W.S. & CO.
WAPDA Approved Contractor

GENERAL ORDER SUPPLIER
WHOLESALER
IMPORTER

WS/GRC/PESCO/PMU-05/Poles/UIB **Dated: 03-09-2026**

To,
Chief Engineer (Dev) PMU / Manager (Proc) PMU,
Peshawar Electric Supply Company Limited (PESCO),
PESCO Head Quarter, WAPDA House, Shami Road, Peshawar.

Through EPADS v2.0 and by Email

Subject: **PRE-BID GRIEVANCE UNDER RULE 48 OF THE PUBLIC PROCUREMENT RULES, 2004, AGAINST RESTRICTIVE, AMBIGUOUS AND INTERNALLY INCONSISTENT CLAUSES OF THE BIDDING DOCUMENTS OF TENDER NO. PMU-5/2026-27, "132KV STEEL POLES & ZM TOWERS & 220KV TOWERS," REFERENCE NO. P85735 (LOTS 1–3).**

Respected Sir,

We, M/s WS & Co., respectfully submit this pre-bid grievance under Rule 48 of the Public Procurement Rules, 2004, against the bidding documents of the above-referenced tender, published on EPADS v2.0 on 01.09.2026. The following is respectfully submitted for the consideration of the Grievance Redressal Committee (GRC) constituted under Rule 48. Page references are to the 129-page bidding document as issued.

BRIEF FACTS

1. That the Procuring Agency has invited sealed e-Bids for "132kV Steel Poles & ZM Towers & 220kV Towers" under Tender No. PMU-5/2026-27 (Reference No. P85735), a National Single Stage-Two Envelope procurement comprising Lot-1 (132kV Steel Tubular Poles, Types SPD and SPG), Lot-2 (132kV ZM Type Towers, Types ZM-30 and ZM-60, with leg extensions), and Lot-3 (220kV Type Towers, Types EA, ED and EG).

2. That the Complainant, M/s WS & Co., is a manufacturer/supplier of transmission and distribution equipment and materials, eligible and desirous of participating in the subject tender, and is directly affected by the impugned clauses of the bidding documents set out below.

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3. That the Complainant has examined the bidding documents and identified clauses of the Eligibility Criteria (pages 29–30), the Evaluation Criteria (page 31), the Items/Lot Specification (pages 37–40), and the Instructions to Bidders (page 18), as restrictive, ambiguous, internally inconsistent, or otherwise contrary to the Public Procurement Rules, 2004, for the reasons set out ground-wise below.

4. That this complaint is filed at the pre-bid stage, in good time before the bid submission deadline, so that the impugned clauses may be corrected, and the clarifications sought herein issued, by a formal EPADS addendum without disturbing the tender timeline.

GROUND A: THE "SIMILAR OR HIGHER RATING" CRITERION IS UNDEFINED

1. That Eligibility Criteria item 1 (Contractual Experience Criteria) and item 2 (Manufacturing Experience Criteria), both at page 29 of the bidding documents, require the Bidder/Manufacturer to demonstrate supply and manufacturing experience of tendered material "having similar or higher rating," without any definition of what "rating" means for the tendered poles and towers, or of what would constitute a "higher" rating for purposes of this criterion.

2. That, as set out in Ground B below, the Items/Lot Specification does not even identify the governing WAPDA/NGC specification by number or title, so that the "similar or higher rating" criterion cannot be tested against any ascertainable baseline. PESCO is respectfully requested to define "same or higher rating" by reference to an objective and verifiable parameter, once the governing specification itself is identified.

3. That the significance of an undefined rating criterion is reinforced by the regulatory framework governing distribution and transmission voltage classes. Under Sections 2(viii), 2(xix) and 2(xxvii) of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997, distribution voltage means any voltage below the minimum transmission voltage of sixty-six kilovolts, and transmission facilities are those operating at or above that threshold, save for the limited grid facilities the Authority specifically assigns to a distribution licensee under Section 20. PESCO's own distribution licence accordingly defines the class of facilities it may itself own, operate and verify. Lot-1 (132kV Steel Tubular Poles) and Lot-2 (132kV ZM Type Towers) are tendered as a distinct class from Lot-3 (220kV Type Towers), and an undefined "or higher rating" criterion in the Eligibility Criteria for Lots 1 and 2 is capable of crediting a bidder's experience of 220kV-class structures, which are tendered separately in

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this very tender as a materially different item, in place of experience of the 132kV-class poles and towers actually required for Lots 1 and 2. PESCO is respectfully requested to confirm that experience credited under items 1 and 2 for each Lot shall be confined to the voltage class and tower/pole type of that Lot, and shall not be satisfied by experience of a different Lot's higher-voltage class structures.

GROUND B: THE ITEMS/LOT SPECIFICATION DOES NOT IDENTIFY ANY GOVERNING SPECIFICATION BY NUMBER OR TITLE

1. That the Items/Lot Specification, at pages 37 to 40 of the bidding documents, prescribes the "Specifications / Requirements" for every tendered item, across all three Lots, in identical and undifferentiated terms: for Lot-1 (132kV Steel Tubular Poles, Types SPD and SPG, page 40), "WAPDA/NGC specifications Amended to date"; for Lot-2 (ZM-30 and ZM-60 Type Towers and leg extensions, page 37), "WAPDA/NGC Relevant Specification Amended to date"; and for Lot-3 (220kV Type Towers, page 38), "WAPA/NGC Relevant specifications Amended to date."

2. That none of these entries states the number, title, or date of any specific WAPDA or NGC document. WAPDA is known to maintain numbered, dated specifications for steel poles of precisely this description; by way of example, Specification P-166:83 ("Steel Poles for Transmission Lines") governs the design, fabrication and supply of galvanized steel poles designated by type (Type SP-A, SP-D and SP-G, classified by line angle). The Items/Lot Specification of the present tender, however, identifies no such document by number for any of the nine tendered items across the three Lots.

3. That a bidder cannot determine, from the bidding documents as issued, which specification, of what date or amendment status, its offered poles and towers must conform to. This omission is material because it also underlies Ground A above: a rating criterion cannot be assessed against a specification that is itself unidentified. PESCO is respectfully requested to state the exact number, title and amendment date of the governing WAPDA/NGC specification for each tendered item.

GROUND C: THE EVALUATION CRITERIA CONTAIN NO BREAKDOWN OR LISTING OF RELEVANT INFORMATION, CONTRARY TO RULE 29

1. That the Evaluation Criteria, at page 31 of the bidding documents, in their entirety, state only: "Technical Evaluation %: 100. Technical Marks: 100. Passing Marks: 100. Technical Evaluation Criteria: Technical Evaluation (Quantitative)(Doc Required) – 100." No sub-criteria, weightage breakdown, or listing of the specific information against which a bid is to be evaluated is provided anywhere in the 129-page bidding document.

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2. That Rule 29 of the Public Procurement Rules, 2004 requires procuring agencies to "formulate an appropriate evaluation criterion listing all the relevant information against which a bid is to be evaluated," and expressly provides that "failure to provide for an unambiguous evaluation criteria in the bidding documents shall amount to mis-procurement."

3. That the Public Procurement Regulatory Authority, in its Order dated 27.08.2026 in Appeal No. PPRA/AP-43/2026 (M/s Asian Consulting Engineers (Pvt.) Ltd. v. Pakistan Airports Authority), held that the mere disclosure of a condition in the bidding documents and its uniform application do not, by themselves, establish its legality, and that a procuring agency must formulate evaluation criteria that are objective, proportionate and independently verifiable. A single undifferentiated line item worth all available marks, without any listing of relevant information, cannot satisfy Rule 29 as so construed.

4. That PESCO is respectfully requested to issue, by addendum, a detailed evaluation criteria table listing the specific factors, sub-criteria and marks allocated to each, consistent with Rule 29.

GROUND D: THE DOMESTIC PREFERENCE PERCENTAGE, WHICH THE TENDER ITSELF REQUIRES TO BE STATED, IS NOWHERE STATED

1. That ITB Clause 30.1, at page 18 of the bidding documents, provides that the Procuring Agency "shall evaluate and compare bids, allow for preference to domestic bidders, while competing with the international bidders in accordance with the policies of Federal Government," and further provides, in mandatory terms, that "the percentage of preference, to be accorded shall be clearly mentioned in the bidding documents under the bid evaluation criteria."

2. That the corresponding Special Conditions of Contract entry, at page 85 (Clause 34.1(a)), states only that "domestic preference to apply" and that preference "shall be provided in accordance with the policies of the Federal Government and/or in accordance with the regulations issued by the Authority (PPRA) from time to time," without stating any percentage. No percentage figure appears anywhere else in the 129-page bidding document.

3. That this omission is contrary to the bidding documents' own mandatory requirement at ITB 30.1, and to the transparency principle of Rule 4 of the Public Procurement Rules, 2004. PESCO is respectfully requested to state the applicable percentage of domestic price preference by way of addendum.

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4. That, further, Rule 24(2) of the Public Procurement Rules, 2004 itself confines the domestic-preference mechanism to cases where the procuring agency is "evaluating and comparing bids... while competing with the international bidders," for works projects, certain goods manufactured, mined, extracted and grown in Pakistan, or the disposal of certain assets having a potential impact on national security. The Public Procurement Regulatory Authority has itself clarified, in response to a Frequently Asked Question on its website, that Rule 24(2) "shall not be invoked in cases where procurement is being carried out through Open Competitive Bidding process limited to national bidders only."

5. That the subject tender is expressly captioned "National" and adopts Open Competitive Bidding limited to national bidders, with no provision anywhere in the bidding documents for participation by international bidders. On PPRA's own clarification of Rule 24(2), the domestic-preference mechanism accordingly has no application to this tender at all, since there is no competition with international bidders for a domestic bidder to be preferred against. The inclusion of ITB Clause 30.1 and Special Conditions of Contract Clause 34.1(a) in a purely National tender is, on this basis, itself misconceived, and not merely incomplete for want of a stated percentage. PESCO is respectfully requested to either delete Clauses 30.1 and 34.1(a) as inapplicable to a National tender under Rule 24(2), or, if international participation is in fact contemplated, to clarify the basis for treating this as other than a purely National procurement and to state the applicable percentage of preference accordingly.

GROUND E: NO PROCEDURE TO VERIFY END-USER OPERATIONAL CERTIFICATES

1. That Eligibility Criteria item 3 (Performance Criteria), at page 29, requires the Bidder to submit "at least two (02) satisfactory operational certificates... from the end user(s) i.e. DISCOs/NTDC/WAPDA/GENCOs," stating the end user's contact address, phone, fax, website and email.

2. That the bidding documents prescribe no procedure by which PESCO will verify or authenticate the operational certificates so submitted. A bidder cannot ascertain how, or whether, such certificates will be checked against the named end user. PESCO is respectfully requested to specify the procedure for verification of operational certificates submitted under item 3.

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GROUND F: THE SUPPLY CAPACITY CRITERION IS VAGUE AND NOT OBJECTIVELY VERIFIABLE

1. That Eligibility Criteria item 4 (Supply Capacity), at page 30, requires that "the manufacturing capacity of the Bidder should be at least equal to the sum of orders in hand, expected orders in pipeline and this order (if placed on it)," based on figures for "orders in hand" and "expected orders in pipe line" supplied by the Bidder itself, as of no stated reference date.

2. That this criterion depends entirely on the Bidder's own self-reported figures, with no prescribed method by which PESCO can independently verify them. PESCO is respectfully requested to clarify the reference date as of which capacity and pending/pipeline orders are to be assessed, and the documents or independent source by which such figures will be verified.

REQUEST

It is respectfully prayed that this Grievance Redressal Committee may kindly direct PESCO to clarify and, where necessary, amend the bidding documents of Tender No. PMU-5/2026-27 by a formal EPADS addendum, before the bid submission deadline, so as to:

(a) define "same or higher rating," at page 29, by an objective and verifiable parameter once the governing specification is identified;

(b) state the exact number, title and amendment date of the governing WAPDA/NGC specification for each tendered item, at pages 37–40;

(c) issue a detailed evaluation criteria table listing the specific factors and marks allocated to each, in place of the single undifferentiated entry at page 31, consistent with Rule 29; (d) introduce an undertaking-based fallback route for type test reports and prototype approval, at pages 30 and 91;

(e) state the applicable percentage of domestic price preference required by ITB Clause 30.1, at page 18;

(f) prescribe a procedure for verification of the operational certificates required under Eligibility Criteria item 3, at page 29; and

(g) clarify the reference date and verification method for the supply capacity criterion at page 30.

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The Complainant submits that each of the above requests seeks clarity and consistency in the application of the bidding documents, and to bring them into conformity with the Public Procurement Rules, 2004, rather than to disrupt or delay the tender. Early clarification, before the bid submission deadline, will enable all bidders to prepare responsive and comparable bids.

Yours faithfully,

For M/s WS & Co.
(Authorized Signatory)

CC:

1. **Chief Engineer** (Dev) PMU, PESCO, Peshawar.
2. **Muhammad Hanzala** (Attorney at Law) Just Legal (JL) Lawyers & Corporate Consultants, Flat 811, 8th Floor, Zara Heights, Near NUST Gate 2, H-13, Islamabad (Legal Counsel).