PUNJAB PROCUREMENT REGULATORY AUTHORITY (PPRA) ACT-2009

(AMENDED UPTO 09.01.2023)

THE PUNJAB PROCUREMENT REGULATORY AUTHORITY ACT 2009

(VIII OF 2009)

CONTENTS

TEXT

THE PUNJAB PROCUREMENT REGULATORY AUTHORITY ACT 2009

(VIII of 2009)

[17th November, 2009]

An

Act

to provide for the establishment of the Procurement Regulatory Authority in the Punjab.

WHEREAS it is expedient to provide for the establishment of the Procurement Regulatory Authority for regulating procurement of goods, services and works in the public sector and for matters connected therewith;

It is hereby enacted as follows:-

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Procurement Regulatory Authority Act 2009.

(2) It extends to the whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— In this Act:

(a) "Authority" means the Punjab Procurement Regulatory Authority established under section 3;

(b) "Board" means the Board of Management constituted under section 6;

(c) "Chairperson" means the Chairperson of the Board;

[1][(d) "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value to influence the action of a public official, bidder or contractor in the procurement process or in contract execution to the detriment of the procuring agency; or misrepresentation of facts in order to influence a procurement process or the execution of a contract, collusive practices among bidders (prior to or after bid submission) designed to establish bid prices at artificial, non-competitive levels and to deprive the procuring agency of the benefits of free and open competition and any request for, or solicitation of anything of value by any public official in the course of the exercise of his duty; it may include any of the following:

(i) coercive practice by impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of

[1]Substituted by the Punjab Procurement Regulatory Authority (Amendment) Act 2016 (XV of 2016), published in the Punjab Gazette (Extraordinary), dated: 29 February 2016, pp. 4049-4051, s.2.

the party to influence the actions of a party to achieve a wrongful gain or to cause a wrongful loss to another party;

(ii) collusive practice by arrangement between two or more parties to the procurement process or contract execution, designed to achieve with or without the knowledge of the procuring agency to establish prices at artificial, noncompetitive levels for any wrongful gain;

(iii) offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence the acts of another party for wrongful gain;

(iv) any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;

(v) obstructive practice by harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in a procurement process, or affect the execution of a contract or deliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making false statements before investigators in order to materially impede an investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation, or acts intended to materially impede the exercise of inspection and audit process;]

(e) "Fund" means the Public Procurement Fund;

(f) "goods" means articles and objects of every kind and description including raw materials, products, equipment, machinery, spares and commodities in any form and includes services incidental to installation, transport, maintenance and similar obligations related to the supply of goods if the value of these services does not exceed the value of such goods;

(g) "Government" means the Government of the Punjab;

(h) "Managing Director" means the Managing Director of the Board;

(i) "Member" means a member of the Board;

(j) "misprocurement" means public procurement in contravention of any provision of the Act, rules, regulations, orders or instructions made thereunder or any other law in respect of, or relating to the public procurement;

(k) "prescribed" means prescribed by the rules made under the Act;

[2][(l) "procuring agency" means:

(i) a department, attached department of the Government;

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[2]Substituted by the Punjab Procurement Regulatory Authority (Amendment) Act 2016 (XV of 2016), published in the Punjab Gazette (Extraordinary), dated: 29 February 2016, pp. 4049-4051, s.2.

(ii) an autonomous body or a special institution of the Government;

(iii) a court or tribunal financed by the Provincial Consolidated Fund;

(iv) Provincial Assembly of the Punjab;

(v) a local government;

(vi) a body corporate owned or controlled by the Government or a local government; or

(vii) a private organization financed by the Government or a local government where such finance is not less than five million rupees and constitutes not less than fifty percent of the expenditure of the organization in the financial year;]

[3][(m) * * * * ** * * * * ** * * * * ** * * * * ** * * * * ** * * * * ** * * * * ** * * * * ** * * * * ** * * * *]

[4][(n) "public procurement" means procurement of goods, works or services by a procuring agency wholly or partly financed out of the Provincial Consolidated Fund or the Public Account of the Province or funds of a procuring agency;]

(o) "regulations" means regulations made under the Act;

(p) "rules" means rules made under the Act;

[5][(q) "services" includes physical, maintenance, professional, intellectual, consultancy or advisory services but does not include appointment of an individual to a post or office, advertisement, arbitration, conciliation or mediation services, services of an advocate in a court case or any other services specifically excluded under the rules;]

(r) "works" means a construction work adding consisting of erection, assembly, repair, renovation or demolition of a building or structure or part thereof, such as site preparation, excavation, installation of equipment or materials and decoration, finishing and includes incidental services such as drilling, mapping, satellite photography, seismic investigations and similar activities, if the value of those services does not exceed that of the works themselves.

3. Establishment of Authority.— (1) The Government shall, by notification, establish an Authority to be called the Punjab Procurement Regulatory Authority for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate, having perpetual succession and common seal with power to enter into contract; and it may sue or be sued by the said name.

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[3]Omitted by the Punjab Procurement Regulatory Authority (Amendment) Act 2016 (XV of 2016), published in the Punjab Gazette (Extraordinary), dated: 29 February 2016, pp. 4049-4051, s.2.

[4]Substituted by the Punjab Procurement Regulatory Authority (Amendment) Act 2016 (XV of 2016), published in the Punjab Gazette (Extraordinary), dated: 29 February 2016, pp. 4049-4051, s.2.

[5]Substituted by the Punjab Procurement Regulatory Authority (Amendment) Act 2016 (XV of 2016), published in the Punjab Gazette (Extraordinary), dated: 29 February 2016, pp. 4049-4051, s.2.

4. Directions by the Government.— The Government may issue directive to the Authority on a matter of policy and the directive shall be binding on the Authority.

5. Functions and powers of the Authority.— (1) The Authority may take measures and exercise powers as may be necessary for improving governance, management, transparency, accountability and quality of public procurement.

(2) Subject to sub-section (1), the Authority may-

(a) monitor application of the laws, rules, regulations, policies and procedures in respect of, or relating to the public procurement;

(b) monitor the implementation of and evaluate laws, rules, regulations, policies and procedures in respect of, or relating to, inspection or quality of goods, services and works and recommend reformulation thereof or revisions therein as it deems necessary;

(c) recommend to the Government revisions in or formulation of new laws, rules and policies in respect of or related to public procurement;

(d) make regulations and lay down codes of ethics and procedures for public procurement, inspection or quality of goods, services and works;

(e) establish performance indicators for procurement performance of the Procuring Agencies and monitor compliance with these indicators through independent third party evaluation and make recommendations for improvement of procurement performance of the Procuring Agencies;

(f) Issue guidance and instructions regarding the interpretation and implementation of this Act, rules and regulations;

(g) provide assistance and coordinate with the Procuring Agencies for developing and improving their institutional framework and public procurement activities;

(h) prepare standard documents to be used in connection with public procurement;

(i) present an annual report to the Government regarding the overall functioning of the public procurement system, including recommendations on measures to be taken by the Government to enhance the quality of procurement work;

(j) call a functionary of a Procuring Agency to provide assistance in its functions and call for information from a Procuring Agency pursuance of its objectives and functions;

(k) develop, promote and support training and professional development policy of officials and other persons engaged in public procurement; and

(l) perform other function as may be assigned to it by the Government.

6. Board.— (1) The management and administration of the Authority shall vest in the Board of Management.

(2) The Board shall consist of**—**

[6][(a)	Chief Secertary to the Government;	Chairperson
(b)	Secretary to the Government, Finance Department;	Member
(c)	Secretary to the Government, Planning & Development Department;	Member
(d)	Secretary to the Government, Specialized Healthcare & Medical Education Department;	Member
(e)	Secretary to the Government, Irrigation Department;	Member
(f)	Secretary to the Government, Communication & Works Department;	Member
(g)	Secretary to the Government, Local Government and Community Development Department;	Member
(h)	Secretary to the Government, Higher Education Department;	Member
(i)	Secretary to the Government, Law and Parliamentary Affairs Department;	Member
(j)	three members of provincial Assembly of the Punjab including at least one female member of the Assembly to be nominated by the Government;	Member
(k)	three members from Chamber of Commerce and Industry including at least one female member to be nominated by the Government; and	Member
(l)	Managing Director	Member/Secretary]

(3) A Member other than an ex-officio Member shall hold office for a period of three years and shall be entitled to the perks and privileges as the Government may determine.

(4) A Member other than an ex-officio Member may resign by tendering his resignation to the Government.

(5) A casual vacancy in the Board shall be filled through nomination by appropriate authority for the residue of the term of the outgoing Member.

(6) The existing of a vacancy in the constitution of the Board shall not invalidate an act or proceedings of the Board.

7. Meeting of the Board.— (1) The meetings of the Board shall be presided over by the Chairperson or in his absence by a member nominated by the Chairperson.

(2) Seven Members shall constitute the quorum for a meeting of the Board.

(3) An ex-officio Member may nominate an officer, not below the rank of an Additional Secretary, to attend the meeting.

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[6] Substituted by the Punjab Procurement Regulatory Authority Act 2009 (VIII of 2009) Passed on 09-01-2023

(4) The Board shall take decision by a simple majority of the Members present and voting.

(5) The Managing Director shall record the minutes of the meeting.

8. Managing Director.— (1) The Government shall appoint Managing Director of the Board for a period of three years on the terms and conditions as it may determine.

(2) The Government shall not vary, alter or modify the terms and conditions of service of the Managing Director during his term of office.

(3) The Managing Director shall be responsible for day to day administration of the Authority.

(4) The Managing Director shall be eligible for re-appointment but his total tenure shall not exceed six years.

(5) The Government shall not appoint a person as the Managing Director, if he**—**

(a) has been convicted of an offence involving moral turpitude;

(b) has been removed from a service for misconduct;

(c) has been adjudged as un-discharged insolvent;

(d) is incapable of discharging his duties by reasons of physical or mental incapacity in the opinion of a Medical Board constituted by the Government; or

(e) has a conflict of interest with the Authority.

(6) The Managing Director may resign by tendering his resignation to the Government.

(7) The Managing Director shall not engage in any other service, business, vocation or employment nor shall he, before the expiry of one year from the date of his relinquishment of the charge of his office, enter into employment or accept any advisory or consultancy relationship with any person engaged in public procurement activity:

Provided that where the Managing Director is a government servant, there shall be no such restrictions on his employment after his retirement or transfer from the post of Managing Director.

(8) The Managing Director shall not have a direct or indirect financial interest or connection with a Company engaged in public procurement activity during the term of his office and for a period of one year thereafter.

(9) The Managing Director shall**—**

(a) exercise administrative control over the personnel of the Authority;

(b) exercise, in respect of the Authority, such other management, administrative and financial powers as may be determined by the Board;

(c) submit the annual budget proposals of the Authority to the Board,

(d) prepare the annual report of the Authority for the Board and the Government;

(e) exercise powers as the Board may delegate to him; and

(f) act on behalf of the Authority, in any emergency, subject to the obligation to report the action to the Board at its next meeting and to seek ratification of his action.

9. Appointment and remuneration of the third party evaluation firms.— (1) The Authority may appoint a firm for conducting a third party evaluation of public procurement contracts of a Procuring Agency against payment of remuneration.

(2) Subject to sub-section (3), the criteria for the selection and appointment of a firm for third party evaluation shall be prescribed.

(3) A firm that submitted bid for the award of a public procurement contract of a Procuring Agency shall not be eligible for appointment as evaluator of the contracts of the Procuring Agency.

(4) The firm shall submit its evaluation report to the Authority.

10. Training.— The Authority shall formulate training policies and launch training programmes for the relevant personnel of the Procuring Agencies.

11. Maintenance of Website.— (1) The Authority shall maintain a website for the procurement activities.

(2) The Procuring Agency shall update the procurement activities on the website in the prescribed manner.

12. Fund.— (1) The Authority shall establish a Fund to be known as the Public Procurement Fund.

(2) The sources of income of the Fund shall be—

(a) grants made by the Government;

(b) donations, endowments and grants from any individual or organization except from those dealing with public procurement;

(c) income from investment by the Authority; and

(d) all other sums or properties which may in any manner become payable to, or vest in the Authority.

(3) The Authority shall keep, maintain and spend the Fund in the prescribed manner.

(4) The Authority shall exercise prudence in all financial transactions.

(5) The Authority shall spend the Fund for the purpose of—

(a) paying an expenditure lawfully incurred by the Authority, relating to remuneration of its Members, employees, advisers and consultants of the Authority, legal fees and costs as well as other fees and costs;

(b) paying any other expenses, costs or expenditure properly incurred by the Authority in the performance of its functions or exercise of its powers;

(c) purchasing or hiring equipment, machinery and any other work and undertakings in the performance of its functions or exercise of its powers;

(d) payment of a financial obligation; and

(e) payment of an expense for carrying out the provisions of this Act.

13. Power to obtain finances and receive grants.— The Authority may, with the approval of the Government, accept grants from entities both domestic and international, including multilateral agencies, except those connected with public procurements, for meeting its obligations or performing its functions.

14. Investment.— The Authority may invest its surplus funds in the prescribed manner.

15. Budget and accounts.— (1) The Managing Director shall maintain the accounts of the Authority in the prescribed manner.

(2) The Managing Director shall prepare, for approval of the Government, by such date and in such form as may be specified by the Government, a statement showing the estimated receipts and current expenditure and the sums required by the Authority from the Government during the next financial year.

16. Audit of the Authority.— (1) The Government shall appoint a firm of chartered accountants for the annual audit of the accounts of the Authority.

(2) Annual audit report of the accounts of the Authority shall be laid before the Board for approval.

17. Information.— The Authority may call for an information required by it for carrying out the purposes of this Act, from a person or an institution concerned with the public procurement and the person or the institution shall provide the requisite information.

(2) The Authority shall furnish information to the Government, as the Government may require.

[8][**17A. Blacklisting**.– (1) A procuring agency may, for a specified period and in the prescribed manner, debar a bidder or contractor from participating in any public procurement process of the procuring agency, if the bidder or contractor indulges in corrupt practice or any other prescribed practice.

(2) The Managing Director may, in the prescribed manner, debar a bidder or contractor from participating in any public procurement process of all or some of the procuring agencies for a specified period.

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[8]Inserted by the Punjab Procurement Regulatory Authority (Amendment) Act 2016 (XV of 2016), published in the Punjab Gazette (Extraordinary), dated: 29 February 2016, pp. 4049-4051, s.3.

(3) Any person, aggrieved from a decision of a procuring agency, may within prescribed period prefer a representation before the Managing Director.

(4) A procuring agency or any other person, aggrieved from a decision of the Managing Director, may within prescribed period prefer a representation before the Chairperson whose decision on such representation shall be final.]

18. Annual report.— (1) The Authority shall, before the end of October, prepare its annual performance report of the preceding financial year which shall include inquiries and investigations made by the Authority during the financial year.

(2) The Authority shall submit to the Government its annual audit report and the annual performance repot.

(3) The Government shall lay the annual audit report and the annual performance report in the Provincial Assembly of the Punjab.

19. Ethical considerations.— A Procuring Agency shall observe ethical standards and principles of conduct laid down by the Authority.

20. Appointment of officers and staff, etc.— The Authority may appoint such officers, servants, advisers, consultants and experts, as it may consider necessary for performance of its functions in accordance with the criteria and procedure as may be provided in the regulations.

21. Members, officers, etc. to be the public servants.— The Chairperson, Members, Managing Director, officers, servants, advisers, consultants and experts of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Act or the rules and regulations made there under, be deemed to be the public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

22. Delegation.— The Board may, by such conditions and limitations as it may deem fit to impose, delegate any of the functions or powers of the Authority to the Managing Director, or one or more Members or any of the officers of the Authority except the power to**—**

(a) approve audited accounts of the Authority;

(b) recommend exemption under section 23; and

(c) make, amend or repeal regulations.

[9][**23. Exemption**.– (1) The Board may, for reasons to be recorded in writing, recommend to the Government to exempt any public procurement from the application of any rule or regulation made under this Act.

(2) The Government may, on the recommendation of the Board and by notification, exempt application of any rule or regulation made under the Act in any public procurement by specifying alternate mode of the public procurement.

(3) The notification under subsection (2) shall immediately be published in the official Gazette and on the websites of the Government and the Authority.]

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[9]Substituted by the Punjab Procurement Regulatory Authority (Amendment) Act 2016 (XV of 2016), published in the Punjab Gazette (Extraordinary), dated: 29 February 2016, pp. 4049-4051, s.4.

24. Indemnity.— No suit, prosecution or other legal proceedings shall lie against the Authority, the Board, the Chairperson or any member, officer, servants, advisers or consultants of the Authority in respect of anything done in good faith in public interest or intended to be done under this Act, the rules or the regulations.

25. Common seal.— (1) The Managing Director or such other person, as the Chairperson may authorize shall keep the common seal of the Authority.

(2) The seal shall be authenticated in the manner as may be prescribed and a document, pertaining to the public procurement, authenticated with the seal of the Authority shall be admissible as evidence of the contents of the document.

26. Rules.— The Government may, by notification, make rules for carrying out the purposes of this Act.

27. Regulations.— Subject to the provisions of the Act and the rules, the Authority may make regulations for giving effect to the provisions of this Act.

28. Repeal and Validation.— (1) The Punjab Procurement Regulatory Authority Ordinance, 2007 (XIX of 2007) is hereby repealed.

(2) Notwithstanding anything contained in any law, anything done, proceedings of action taken, order or rule made, liability incurred or right acquired under the Ordinance XIX of 2007 or purported to have been done, taken, made, incurred or acquired under that Ordinance, from the date of promulgation of the Ordinance till the coming into force of this Act, shall be deemed to have been done, taken, made, incurred or acquired under this Act.

PUNJAB PROCUREMENT RULES 2014

(AMENDED UPTO 23-12-2022)

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GOVERNMENT OF THE PUNJAB
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT

Dated Lahore, the 13th January, 2014

NOTIFICATION

No. ADMN(PPRA)10-2/2013. In exercise of the powers conferred under section 26 of the Punjab Procurement Regulatory Authority Act 2009 *(VIII of 2009)*, Governor of the Punjab is pleased to make the following rules:

1. Short title and commencement.– (1) These rules may be cited as the Punjab Procurement Rules 2014.

(2) They shall come into force at once.

CHAPTER-I
GENERAL PROVISIONS

2. Definitions.–(1) In these rules:

(a) 'Act' means the Punjab Procurement Regulatory Authority Act 2009 *(VIII of 2009);*

(b) `advertisement' means an advertisement published in the manner prescribed under rule 12;

(c) `applicant' means a person or firm who seek to be enlisted or to be prequalified or to be shortlisted in response to the advertisement given by the procuring agency;

(d) 'associate' means any agency or person with whom the consultant associates in order to provide any part of the services;

(e) 'Authority' means the Punjab Procurement Regulatory Authority;

(f) ‘bid’ means a tender or an offer, in response to an invitation, by a person, consultant, firm, company or an organization expressing his or its willingness to undertake a specified task at a price;

(g) ‘biding document’ means a document or a set of documents prescribing the quantity, quality, characteristics, conditions and procedures of the transactions prior to the actual procurement and on the basis of which bidders prepare their bids;

(h) ‘bid security’ means the bank guarantee or other form of security submitted by a bidder together with a bid to secure the obligations of the bidder participating in a bidding proceedings;

(i) ‘competitive bidding’ means a procedure leading to the award of a contract whereby all the interested persons, firms, companies or organizations may bid for the contract;

(j) ‘competent authority’ means the head of the procuring agency or any other officer authorized to act as competent authority;

(k) ‘completion date’ means the date of completion of the procurement certified by the procuring agency;

(l) ‘consultant’ means a person or firm who or which is qualified by appropriate education and relevant experience for provision of consultancy services;

(m) ‘consultancy services’ means services requiring adequate technical expertise and financial capability in undertaking specific assignment or project and may be of an intellectual nature and differ from the other types of services directly connected with the procurement of goods and works in which the physical component of the activity is the main function and often involves equipment intensive assignments and may include:

(i) advisory and review services;

(ii) pre-investment or feasibility studies;

(iii) construction supervision;

(iv) management and related services, and

(v) other technical services or special studies;

(vi) design; and

(vii) surveys and investigations;

(n) ‘contract’ means the agreement proposed to be entered into between the procuring agency and the successful bidder;

(o) ‘contractor’ means a person, firm, company or an organization who or which undertakes to supply goods, services or works and includes a consultant;

[1][(p) “e-Procurement” means use of information and communication technologies or digital or electronic means or any modern tools for execution of public procurement;]

(q) ‘emergency’ means natural calamity, disaster, accident, war and operational emergency which may give rise to abnormal situation requiring prompt and immediate action to limit or avoid damage to person, property or the environment;

(r) ‘evaluation committee’ means a committee constituted by the procuring agency to evaluate tender or proposal to ascertain whether the bid’s proposal or tender correspond to the evaluation criteria formulated by the procuring agency;

(s) ‘evaluation report’ means the report prepared after the evaluation of tenders, quotations, expression of interest, or proposal;

[1] clause (p)Substituted vide Notification No.S.O O/o DS (S) to ACS/4-54/2022 dated 23.12.2022

[2] [**(sa)**'framework contract' means a contract whereby the procurement is made for a certain volume or quantity of a particular good, a set of goods, services or works over a specific period against an agreed sum or rate per item or lump sum.]

(t) 'Government' means Government of the Punjab;

[3][(u) 'large consultancy' means a consultancy where the cost of consultancy exceeds **two** million rupees for individual consultant and five million rupees for consulting firms and the duration of large consultancy for an individual consultant shall not exceed twelve months];

(v) lowest evaluated bid means:

(i) a bid most closely conforming to evaluation criteria and other conditions specified in the bidding document; and

(ii) having lowest evaluated cost;

(w) 'performance guarantee' means the bank guarantee or other form of security submitted by the contractor to secure obligations under the contract in accordance with the requirement in the bidding document;

(x) 'pre-qualification' means a procedure for demonstrating qualification as a pre-condition for being invited to tender;

(y) 'proposal' means the technical proposal or the financial proposal submitted by a bidder;

(z) 'repeat orders' means procurement of the same commodity from the same source;

(aa) 'responsive' means qualified for consideration on the basis of declared evaluation criteria and specified in the bid document or in the request for proposal;

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[2] Inserted vide Notification No.ADMN(PPRA)10-2/2014 dated 11.03.2014

[3] in clause (u) the word "one" substituted with the word "two" vide Notification No.S.O(Cabinet-I)2-9/2015 dated 06.01.2016

[4][(ab) 'short consultancy' means consultancy where the cost of consultancy does not **exceed two** million rupees for individual consultant and five million rupees for consulting firms and duration of the short consultancies for an individual consultants shall not exceed six months];

(ac) 'supplier' means a person, firm, company or an organization who or which undertakes to supply goods, services or works;

(ad) 'urgency' means a limited timeline for the accomplishment of procurement which cannot be met through open and limited bidding method; and

(ae) 'value for money' means the best returns for each rupee spent in terms of quality, timeliness, reliability, after sales service, up-grade ability, price, source, and the combination of whole-life cost and quality to meet the procuring agency's requirements.

(2) The expression used but not defined in these rules shall have the same meanings as is assigned to it in the Act.

[5][**3. Scope and applicability**.– Save as otherwise provided, these rules shall apply to all **public** procurements made by all procuring agencies whether within or outside the Punjab].

4. Principles of procurements.– A procuring agency, while making any procurement, shall ensure that the procurement is made in a fair and transparent manner, the object of procurement brings value for money to the procuring agency and the procurement process is efficient and economical.

5. International commitments of the Government.– If any provision of these rules is in conflict with any obligation or commitment of the Government arising out of an international

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[4] in clause (ab) The words "exceeds one" substituted with the words "exceed two" vide Notification No.S.O(Cabinet-I)2-9/2015 dated 06.01.2016

[5] The word "public" inserted before the word "procurements" vide Notification No.S.O(Cabinet-I)2-9/2015 dated 06.01.2016.

agreement with a state or states, or any international financial institution, the provisions of such international agreement, to the extent of conflict, shall prevail.

6. Language.–(1) Subject to sub-rule (2), all communication and documentation relating to procurements of the Government shall either be in Urdu or English or both.

(2) When any procurement is required to be made from any state outside Pakistan, the language of that state may also be used in addition to Urdu or English but the original documentation for purposes of record, even in that case, shall be in Urdu or English and the translation in such other language may be used for any other purpose.

(3) In case of conflict, the original documentation on record shall prevail.

7. Integrity pact.– Procurement exceeding the limit specified in the regulations shall be subject to an integrity pact between the procuring agency and a contractor.

CHAPTER-II
PROCUREMENT PLANNING

8. Procurement planning.– A procuring agency shall, within one month from the commencement of a financial year, devise annual planning for all proposed procurements with 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.

9. Limitation on splitting of procurement.– Save as otherwise provided and subject to the regulations, a procuring agency shall announce in an appropriate manner all proposed procurements for each financial year and shall proceed accordingly without any splitting or regrouping of the procurements so planned.

(2) The procuring agency shall advertise in advance annual requirements for procurement on the website of the Authority as well as on its website.

10. Specifications.–(1) A procuring agency shall determine specifications in a manner to allow the widest possible competition which shall not favour any single contractor nor put others at a disadvantage.

(2) The specifications shall be generic and shall not include references to brand names, model numbers, catalogue numbers or similar other classifications but if the procuring agency is satisfied that the use of, or a reference to, a brand name or a catalogue number is essential to complete an otherwise incomplete specification, such use or reference shall be qualified with the words "or equivalent".

(3) The provisions contained in sub-rules (1) and (2) shall not apply to any procurement made by a procuring agency which is a public sector commercial concern on the demand of a private sector client specifying, in writing, a particular brand, model or classification of equipment, machinery or other objects.

11. Approval mechanism.– All procuring agencies shall provide clear authorization and delegation of powers for different categories of procurement and shall initiate procurements after prior approval of the competent authority.

CHAPTER-III
ADVERTISEMENT

[6][**12. Method of advertisement**.– (1) **Save as otherwise provided in these rules**, a procuring agency shall advertise procurement of more than [7][**two**] hundred thousand rupees and up to

[6]The expression "Subject to rule 59" substituted with the expression "Save as otherwise provided in these rules" vide Notification No.S.O(Cabinet-I)2-9/2015 dated 06.01.2016.
[7] The expression "one" substituted with the expression "two" vide Notification No. SO(Cab-I)2-9/2015 dated 17.08.2020

the limit of [8][**three**] million rupees on the website of the Authority in the manner and format specified by regulations but if deemed in public interest, the procuring agency may also advertise the procurement in at least one national daily newspaper].

(2) Subject to rule 13, any procurement exceeding [9]**[three million]** rupees shall be advertised on the website of the Authority, the website of the procuring agency, if any, and in at least two national daily newspapers of wide circulation, one in English and one in Urdu.

(3) A procuring agency shall ensure that the information posted on the website is complete for purposes for which it has been posted, and such information shall remain available on that website until the closing date for the submission of bids.

13. Exceptions.– The requirement of advertisement mentioned in rule 12, may be dispensed with after prior approval of the Authority in the following cases:

(a) the proposed procurement pertains to national security and its publication may jeopardize or compromise the objectives of national security; and

(b) the publication of advertisement or notice of the proposed procurement involves disclosure of information which is proprietary in nature or falls within the definition of intellectual property which is available from a single source.

14. Response time.– (1) The procuring agency may decide the response time for receipt of bids or proposals (including proposals for prequalification) from the date of publication of an advertisement or notice keeping in view the complexity of the procurement, availability and urgency but, in no circumstances, the response time shall be less

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[8] The expression “two” substituted with the expression “three” vide Notification No. SO(Cab-I)2-9/2015 dated 17.08.2020

[9] The expression “two” substituted with the expression “three” vide Notification No. SO(Cab-I)2-9/2015 dated 17.08.2020

than fifteen days for national competitive bidding and thirty days for international competitive bidding from the date of publication of advertisement or notice.

(2) All advertisements or notices shall expressly mention the response time allowed for the procurement along with the information for collection of bid documents which shall be issued till a given date, allowing sufficient time to complete and submit the bid by the closing date but the time limit shall not apply in case of an emergency procurement.

(3) The response time shall be calculated from the date of publication of the advertisement in a newspaper or on the website, whichever is later.

[10][**15. Framework contract**.–(1) A procuring agency may procure goods, services or works through framework contract in order to ensure uniformity in the procurement].

(2) The procuring agency shall adopt any of the methods of procurement mentioned in these rules for purposes of entering into a framework contract.

CHAPTER-IV
PREQUALIFICATION, QUALIFICATION AND DISQUALIFICATION

16. Prequalification.– (1) Subject to sub-rule (2), a procuring agency may, prior to floating the tenders or invitation to proposals or offers, engage in prequalification of bidders in case of services, civil works, turnkey projects and also in case of procurement of expensive and technically complex equipment to ensure that only technically and financially capable firms or persons having adequate managerial capacity are invited to submit bids.

[10] Substituted vide Notification No. ADMN(PPRA)10-2/2014 dated 11.03.2014

(2) The procuring agency shall prequalify bidders under sub-rule (1) in case of procurement of goods of one hundred million rupees and above and large consultancy, except where a procuring agency, for reasons to be recorded in writing, dispenses with the requirement of prequalification of bidders.

(3) For purposes of the prequalification of bidders, a procuring agency shall take into consideration the following factors:

(a) qualifications;

(b) relevant experience and past performance;

(c) capabilities with respect to personnel, equipment, and plant;

(d) financial position;

(e) appropriate managerial capability; and

(f) any other factor that a procuring agency may deem relevant, not being inconsistent with these rules.

(4) The procuring agency shall ensure that the prequalification is based on the capacity of the interested parties to satisfactorily perform the services or works.

(5) In case of fast track projects where the time is the essence or where potential consultants are limited or the assignment is of a complex nature, the procuring agency may, after recording reasons and with the approval of Provincial Development Working Party, invite a request for proposals through public notice under rule 12.

[11][**(6)** Notwithstanding anything contained in sub-rules (1) and (2), Planning and Development Department of the Government may shortlist the individual consultants, firms or companies involving legal, financial and technical expertise].

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[11] Inserted vide Notification No. ADMN(PPRA)10-2/2014 dated 14.10.2014

[12][**(7)** A procuring agency may, at the time of prequalification process consider any of the individual consultants, firms or companies shortlisted under sub-rule (6), after conducting the due evaluation process (technical or financial), in case where:

(a) procuring agency lacks capacity of prequalification process;

(b) sufficient time to take up the process of prequalification is not available; and

(c) expertise acquired by individual consultant, firms or companies shortlisted under sub-rule (6) in line with the requirements of the procuring agency].

[13][**(8)** Planning and Development Department of the Government shall:

(a) before shortlisting process, in consultation with the key line departments, determine the parameters and selection criteria for shortlisting of individual consultants, firms or companies to be considered as consultant;

(b) shortlist all such individual consultants, firms or companies only for one financial year through its notified committee strictly in accordance with the procedure provided under these rules;

(c) shortlist atleast three individual consultants, firms or companies for each area of expertise;

(d) upload the list of such shortlisted individual consultants, firms or companies on the website of Punjab Procurement Regulatory Authority and Planning and Development Department of the Government for the consumption of public sector organizations; and

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[12] Inserted vide Notification No. ADMN(PPRA)10-2/2014 dated 14.10.2014
[13] Inserted vide Notification No. ADMN(PPRA)10-2/2014 dated 14.10.2014

(e) circulate the list to all the public sector organizations].

[14][**(9)** A procuring agency intending to use the facility of shortlisted individual consultants, firms or companies, while taking up the process of procurement, shall invite technical or financial bids from all such shortlisted individual consultants, firms or companies as per requirement of the procuring agency].

[15][**(10)** A procuring agency may select a consultant under this rule and where this rule is silent about any selection process, it shall adopt the selection process of a consultant provided in other rules].

[16][**(11)** Notwithstanding anything contained in these rules, the Government, on the recommendations of the Authority, may by notification direct that the organizations pre-qualified by an administrative department for the procurement mentioned in the notification, may be espoused by a procuring agency under the administrative control of that department or by such other department or procuring agency as mentioned in the notification];

17. Prequalification process.– (1) The procuring agency engaging in prequalification shall announce, in the prequalification documents, all information required for prequalification including instructions for preparation and submission of the prequalification documents, evaluation criteria, list of documentary evidence required by contractors to demonstrate their respective qualifications and any other information that the procuring agency deems necessary for prequalification.

(2) The procuring agency shall provide a set of prequalification documents to any contractor, on request and subject to payment of

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[14] Inserted vide Notification No. ADMN(PPRA)10-2/2014 dated 14.10.2014

[15] Inserted vide Notification No. ADMN(PPRA)10-2/2014 dated 14.10.2014

[16] in rule 16 after sub rule (10) the new sub rule (11) inserted vide Notification No. S.O(Cab-I)2-9/2015 dated 02.02.2017

such price as the procuring agency may determine to defray the cost on account of printing and provision of the document.

(3) The procuring agency shall promptly inform the contractor who has applied for the prequalification whether or not he has been prequalified and shall, on request from the applicant who had applied for prequalification, a list of contractors who have been prequalified.

(4) On a request, the procuring agency shall communicate to the contractor who has not been prequalified the reasons for not prequalifying the contractor.

(5) Only the prequalified contractors shall be entitled to participate in the subsequent procurement proceedings.

18. Qualification.– A procuring agency, at any stage of the procurement proceedings, having credible reasons for, or prima facie evidence of, any defect in the capacity or otherwise of a contractor, whether or not prequalified, may require the contractor to provide such further information concerning the professional, technical, financial, legal or managerial competence as the procuring agency may decide.

19. Disqualification.– The procuring agency shall disqualify a contractor on the ground that he had provided false, fabricated or materially incorrect information.

20. Declaration of ineligibility.– (1) Subject to rule 21, the procuring agency may, after providing an opportunity of hearing, declare, through a notification, an applicant for prequalification as ineligible for participating in any public procurement process for such period as it may determine on account of his engaging, directly or through an agent, in [17][**corrupt practice**].

(2) A copy of the notification shall be provided to the affected person and to the Authority.

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[17] The words "corrupt or fraudulent practice" substituted with the word "corrupt practice" vide Notification No.S.O(Cabinet-I)2-9/2015 dated 06.01.2016.

[18][**21. Blacklisting**.–(1) A procuring agency may, for a specified period, debar a bidder or contractor from participating in any public procurement process of the procuring agency, if the bidder or contractor has:

(a) acted in a manner detrimental to the public interest or good practices;

(b) consistently failed to perform his obligation under the contract;

(c) not performed the contract up to the mark; or

(d) indulged in any corrupt practice.

(2) If a procuring agency debars a bidder or contractor under sub-rule (1), the procuring agency:

(a) shall forward the decision to the Authority for publication on the website of the Authority; and

(b) may request the Authority to debar the bidder or contractor for procurement of all procuring agencies.

(3) The Managing Director may debar a bidder or contractor of any procuring agency from participating in any public procurement process of all or some of the procuring agencies for such period as the Managing Director may determine.

(4) Any person aggrieved by a declaration made under rule 20 or a decision under sub-rule (1) of this rule may, within thirty days from the date of the publication of the information on the website of the Authority, file a representation before the Managing Director and the Managing Director may pass such order on the representation as he may deem fit.

(5) Any person or procuring agency aggrieved by an order under sub-rule (3) or (4) may, within thirty days of the order, file a

[18] for rule 21 the above shall be substituted vide Notification No.S.O(Cabinet-I)2-9/2015 dated 06.01.2016.

representation before the Chairperson and the Chairperson may pass such order on the representation as he may deem appropriate.

(6) The mechanism or process for barring a bidder or contractor from participating in procurement process of a procuring agency, procuring agencies and a representation under this rule is specified in the Schedule appended to these rules];

CHAPTER-V

METHODS OF PROCUREMENT

[19][**22. Principal method of procurement**.– Save as otherwise provided hereinafter, the procuring agencies shall use open competitive bidding **or publication of request for tender** as the principal method of procurement for the procurement of goods, services and works].

23. Open competitive bidding.– Subject to rules 24 to 38, the procuring agencies shall engage in open competitive bidding if the cost of procurement is more than the prescribed financial limit.

24. Submission of bids.– (1) A bidder shall submit a bid in a sealed package or packages in such manner that the contents of the bid are fully enclosed and cannot be known until duly opened.

(2) A procuring agency shall specify the manner and method of submission and receipt of bids in an unambiguous and clear manner in the bidding documents.

25. Bidding documents.– (1) A procuring agency shall formulate precise and unambiguous bidding documents that shall be made available to the bidders immediately after the publication of the invitation to bid.

(2) For competitive bidding, whether open or limited, the bidding documents shall include the following:

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[19] in rule 22 after words "open competitive bidding", the words "or publication of request for tender" inserted vide Notification No.S.O(Cabinet-I)2-9/2015 dated 06.01.2016.

(a) invitation to bid;

(b) instructions to bidders;

(c) form of bid;

(d) form of contract;

(e) general or special conditions of contract;

(f) specifications and drawings or performance criteria (where applicable);

(g) list of goods or bill of quantities (where applicable);

(h) delivery time or completion schedule;

(i) qualification criteria (where applicable);

(j) bid evaluation criteria;

(k) format of all securities required (where applicable);

(l) details of standards (if any) that are to be used in assessing the quality of goods, works or services specified; and

(m) any other detail not inconsistent with these rules that the procuring agency may deem necessary.

(3) Any information that becomes necessary for bidding or for bid evaluation, after the invitation to bid or issue of the bidding documents to the prospective bidders, shall be provided in a timely manner and on equal opportunity basis.

(4) Where any change becomes essential in the procurement process, such change shall be made in a manner similar to that of the original advertisement.

(5) A procuring agency shall use standard bidding documents as and when notified under the regulations.

(6) Until the standard bidding documents are specified under the regulations, a procuring agency may use bidding documents already in use of the procuring agency to the extent they are not inconsistent with these rules.

(7) The procuring agency shall, on payment of such fee as the procuring agency may determine keeping in view the cost of printing and provision of the documents, provide a set of bidding documents to the prospective bidders.

26. Reservations and preference.– (1) A procuring agency shall allow all prospective bidders to participate in procuring procedure without regard to nationality except in cases in which any procuring agency decides to limit such participation to national bidders only or prohibit participation of bidders of some nationalities in accordance with the policy of the Government.

(2) A procuring agency shall allow for a preference to domestic or national contractor in accordance with the policies of the Government and the magnitude of price preference to be accorded shall be clearly mentioned in the bidding documents under the bid evaluation criteria.

[20][**27. Bid security**.– The procuring agency may require the bidders to furnish a bid security not exceeding five per cent of the **estimated** price.

Explanation.- In this rule, the words 'estimated price' mean the price of procurement estimated by the procuring agency before initiation of the process of procurement].

28. Bid validity.– (1) A procuring agency, keeping in view the nature of the procurement, shall subject the bid to a bid validity period.

(2) The bids shall be valid for the period of time specified in the bidding document.

[21](3) "Subject to sub-rule (5), a procuring agency shall ordinarily be under the obligation to process and evaluate the bids within the stipulated bid validity period but, under exceptional circumstances and for reasons to be recorded in writing, if an extension is considered

[20] In rule 27 substituted vide Notification No.S.O(Cabinet-I)2-9/2015 dated 06.01.2016.

[21] In rule 28 sub-rule (3) substituted vide Notification No. S.O(Cab-I)2-9/2015 dated 22.03.2019.

necessary, all the bidders shall be requested to extend their respective bid validity period but such extension shall not be for more than the original period of bid validity or 180 days whichever is more."

[22]**"(3A)** The sub-rule (3) shall be applicable with effect from 1st July 2018."

(4) A bidder who:

(a) agrees to the extension of the bid validity period shall also extend the validity of the bid bond or security for the extended period of the bid validity;

(b) agrees to the procuring agency's request for extension of bid validity period shall not be permitted to change the substance of the bid; and

(c) does not agree to an extension of the bid validity period shall be allowed to withdraw the bid without forfeiture of the bid bond or security.

(5) The competent authority of the procuring agency shall not extend bid validity period without obtaining prior approval of the authority next above the competent authority and if the chief executive of an autonomous procuring agency is the competent authority then next higher authority in such a case shall be the board, syndicate or any other apex body of the procuring agency.

29. Extension of time for submission of bids.– If a procuring agency considers that it is necessary in public interest to extend the last date for the submission of the bids, it may, after recording reasons, do so in the manner similar to the original advertisement.

CHAPTER-VI
OPENING, EVALUATION AND REJECTION OF BIDS

30. Opening of bids.– (1) The date for opening of bids and the last date for the submission of bids shall be the same; and, bids shall be

[22] In rule 28 after sub-rule (3) the sub-rule (3A) inserted vide Notification No. S.O(Cab-I)2-9/2015 dated 22.03.2019.

opened at the time specified in the bidding documents which shall not be less than thirty minutes after the closing time for the submission of the bids.

(2) All bids shall be opened publicly in the presence of the bidders or their representatives who may choose to be present, at the time and place announced prior to the bidding and the procuring agency shall read aloud the unit price as well as the bid amount and shall record the minutes of the bid opening.

(3) All bidders in attendance at the time of opening of the bids shall sign an attendance sheet.

(4) The bids submitted after the closing time prescribed shall be rejected and returned without being opened.

[23][**31. Evaluation criteria**.– (1) A procuring agency shall formulate an appropriate evaluation criterion listing all the relevant information against which a bid is to be evaluated and such evaluation criteria shall form an integral part of the bidding documents.

(2) Failure to provide for an unambiguous evaluation criteria in the bidding documents shall amount to mis-procurement.

(3) In simple or standard procurement process like open competitive bidding or procurement through direct request for tender, the procuring agency may use the amount of the bid price as the sole evaluation criteria for the bids].

32. Evaluation of bids.– (1) All bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set forth in the prescribed bidding document.

(2) For purposes of comparison of the bids quoted in different currencies, the price shall be converted into a single currency specified in the bidding documents and the rate of exchange shall be the selling rate, prevailing on the date of opening of bids specified in the bidding documents, as notified by the State Bank of Pakistan on that day.

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[23] in rule 31, after sub rule (2) the sub rule (3) inserted vide Notification No.S.O(Cabinet-I)2-9/2015 dated 06.01.2016.

(3) A bid once opened in accordance with the prescribed procedure shall be subject to only those rules, regulations and policies that are in force at the time of issue of notice for invitation of bids.

33. Clarification of bids.– (1) No bidder shall be allowed to alter or modify his bid after the closing time for the submission of the bids.

(2) The procuring agency may, if necessary after the opening of the bids, seek and accept such clarifications of the bid as do not change the substance of the bid.

(3) Any request for clarification in the bid, made by the procuring agency and its response, shall invariably be in writing.

34. Discriminatory and difficult conditions.– Save as otherwise provided, no procuring agency shall introduce any condition, which discriminates between bidders or which is difficult to meet.

Explanation.- In ascertaining the discriminatory or difficult nature of any condition, reference shall be made to the ordinary practices of that trade, manufacturing, construction business or service to which that particular procurement is related.

35. Rejection of bids.– (1) The procuring agency may reject all bids or proposals at any time prior to the acceptance of a bid or proposal.

(2) The procuring agency shall upon request communicate to any bidder, the grounds for its rejection of all bids or proposals, but shall not be required to justify those grounds.

(3) The procuring agency shall incur no liability, solely by virtue of its invoking sub-rule (1) towards the bidders.

(4) The bidders shall be promptly informed about the rejection of the bids, if any.

[24][**(5) A procuring agency may, for reasons to be recorded in writing, restart bidding process from any prior stage if it is possible without violating any principle of procurement**

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[24] in rule 35, after sub rule (4) the sub rule (5) inserted vide Notification No.S.O(Cabinet-I)2-9/2015 dated 06.01.2016.

contained in rule 4 and shall immediately communicate the decision to the bidders].

36. Re-bidding.– If the procuring agency rejects all the bids under rule 35, it may proceed with the process of fresh bidding but before doing that it shall assess the reasons for rejection and may, if necessary, revise specifications, evaluation criteria or any other condition for bidders.

[25][**36A. One person one bid**.- (1) In any procurement, one person may submit one bid and if one person submits more than one bids, the procuring agency shall reject all such bids.

(2) If a consortium of persons has submitted a bid in any procurement, it shall be construed that each member of the consortium submitted the bid].

37. Announcement of evaluation reports.– A procuring agency 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.

38. Procedures for selection of contractors.– (1) Save as otherwise provided in these rules, single stage one envelope bidding procedure shall ordinarily be the main open competitive bidding procedure used for the procurement of works and standard goods.

(2) Other appropriate procedures for selection of contractors other than consultants may be adopted in the following circumstances:

(a) single stage two envelopes bidding procedure shall be used for procurement of such goods where the bids are to be evaluated on technical and financial grounds and the procedure for single stage two envelopes shall be:

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[25] after sub rule 36, rule 36A inserted vide Notification No. S.O(Cabinet-I)2-9/2015 dated 06.01.2016.

(i) the bid shall be a single package consisting of two separate envelopes, containing separately the financial and the technical proposals;

(ii) the envelopes shall be marked as "Financial Proposal" and "Technical Proposal";

(iii) in the first instance, the "Technical Proposal" shall be opened and the envelope marked as "Financial Proposal" shall be retained unopened in the custody of the procuring agency;

(iv) the procuring agency shall evaluate the technical proposal in the manner prescribed in advance, without reference to the price and shall reject any proposal which does not conform to the specified requirements;

(v) during the technical evaluation no amendments in the technical proposal shall be permitted;

(vi) after the evaluation and approval of the technical proposals, the procuring agency shall open the financial proposals of the technically accepted bids, publically at a time, date and venue announced and communicated to the bidders in advance, within the bid validity period;

[26][(vii) the financial proposal of the bids found technically non-responsive shall be retained unopened and shall be returned on the expiry of the grievance period or the decision of the

[26] in rule 38, in sub-rule (2), in clause (a), for sub-clause (vii), substituted vide Notification No. S.O(CAB-I)2-9/2015 dated 23.11.2017, published in the Punjab Gazette (Extraordinary), dated 30.11.2017.

complaint, if any, filed by the non-responsive bidder, whichever is later:

provided that the procuring agency may return the sealed financial proposal earlier if the disqualified or non-responsive bidder, contractor or consultant submits an affidavit, through an authorized representative, to the effect that he is satisfied with the proceedings of the procuring agency]; and

(viii) the lowest evaluated bidder shall be awarded the contract;

(b) two stage bidding procedure may be adopted in large and complex contracts where technically unequal proposals are likely to be encountered or where the procuring agency is aware of its options in the market but, for a given set of performance requirements, there are two or more equally acceptable technical solutions available to the procuring agency and the bidding procedure shall be:

First stage

(i) in the first instance, the bidders shall submit, according to the required specifications, a technical proposal without quoting price;

(ii) the technical proposal shall be evaluated in accordance with the specified evaluation criteria and may be discussed with the bidders regarding any deficiencies and unsatisfactory technical features;

(iii) after such discussions, all the bidders shall be permitted to revise their respective technical proposals to meet the requirements of the procuring agency;

(iv) the procuring agency may revise or modify any aspect of the technical requirements or evaluation criteria, or it may add new requirements or criteria not inconsistent with these rules but any revisions or modifications shall be communicated to all the bidders at the time of invitation to submit final bids, and sufficient time shall be allowed to the bidders to prepare their revised bids but such time shall not be less than fifteen days in the case of national competitive bidding and thirty days in case of international competitive bidding;

(v) the bidders unwilling to conform their respective bids to the procuring agency's technical requirements may withdraw from the bidding without forfeiture of their bid security;

Second stage

(i) the bidders, whose technical proposals or bids have not been rejected and who are willing to conform their bids to the revised technical requirements of the procuring agency, may submit a revised technical proposal along with the financial proposal;

(ii) the fresh and revised technical proposals and the financial proposals shall be opened at a time, date and venue announced and communicated to the bidders in advance but in setting the date for the submission of the revised technical proposals and financial proposals, a procuring agency shall allow sufficient time to the bidders to incorporate the agreed changes in the technical proposal and prepare their financial proposals accordingly; and

(iii) the revised technical proposal and the financial proposal shall be evaluated in the manner prescribed above and the lowest evaluated bid shall be accepted;

(c) two stage two envelope bidding method shall be used for procurement where alternative technical proposals are possible, such as certain types of machinery or equipment or manufacturing plant and the procedure shall be:

First stage

(i) the bid shall comprise a single package comprising two separate envelopes containing the financial proposal and the technical proposal;

(ii) the envelopes shall be marked as "Financial Proposal" and "Technical Proposal";

(iii) in the first instance, the envelope marked "Technical Proposal" shall be opened and the envelope marked as "Financial Proposal" shall be retained unopened in the custody of the procuring agency;

(iv) the technical proposals shall be discussed with the bidders with reference to the procuring agency's technical requirements;

(v) those bidders willing to meet the requirements of the procuring agency shall be allowed to revise their technical proposals following these discussions; and

(vi) bidders not willing to conform to the technical proposal as per revised requirements of the procuring agency shall be allowed to withdraw their respective bids without forfeiture of their bid security;

Second stage

(i) after agreement between the procuring agency and the bidders on the technical requirements, bidders who are willing to conform to the revised technical specifications and whose bids have not already been rejected shall submit a revised technical proposal and supplementary financial proposal, according to the technical requirement;

(ii) the revised technical proposal along with the original financial proposal and supplementary financial proposal shall be opened at a date, time and venue announced in advance by the procuring agency:

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

(iii) the procuring agency shall evaluate the whole proposal in accordance with the evaluation criteria and the lowest evaluated bid shall be accepted.

[27] [**38A.** Notwithstanding anything contained in these rules, the Government on the recommendations of the Authority, may by notification direct that the procurements mentioned in the notification may be made in the manner provided under rule 45 and in that case the expression 'consultant' or 'consultants' in that rule shall be deemed as 'contractor' or 'contractors' and the said rule shall be construed accordingly].

CHAPTER-VII
PROCUREMENT OF CONSULTANCY SERVICES

39. Rights and obligations.– The rights and obligations of the procuring agency and the consultant are governed by general and special conditions of contract signed between the procuring agency and the consultant.

40. Consultant Selection Committee.– Every procuring agency, for the selection of consultant, except for short consultancies, shall set up a Consultant Selection Committee of odd number members, which shall consist of the following:

(a) head of the procuring agency who shall be its chairperson.

(b) a nominee of the Planning and Development Department, a nominee of the Finance Department, as members; a representative of the procuring agency, as a member (secretary);

(c) the procuring agency may co-opt up to two members, having adequate technical knowledge and experience in the relevant field, for assistance in a given assignment that requires technical input.

41. Quorum.- Three members, including the chairman of the Consultant Selection Committee, shall form quorum for conducting the business of the Consultant Selection Committee.

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[27] after rule 38, new rule (38A) inserted vide Notification No. S.O(Cab-I)2-9/2015 dated 02.02.2017.

42. Decision by simple majority.- All decision of the Consultant Selection Committee shall be made by majority of the members present and voting.

43. Functions and responsibilities of Committee.- The Consultant Selection Committee shall perform the following functions:

(a) short listing of consultants, responding to the expression of interest, where applicable, in accordance with the criteria mentioned in the expression of interest;

(b) approval of request for proposal before issuance;

(c) evaluation of technical and financial proposals, according to the selection method and evaluation criteria, mentioned in the request for proposal, and in accordance with the provisions of these rules; and

(d) finalization of recommendation for selection of consultants based on evaluation criteria.

44. Selection of consultants.– Depending upon the selection method, the procuring agency shall include, among others, the following steps in the process of selection of a consultant:

(a) preparation and approval of the terms of reference of the assignment;

(b) preparation of the cost estimate or budget of the assignment;

(c) public advertisement of invitation of consultants' expressions of interest and their short-listing;

(d) preparation and issuance of the request for proposal to the shortlisted consultants;

(e) preparation and submission of proposals by the consultants;

(f) evaluation of technical proposals; and

(g) opening and evaluation of financial proposals.

45. Methods for selection of consultants.- (1) A procuring agency may utilize one of the methods mentioned in succeeding sub-rules for selection of a consultant.

(2) Least Cost Selection: This is the preferred method for selecting consultants for assignments of standard or routine nature such as audit, simple engineering design or supervision of noncomplex works, where the well-established practices and standards exist.

(3) Quality and Cost Based Selection: This method may be used where:

(a) quality is the prime consideration while cost is a secondary consideration;

(b) terms of Reference are well defined;

(c) the financial proposals of only those technically responsive bidders who obtained minimum sixty five percent marks shall be opened;

(d) a combined evaluation of the technical and financial proposals is carried out by weighting and adding the quality and the cost scores;

(e) the weight for quality is normally of eighty percent with twenty percent given to cost and more than twenty percent weight to the cost of the services is justified only in relatively routine and straightforward assignments (such as design of simple structures), whereas in no cases it should exceed thirty percent and the consultant obtaining the highest combined score is invited for negotiations;

(4) Quality Based Selection: This system may be used for highly specialized, innovative and complex assignments, where quality is the predominant factor.

[28][(5) Subject to sub-rule (6), a procuring agency may, in a complex project, engage, through direct contracting, an organization owned or controlled by the Government, the Federal Government or any other Provincial Government with the prior approval of:

(a) Provincial Development Working Party (PDWP) of Planning and Development Department in case of the administrative departments or attached departments or agencies of the Government]; and

(b) PDWP and the governing body, by whatever name called, in case of an autonomous body, company, authority or institution.

(6) In case of engagement of an organization under sub-rule (5), the procuring agency shall:

(a) record reasons in writing for direct contracting and shall issue a certificate of reason-ability of the negotiated price of consultancy based on the principles of procurement contained in rule 4; and

(b) obtain approval of the Authority to the extent of declaring the project as complex project.

(7) A procuring agency may, after recording reason in writing, use any method for selection of consultant other than least cost selection.

46. Selection process of individual consultant.- The following shall be the selection process of individual consultant [29][**in a short consultancy**]:

(a) individual consultant may not be required to submit proposals and shall be selected based on the qualifications and experience for the assignment;

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[28] in rule 45, for sub-rule (5), substituted vide Notification No. SO(CAB-I)2-9/2015, dated 30.08.2017, published in the Punjab Gazette (Extraordinary), dated 13.09.2017.

[29] after the words "selection process of individual consultant" the words "in a short consultancy" inserted vide Notification No.S.O(Cabinet-I)2-9/2015 dated 06.01.2016.

(b) individual consultant shall be selected by comparing the qualifications and experience of at least three consultants among those who have expressed interest in the assignment or have been approached directly by the procuring agency;

(c) individual consultant considered for the comparison of qualifications and experience shall meet the minimum relevant qualifications, and the one selected to be employed by the procuring agency shall be the best qualified and shall be fully capable of carrying out the assignment;

(d) individual consultant may be selected on a single-source basis (with due justification) in exceptional cases such as an emergency situation resulting from a natural disaster or where the individual is the only consultant qualified for the assignment;

(e) for key assignments, interviews may be set up, if required.

[30][**46A Selection process of firm of consultants:** The following shall be the selection process of a firm of consultants in a short consultancy for purposes such as third party validation, bid evaluation, terms of reference, preparation of documents relating to prequalification and request for proposal, pre-shipment inspection, audit, simple engineering design or supervision of non-complex work, where the cost of consultancy does not exceed three million rupees:

(a) the firm shall be selected by considering at least three quotations from renowned, registered and well reputed firms on the basis of qualification and experience for the assignment;

(b) the firm considered for the comparison of qualification and experience shall meet the minimum relevant qualification

[30] after rule 46 new rule (46A) inserted vide Notification No. S.O(Cab-I)2-9/2015 dated 02.03.2017

and the one selected to be employed by the procuring agency shall be the best qualified and fully capable of carrying out assignment; and

(c) the procuring agency may conduct interviews for the selection of best option].

47. Expression of interest.- (1) A request for expression of interest shall be advertised in accordance with the provisions of rule 12 and rule 13.

(2) The expression of interest shall contain the following information:

(a) the name and address of procuring agency;

(b) an appropriate description of the assignment providing scope of the intellectual and professional services required;

(c) closing date and place of the submission of the expression of interest;

(d) criteria for short listing or prequalification where required; and

(e) any other information that the procuring agency may deem appropriate to disseminate at this stage.

48. Request for proposals.– (1) A procuring agency shall use a request for proposal for seeking proposals from the shortlisted or pre-qualified consultants which shall include the following:

(a) letter of invitation: the letter of invitation shall mention the name and address of the procuring agency and its intention to enter into a contract for provision of consulting services and contain names of all the short listed firms;

(b) instruction to consultants: the instructions to consultants shall contain all necessary information that may help them prepare responsive proposals;

(c) terms of reference: the terms of reference shall unambiguously define the objectives, goals and scope of the assignment, core team of required experts, expected deliverables with timelines and list of services necessary to carry out the assignment;

(d) evaluation criteria: except as otherwise provided, the evaluation of proposals shall be carried out giving due consideration to quality and cost;

(e) type of contract: a procuring agency, depending on the circumstances, may use one of the following types of contracts:

(i) lump sum contract shall be used mainly for assignments in which the content, duration of the services and the required output are unambiguously defined;

(ii) time based contract shall be used when it is difficult to define the scope and the length of services;

(iii) hourly or daily rates shall be used for small projects, especially when the assignment is for less than a month; and

(iv) any other, based on combination of the above and including out of pocket expenses, where required;

(f) special provisions: a procuring agency may specify any other requirement related to the assignment or contract, where required.

(2) A procuring agency shall invite the prospective consultants to submit their technical and financial proposals in separately sealed envelopes and the procuring agency shall give deadline for submission of proposals but the consultants shall be given adequate time to prepare their proposals which shall not be less than two weeks.

[31][**49.** **]

50. Evaluation of quality of consulting services.– Evaluation criteria for technical evaluation of consultants shall include the following:

(a) experience: the consultants specialized skills, working on the similar assignment and access to particular technologies related to the assignment;

(b) financial capability: financial capability of the consultant may be evaluated with a view to ensuring that the consultant can complete the assigned task in a timely manner;

(c) approach and methodology: the methodology proposed by the consultants shall be evaluated for its innovativeness and soundness;

(d) quality management: the availability of a well-established quality management system may be taken into account for large and complex assignments; and

(e) staff proposed: qualification and experience of the proposed staff of the consultant in the relevant field.

51. Association of consultants.– (1) An association of consultants may take either the form of a joint venture or a subcontract and such association may participate in procurement process with the permission of the procuring agency.

(2) Under a joint venture, all members, if awarded the contract, shall individually sign and be jointly and severally liable for the entire assignment and such an association may be known as a consortium, association or joint venture.

[31] rule 49 omitted vide Notification No.S.O(Cabinet-I)2-9/2015 dated 06.01.2016.

52. Intellectual property rights.– (1) All documents, reports, designs, research work and all deliverables prepared by the consultant shall become and remain the property of the procuring agency.

(2) Any restrictions on the future use of these documents and software by the consultant shall be specified in the conditions of the contract.

53. Negotiations.– (1) Notwithstanding the provision under rule 57, the procuring agency may negotiate with the highest ranked bidder for consultancy regarding methodology, work plan, staffing, contract price and special conditions of the contract.

(2) In case of failure of negotiations, the procuring agency may invite the next ranked bidder.

(3) A committee of the procuring agency shall negotiate with the consultant and negotiation by a single person on behalf of the procuring agency shall not be allowed.

54. Professional liability of consultant.– (1) The consultant selected and awarded a contract shall be liable for consequence of errors or omissions on the part of the consultant.

(2) The extent of liability of the consultant shall form part of the contract and such liability shall not be less than remunerations nor it shall be more than twice the remunerations.

(3) The procuring agency may demand insurance on part of the consultant to cover the liability of the consultant and necessary costs shall be borne by the consultant.

(4) The consultant shall be held liable for all losses or damages suffered by the procuring agency on account of any misconduct by the consultant in performing the consulting services.

CHAPTER-VIII
ACCEPTANCE OF BIDS AND AWARD OF CONTRACTS

55. Acceptance of bids.– Subject to these rules, the bidder with the lowest evaluated bid, if not in conflict with any other law, shall be awarded the procurement contract within the original or extended bid validity period.

[32] [**55A. Single complying proposal**.- Subject to rule 35, if one complying bid is received, the procuring agency may award the contract to the bidder].

56. Performance guarantee.– Where needed and clearly expressed in the bidding documents, the procuring agency shall require the successful bidder to furnish a performance guarantee which shall not exceed ten percent of the contract amount.

57. Limitation on negotiations.– (1) Save as otherwise provided in these rules, a procuring agency shall not negotiate with any of the bidders.

(2) In case of goods of highly technical nature, the procuring agency shall ensure that the bidders submit the revised financial bids immediately after opening of the financial bids in the same manner as the earlier financial bids were submitted and the procuring agency shall not allow extra time for submission of revised financial bids by the bidders.

(3) In this rule, the expression 'goods of highly technical nature' means all goods including machinery, its parts and micro-components, industrial, scientific or electronic equipment, plant and tools which are sophisticated in nature costing more than fifty million rupees and procured by adopting the two stages-two envelope procurement procedures.

58. Confidentiality.– The procuring agency shall keep all information regarding the bid evaluation confidential until the time of the announcement of the evaluation report.

59. Alternative methods of procurements.– A procuring agency may utilize the following alternative methods of procurement of goods, services and works:

[32] after rule 55 rule 55A inserted vide Notification No.S.O(Cabinet-I)2-9/2015 dated 06.01.2016.

(a) petty purchases: a procuring agency may engage in petty purchases where the object of the procurement is below the financial limit of [33][**seventy five**] thousand rupees and such procurement shall be exempted from the requirements of bidding or quotation of prices; the procuring agency shall, however, ensure that procurement of petty purchases is in conformity with the principles of procurement;

(b) petty purchases through quotation: a procuring agency may engage in petty purchases through at least three quotations where the cost of the procurement is more than [34][**seventy five**] thousand rupees but less than [35][**two**] hundred thousand rupees and such procurement shall be exempted from the requirements of bidding procedures; the procuring agency shall, however, ensure that such procurement is in conformity with the principles of procurement;

(c) direct contracting: a procuring agency shall only engage in direct contracting if any of the following conditions exist:

(i) the procurement concerns the acquisition of spare parts or supplementary services from original manufacturer or supplier when the same are not available from alternative sources;

(ii) only one manufacturer or supplier exists for the required procurement but in such a case, the procuring agency shall specify the appropriate fora which may authorize procurement of proprietary object after due diligence; and

(iii) where a change of supplier may result in acquisition of material having different technical specifications or characteristics that may cause incompatibility or disproportionate technical difficulties in operation and

[33] The expression "fifty" substituted with the expression "seventy five" vide Notification No. SO(Cab-I)2-9/2015 dated 17.08.2020

[34] The expression "fifty" substituted with the expression "seventy five" vide Notification No. SO(Cab-I)2-9/2015 dated 17.08.2020

[35] The expression "one" substituted with the expression "two" vide Notification No. SO(Cab-I)2-9/2015 dated 17.08.2020

maintenance; and the contract does not exceed three years in duration;

(iv) repeat orders not exceeding fifteen percent of the original procurement;

(v) in case of an emergency but the procuring agency shall specify appropriate fora vested with necessary authority to declare an emergency;

(vi) when the price of goods, services or works is fixed by the Government or any other authority, agency or body under the law; and

(vii) for purchase of motor vehicle from local original manufacturers or their authorized agents at manufacturer's price.

(d) negotiated tendering: a procuring agency may engage in negotiated tendering with one or more contractors with or without prior publication of a procurement notification but this procedure shall only be used when:

(i) the supplies involved are manufactured purely for the purpose of supporting a specific piece of research or an experiment, a study or a particular development;

(ii) for technical or artistic reasons, or for reasons connected with protection of exclusive rights or intellectual property, the supplies may be manufactured or delivered only by a particular supplier;

(iii) for reasons of extreme urgency brought about by events unforeseeable by the procuring agency, the time limits laid down for open and limited bidding methods cannot be met, however, the circumstances invoked to justify extreme urgency must not be attributable to the procuring agency; and

(iv) the Provincial Cabinet, for reason to be recorded in writing, approves any specific procurement to be made on urgent basis and shall fix the time for such urgency.

[36][(e) direct contracting with an organization, owned and controlled by the Government: (i) for procurement of works, services and consultancy services, a procuring agency shall engage an organization, semi-autonomous or autonomous institution under the administrative control of the Government, Federal Government or other Provincial Government, registered with the Authority, in direct contracting, if project is:

(a) time bound; or

(b) of sensitive nature and its information cannot be shared with private sector.

(ii) Government organization engaged for the procurement shall accomplish the task exclusively through its own resources without involving private sector as a partner or in the form of a joint venture or as a sub-contractor.

(iii) in case, there are more than one eligible organizations intending to participate, then the competition shall held among such organizations.

(iv) rules 12 and 14 of the rules shall not apply on procurement process under the clause].

60. Unsolicited proposal.– In case of unsolicited proposal received for any engineering, procurement and construction project involving cost of one **thousand** million rupees and above, the procuring agency shall process the proposal to ascertain its viability and after such process if the proposal is found viable, the procuring agency:

[36] Inserted vide Notification No.SO(CAB-I)2-9/2015 dated 10.03.2021

(a) shall advertise the proposal for open competition without disclosing the name of the initiator of unsolicited proposal;

(b) shall conduct prequalification process;

(c) shall exempt the initiator of the unsolicited proposal from the prequalification;

(d) if no other bidder in response to the advertisement submits bid, the procuring agency may award the contract to the initiator of the proposal;

(e) in case of bidding competition, the initiator of the proposal shall be given first right of refusal if the initiator does not emerge as the lowest bidder; and

(f) shall award five percent additional weightage to the initiator of the proposal from the combined score of technical and financial evaluation.

[37][**61. Exemption**.– (1) The Government or the Board shall not **relax** application of these rules for procurement of services.

(2) A procuring agency may directly procure goods from a public sector manufacturing unit on fixed price or negotiated price where value of procurement does not exceed one million rupees.

(3) Where value of goods exceeds one million rupees or in a competitive bidding, the public sector manufacturing unit participating in the bid may, within three working days of opening of the bids, match the lowest evaluated bid.

(4) In this rule, public sector manufacturing unit means a manufacturing unit owned or controlled by the Government, Federal Government, local government or by an organization which is owned or controlled by any of these Governments and enlisted on the website of the Authority].

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[37] in sub rule (1) the word "exempt" substituted with the word "relax", sub rule (2) and (3) substituted and sub rule (4) inserted vide Notification No.S.O(Cabinet-I)2-9/2015 dated 06.01.2016.

62. On account payments.– A procuring agency shall make prompt payments to the contractor against the invoice or running bill on satisfactory performance within the time given in the conditions of the contract which shall not exceed thirty days.

63. Commencement of procurement contract.– A procurement contract shall come into force:

(a) where no formal signing of a contract is required, from the date the notice of the acceptance of the bid or purchase order has been given to the bidder whose bid has been accepted and such notice of acceptance or purchase order shall be issued within a reasonable time; or

(b) where the procuring agency requires signing of a written contract, from the date on which the signatures of both the procuring agency and the successful bidder are affixed to the written contract and such affixing of signatures shall take place within a reasonable time; and

(c) where the coming into force of a contract is contingent upon fulfillment of a certain condition or conditions, the contract shall take effect from the date whereon such fulfillment takes place.

64. Closing of contract.– (1) Except for defect liability by the contractor, as specified in the conditions of contract, performance of the contract shall be deemed close on the issue of overall delivery certificate or taking over certificate which shall be issued within thirty days of final taking over of goods or receiving the deliverables or completion of works enabling the contractor to submit final bill.

(2) In case of defect liability, defect liability certificate shall be issued within thirty days of the expiry of the said period enabling the contractor to submit the final bill, except for unsettled claims, which shall be settled through resolution of dispute mechanism provided in the contract.

[38][**64A. Assignment.**- A procuring agency may assign whole or part of procurement process to another procuring agency with the consent of that other procuring agency].

CHAPTER-IX
MAINTENANCE OF RECORD AND FREEDOM OF INFORMATION

65. Record of procurement.– (1) A procuring agency shall maintain a record of a procurement along with all associated documents for a minimum period of five years.

(2) Such maintenance of record shall be subject to the regulations framed in this regard from time to time.

66. Public access and transparency.– (1) As soon as a contract has been awarded, the procuring agency shall make all documents related to the evaluation of the bid and award of contract public.

(2) Where the disclosure of any information related to the award of a contract is of proprietary nature or where the procuring agency is convinced that such disclosure shall be against the public interest, it may withhold only such information from public disclosure subject to the prior approval of the Authority.

CHAPTER-X
REDRESSAL OF GRIEVANCES AND SETTLEMENT OF DISPUTES

67. Redressal of grievances by the procuring agency.– (1) 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.

(2) Any bidder feeling aggrieved by any act of the procuring agency after the submission of his bid may lodge a written complaint concerning his grievances not later than [39] [**ten**] days after the announcement of the bid evaluation report.

[38] after rule 64, the rule 64A inserted vide Notification No.S.O(Cabinet-I)2-9/2015 dated 06.01.2016.
[39] substituted vide Notification No. ADMN(PPRA)10-2/2014 dated 11.03.2014

(3) The committee shall investigate and decide upon the complaint within fifteen days of the receipt of the complaint.

(4) Mere fact of lodging of a complaint shall not warrant suspension of the procurement process.

68. Arbitration.– (1) After coming into force of the procurement contract, disputes between the parties to the contract shall be settled through mediation or arbitration.

(2) The procuring agency shall provide for a method of mediation or arbitration or both in the procurement contract.

69. Mis-procurement.– Any violation of these rules shall be treated as mis-procurement.

70. Repeal.– The Punjab Procurement Rules, 2009 issued vide notification No.MD(PPRA)2-1/2010 are hereby repealed.

[40][**SCHEDULE**

{see sub-rule (6) of rule 21}

BLACKLISTING MECHANISM OR PROCESS

1. The procuring agency may, on information received from any resource, issue show cause notice to a bidder or contractor.
2. The show cause notice shall contain:
   (a) precise allegation, against the bidder or contractor;
   (b) the maximum period for which the procuring agency proposes to debar the bidder or contractor from participating in any public procurement of the procuring agency; and
   (c) the statement, if needed, about the intention of the procuring agency to make a request to the Authority for debarring the bidder or contractor from participating in public procurements of all the procuring agencies.
3. The procuring agency shall give minimum of seven days to the bidder or contractor for submission of written reply of the show cause notice.
4. In case, the bidder or contractor fails to submit written reply within the requisite time, the procuring agency may issue notice for personal hearing to the bidder or contractor/ authorize representative of the bidder or contractor and the procuring agency shall decide the matter on the basis of available record and personal hearing, if availed.
5. In case the bidder or contractor submits written reply of the show cause notice, the procuring agency may decide to file the matter or direct issuance of a notice to the bidder or contractor for personal hearing.
6. The procuring agency shall give minimum of seven days to the bidder or contractor for appearance before the specified officer of the procuring agency for personal hearing.
7. The procuring agency shall decide the matter on the basis of the available record and personal hearing of the bidder or contractor, if availed.

[40] Schedule added after rule 70 vide Notification No.S.O(Cabinet-I)2-9/2015 dated 06.01.2016.

8. The procuring agency shall decide the matter within fifteen days from the date of personal hearing unless the personal hearing is adjourned to a next date and in such an eventuality, the period of personal hearing shall be reckoned from the last date of personal hearing.

9. The procuring agency shall communicate to the bidder or contractor the order of debarring the bidder or contractor from participating in any public procurement with a statement that the bidder or contractor may, within thirty days, prefer a representation against the order before the Managing Director of the Authority.

10. The procuring agency shall, as soon as possible, communicate the order of blacklisting to the Authority with the request to upload the information on its website.

11. If the procuring agency wants the Authority to debar the bidder or contractor from participating in any public procurement of all procuring agencies, the procuring agency shall specify reasons for such dispensation.

12. The Authority shall immediately publish the information and decision of blacklisting on its website.

13. In case of request of a procuring agency under para 11 or representation of any aggrieved person under rule 21, the Managing Director shall issue a notice for personal hearing to the parties and call for record of proceedings of blacklisting. The parties may file written statements and documents in support of their contentions.

14. In case of representation of any aggrieved person or procuring agency under rule 21, the Chairperson shall issue a notice for personal hearing to the parties and may call for the record of the proceedings. The parties may file written statements and documents in support of their contentions.

15. In every order of blacklisting under rule 21, the procuring agency shall record reasons of blacklisting and also reasons for short, long or medium period of blacklisting.

16. The Authority shall upload all the decisions under rule 21, available with it, on its website. But the name of a bidder or

contractor shall immediately be removed from the list of blacklisted persons on expiry of period of blacklisting or order of the competent authority to that effect, whichever is earlier.

17. An effort shall be made for electronic communication of all the notices and other documents pursuant to this mechanism or process].

CHIEF SECRETARY
GOVERNMENT OF THE PUNJAB

DIFFERENT PROCUREMENT PROFORMAS AND TEMPLATES INCLUDING CHECKLIST

ANNUAL PROCUREMENT PLAN PROFORMA

ANNUAL PROCUREMENT PLAN FOR THE YEAR__________________

(Under Rule 8 of the Punjab Procurement Rules 2014)

Name of the Procuring Agency:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Sr. No.	Procurement Name	Procurement Description	Quantity (where applicable) / Scope of work	Procurement Type**	Procurement Category***	Funds (Rupees in Million)	Sources of Funds (ADP or Non ADP)	Tentative Estimated cost (Rupees in Million)	Procurement Methods****	Procurement Procedure*****	Tentative Timings of Procurement ******	Tentative Date of Procurement Advertisement	Tentative Date of Evaluation Report Announcement	Tentative Date of Contact Award	Tentative Delivery Schedule	Tentative Date of Completion	Remarks
1																	
2																	
3																	
4																	
5																	
6																	
7																	
8																	
9																	
10																	

* The Annual Procurement Plan shall be prepared on the basis of available resources.

** Procurement Type means, Goods, Works, Services & Consultancy services.

*** .Procurement Category means Local or International Procurement.

**** Procurement Methods means, Petty Purchases/Quotations (without Quotation/Three)/Tender/Direct Contracting/Negotiated Tendering (Rule 59).

***** Procurement Procedures means, Single Stage One Envelop/Single Stage Two Envelopes/Two Stage/Two Stage Two Envelop (Rule 38). In Consltancy Services, Procurement Procedure means, Least Cost, Quality & Cost and Quality based (Rule 45).

****** Timings of Procurement means 1st quarter / 2nd quarter / 3rd quarter / 4th quarter.

Prepared By	Checked By	Approved By
Name:________________________	Name:____________________________	Name:____________________________
Designation:____________________	Designation:________________________	Designation:________________________

APPROVAL MECHANISM

In exercise of the power conferred by Rule 11 of the Punjab Procurement Regulatory Authority Rules, 2014. The competent authority is pleased to approve the approval mechanism for procurements and delegate the authority and extent to the officer as mentioned below:-

ILLUSTRATION:-

SR. No.	Designation	Extend of delegated power to approve procurement cases.
1.	Administrative department / Purchase cell headed by Secretary/ Additional Secretary.	From Rs.__________ and above.
2.	Offices headed by BS-21/20 Category I-Officer	Upto Rs.
3.	Offices headed by BS-20/19 Category II-Officers	Upto Rs.
4.	Offices headed by BS-19/18 Category III-Officers	Upto Rs.
5.	Offices headed by BS-18/17 Category IV-Officers	Upto Rs.

(NAME & DESIGNATION)
Head of the Procuring Agency/
Department

ORDER

No. ______________________ dated ________ In exercise of the power conferred by Rule-11 of the Punjab Procurement Regulatory Authority Rules, 2014. The competent authority is pleased to approve the approval mechanism for procurements and delegate the authority and extent to the officer as mentioned below:-

Sr. No.	Designation.	Extend of delegated power to approve procurement cases.
1.	Executive District Officer	As per Delegation of Financial Power Rules-2006 amended upto date.
2.	District Officer	-do-
3.	Dy. District Officer	-do-
4.	Medical Superintendent DHQ Hospital	-do-
5.	Medical Superintendent THQ Hospital	-do-
6.	Incharge Medical Officer Rural Health Center	-do-
7.	Incharge Medical Officer Basic Health Unit.	-do-

2. The Officer as mentioned above shall exercise the Power to conduct the procurement for their institution as per their financial power status defined under Delegation of Financial Power Rules (category wise). In case if any of the officer does not enjoy any authority for disbursement of funds allocated to his institution then the authority will automatically divert to Head of Institution. All process shall be conducted in accordance with the PPRA Rules-2014 and financial power shall be exercised in accordance with Delegation of Financial Power Rules-2006 amended upto date.

BY THE ORDER OF

HEAD OF THE PROCURING AGENCY

No. & Date Even.

Copy forwarded for strict compliance and further necessary action:-

1.
2.

Stamp of the issuing Officer

ORDER

No. __________________ dated ___________ In exercise of the power conferred by Rule-11 of the Punjab Procurement Regulatory Authority Rules, 2014 following committee is hereby constituted to conduct the procurement exceeding financial limit of EDOs as per Delegation of Financial Power Rules-2006 amended upto date:-

a)
b)
c)
d)

The TORs for the committee shall be:-

i). The committee shall process the case of procurement as and when received from any office of District officers exceeding the financial power of the EDO concerned.
ii). The committee shall process the procurement strictly in accordance with PPRA Rules-2014.
iii). The committee shall submit its recommendations to the DCO for final approval.
iv). The committee recommendations after approval of the DCO shall be forwarded to EDO concerned for issuance of purchase order and making payment thereafter.
v). The EDO concerned shall be responsible to ensure the quality and quantity of the procurement so conducted and will ensure that payment thereof is made promptly.
vi). All other legal modalities require to establish the legal sanctity of the process shall be fulfilled and accomplished by the EDO concerned.

BY THE ORDER OF

HEAD OF THE PROCURING AGENCY

No. & Date Even.
Copy forwarded for strict compliance and further necessary action:-

1.
2.

Stamp of the issuing Officer

SMART TENDER ADVERTISEMENT

The tender advertisement should include the following information:

a) Name of procuring agency;

b) Tender number (for identification);

c) Procurement Title (indicating type and quantity);

d) Contact person (for seeking bidding documents);

e) Last date for obtaining bidding documents and its price (if any);

f) Indication of closing time and date as well as place for receiving bids;

g) Time and place of public opening of bids (Bids must be opened on the closing date at least thirty minutes after the deadline for submission of bids);

h) Amount of bid security (% age of estimated cost);

i) Indication of procurement procedure;

j) Indication of quantity (when required)

GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT
REGULATORYAUTHORITY, S&GAD
Tell. 042-99205593

PUBLIC PROCUREMENT CHECKLIST

PUBLIC PROCUREMENT CHECKLIST

Public procurement is the acquisition, whether under formal contract or not, of works, supplies and services by public bodies. It ranges from the purchase of routine supplies or services to formal tendering and placing contract for large infrastructural projects by a wide and diverse range of contracting authorities.

This checklist includes the steps required in a normal procurement cycle, from identifying and specifying a need to awarding a contract. The checklist aims to provide a general reminder list to those required to undertake a procurement process.

The checklist would be read in conjunction with the Procurement Law / Rules.

The checklist would require the following steps to be taken in the procurement process:

1. Identifying the need – is the purchase necessary?
2. Writing the specification
3. Estimating cost
4. Securing approvals and funding
5. Determining the best procurement strategy
6. Deciding on the tendering procedure that should be followed
7. Preparing Request for Tender (RFT)
8. Allowing sufficient time for submission of tenders
9. Issuing tender documents, supporting documents and clarifications without delay
10. Receipting and opening tenders
11. Evaluation of tenders
12. Awarding the contract
13. Managing the contract

1. IDENTIFYING THE NEED – IS THE PURCHASE NECESSARY?

Before starting any procurement process, it is important to establish whether it is essential to purchase.

1.1 Establish whether there is a clear business need for the product or service. The procurement should be essential for the conduct of normal business or to improve performance. ☐

1.2 Ensure that the Procurement addresses future phases of the service or purchase of goods that may be required. ☐

2. WRITING THE SPECIFICATION

Once the need for, and what is needed from, a supplier or service provider has been established, the specification of requirements needs to be developed.

2.1 Base the specifications on the needs identified in the demand. ☐

2.2 Ensure that the specifications are clear, comprehensive generic and not discriminatory (use generic technical specification and avoid proprietary brand names). ☐

2.3 Ensure that the specifications present the optimum combination of whole-life-costs and/or price to meet your requirements. ☐

3. ESTIMATING COST

A realistic estimate of all phases of the service or product is essential as this will influence the procurement procedure to be followed and is important for budgeting purposes.

3.1 Prepare a realistic estimate of all phases of the service or product. ☐

3.2 Establish whether funds are available to meet the purchase? ☐

3.3 Determine whether the estimate is over the procurement threshold.**(Appendix-I)** ☐

4. SECURING APPROVALS AND FUNDING

Once a realistic estimate of cost is available the Competent Authority should be requested to approve the expenditure.

4.1 Ensure that all necessary approvals are sought in adequate time. ☐

5. DETERMINING THE BEST PROCUREMENT STRATEGY

Adopt a procurement strategy that will minimise casual or 'once-off' purchases and promote best value.

6. DECIDING ON THE TENDERING PROCEDURE THAT SHOULD BE FOLLOWED

Following an appropriate competitive tendering procedure will avoid violation of provision of the procurement Law / Rules. The type of competitive process to be followed can vary depending on the size and characteristics of the contract to be awarded.

7. PREPARING REQUEST FOR TENDER (RFT) (Appendix-II)

7.1 The detail procurement procedures and methods are provided under Rules 38 and 59 of the Punjab Procurement Rules 2014. ☐

7.2 The procuring entities are required to conduct an appropriate procurement procedure. ☐

7.3 Ensure that the RFT is clear and comprehensive. Clarity and completeness at this stage will help eliminate the need for clarifications later. ☐

7.4 Set out all the criteria that will be applied in the award process, together with the relative weightings of each. This is a vital part of the process. These criteria will form the basis against which tenders will be comparatively evaluated and are the key to an objective, transparent award procedure. ☐

7.5 Specify any special conditions of tender. All the procuring agencies are required to format tender responses etc. ☐

8. ALLOWING SUFFICIENT TIME FOR SUBMISSION OF TENDERS

Allow suppliers an adequate period for the preparation of tenders.

8.1 Take account of the complexity of the contract when fixing the timescale for submitting responses. ☐

8.2 Allow suppliers sufficient time for submitting the necessary information and preparing the tenders (taking into account holiday periods and tender publication time etc. ☐

9. ISSUING TENDER DOCUMENTS, SUPPORTING DOCUMENTS AND CLARIFICATIONS WITHOUT DELAY

Responses to requests for information, requests for tender documents and other supporting documentation (if not made available electronically on the e-tenders website) must be issued without delay.

9.1 Issue tender documents and responses to requests for additional information in good time ☐

9.2 Ensure that additional information supplied to one party, in response to a request, is supplied to all interested parties if it could be significant in the context of preparing a tender. ☐

10. RECEIPTING AND OPENING TENDERS

The procuring entity should ensure that proper procedures are in place for opening tenders.

10.1 Return late tenders unopened to the tenderer and record their existence and time of arrival. ☐

10.2 Open all tenders (received on time) together as soon as possible after the designated latest time and date set for receipt of tenders. ☐

10.3 Arrange for the opening of tenders to take place in the presence of at least two officials of the contracting authority who would sign each tender paper mentioning the date as well. ☐

10.4 Ensure that a clear and formal independently vouched report of the tenders received is produced. ☐

11. EVALUATING TENDERS

The evaluation and award process must be demonstrably objective and transparent and based solely on the criteria published in the RFT or in tender document.

11.1 Arrange for the evaluation of tenders to be carried out by a suitably competent evaluation team / committee. ☐

11.2 Evaluate price including taxes. ☐

12. AWARDING THE CONTRACT

The contract should be awarded to the supplier or service provider that is best able to fulfil procuring entity requirements (selected in accordance with the evaluation criteria), whose bid is within budget and in all other respects complies with the RFT, approval requirements, public procurement law.

12.1 Record in the contract document(s) all terms and special conditions that apply. ☐

12.2 Ensure that the contract specifies clearly the roles and responsibilities of both the client and the supplier/service provider – what needs to be done, by whom and how much it will cost. ☐

13. MANAGING THE CONTRACT

The management stage of a contract is where value for money, (VFM) gained during the preceding stages, is realised. A contract needs to be effectively managed by the user, not just left to the supplier. Proactive involvement in the management of the contract is essential to maximise VFM.

13.1 Have a programme of checking work/goods against the specification. ☐

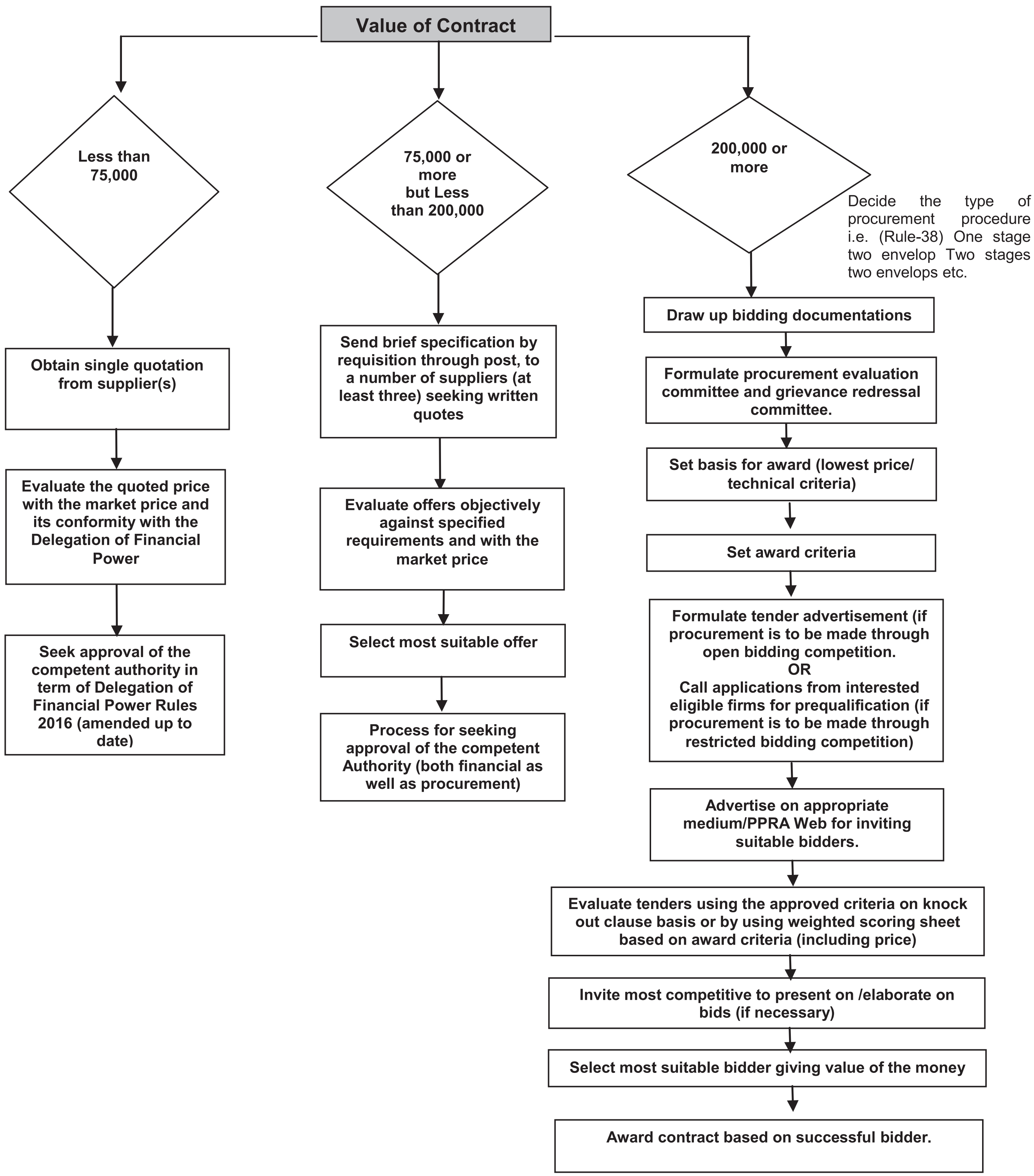
13.2 Ensure that there are procedures for identifying inadequacies/poor performance and for remedial action. ☐

13.3 Maintain a record of supplier performance. ☐

13.4 At the conclusion of the contract, review the whole procurement process, not just the supplier's performance but also the effectiveness of the earlier stages. This review process can provide information for future procurements – in respect of developing and specifying needs, supplier selection and contract management. ☐

Appendix I:

PROCUREMENT PROCESS SEQUENCE UNDER PPRA RULES-2014.



Appendix II:

Format of Request for Tender (RFT) Documents

RFTs generally contain the following information (this is not a prescriptive or exhaustive list):

- Background and summary of requirements
- Financial and invoicing arrangements
- Contact details for further information and query handling – as well as rules relating to same
- General instructions to tenderers in relation to submission of tenders
- Required format of tender responses
- Specifications (comprehensive and unambiguous descriptions) of the services, goods or works required.
- Conditions applicable to the contract including, for example, time for delivery, payments schedule, liability for defects, settlement of disputes etc
- Examination and evaluation of tenders - the RFT must state all of the criteria being applied in the award process.
- Obligations and restrictions imposed by the contracting authority

Tips for Request for Tender (RFT) Documents

1. Be very clear in what you are looking for to ensure that you get tenders that fit your needs. Make sure you set out under what criteria the tenders will be evaluated.

3. Avoid using ambiguous phrases that maybe misinterpreted by the suppliers, such as “quality of tender” in the award criteria, and address in the RFT any possible questions that may arise. This would provide a better chance to the procuring entity to get documentation. Getting what it want to be, very specific in stating exactly what will be measured (e.g. the extent to which the tender meets the technical requirements.

4. It can be helpful to include a return check list (with tick-boxes) for suppliers so that they can be sure that they have satisfied all requirements mentioned in the documents. This can also be helpful to the buyer in summarizing what they need from suppliers.

5. Include any timescales associated with the project early in the notice. This includes the latest date for submission of queries relating to the project, the closing date and time for submission of tenders, etc. Many buyers only state the closing date; however, suppliers often like to know when the evaluation might be completed or when the contract is likely to take effect.

6. In some cases, it may be useful to indicate a budget for the procurement in the RFT. This can give potential suppliers an idea of the range of the project, and they can tailor their submissions to meet this budget. For example, in an advertising tender, you might want to see how much of your budget will be used on actual advertising and how much will be charged in the management fee.

7. If possible, upload any tender documentation that may help clarify the tender on to the PPRA / Department. This will reduce the need for contracting authorities to send any relevant documentation manually at a later date.

8. When uploading any tender documentation, ensure that the size of the documents is kept small. This will allow the documents to be accessed by those on slower internet connections, such as dial-up.