity steps to take action against the contractor and found his Performance Guarantee and cash flow documents were false. Then the employer stopped the agreement.																	

5.5.6 No. Construction Firm

1.	(a) Name of the Construction Firm : M/S `B' INTERNATIONAL .																	
	(b) Address : 3 rd Floor, 101 Purana Palton, Dhaka -1000.																	
2.	(a) Date of Registration : 1985								(b) Years in Construction Business : 27									
3.	Indicate the qualifications experience of the full - time Engineers of the firm																	
	Type of Engineer		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Graduate Engineer (Civil)		10		2		1		2		5							
	(b) Graduate Engineer (Elect.)		4		2		-		-		2							
	(c) Diploma Engineer (Civil)		14		2		1		3		8							
	(d) Diploma Engineer (Elect)		1		-		1		-		-							
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Manager		3		1		1		-		2							
	(b) Accountant		5		1		3		-		1							
	(c) Computer Operator		3		2		1		-		-							
	(d)Others(foreman, Peon etc)		27		3		4		8		12							
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification				Yes		(vi) CB & A Certificate				Yes							
	(i) Valid Trade License				Yes		(vii) Own Equipment Capability				Yes							
	(ii) VAT Registration				Yes		(viii) CV of Staff Personnel.				Yes							
	(iii) Tax Identification Number				Yes		(b) Financial Qualification				In lac							
	(iv) Income tax clearance Certificate				Yes		(i) Annual Average Turn Over				Tk.2750.00							
	(v) Affidavit /Articles of association				Yes		(ii) Cash flow/Credit limit				Tk. 500.00							
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandonment in the last five years as Single Entity.																	
	Works Value		100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac			
	Work type		a		b		c		d		a		b		c		d	
	Building		3		3		-		-		2		2		3		1	
	Road		-		-		-		-		-		-		-		2	
	Bridge		-		-		-		-		-		-		1		-	
	Others		1		-		1		-		-		-		-		-	
7.	Indicate one successful/delay/abandoned contract in details and also identify the cause.																	
	(a) Name of the work: Construction a 4 Storied State Owned Bank Building, Dist. Narail																	
	(b) Name of the Employer: State Owned Bank (c) Total Floor Area: 27,570.00 sft.																	
	(d) Value of work: Tk. 6,78,50,370.00 (e) Completion time: 18 months.																	
	Date of work (f) Started :1 May -2010, (g) Abandoned: 30 August-2012.																	
	(i) Causes of abandonment:																	
	The above said construction firm was technically and financially qualified. Technical and non-technical manpower, equipment capability etc was also satisfactory as per requirement. After all formalities ,the contractor signed contract with Bank. But when the work started it was found that M/S Sujon Enterprise , a unknown firm , is performing the work. This unknown firm has no financial ability and no technical manpower. After piling work, the test report on piling work found unsatisfactory. The consultant of this project suggested to construct some more piles to make the foundation in standard condition. When the employer suggests the contractor to construct the more pile by their own cost , the contractor would not start the work further to still. Now the employer is taking preparation for retender.																	

5.5.7 No. Construction Firm

1.	(a) Name of the Construction Firm : M/S `C` ENTERPRIZE																	
	(b) Address : 5 th Floor, 127/1, Shantinagar, Dhaka -1000.																	
2.	(a) Date of Registration : 1994								(b) Years in Construction Business : 18									
3.	Indicate the qualifications experience of the full - time Engineers of the firm																	
	Type of Engineer	Numbers	0- 5 Years				5-10 Years				10 – 15 Years				> 15 Years			
	(a) Graduate Engineer (Civil)	4	2				-				-				2			
	(b) Graduate Engineer (Elect.)	2	1				-				-				1			
	(c) Diploma Engineer (Civil)	9	2				2				-				5			
	(d) Diploma Engineer (Elect)	1	-				1				-				-			
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons	Numbers	0- 5 Years				5-10 Years				10 – 15 Years				> 15 Years			
	(a) Manager	1	-				-				-				1			
	(b) Accountant	2	1				-				-				1			
	(c) Computer Operator	2	1				1				-				-			
	(d)Others(foreman, Peon etc)	13	3				-				5				5			
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification		Yes	(vi) CB & A Certificate										Yes				
	(i) Valid Trade License		Yes	(vii) Own Equipment Capability										Yes				
	(ii) VAT Registration		Yes	(viii) CV of Staff Personnel.										Yes				
	(iii) Tax Identification Number		Yes	(b) Financial Qualification										In lac				
	(iv) Income tax clearance Certificate		Yes	(i) Annual Average Turn Over										Tk.850.00				
	(v) Affidavit /Articles of association		Yes	(ii) Cash flow/Credit limit										Tk. 100.00				
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandonede in the last five years as Single Entity.																	
	Works Value	100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac				
	Work type	a b c d				a b c d				a b c d				a b c d				
	Building	Numbers	3	2	1	-	2	1	-	1	2	-	-	-	2	1	1	-
	Road		-	-	1	-	-	-	-	-	-	-	-	-	2	-	1	-
	Bridge		-	-	-	-	-	-	-	-	-	-	1	-	1	-	2	-
	Others		1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-
7.	Indicate one successful/delay/abandoned contract in details and also identify the cause.																	
	(a) Name of the work: Construction a 3 Storied Office Building at Tongipara, Dist. Gopalganj. (b) Consultant: ``PQ``. (c) Total Floor Area: 12,570.00 sft.																	
	(b) Name of the Employer: A state owned Bank .																	
	(d) Value of work: Tk. 3,34,850.50 (e) Completion time: 15 months.																	
	Date of work (f) Started :15 March-2010 (g) Work completed: 40% upto 01 October.2012.																	
	(i) Causes of Delay:																	
	M/S `C` Enterprise a qualified firm. Technical and non- technical manpower, equipment capability etc was also satisfactory as per requirement. After all formalities ,the contractor signed contract with the employer. But Mr. Shahajahan, a local contractor is performing the work. He has no previous experience, no sufficient fund, no technical manpower and equipment. Naturally the quality of works is going on its own ability. Pile test report shows very unsatisfactory result. He has to construct some additional piling work by his own cost for the foundation in standard condition as per suggestion of the Consultant. In the last 2.5 years only about 40% work completed where as the completion time was 1.25 years.																	

5.5.8 No. Construction Firm

1.	(a) Name of the Construction Firm : M/S `D' & `E' SONS.																	
	(b) Address : 59 Kamal Ataturk Avenue, Banani, Dhaka-1213																	
	(c) Tel :								Fax :									
2.	(a) Date of Registration : 1981								(b) Years in Construction Business : 33									
3.	Indicate the qualifications experience of the full - time Engineers of the firm																	
	Type of Engineer		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Graduate Engineer (Civil)		5		2		-		-		3							
	(b) Graduate Engineer (Elect.)		2		1		-		-		1							
	(c) Diploma Engineer (Civil)		9		4		2		-		3							
	(d) Diploma Engineer (Elect)		1		-		-		-		1							
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Manager		2		-		-		-		2							
	(b) Accountant		2		1		-		-		1							
	(c) Computer Operator		2		2		-		-		-							
	(d) Others (foreman, Peon etc)		17		5		-		2		10							
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification				Yes		(vi) CB & A Certificate				Yes							
	(i) Valid Trade License				Yes		(vii) Own Equipment Capability				Yes							
	(ii) VAT Registration				Yes		(viii) CV of Staff Personnel.				Yes							
	(iii) Tax Identification Number				Yes		(b) Financial Qualification				In lac							
	(iv) Income tax clearance Certificate				Yes		(i) Annual Average Turn Over				Tk.750.00							
	(v) Affidavit /Articles of association				Yes		(ii) Cash flow/Credit limit				Tk. 80.00							
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandoned in the last five years as Single Entity.																	
	Works Value		100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac			
	Work type		a		b		c		d		a		b		c		d	
	Building		2		3		-		-		2		1		-		1	
	Road		-		-		1		-		-		-		-		-	
	Bridge		-		-		-		-		-		-		1		-	
	Others		-		-		1		-		-		-		-		-	
7.	Indicate one successful/delay/abandoned contract in details and also identify the cause.																	
	(a) Name of the work: Construction a 3 Storied Staff College Building at Uttara, Dhaka.																	
	(b) Consultant: Environs. (c) Total Floor Area: 39,570.00 sft.																	
	(d) Name of the Employer: A Nationalized Organization .																	
	(e) Value of work: Tk. 7,70,60,540.00 (f) Completion time: 18 months.																	
	Date of work (g) Started :01 January-2009, (h) Work completed: 25 June-2010.																	
	(i) Causes of the Project Completion in Time:																	
	M/S `D' & `E' SONS is a well known and qualified construction firm. Its eligible criteria is satisfactory as per requirement. After all formalities ,the contractor signed contract with the employer . During the implementation of the work, no deficiency of fund, manpower (technical and non-technical), equipment etc was found. The quality of work was also satisfactory. And the project was completed in time.																	

5.5.9 No. Construction Firm

1.	(a) Name of the Construction Firm : M/S `F' ENGINEERING CORPORATION																	
	(b) Address : 24 Tejturi Bazar, Tejgoan, Dhaka.																	
2.	(a) Date of Registration : 1997								(b) Years in Construction Business : 15									
3.	Indicate the qualifications experience of the full - time Engineers of the firm																	
	Type of Engineer		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Graduate Engineer (Civil)		2		1		-		1		-							
	(b) Graduate Engineer (Elect.)		1		1		-		-		1							
	(c) Diploma Engineer (Civil)		7		4		2		1		-							
	(d) Diploma Engineer (Elect)		1		-		-		1		-							
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Manager		1		-		1		-		-							
	(b) Accountant		2		1		1		-		-							
	(c) Computer Operator		2		2		-		-		-							
	(d)Others(foreman, Peon etc)		14		5		5		4		-							
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification				Yes		(vi) CB & A Certificate				Yes							
	(i) Valid Trade License				Yes		(vii) Own Equipment Capability				Yes							
	(ii) VAT Registration				Yes		(viii) CV of Staff Personnel.				Yes							
	(iii) Tax Identification Number				Yes		(b) Financial Qualification				In lac							
	(iv) Income tax clearance Certificate				Yes		(i) Annual Average Turn Over				Tk.625.00							
	(v) Affidavit /Articles of association				Yes		(ii) Cash flow/Credit limit				Tk. 85.00							
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandoned in the last five years as Single Entity.																	
	Works Value		100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac			
	Work type		a		b		c		d		a		b		c		d	
	Building		2		-		2		1		2		1		-		-	
	Road		-		-		1		-		-		-		-		-	
	Bridge		-		-		-		-		-		-		1		-	
	Others		-		-		1		-		-		-		-		-	
7.	Indicate one successful/delay/abandoned contract in details and also identify the cause.																	
	(a) Name of the work: Construction a 4 Storied Bank Building at Sunamgonj.																	
	(b) Consultant: Modern Design & Developers. (c) Total Floor Area: 28,245.00 sft.																	
	(d) Name of the Employer: A Nationalized Organization																	
	(e) Value of work: Tk. 5,34,36,109.70 (f) Completion time: 18 months.																	
	Date of work (g) Started :31 March -2010 , (h) Work stopped : From 30 August-2012.																	
	(i) Causes of Abandonment:																	
	M/S `F' ENGINEERING CORPORATION was evaluated as a responsive lowest tenderer. Its eligible criteria was satisfactory as per requirement. It is noted here that his contract price was about 28 % less than the market price. It was also noticed that his tender was front loaded with the items which would be completed earlier of the project. After all formalities ,the contractor signed contract with the employer. The contractor completed the RCC structure of the building all the stipulated time long and then they demanded for price increase of the contract. Meanwhile the time of the performance guarantee also expired. Applying price increment the contractor stopped the work up to still now. At last the employer cancelled the contract.																	

5.5.10 No. Construction Firm

1.	(a) Name of the Construction Firm : M/S `G' ZAMAN																	
	(b) Address : 76, Sapura, Upashahar, Housing Society, Rajshahi.																	
2.	(a) Date of Registration : 1995								(b) Years in Construction Business : 17									
3.	Indicate the qualifications experience of the full - time Engineers of the firm .																	
	Type of Engineer		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Graduate Engineer (Civil)		3		1		-		-		2							
	(b) Graduate Engineer (Elect.)		1		-		-		-		1							
	(c) Diploma Engineer (Civil)		11		5		-		1		5							
	(d) Diploma Engineer (Elect)		1		-		-		1		-							
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Manager		1		-		-		-		1							
	(b) Accountant		2		1		1		-		-							
	(c) Computer Operator		2		2		-		-		-							
	(d)Others(foreman, Peon etc)		9		5		-		4		-							
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification				Yes		(vi) CB & A Certificate				Yes							
	(i) Valid Trade License				Yes		(vii) Own Equipment Capability				Yes							
	(ii) VAT Registration				Yes		(viii) CV of Staff Personnel.				Yes							
	(iii) Tax Identification Number				Yes		(b) Financial Qualification				In lac							
	(iv) Income tax clearance Certificate				Yes		(i) Annual Average Turn Over				Tk.570.00							
	(v) Affidavit /Articles of association				Yes		(ii) Cash flow/Credit limit				Tk. 75.00							
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandoned in the last five years as Single Entity.																	
	Works Value		100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac			
	Work type		a		b		c		d		a		b		c		d	
	Building		-		3		2		1		1		1		-		-	
	Road		-		-		2		-		-		1		1		-	
	Bridge		-		-		-		-		-		-		1		-	
	Others		-		-		1		-		-		-		-		-	
7.	Indicate one successful/delay/abandoned contract in details and also identify the cause.																	
	(a) Name of the work: Construction a 6 Storied Bank Building at Greater Road, Rajshahi. (b) Consultant: N/A. (c) Total Floor Area: 18,842.00 sft.																	
	(d) Name of the Employer: A State Owned Bank.																	
	(e) Value of work: Tk. 5, 41,56,069.00 (f) Completion time: 18 months.																	
	Date of work (g) Started :December -2009 , (h) Work Completed : 75% up to Oct.-2012.																	
	(i) Causes of Delay:																	
	This contractor submitted all qualifying documents with the tender as requirement. After all formalities they signed agreement with the Bank. The contractor already passed 2.75 years time with the progress of only 75% of the project where as the stipulated time was only 1.5 years. Two times of time extension was done for the execution of the project. The main cause of this delay in the work was found the lack of previous experience in the similar work. They used to construct roads and block dumping in the river. Their document regarding technical manpower was also false. This firm had poor knowledge about work program. The contractor had also fund problem.																	

5.5.11 No. Construction Firm

1.	(a) Name of the Construction Firm : M/S `H'. ZAMAN																	
	(b) Address : 45 Industrial Area, Rajshahi.																	
	(c) Tel :								Fax :									
2.	(a) Date of Registration : 1990								(b) Years in Construction Business : 22									
3.	Indicate the qualifications experience of the full - time Engineers of the firm																	
	Type of Engineer		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Graduate Engineer (Civil)		3		-		-		-		3							
	(b) Graduate Engineer (Elect.)		2		2		-		-		-							
	(c) Diploma Engineer (Civil)		6		3		-		-		3							
	(d) Diploma Engineer (Elect)		1		-		1		-		-							
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Manager		1		-		-		-		1							
	(b) Accountant		2		1		-		-		1							
	(c) Computer Operator		3		2		1		-		-							
	(d)Others(foreman, Peon etc)		11		4		3		4		-							
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification				Yes		(vi) CB & A Certificate				Yes							
	(i) Valid Trade License				Yes		(vii) Own Equipment Capability				Yes							
	(ii) VAT Registration				Yes		(viii) CV of Staff Personnel.				Yes							
	(iii) Tax Identification Number				Yes		(b) Financial Qualification				In lac							
	(iv) Income tax clearance Certificate				Yes		(i) Annual Average Turn Over				Tk.595.00							
	(v) Affidavit /Articles of association				Yes		(ii) Cash flow/Credit limit				Tk. 80.00							
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandoned in the last five years as Single Entity.																	
	Works Value		100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac			
	Work type		a		b		c		d		a		b		c		d	
	Building		1		3		1		-		1		1		-		-	
	Road		1		-		1		-		-		-		1		-	
	Bridge		-		-		2		-		-		-		1		-	
	Others		-		-		1		-		-		-		-		-	
7.	Indicate one successful/delay/abandoned contract in details and also identify the cause.																	
	(a) Name of the work: Construction a 4 Storied Office Building at Joypurhat																	
	(b) Consultant: BRTC, BUET. (c) Total Floor Area: 26,986.00 sft.																	
	(d) Name of the Employer: A State Owned Organization.																	
	(e) Value of work: Tk. 5,74, 86,003.30 (f) Completion time: 18 months.																	
	Date of work (g) Started: 30 August -2009, (h) Work completed: 70% up to September 2012.																	
	(i) Causes of Delay :																	
	This construction firm has been selected by the Tender Evaluation Committee(TEC) and given award for signing agreement. The contractor started the work in time. But the cause of delay in the execution of work was : (i) the site had old buildings. To demolish the old building and cleaning the site, the work was stopped for months after months. (ii) Due to fund problems, the contractors could not execute the work in time. (iii) They could not prepare and follow the work program.																	

5.5.12 No. Construction Firm

1.	(a) Name of the Firm : M/S `M' BUILDERS AND ASSOCIATION																	
	(b) Address : 632, Senpara Porbota, Mirpur Dhaka.																	
2.	(a) Date of Registration : 1988								(b) Years in Construction Business : 34									
3.	Indicate the qualifications experience of the full - time Engineers of the firm																	
	Type of Engineer		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Graduate Engineer (Civil)		4		2		-		-		2							
	(b) Graduate Engineer (Elect.)		2		1		-		-		1							
	(c) Diploma Engineer (Civil)		8		3		3		-		2							
	(d) Diploma Engineer (Elect)		1		-		1		-		-							
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Manager		2		-		1		-		1							
	(b) Accountant		1		-		-		-		1							
	(c) Computer Operator		3		3				-		-							
	(d)Others(foreman, Peon etc)		13		3		3		-		7							
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification				Yes		(vi) CB & A Certificate				Yes							
	(i) Valid Trade License				Yes		(vii) Own Equipment Capability				Yes							
	(ii) VAT Registration				Yes		(viii) CV of Staff Personnel.				Yes							
	(iii) Tax Identification Number				Yes		(b) Financial Qualification				In lac							
	(iv) Income tax clearance Certificate				Yes		(i) Annual Average Turn Over				Tk.675.00							
	(v) Affidavit /Articles of association				Yes		(ii) Cash flow/Credit limit				Tk. 90.00							
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandoned in the last five years as Single Entity.																	
	Works Value		100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac			
	Work type		a		b		c		d		a		b		c		d	
	Building		-		1		1		-		2		-		2		-	
	Road		1		-		1		-		-		-		1		1	
	Bridge		1		-		2		-		1		-		1		-	
	Others		1		-		1		-		-		-		-		-	
7.	Indicate one successful/delay/abandoned contract in details and also identify the cause.																	
	(a) Name of the work: Construction of a 4 Storied Office Building at Moilovibazar																	
	(b) Consultant: BRTC, BUET. (c) Total Floor Area: 24,680.00 sft.																	
	(d) Name of the Employer: A State owned Bank .																	
	(e) Value of work: Tk. 5,44,46,551.85 (f) Completion time: 18 months.																	
	Date of work (g) Started : N/A , (h) Work completed: N/A																	
	(i) Causes of Abandonment:																	
	This construction firm was awarded Notification of Award (NOA) for signing contract. After submitting the performance security, employer issued work order to the contractor. But the site could not be hand over to the contractor due the construction site had an old 3- storied building. For shifting the existing office and to demolish and cleaning the site about 18 months already passed. After making the site vacant, the site was hand over to commence the work. But the contractor demanded price increase due to price hike of the construction materials. The employer did not agree to increase the contract price. The contractor would not start the work. At last the employer canceled the contract.																	

5.5.13 No. Construction Firm

1.	(a) Name of the Construction Firm : M/S. ` J' INTERNATIONAL																	
	(b) Address : House No. 22, Road NO.1 4, Block.-G, Bashundhara, Dhaka.																	
	(c) Tel :								Fax :									
2.	(a) Date of Registration : 1989								(b) Years in Construction Business : 33									
3.	Indicate the qualifications experience of the full - time Engineers of the firm																	
	Type of Engineer		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Graduate Engineer (Civil)		6		2		-		-		4							
	(b) Graduate Engineer (Elect.)		2		1		-		-		1							
	(c) Diploma Engineer (Civil)		10		3		3		-		4							
	(d) Diploma Engineer (Elect)		1		-		1		-		-							
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Manager		1		-		-		-		1							
	(b) Accountant		2		-		-		1		1							
	(c) Computer Operator		5		3		2		-		-							
	(d)Others(foreman, Peon etc)		21		7		3		2		9							
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification				Yes		(vi) CB & A Certificate				Yes							
	(i) Valid Trade License				Yes		(vii) Own Equipment Capability				Yes							
	(ii) VAT Registration				Yes		(viii) CV of Staff Personnel.				Yes							
	(iii) Tax Identification Number				Yes		(b) Financial Qualification				In lac							
	(iv) Income tax clearance Certificate				Yes		(i) Annual Average Turn Over				Tk.565.00							
	(v) Affidavit /Articles of association				Yes		(ii) Cash flow/Credit limit				Tk. 70.00							
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandoned in the last five years as Single Entity.																	
	Works Value		100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac			
	Work type		a		b		c		d		a		b		c		d	
	Building		-		3		1		-		1		-		2		-	
	Road		1		-		1		-		1		-		-		1	
	Bridge		-		-		3		-		1		-		-		1	
	Others		1		-		1		-		-		-		-		-	
7.	Indicate one successful/delay/abandoned contract in details and also identify the cause.																	
	(a) Name of the work: Construction of a 20 Bed 4 storied Hospital Building at Fatique, Chittagong. (b) Consultant: N/A . (c) Total Floor Area: 23,652.00 sft.																	
	(d) Name of the Employer: Health Engineering Department, Dhaka, .																	
	(e) Value of work: Tk. 5,28,34,980.00 (f) Completion time: 18 months.																	
	Date of work (g) Started : 10 July -2009 , (h) Work completed: 15 December-2010																	
	(i) Causes of Work Completion in Time:																	
	This construction firm was awarded for signing contract. After submitting performance guarantee, Employer issued work order to the contractor. The contractor has sufficient cash flow, man power, equipment etc. The contractor started the work in time and completed the project one month before the stipulated time.																	

5.5.14 No. Construction Firm

1.	(a) Name of the Construction Firm : M/S. `K' DEVELOPMENT																	
	(b) Address : House No. 36, Road NO. 114, Gulshan , Dhaka-1212.																	
	(c) Tel :								Fax :									
2.	(a) Date of Registration : 1982								(b) Years in Construction Business : 30									
3.	Indicate the qualifications experience of the full - time Engineers of the firm																	
	Type of Engineer		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Graduate Engineer (Civil)		1		1		-		-		2							
	(b) Graduate Engineer (Elect.)		1		-		-		-		1							
	(c) Diploma Engineer (Civil)		6		2		3		-		1							
	(d) Diploma Engineer (Elect)		1		-		1		-		-							
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Manager		1		-		-		-		1							
	(b) Accountant		1		-		-		-		1							
	(c) Computer Operator		3		3				-		-							
	(d) Others (foreman, Peon etc)		14		3		3		-		8							
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification				Yes		(vi) CB & A Certificate				Yes							
	(i) Valid Trade License				Yes		(vii) Own Equipment Capability				Yes							
	(ii) VAT Registration				Yes		(viii) CV of Staff Personnel.				Yes							
	(iii) Tax Identification Number				Yes		(b) Financial Qualification				In lac							
	(iv) Income tax clearance Certificate				Yes		(i) Annual Average Turn Over				Tk.525.00							
	(v) Affidavit /Articles of association				Yes		(ii) Cash flow/Credit limit				Tk. 70.00							
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandoned in the last five years as Single Entity.																	
	Works Value		100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac			
	Work type		a		b		c		d		a		b		c		d	
	Building		-		1		1		-		2		1		2		-	
	Road		1		-		1		-		-		-		1		1	
	Bridge		-		-		2		-		1		-		1		-	
	Others		1		-		1		-		-		-		-		-	
7.	Indicate one successful/delay/abandoned contract in details and also identify the cause.																	
	(a) Name of the work: Construction a 4 Storied Office Building at Kurigram																	
	(b) Consultant: Design and developers (c) Total Floor Area: 28,060.00 sft.																	
	(d) Name of the Employer: A State Owned Bank .																	
	(e) Value of Work: Tk. 5,54,18,220.00 (f) Completion time: 18 months.																	
	Date of work (g) Started : 15 April-2009 , (h) Work completed: No progress in work.																	
	(i) Causes of Abandonment:																	
	This construction firm was awarded for signing contract. After submitting performance guarantee , employer issued work order to the contractor. But when the contractor wanted to start the work, it was found that a major item not included in the estimate. This item is about 10% of the total project value. For this reason, re-estimate of the project required. After re-estimate and its approval, already one year passed and contractor demanded for price adjustment due to price hike of the materials. Procuring entity did not agree to increase the contract price and lastly cancelled the contract.																	

5.5.15 No. Construction Firm

1.	(a) Name of the Construction Firm : M/S. `L' CONSTRUCTION																	
	(b) Address : House No. 32, Road NO. 15, Dhanmondhi, Dhaka.																	
	(c) Tel :								Fax :									
2.	(a) Date of Registration : 1987								(b) Years in Construction Business : 25									
3.	Indicate the qualifications experience of the full - time Engineers of the firm																	
	Type of Engineer	Numbers	0- 5 Years				5-10 Years				10 – 15 Years				> 15 Years			
	(a) Graduate Engineer (Civil)	2	1				-				-				1			
	(b) Graduate Engineer (Elect.)	1	-				-				-				1			
	(c) Diploma Engineer (Civil)	10	3				3				-				4			
	(d) Diploma Engineer (Elect)	1	-				1				-				-			
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons	Numbers	0- 5 Years				5-10 Years				10 – 15 Years				> 15 Years			
	(a) Manager	2	-				1				-				1			
	(b) Accountant	1	-				-				-				1			
	(c) Computer Operator	4	3				1				-				-			
	(d)Others(foreman, Peon etc)	15	3				3				2				7			
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification										Yes	(vi) CB & A Certificate					Yes	
	(i) Valid Trade License										Yes	(vii) Own Equipment Capability					Yes	
	(ii) VAT Registration										Yes	(viii) CV of Staff Personnel.					Yes	
	(iii) Tax Identification Number										Yes	(b) Financial Qualification					In lac	
	(iv) Income tax clearance Certificate										Yes	(i) Annual Average Turn Over					Tk.705.00	
	(v) Affidavit /Articles of association										Yes	(ii) Cash flow/Credit limit					Tk. 85.00	
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandoned in the last five years as Single Entity.																	
	Works Value	100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac				
	Work type	Numbers	a	b	c	d	a	b	c	d	a	b	c	d	a	b	c	d
	Building		2	1	-	-	2	-	0	-	2	1	1	-	1	-	-	-
	Road		1	-	1	-	-	1	1	-	-	-	-	1	1	-	1	-
	Bridge		2	-	2	-	1	-	-	-	-	-	1	-	1	-	-	-
	Others		1	-	1	-	-	-	1	-	-	-	-	-	-	-	-	-
7.	Indicate one successful/delay/abandoned contract in details and also identify the cause.																	
	(a) Name of the work: Construction a 5 Storied 5 Star Hotel Building near Sea Beach at Cox Bazar (b) Consultant: Design and Development (c) Total Floor Area: 44,680.00 sft.																	
	(d) Name of the Employer: A Group of Company.																	
	(e) Value of work: Tk. 14, 54, 06,540.65 (f) Completion time: 24 months.																	
	Date of work (g) Started : 10 August-2011 , (h) Work Completed: No progress in work.																	
	(i)Causes of Abandonment:																	
	The procuring Entity issued work order to the contractor and hand over the site to start the work. During equipment mobilization by the contractor, concern legal authority of the country issued objection order against employer to stop the work for environmental cause . For a long time, they could not win the case for starting the project. At last due to the contractor's appeal , the employer cancelled the work order and breeze the contract.																	

5.5.16 No. Construction Firm

1.	(a) Name of the Construction Firm : M/S. `M` HOSSAIN																	
	(b) Address : Level- 7, B. Tower,71-72 Elephant Road, Eskaton Garden Road Dhaka.																	
	(c) Tel :								Fax :									
2.	(a) Date of Registration : 1992								(b) Years in Construction Business : 20									
3.	Indicate the qualifications experience of the full - time Engineers of the firm																	
	Type of Engineer		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Graduate Engineer (Civil)		3		1		-		-		2							
	(b) Graduate Engineer (Elect.)		1		-		-		-		1							
	(c) Diploma Engineer (Civil)		7		3		-		-		4							
	(d) Diploma Engineer (Elect)		1		1		-		-		-							
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Manager		1		-		-		-		1							
	(b) Accountant		1		-		-		-		1							
	(c) Computer Operator		3		1		2		-		-							
	(d) Others(foreman, Peon etc)		17		3		2		2		10							
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification				Yes		(vi) CB & A Certificate				Yes							
	(i) Valid Trade License				Yes		(vii) Own Equipment Capability				Yes							
	(ii) VAT Registration				Yes		(viii) CV of Staff Personnel.				Yes							
	(iii) Tax Identification Number				Yes		(b) Financial Qualification				In lac							
	(iv) Income tax clearance Certificate				Yes		(i) Annual Average Turn Over				Tk.855.00							
	(v) Affidavit /Articles of association				Yes		(ii) Cash flow/Credit limit				Tk. 82.00							
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandoned in the last five years as Single Entity.																	
	Works Value		100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac			
	Work type		a		b		c		d		a		b		c		d	
	Building		1		1		-		-		2		2		0		-	
	Road		-		1		1		-		-		-		1		-	
	Bridge		2		-		2		-		1		-		-		-	
	Others		2		-		1		-		-		1		-		-	
7.	Indicate one successful/delay/abandoned contract in details and also identify the cause.																	
	(a) Name of the work: Construction a 6 Storied Fish Whole Sell Market, at Dhaka.																	
	(b) Consultant: The Associate Engineers. (c) Total Floor Area: 54,250.00 sft.																	
	(d) Name of the Employer: Ministry of Fisheries and Livestock.																	
	(e) Value of work: Tk. 10, 24, 01,220.00 (f) Completion time: 24 months.																	
	Date of work (g) Started : 01 June-2009 , (h) Completed: 28 May-2011																	
	(i) Causes of Work Completion in Time: The above said contractor submitted all the documents as per the requirement of tender document. The procuring entity awarded the contractor work order and signed a contract. The contractor started the work in time and completed it in time. During the execution of the work , the contractor could utilized his all capacity as mentioned earlier by him. At that time his similar work experience, cash flow/Credit limit and manpower etc were found to be utilized in full swing.																	

5.5.17 No. Construction Firm

1.	(a) Name of the Construction Firm : M/S. `N` ENGINEERS LTD.																	
	(b) Address : Plot Not-13, Block No.-A, Malibag Chowdhuri Para. Dhaka.																	
	(c) Tel :								Fax :									
2.	(a) Date of Registration : 2002								(b) Years in Construction Business : 9									
3.	Indicate the qualifications experience of the full - time Engineers of the firm																	
	Type of Engineer		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Graduate Engineer (Civil)		3		2		3		-		-							
	(b) Graduate Engineer (Elect.)		1		-		-		-		-							
	(c) Diploma Engineer (Civil)		8		2		6		-		-							
	(d) Diploma Engineer (Elect)		1		-		1		-		-							
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Manager		2		1		1		-		-							
	(b) Accountant		1		-		1		-		-							
	(c) Computer Operator		4		3		1		-		-							
	(d)Others(foreman, Peon etc)		15		3		12		-		-							
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification				Yes		(vi) CB & A Certificate				Yes							
	(i) Valid Trade License				Yes		(vii) Own Equipment Capability				Yes							
	(ii) VAT Registration				Yes		(viii) CV of Staff Personnel.				Yes							
	(iii) Tax Identification Number				Yes		(b) Financial Qualification				In lac							
	(iv) Income tax clearance Certificate				Yes		(i) Annual Average Turn Over				Tk.502.00							
	(v) Affidavit /Articles of association				Yes		(ii) Cash flow/Credit limit				Tk. 65.00							
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandoned in the last five years as Single Entity.																	
	Works Value		100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac			
	Work type		a		b		c		d		a		b		c		d	
	Building		3		1		1		-		2		1		1		-	
	Road		1		-		1		-		-		-		1		-	
	Bridge		1		-		2		-		1		-		-		-	
	Others		1		-		1		-		-		-		-		-	
7.	Indicate one successful/delay/abandoned contract in details and also identify the cause.																	
	(a) Name of the work: Construction a 4 Storied Bangladesh Bank Building at Bholla.																	
	(b) Consultant: N/A								(c) Total Floor Area: 21,190.00 sft.									
	(d) Name of the Employer: A State Owned Bank																	
	(e) Value of Work: Tk. 4, 54, 12,000.65 (f) Completion time: 15 months.																	
	Date of work (g) Started : 25 April - 2010 , (h) Work Completed: 30 May-2012																	
	(i) Causes of Delay:																	
	M/S. `N` ENGINEERS LTD showed technically and financially qualified construction firm by the submission of all requirements as per tender documents. But this firm completed this project in 9(nine) months delay. The main cause of delay was identified during the execution of the works. This firm submitted a conditional letter of credit facility from a private bank. During the execution of the work, this firm did avail the credit facility from bank because they could not fulfill the condition of the bank. Due the fund problem, the project became so much delay.																	

5.5.18 No. Construction Firm

1.	(a) Name of the Construction Firm : M/S. ``AD'' DEVELOPMENT LTD.																	
	(b) Address : Advanced Center , 601 -Gulshan South Avenue, Dhaka.																	
2.	(a) Date of Registration : 2001								(b) Years in Construction Business : 11									
3.	Indicate the qualifications experience of the full - time Engineers of the firm																	
	Type of Engineer		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Graduate Engineer (Civil)		4		1		-		3		-							
	(b) Graduate Engineer (Elect.)		1		-		-		1		-							
	(c) Diploma Engineer (Civil)		5		3		2		-		1							
	(d) Diploma Engineer (Elect)		1		-		1		-		-							
4.	Indicate the qualifications experience of the full time employees other than Engineers																	
	Type of Persons		Numbers		0- 5 Years		5-10 Years		10 – 15 Years		> 15 Years							
	(a) Manager		1		-		-		1		1							
	(b) Accountant		3		-		3		-		-							
	(c) Computer Operator		4		3		1		-		-							
	(d)Others(foreman, Peon etc)		21		3		6		12		7							
5.	Indicate Technical and Financial Qualification Criteria.																	
	(a) Technical Qualification				Yes		(vi) CB & A Certificate				Yes							
	(i) Valid Trade License				Yes		(vii) Own Equipment Capability				Yes							
	(ii) VAT Registration				Yes		(viii) CV of Staff Personnel.				Yes							
	(iii) Tax Identification Number				Yes		(b) Financial Qualification				In lac							
	(iv) Income tax clearance Certificate				Yes		(i) Annual Average Turn Over				Tk.895.00							
	(v) Affidavit /Articles of association				Yes		(ii) Cash flow/Credit limit				Tk. 74.00							
6.	Indicate the number of works completed (a) in time (b) in delay (c) work in hand (d) work abandoned in the last five years as Single Entity.																	
	Works Value		100 to 500 lac				500 to 1000 lac				1000 to 2000 lac				> 2000 lac			
	Work type		a		b		c		d		a		b		c		d	
	Building		4		2		-		3		2		-		1		-	
	Road		1		-		1		-		-		-		-		1	
	Bridge		-		-		-		-		-		-		-		-	
	Others		-		-		-		-		-		-		-		-	
7.	Indicate one successful/delay/abandonment contract in details and also identify the cause.																	
	(a) Name of the work: Construction of two 4 Storied Residential Building of Eye Hospital at Dist. G. Gonj.(b) Consultant: N/A (c) Total Floor Area:33,000.00 sft																	
	(d) Name of the Employer: Ministry of Health																	
	(e) Value of work: Tk. 8, 75, 25,000.00, (f) Completion time: 15 months.																	
	Date of work (g) Started : 01 January-2011 , (h) Work Completed: 75% up to Oct.-2012																	
	(i) Causes of Delay: The construction firm M/S. `AD' Development Ltd. is a well known company. They had completed many building projects with great success in the last few years. They had also good financial and technical capability. They are capable of required manpower and equipment capacity. It was easily evaluated that this company would complete the project in time. But this project has already past 8 months more than the project duration. And it will also require at least 6 months more to completed the remaining portion of the work. The main cause of such delay was identified as that a local construction firm is executing the project instead of M/S. `AD' Development Ltd. This executing firm has no previous experience, sufficient cash flow, required manpower.																	