



No. L&M(PPRA)PA/Dir.(L&M)/2021 P-1
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor Al-Falah Building, The Mall Road Lahore.

Dated Lahore, the 4th January, 2022

Tel: 042-99204572
Exc. 042-36284774
Fax: 042-36284776

To,

The Section Officer (E&A),
Government of the Punjab,
Finance Department.

Subject: - NOTIFICATION.

I am directed to refer to your notification no. E&A (FD)11-5/2021(PPRA) dated 02nd November, 2021 whereby Special Sectary Finance (Expenditure & Corporate finance) has been nominated as Member PPRA Body and following has been apprised:

"Managing Director (MD), Punjab Procurement Regularity Authority will be responsible to update the nomination and submission of relevant data to SECP/ RJSC etc."

I am further directed to state that the expression "MD will be responsible to update the nomination and submission of relevant data to SECP/ RJSC etc." needs elaboration as PPRA Board of Management is not a company but a Board governed under PPRA Act, 2009 which does not envisage any role of SECP/ RJSC. It is therefore requested to clear the same in writing or telephonically. In this regard, the undersigned may be contacted on the following numbers:

Tel: 042-99204572, Mob: 0300-6540795

This issues with the approval of Managing Director (PPRA).

Cc:

The Secretary, Finance Department Govt. of Punjab.
PSO to Chairman, PPRA.
PS to MD, PPRA.

Abdul Salam
SENIOR LAW OFFICER
PPRA, S&GAD 4/1/22



Dated Lahore, 04th January, 2022

Project Director,
Project Director (Addl. Charge)
Sir Ganga Ram Hospital,
Lahore.

Subject: REQUEST TO BREAK THE PACKAGE OF DOPPLER ULTRASOUNDS INTO SUB-PACKAGES.

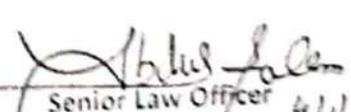
I am directed to refer to your letter No. 10251/GR dated 22-12-2021 whereby an advice has been sought as to whether after prequalification process the package may be broken into sub-packages or otherwise.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Prequalification procedure has been provided under rule 16 & 17 of PPR-14 as specific alternative modality for open competitive bidding process.

3. However, before any conclusive advice is tendered the procuring agency must apprise PPRA about the following:

- I. Please provide the copy of prequalification notice.
- II. Please provide certified copy of Prequalification Documents (PQDs) containing the detail of subject packages.
- III. Whether, after prequalification, the bidding process has been conducted or otherwise.

4. In order to address the issue timely, kindly ensure that requisite response is furnished at the earliest.


Senior Law Officer
PPRA S&GAD 4/1/22

- CC:-
1. Secretary to the Govt. of the Punjab, Specialized Healthcare & Medical Education Department, Lahore
 2. PSO to Chief Secretary Punjab/Chairman PPRA.
 3. PS to MD, PPRA



Dated Lahore, 06th January, 2022

Chief Executive Officer,
District Education Authority,
Sargodha.

Subject:

GUIDANCE REGARDING RELEASE OF CDR AMOUNTING TO RS. 2388620/-
PURCHASE OF FURNITURE UNDER KHADIM-E-PUNJAB SCHOOL PROGRAMME
(KPSP) PHASE-I.

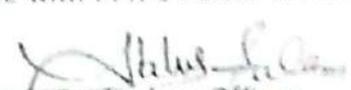
I am directed to refer to your letter No. 4447/P&D dated 30.10.2021 on the subject whereby an advice has been sought regarding release of earnest money.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that bidding documents is the vital part of the procurement mechanism which includes evaluation criteria along with terms & conditions for the evaluation of bids as well. The main driving force which steers the evaluation process is evaluation criteria read with terms & conditions set forth in the bidding documents for the evaluation of bids. Rule 31(1) & 32 (3) are very much clear in this regard which stipulate that

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.

32. Evaluation of bids. (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.

3. In view of the above the procuring agency is advised to seek guidance from aforementioned rules and decide the issue at own level keeping in view the terms & conditions of the bidding documents and strictly in accordance with PPR-14 after fulfilment of all other legal / codal requirements.


Senior Law Officer
PPRA S&GAD

CC:-

1. Secretary to the Govt. of the Punjab, School Education Department, Lahore.
2. P50 to Chief Secretary Punjab/Chairman PPRA.
3. P5 to MD, PPRA.



No. L&M(PPRA)PA/DIR(L&M)2019/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 11th January, 2022

The Secretary,
Mines & Minerals Department (Internal Audit Wing),
Lahore.

Subject: EXEMPTION UNDER SECTION 23 OF PPRA ACT 2009 & RULES 2014.

I am directed to refer to your letter No. SO(INT.AUDIT)9-1/2021 dated 28/12/2021 whereby a copy of letter No. PLG-203(25)/Part-II/2019/2030 dated 28-12-2021 has been referred to this office for advice regarding exemption of PPRA Rules.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Punjab Procurement Regulatory Authority has been established under Punjab Procurement Regulatory Authority Act 2009 (Amended 2016) to regulate the procurement of goods, services and works in the public sector and for matters connected therewith. The definition of public procurement as provided in section 2(n) of PPRA Act 2009 envisages that:

2(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".

3. In view of the forgoing, PPRA is of the opinion that, apparently, the proposition referred pertains to "auction" which does not fall within the definition of public procurement and hence ambit of PPRA as well. It is, therefore, advised to clarify the same in order to proceed further.


Senior Law Officer
PPRA S&GAD

Cc:

1. PSO to Chairman PPRA / Chief Secretary Punjab.
2. Section Officer (Internal Audit Wing), Mines & Minerals Department, Lahore.
3. PS to MD PPRA.



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No. L&M(PPRA)PA/DIR(L&M)2019/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 11th January, 2022

The Secretary,
Mines & Minerals Department (Internal Audit Wing),
Lahore.

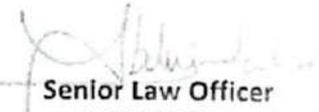
Subject: EXEMPTION UNDER SECTION 23 OF PPRA ACT 2009 & RULES 2014.

I am directed to refer to your letter No. SO(INT.AUDIT)9-1/2021 dated 28/12/2021 whereby a copy of letter No. PLG-203(25)/Part-II/2019/2030 dated 28-12-2021 has been referred to this office for advice regarding exemption of PPRA Rules.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Punjab Procurement Regulatory Authority has been established under Punjab Procurement Regulatory Authority Act 2009 (Amended 2016) to regulate the procurement of goods, services and works in the public sector and for matters connected therewith. The definition of public procurement as provided in section 2(n) of PPRA Act 2009 envisages that:

2(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".

3. In view of the forgoing, PPRA is of the opinion that, apparently, the proposition referred pertains to "auction" which does not fall within the definition of public procurement and hence ambit of PPRA as well. It is, therefore, advised to clarify the same in order to proceed further.


Senior Law Officer
PPRA S&GAD

Cc:

1. PSO to Chairman PPRA / Chief Secretary Punjab.
2. Section Officer (Internal Audit Wing), Mines & Minerals Department, Lahore.
3. PS to MD PPRA.

HEARING NOTICE

<http://ppra.punjab.gov.pk>



Tel: 042-99204572
Fax: 042-36284776

No. L&M(PPRA) W.P 121/2022
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

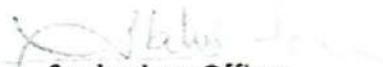
Dated Lahore, 11th January, 2022

Mst. Sobia Asghar D/o Muhammad Asgar,
Javed Colony, Muhammadi Road, Near madina Chowk,
Chungi Amer Sidhu, Lahore.

Subject: WRIT PETITION NO. 121/2022 TITLED AS MST. SOBIA ASGHAR VERSUS CHIEF SECRETARY AND OTHERS.

I am directed to refer to Hon'ble Lahore High Court, Lahore order dated 05-01-2022 passed by the Hon'ble High Court Lahore in writ petition No. 121/2022 titled as Mst. Sobia Asghar VERSUS Chief Secretary and Others. The Hon'ble Court has directed Punjab Procurement Regulatory Authority (Respondent No.3) to decide the issue after providing proper hearing to the petitioner.

2. I am further directed to inform that personal hearing in the above said case has been fixed on 13-01-2022 at 12:30pm in office of PPRA. It is, therefore, requested to attend the hearing so that the matter may be decided in accordance with law as directed by Hon'ble Court.


Senior Law Officer
PPRA S&GAD

No. & Date Even:

1. Muhammad Imran Darwaish, (Advocate of the petitioner) 1st Floor, Rehmat Tower, 13-Fane Road, Lahore.


Senior Law Officer
PPRA S&GAD

Cc:

1. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

NO. L&M(PPRA) BD-Vet/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 12th January, 2022

Deputy Managing Director,
Punjab Journalists Housing Foundation,
1-B, Zafar Ali Road, Gulberg-V, Lahore.

Subject: REQUEST FOR VETTING OF DRAFT ADVERTISEMENT / BIDDING DOCUMENT FOR HIRING SECURITY SERVICES.

I am directed to refer to your letter No. PS/DMD(PJHF)1-1/2021 dated 27/12/2021 on the subject whereby a request has been made for vetting the draft bidding document

2. The draft bidding document has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the draft bidding document referred vide aforementioned letter needs certain clarifications. It is therefore, requested to depute an officer (not below the rank of BS-17) well conversant with the facts of the case to attend the office of undersigned at earliest in order to proceed further.


Senior Law Officer
PPRA S&GAD 12/1/22

Cc:

1. Secretary to the Govt. of the Punjab, Information & Culture Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-31(G)(I)-AD(2012)
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 12th January, 2022

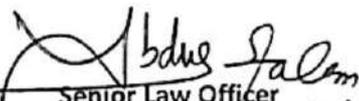
Abdul Qayyum,
Chief Executive officer,
Punjab Population Innovation Fund,
125 Abu Bakar Block New Garden Town Lahore.

Subject: **(1)-PRODUCTION AND ON AIRING OF DRAMA SERIAL ON FAMILY PLANNING.**
(2)-CLARIFICATION REGARDING PROCUREMENTS OF PROJECT PARTNER.

I am directed to refer to your letters bearing No. PPIF/845 & 846 dated 31.12.2021 whereby an advice has been sought on the subject I&II cited above respectively.

2. Both the cases have been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the procuring agency has not properly addressed the observations raised vide this office letters of even No. dated 06-09-2021 & 07-12-2021. The propositions referred vide aforementioned letters are not clear and need clarification.

3. It is therefore, requested to depute an officer (not below the rank of BS-18) along with complete record of subject procurements, well conversant with the facts of the cases to attend the office of undersigned in order to clarify the proposition referred above.


Senior Law Officer
PPRA S&GAD 12/1/22

Cc:

1. Secretary to the Govt. of the Punjab, Population Welfare Department, Lahore
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.





Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

Final Reminder
No. L&M(PPRA)W.P. 77560/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 12th January, 2022

- 1. The Commissioner (Respondent No. 3),**
Punjab Employees Social Security Institute,
3-A Gulberg-V, Jail Road,
Lahore.
- 2. Grievance Redressal Committee (Respondent No. 4),**
Punjab Employees Social Security Institute,
3-A Gulberg-V, Jail Road,
Lahore.
- 3. Technical Evaluation Committee (Respondent No. 5),**
Punjab Employees Social Security Institute,
3-A Gulberg-V, Jail Road,
Lahore.

Subject: PROVISION OF ANNOTATED REPLY IN WRIT PETITION NO. 77560/2021 TITLED AS M/S TOTAL TECHNOLOGIES (PVT) LTD. & OTHERS VERSUS PROVINCE OF PUNJAB ETC.

I am directed to refer this office letter of even No. dated 21-12-2021 and to enclose herewith order dated 12-12-2021 passed by the Hon'ble High Court Lahore in writ petition No. 77560/2021 titled as "M/S TOTAL TECHNOLOGIES PVT. LTD Vs PROVINCE OF PUNJAB ETC". The Hon'ble Court has directed Punjab Procurement Regulatory Authority (Respondent No.2) to decide the issue after providing proper hearing to all the concerned including the petitioner in accordance with relevant provisions of the Punjab Procurement Regulatory Authority Act 2009 and the Rules 2014.

2. Therefore, Respondents No. 3, 4, 5 was requested to provide annotated reply / parawise comments on the subject petition; within three (3) days from the receipt of this letter.

3. It is apprised that reply has not yet been submitted to this office. Therefore, it is once again requested to furnish the same immediately through a special messenger in order to decide the issue within time line given by the Hon'ble Court, kindly ensure that requisite response is received within two (2) days. It is further apprised that any further delay in the matter may lead to the contempt proceeding.


Senior Law Officer
PPRA S&GAD

12/1/22

Cc:

1. Secretary to the Govt. of Punjab, Labour and Human Resource Department, Lahore.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-20(G)(I)-CO/2015
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 12th January, 2022

Mr. Ali Muazzam Syed,
Chief Executive Officer,
Punjab Industrial Estates, Development and Management Company,
Commercial Area (North) Sundar Industrial Estate, Raiwind Road, Lahore.

Subject: **INSURANCE BONDS AS PERFORMANCE GUARANTEES.**

I am directed to refer to your letter No. PIE/PPRA/CEO/2698 dated 29/12/2021 on the subject whereby an advice has been sought regarding acceptance of performance guarantee in shape of insurance bond.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Rule 2(w) of PPR-14 is very much clear regarding instant proposition which envisage that:

2. (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;

3. PPRA is of the view that expression "other form of security" includes bank guarantee, bank draft, pay order, call deposit receipt (CDR) and cashier's cheque but does not include insurance bond from any insurance organization as encashment modalities are involved. Moreover, performance security is always acquired to secure the interest of the procuring agency, which all aforementioned financial instruments also secure with equal effectiveness.

4. The procuring agency is advised to seek guidance as discussed above and proceed strictly in accordance with PPR-14 after fulfillment of all other legal / codal requirements.

Cc:

1. Secretary Govt. of the Punjab Industries Commerce & Investment Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.

Abdul Salam
Senior Law Officer
PPRA S&GAD 12/1/22



Tel: 042-99204572
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No. L&M(PPRA) 1-2(G)/17
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 18th January, 2022

Assistant Director Admn-II,
Auqaf Punjab,
Lahore.

Subject: **GUIDANCE REGARDING SECURITY TENDER.**

I am directed to refer to your letter No. AD(A-II)20(1980)A/18 dated 28-12-2021 in response to this office letter of even dated 17-12-2021 whereby it was requested to depute an officer well conversant to attend the office of PPRA in order to clarify the proposition.

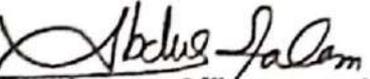
2. Mr. Sardar Gohar Mustafa, Zonal Administrator Auqaf (the representative) attended the office of Managing Director PPRA on 07-01-2022. The case was discussed in the light of Punjab Procurement Rules 2014 (PPR-14). During the course of discussion, the representative of the procuring agency apprised the Chair that, if there is a provision in PPR-14, it will be easier for the procuring agency to re-tender the procurement process.

3. It is apprised that under Rule 35 of PPR-14, a procuring agency may reject all bids or proposals at any time prior to the acceptance of a bid or proposal. Furthermore, under Rule 36 of PPR-14, the procuring agency may initiate the re-bidding process. The Rules ibid are reproduced as follow:

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.

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.

3. The procuring agency is advised to seek guidance from the above said discussion & proceed strictly in accordance with the PPRA law / Rules after fulfillment of all other legal / codal formalities.


Senior Law Officer 18/1/22
PPRA S&GAD

Cc:

1. The Secretary, Govt. of the Punjab, Auqaf Department Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-17(G)(I)-/0
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GA
2nd Floor, Al-Falah Building, The Mall, Lahore.

Dated Lahore, 17th January

Superintendent,
District Jail,
Jhang.

Subject: EXPERT OPINION / GUIDANCE REGARDING QUOTATION AD ON PPRA
WEBSITE FOR THE PURCHASE OF DIETARY ARTICLES FOR YEAR 2020-21
OF DISTRICT JAIL JHANG.

I am directed to refer to your letter No. 216 dated 04-12-2019 whereby an
advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Regulatory Authority (PPRA) Rules 2014 (PPR-14). PPRA is of the view that nothing has been expressly mentioned in Rule 14 regarding the use of funds or its release. It becomes binding on the bidder if such a condition is mentioned in the bidding document.

Senior Officer
PPRA

CC:-

1. Inspector General of Prisons Lahore, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
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No. L&M(PPRA) 3-25/21
PUNJAB PROCUREMENT REGULATORY AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Lahore. Lahore.

Dated Lahore, 17th January, 2021

Chief Officer,
District Council Khanewal

Subject: ADVICE REGARDING AWARDING TENDER TO THE 2ND LOWEST BIDDER IF THE ENCLOSED CDR BY 1ST HIGHEST BIDDER IS NOT WITH THE NAME OF ORIGINAL OWNER.

I am directed to refer to your letter No. DCK/391 dated 03-11-2021, whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It is apprised that PPRA has already rendered its opinion vide Office letter of even No. dated 03-11-2021 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter.

Senior Officer
PPRA

Cc:

1. Secretary to the Government of the Punjab, I.G&CD Department
2. Deputy Commissioner Khanewal.
3. PSO to Chairman PPRA / Chief Secretary Punjab.
4. PS to MD PPRA



Dated Lahore, 18th January, 2022

Director General Health Services,
24-Cooper Road,
Lahore.

Subject: REQUEST FOR ADVICE REGARDING PROCUREMENT OF VARIOUS IEC PRINTING MATERIAL / ITEMS ON URGENCY UNDER RULE 64-A OF PPR-2014.

I am directed to refer to letter No. 49-54/PC dated 06/01/2022 on the subject whereby an advice has been sought regarding urgency.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that principle method of procurement is open competitive bidding process as provided under Rule 22 & 23 of PPR-14. However, Rule 59 of PPR-14 has also provided alternative methods of procurement under specific circumstances as mentioned therein, to address different kinds of situations including urgency under Rule 59(d)(iii) of PPR-14. The definition of urgency has been provided under Rule 2(ad) of PPR-14. However, the reasons to invoke extreme urgency should not be attributable towards the procuring agency. The Rules *ibid* stipulate that:

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

59. Alternative methods of procurements.- (d) 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:

(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;

It is further added here that the procuring agency has to decide and invoke the urgency at its own level keeping in view the fact that conditions mentioned therein are fulfilled. However, in an urgent situation, Government printing press (GPP) being the technical expert department in printing job can also be requested to recommend a pool of pre-qualified printers having sufficient expertise to meet the printing requirements of a procuring agency. In that case, the procuring agency shall select the suitable bidder from amongst the pool of such bidders obtaining rates from them and ensuring due diligence in order to comply with the principle of value for money as defined under rule 2(ae) of PPR-14.

3. Furthermore, Rule-59(e) of PPR-14 provides that a procuring agency may 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 through direct contracting if project is time bound or sensitive in nature and its information cannot be shared with private sector. The Rule ibid stipulates that:

- 59.(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."

agency with

4. It is further apprised that, Rule 64-A of PPR-14 provides that one procuring agency may assign its whole or a part of procurement process to another procuring agency with the consent of that other procuring agency. Rule ibid stipulates that:

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.

5. The procuring agency is advised to seek guidance from above said discussion / Rules ibid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / codal requirements.


Senior Law Officer
PPRA S&GAD

18/1/22

- Cc:
1. Secretary to the Govt. of the Punjab, Primary & Secondary Healthcare Department, Lahore.
 2. PSO to Chairman PPRA / Chief Secretary Punjab.
 3. PS to MD PPRA.



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No. L&M(PPRA) 1-25(G)/2011
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 13th January, 2022

Rana Saif Ullah,
Deputy Director (F&P),
Directorate General of Literacy & Non-Formal Basic Education,
Lahore.

Subject: **ADVICE REGARDING PROCUREMENT OF INTERNET SERVICES THROUGH OPEN COMPETITIVE BIDDING.**

I am directed to refer to letter No. AD(FW-PROCUREMENT)4-2/2021-22 dated 28/12/2021 on the subject whereby an advice has been sought regarding direct contracting

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that principle method of procurement is open competitive bidding process as provided under rule 22 & 23 of PPR-14. However, rule-59(e) of PPR-14 provides that a procuring agency may 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 through direct contracting if project is time bound or sensitive in nature and its information cannot be shared with private sector. The rule ibid stipulates that:

59.(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."

4 NTDC may get registered with PPRA. The registration process will be completed on priority in 02 days

5 The procuring agency is advised to seek guidance from above said discussion / rule book and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / procedural requirements.


Senior Law Officer

PPRA S&GAD 14/1/22

1. Secretary to the Govt. of the Punjab, Literacy & Non Formal Basic Education Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. FS to MD PPRA.

Reminder-1

www.punjab.gov.pk



Phone: 35844533
Fax: 35844774
35844776

No. L&M(PPRA) 1-17(G)(i)-AB/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 20th January, 2022

The Chief Executive Officer,
TEVTA,
96-H Gulberg Rd, Block H Gulberg II,
Lahore.

Subject: ADVICE REGARDING PROCUREMENT OF FURNITURE ITEMS.

I am directed to refer to this office letter of even No. dated 22-12-2021 (copy enclosed) on the subject cited above whereby it was requested to depute the relevant officer well conversant with the fact of the case to attend the office of Managing Director PPRA at Lahore, so that issue may be addressed accordingly.

It is therefore, once again requested to kindly furnish the requisite response to this office as early as possible so that the matter may be addressed accordingly.

Abdus Salam
Senior Law Officer
PPRA S&GAD 20/1/22

1. PSO to Chairman PPRA / Chief Secretary Punjab.
2. Mr. Ayaz Aslam, Senior Technical Officer / Deputy Director Operations, Punjab Emergency Service Department (Technical Wing), Rescue 1122 with respect to letter No. 1219(Tech)-21 dated 09.11.2021.
3. PS to MD PPRA.



GOVERNMENT OF PUNJAB
SECRETARIAT
LAHORE

No. LNM(PPRA) 1177-1/2019
PUNJAB PROCUREMENT AUTHORITY
3rd Floor, Al-Lalali Building, Lahore

Dated Lahore, 27th December 2019

The Chief Executive Officer,
HVTG,
36 H Street, Block H Gulberg II,
Lahore

Subject: ADVICE ON BIDDING PROCUREMENT OF FURNITURE ITEMS

I am directed to refer to the subject and to appoof herewith letter No. 1219(tech)-21 dated 12/12/19 received from Punjab Emergency Service Department Rescue 1122, (Procurement) on the subject cited above.

Contents of the subject letter reveal that three (3) Public Manufacturing Units operating under TEVTA are M/s TEVTA Wood Working Service Centre, Rawalpindi, M/s TEVTA Wood Working Service Centre, Gujrat and M/s Light Engineering Service Centre, Gujranwala, have same NTN No. 9020318482 and STRN No. 0701940318482 under the name of TEVTA. The procuring agency has sought advice as to whether provision of Rule 26-A of Punjab Procurement Rules 2018 shall be applied in such scenario or not. The said Rule 26-A stipulates that

36A. One person per 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.

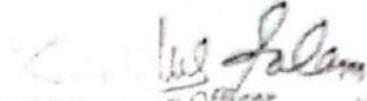
(2) If a consortium of persons has submitted a bid in any procurement, it will be construed that each member of the consortium has submitted the bid.

I am, therefore, requested to request to depute the relevant officer (below the rank of BS-18) well versed with the facts of the case / Rules in this regard to attend the office of Managing Director, TEVTA at earliest, so that issue may be dealt with accordingly.

Further apprised that the aforementioned assistance is provided under Section 5(2)(3) with Section 17 of the Procurement Regulatory Authority Act, 2017.

This is subject to the approval of Managing Director.

h


Iqbal Jaleem
Senior Officer
21/12/21

1. PSO to Chairman, P & C Chief Secretary Punjab.
2. Mr. Ayaz Aslam, Senior Technical Officer / Deputy Director Operations, Punjab Emergency Service Department (Technical Wing), Rescue 1122 with respect to letter No. 1219(Tech) 2 dated 09.11.2021.
3. PS to MD PPRA.

22/12





COVER
PUNJAB
LAHORE

The Managing Director,
Punjab Procurement Regulatory Authority,
Lahore, Punjab

Subject: ADVICE REGARDING PROCUREMENT OF FUE

Kindly refer to the subject cited above. A notice vide No. 3/20-21(FW) was advertised for the purchase of Fixtures Items for the PESD by adopting Single stage procedure in accordance with the PPR, 2014. In response to the said tender including 3 Public Manufacturing Units namely M/s TEVTA Wood Working Service Centre Rawalpindi, M/s TEVTA Wood Working Service Centre, Gujrat and M/s TEVTA Light Engineering Gujranwala.

2. During scrutiny of technical bids, it was observed that Manufacturing firms operating under TEVTA submitted Income Tax Registration and General Sales Tax Registration No. 9020301-1 and STRN No. 0701940318482 under the name "96-H, Gulberg II, Behind Siddique Trade Centre, Lahore.

3. In view of the above, I am directed to issue the following advice may kindly be issued whether the bids of 3 Manufacturing firms operating under TEVTA, namely M/s TEVTA Wood Working Service Centre, Rawalpindi, M/s TEVTA Wood Working Service Centre, Gujrat and M/s TEVTA Light Engineering Service Center, Gujranwala, having same Income Tax Registration and General Sales Tax Registration No. 9020301-1 and STRN No. 0701940318482 under the name TEVTA, are valid in the light of Punjab Procurement Rules (PPR).

Dairy No.	004793
Date	11 NOV 2021
Dir. ()	
DE (A)	
SLO	✓
V. P.	

C.C:

- The Director General, Punjab Emergency Services
- The Head of Procurement, Punjab Emergency Services
- All Members of the Technical Committee



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

NO. LC/M/PPRA/1-21(VV)(I)/AD//2016
**PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD**
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 21st January, 2021

Executive Engineer (OP),
For Chief Engineer, Irrigation Potohar Zone,
Rawalpindi.

Subject: ADVICE ON HIRING OF SHORT CONSULTANCY SERVICE.

I am directed to refer to your letter No. SE/PTR/IRRI/2021/5820/16-D dated 14-12-2021 on the subject whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Short term consultancy has been elucidated in rule 2(ab) of PPR-14 according to which short term consultancy of a firm means where the cost of consultancy does not exceed five (5) million rupees. Furthermore, method for the selection of consultant firm under short consultancy has been defined under Rule 46A of PPR-14, the Rules ibid stipulate that:

2. (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

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 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

It is pertinent to mention here that under short consultancy, procuring agency must opt open competitive bidding process under rule 22 & 23 of PPR-14, where the cost of consultancy firm is between 3 to 5 million rupees.

The procuring agency is advised to seek guidance from above said discussion / rule ibid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / procedural requirements.


Senior Law Officer
PPRA S&GAD, 21/1/22.

Secretary to the Govt. of the Punjab, Irrigation Department, Lahore.
PSO to Chief Secretary Punjab/Chairman PPRA.
PS to MD, PPRA.



Dated Lahore, 21st January, 2022

Director (C&M),
Punjab Small Industries Corporation,
Directorate of Credit & Marketing,
315-Alfalah Building, Mall Road, Lahore.

Subject: REQUEST FOR ADVICE ON CONSIDERATION OF BID FOR TECHNICAL EVALUATION.

I am directed to refer to your letter No. PSIC/C7M/VR-414-VI/4748 dated 19.01.2022 on the subject whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Bidding documents is an important part of the procurement mechanism which also requires to include the evaluation criteria along with all terms and conditions. The evaluation criteria / terms and conditions are to be formulated as per rule 31 of PPR-14 and evaluation is conducted under rule 32(1)&(3) of PPR-14 which stipulate that:

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.

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.

(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.

PPRA is of the view that, any bid which is not compliant to the evaluation criteria / terms & conditions set forth in the bidding documents, is liable to be declared as non-responsive.

3. The procuring agency, which is repository of technical knowhow and mandated for preparing unambiguous evaluation criteria, is advised to seek guidance from the above said discussion / rules to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.

Abdul Salam
Senior Law Officer

PPRA S&GAD, 21/1/22

CC:-

1. Secretary to the Govt. of the Punjab, Industries, Commerce and Investment Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Dated Lahore, 21st January, 2022

Director (C&M),
Punjab Small Industries Corporation,
Directorate of Credit & Marketing,
315-Alfalah Building, Mall Road, Lahore.

Subject: REQUEST FOR ADVICE ON CONSIDERATION OF BID FOR TECHNICAL EVALUATION.

I am directed to refer to your letter No. PSIC/C7M/VR-414-VI/4748 dated 19.01.2022 on the subject whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Bidding documents is an important part of the procurement mechanism which also requires to include the evaluation criteria along with all terms and conditions. The evaluation criteria / terms and conditions are to be formulated as per rule 31 of PPR-14 and evaluation is conducted under rule 32(1)&(3) of PPR-14 which stipulate that:

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PPRA is of the view that, any bid which is not compliant to the evaluation criteria / terms & conditions set forth in the bidding documents, is liable to be declared as non-responsive.

3. The procuring agency, which is repository of technical knowhow and mandated for preparing unambiguous evaluation criteria, is advised to seek guidance from the above said discussion / rules to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.

Abdul Salam
Senior Law Officer

PPRA SBGAD, 21/1/22

CC:-

1. Secretary to the Govt. of the Punjab, Industries, Commerce and Investment Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
- ✓ 3. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-1(G)(I)-AD/2019
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

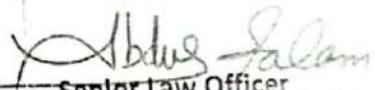
Dated Lahore, 21st January, 2022

Director,
Agriculture Engineering,
Faisalabad Region,
Faisalabad.

Subject: REQUEST FOR RECONSIDERATION OF RULE 27 OF PPRA RULES 2014.

I am directed to refer to your letter No. 3731/10-1/AC dated 10/12/2021 on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It is intimated that your valuable suggestion regarding amendment in Rule 27 has been noted for consideration. The remedy may lie in e-procurement. The bidders may also "pool" even if no estimated price is given.


Senior Law Officer
PPRA S&GAD 21/1/22

Cc:

1. Secretary to the Govt. of the Punjab, Agriculture Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Dated Lahore, the 24th January, 2022

Tel: 042-99204572
Exc. 042-36284774
Fax: 042-36284776

To,

The Deputy Director,
Anti Human Smuggling,
Federal Investigation Agency,
Emigration Tower G-8/1, Islamabad.

Subject: - QUESTIONNAIRE SEEKING INFORMATION FOR THE U.S. DEPARTMENT OF STATE'S ANNUAL REPORT ON TRAFFICKING IN PERSONS (TIP).

I am directed to refer to your letter no. 10(6)/2021-Admn dated 27th December, 2021 on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Punjab Procurement Regulatory Authority Act, 2009 (PPRA Act, 2009) Section 2 (j) Section 19 & Rules 5, 32(3), 55, 66, 69 of Punjab Procurement Rules 2014 are relevant in this regards. The ibid section and rules are reproduced as follows:

"Section-2. Definitions.— In this Act:

(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;

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

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

32. Evaluation of bids.— (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.

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.

56. 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.

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

Abdul Salam
Senior Law Officer
PPRA, S&GAD

24/1/22.

cc:

1. PS to Managing Director, PPRA.

O/C

www.ppra.punjab.gov.pk



No. L&M(PPRA)PA/Dir.(L&M)/2021
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor Al-Falah Building, The Mall Road Lahore.

Dated Lahore, the 24th January, 2022

Tel: 042-99204572
Exc. 042-36284774
Fax: 042-36284776

To,

The Section Officer (Admn),
Ministry of Communications,
P3QW+48J, Red Zone, Islamabad,
Islamabad Capital Territory.

Subject: - INQUIRY AGAINST MR. AKBAR NASIR KHAN (PSP/BS-20), EX-ECHIEF OPERATING OFFICER, PUNJAB SAFE CITIES AUTHORITY, LAHORE.

I am directed to refer to your letter No. 10(6)/2021-Admn dated 27th December, 2021 on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that Rule 10, 26 and 34 of Punjab Procurement Rules 2014 are relevant in this regards. The rules stipulated that:

"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.

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.

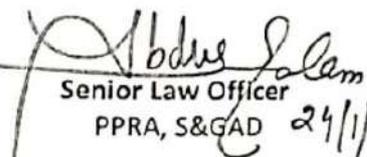
2. A procuring agency shall allow for a preference to domestic or national contractor in accordance with the policies of the Government and the magnitude of price preference to be accorded shall be clearly mentioned in the bidding documents under the bid evaluation criteria.

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.”

cc-

1. PS to Managing Director, PPRA.


Senior Law Officer

PPRA, S&GAD

24/1/22



No. L&M(PPRA) 1-18(W)(I)-AB/2019
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 25th January, 2022

Asrar Saeed Khan,
Chief Engineer-I,
Lahore Development Authority,
Khayaban-e-Firdousi, 467-D-II, M.A Johar Town, Lahore.

Subject: E-TENDERING-SUBMISSION OF BOGUS / FAKE CDRS, PEC LICENSE AND BID SECURITIES BY THE CONTRACTORS.

I am directed to refer to your letter No. CE-I/LDA/393 dated 29-12-2021, whereby an advice has been sought regarding enlistment of contractors.

2. It is apprised that the subject matter is pending adjudication before the Hon'ble Lahore High Court Lahore in writ petition No. 22947/2021 titled as M/s Khalid & Brothers etc. Vs Province of Punjab (copy enclosed). However, PRA has submitted its view point before the Hon'ble Court as follows:

National Accountability Bureau, NAB Islamabad vide letters No. 5-2(75)Pre/A&P/NABHQ/2013/40 dated 08-01-2014 & 6(63)/A&P/NAB/Rwp/2015 dated 16-07-2015 advised all Ministries / Divisions / Department / Regulatory Bodies and Corporations etc. that:

"registration or enlistment of contractors on periodic basis is not needed nor any charging of fee on this account is admissible. This practice should be stopped forthwith as it supports the corrupt practices of collusive limited competition to favor the favorites"

On the observation of NAB, PPRA vide letter No. L&M(PPRA)1-5(W)/2011 dated 11-09-2015 requested Secretary Communication and Works Department Lahore (C&W) to furnish a detailed report on the matter. The C&W Department vide letter No. SOBII(C&W)2-11/78(P-I) dated 14-10-2015 submitted its view which is as under:

- I. Performance of each and every contractor can best be evaluated in detail by the department itself which is getting the work done through the contractors. PEC can at best oversee the performance of the contractors on the basis of good or adverse reports if obtained from respective executing agencies prior to issuance of yearly renewal certificates to the firms.
- II. Prequalification of contractors under provisions of clause 16-17 of PPRA Rules 2014 is undertaken generally for works costing Rs. 100 million and above.

C&W Department is executing a large number of small schemes and M&A works which cannot be termed as complex works. Doing away with the enlistment / renewal of firms would cause enormous increase in the work load by processing cases of a very large number of prospective bidders which would entail delays in execution of works.

After threadbare analysis, PPRA is of the concerted view that enlistment and prequalification are two different modalities. Enlistment is always done primarily to grade the financial / technical capacity of different prospective contractors for construction projects without specifying the nature of the project. The enlistment grading itself is an ample evidence to substantiate this. On the other hand prequalification (which is carried out under rule 16 & 17 of PPR-14) is always project specific and without any grading. A contractor / firm prequalified for a project cannot be considered eligible for other projects whereas after the enlistment, contractors / firms are always considered eligible for all such projects which fall within the ambit of specific enlisted category of the contractor / firm for which it is enlisted. All the Govt. departments are required to proceed accordingly.

2. In view of the forgoing, plausible discourse for the procuring agency may be to check if there is any stay order of the Hon'ble Lahore High Court, Lahore in the aforementioned writ petition, or in any other petition, and proceed in best public interest.

Cc:

1. Secretary to the Govt. of the Punjab, HUD&PHE Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA

Abdul Salam
Senior Law Officer
PPRA S&GAD

25/1/22



NO. L&D/PPRA/1-26(G)/(1)-AD/2012
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 25th January, 2022

Director Livestock,
Bahawalpur Division,
Near Multani Gate,
Bahawalpur.

Subject: ADVICE REGARDING INVITATION FOR PROPOSAL FROM THE PREQUALIFIED FIRMS.

I am directed to refer to your letter No. 4243 dated 04/12/2021 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the proposition referred vide aforementioned letter is not clear and needs clarification. It is therefore, requested to either get tutorial from the Administrative Department, DG office or depute an officer (not below the rank of BS-17; along with copy of annual procurement plan for financial year 2021-22) well conversant with the facts of the case to attend the office of undersigned in order to clarify the proposition referred above; or may discuss telephonically.


Senior Law Officer
PPRA S&GAD 25/1/22

1. Secretary to the Govt. of the Punjab, Livestock & Dairy Development Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



No. L&M(PPRA)1-18(W)(I)-AD/2012/PIII
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 25th January, 2022

Director (Design,
For Chief Engineer (North) Punjab,
Public Health Engineering Department,
Lahore.

Subject: CLARIFICATION.

I am directed to refer to your letter No. 3049/P&D dated 21-12-2021 on the subject whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Short term consultancy has been elucidated in rule 2(ab) of PPR-14 according to which short term individual consultancy means where the cost of consultancy does not exceed two (2) million rupees and the duration does not exceed 6 months. Furthermore, method for the selection of short term individual consultant / consultancy firm has been defined under Rule 46 & 46A of PPR-14 respectively. The Rules ibid stipulate that:

2. (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

46. Selection process of individual consultant.- The following shall be the selection process of individual consultant 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;

(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.

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 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.

It is pertinent to mention here that for a short consultancy of a firm (up to 3 million rupees) requirement of Rule 12 & 14 of PPR-14 need not be observed. However, a procuring agency must opt open competitive bidding process under rule 22 & 23 of PPR-14, where the cost of consultancy firm is between 3 to 5 million rupees

3 The procuring agency is advised to seek guidance from above said discussion / rule ibid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / codal requirements.

Abdul Salam
Senior Law Officer
PPRA S&GAD

25/1/22

CC:-

1. Secretary to the Govt. of the Punjab, HUD&PHE Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-20(G)(I)-AD/2011/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 25th January, 2022

Additional Project Director,
Cluster Development Initiative,
40-T, Gulberg II, Lahore.

Subject: GUIDANCE REGARDING HIRING OF CONSULTANCY FIRM ON SHORT TERM BASIS AS PER PUNJAB PROCUREMENT RULES 2014.

I am directed to refer to your letter No. PD/CDU/PSIC/1229 dated 21-01-2022, whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Short term consultancy has been elucidated under rule 2(ab) of PPR-14 according to which short term consultancy of a firm means where the cost of consultancy does not exceed five (5) million rupees. Furthermore, method for the selection of consultant firm under short consultancy has been defined under Rule 46A of PPR-14. Rules ibid stipulate that:

2. (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.

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 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

It is pertinent to mention here that for a short consultancy of a firm (up to 3 million rupees) requirement of Rule 12 & 14 of PPR-14 need not to be observed. However, a procuring agency must opt **open competitive bidding process** under rule 22 & 23 of PPR-14, where the cost of consultancy firm is between 3 to 5 million rupees.

The procuring agency is advised to seek guidance from above said discussion / rule ibid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / codal requirements.

Abdul Salam
Senior Law Officer

PPRA S&GAD 25/1/22

1. Secretary to the Govt. of the Punjab, Industries, Commerce & Investment Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-20(G)(I)-AD/2011/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 25th January, 2022

Additional Project Director,
Cluster Development Initiative,
40-T, Gulberg II, Lahore.

Subject: GUIDANCE REGARDING GOVERNMENT-TO-GOVERNMENT DIRECT CONTRACTING AS PER PPRA RULES 2014 UNDER CLAUSE 59(e).

I am directed to refer to your letter No. PD/CDU/PSIC/1228 dated 21-01-2022.

whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that principle method of procurement is open competitive bidding process as provided under rule 22 & 23 of PPR-14. However, rule-59(e) of PPR-14 provides that a procuring agency may 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 through direct contracting if project is time bound or sensitive in nature and its information cannot be shared with private sector. The rule ibid stipulates that:

59.(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."

3. It is observed that almost all answers have been adequately provided in the Rules and raising of queries hints that even plain reading of Rules have not been resorted to

which is unacceptable. However, the annotated reply / response of PPRA to the proposition queries raised by the procuring agency is as under:

Sr. No.	Query	PPRA observation
I.	Is it mandatory for the government organizations to be registered with PPRA, which are interested / apply for the above cited project?	PPRA is of the concerted opinion that 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, only if its is registered with the Authority, i.e. Punjab Procurement Regulatory Authority (PPRA) in case of direct contracting.
ii.	What type of document i.e. whether Request for proposal (RFP) or terms of Reference (ToRs) to be issued to interested organizations?	In case, more than one eligible public sector manufacturing organizations are intending to accomplish the task, under Rule 59 (e)(iii) PPR-14, competition shall be held amongst all such organizations. Obviously, RFP shall be issued to all such public sector organizations.
iii.	Will constitution of a "Consultant Selection Committee (CSC)" be required in such case?	PPRA is of the view that under Rule 40 of PPR-14, Consultant Selection Committee (CSC) is constituted in open competitive bidding process. However, in case of competition amongst the Public Sector Organizations under Rule 59 (e)(iii) of PPR-14, it shall be a preferable discourse for the procuring agency to constitute CSC under Rule 40 of PPR-14.
iv.	The document(s) i.e. RFP to ToRs needs to be approved by the CSC, if constituted?	If procuring agency constitutes CSC under Rule 40 of PPR-14, then the CSC shall approve RFP.
v.	Will newspaper advertisement be required under the subject clause?	If the procuring agency invokes the provisions of Rule 59 (e) of PPR-14 then, under clause (iv) of the Rule ibid requirement of rules 12 and 14 of PPR-14 shall not be applicable.


 Senior Law Officer
 PPRA S&GAD
 25/1/22

1. Secretary to the Govt. of the Punjab, Industries, Commerce & Investment Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)W.P. 79052/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 27th January, 2022

Assistant Registrar Writ-I,
For Additional Registrar (Judicial),
Lahore High Court, Lahore.

Subject: PROVISION OF COPY OF WRIT PETITION AND ALLIED DOCUMENTS.

I am directed to refer to hearing notice received from the Hon'ble Lahore High Court, Lahore in writ petition No. 80633/2021 titled as "M/s Jamshaid Khan Vs Govt. of the Punjab, etc." (copy enclosed).

2. It is apprised that copy of writ petition and allied documents have not been received with the aforementioned hearing notice. Therefore, PPRA is unable to render its view point in shape of parawise comments before Hon'ble Court. It is therefore, requested to please provide copy of writ petition and allied documents to proceed further in this regard.


Senior Law Officer
PPRA S&GAD

- Cc:
1. Registrar Lahore High court, Lahore.
 2. PSO to Chairman PPRA / Chief Secretary Punjab.
 3. PS to MD PPRA



No. L&M(PPRA) 1-18(W)(I)-AB/2016
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 28th January, 2022

Project Director (GIP),
Parks & Horticulture Authority,
Office of the Project Director (GIP),
Lahore.

Subject:

CLARIFICATION OF IRREGULAR ENHANCEMENT BASED ON PRINTED DARFT
PARA NO. 3.5.4.11 (BASED ON PDP NO. 237 & 241) FOR THE YEAR 2019-20 IN
RESPECT OF DIRECTOR ENGINEERING, PARKS & HORTICULTURE AUTHORITY,
LAHORE.

I am directed to refer to your letter No. PD(GIP)/PHA/08 dated 13/01/2022 on the subject whereby an advice has been sought regarding settlement of audit paras.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). There is no express provision available in PPR-14 regarding settlement of audit paras. Moreover, PPR-14 also does not have any mandate for the condonation of irregularities / regularization of a process once carried out in violation of PPR-14. Therefore, it is the procuring agency which has to get the issue settled through relevant forums i.e. SDAC/ PAC etc.

3. It is further added that principle method of procurement is open competitive bidding process as provided under rule 22 & 23 of PPR-14. However, rule 59 of PPR-14 has also introduced alternative methods of procurement under specific circumstances as mentioned therein in order to address different kinds of situations including repeat order under rule 59(c)(iv) of PPR-14 which shall not exceed fifteen percent of the original procurement. Furthermore, the scope of the application of the rule 59 of PPR-14 extends to all kind of procurement i.e. goods, works, and services as per provision of the opening paragraph of the rule ibid. The Rule ibid stipulates that:

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

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

The procuring agency is advised to seek guidance from above said discussion /
rules ibid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal /
formal requirements.

Abdul Salam
Senior Law Officer
PPRA S&GAD 23/1/22

1. The Secretary, HUD & PHE Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. FS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-18(W)(I)-AB/2016
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore

Dated Lahore, 28th January, 2022

Deputy Director (Engg),
Parks & Horticulture Authority,
Office of the Deputy Director (Engg),
Lahore.

Subject: REGULARIZATION OF IRREGULAR PAYMENT DUE TO SPLITTING OF WORKS
BASED ON PRINTED DRAFT PARA NO. 3.5.4.12 (BASED ON PDP NO. 25 & 31)
FOR THE YEAR 2019-20 IN RESPECT OF DIRECTOR ENGINEERING, PARKS &
HORTICULTURE AUTHORITY, LAHORE.

I am directed to refer to your letter No. DD(ENGG)/PHA/3969 dated
12/01/2022 on the subject whereby an advice has been sought regarding settlement of
paras.

2. The case has been examined in the light of Punjab Procurement Rules
(PPR-14). There is no express provision available in PPR-14 regarding settlement of
paras. Moreover, PPR-14 also does not have any mandate for the condonation of
irregularities / regularization of a process once carried out in violation of PPR-14. Therefore
it is the procuring agency which has to get the issue settled through relevant forums
SDAC/ PAC etc.

Senior Law Officer
PPRA S&GAD

Cc:

1. The Secretary, HUD & PHE Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.

28/1/22

28/1/22



Dated Lahore, 31st January, 2022

Director QASS,
Punjab Education Initiatives Management Authority,
50, Babar Block Garden Town,
Lahore.

Subject: CONDUCTION OF QUALITY ASSURANCE TESTS (QAT) THROUGH PUNJAB EXAMINATION COMMISSION (PEC).

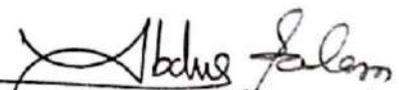
I am directed to refer to letter No. PEIMA(PSSP)/01/22/4550 dated 26/01/2022 on the subject whereby an advice has been sought to conduct the subject test.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Kindly consult Rules of Business, 2011 for the purpose, which might serve the purpose. As far as Punjab Procurement Rules 2014 (PPR-14) are concerned, PPRA is of the view that principle method of procurement is open competitive bidding process as envisaged in Rule 22 & 23 of PPR-14. However, rule 64-A of PPR-14 provides that one procuring agency may assign its whole or a part of procurement process to another procuring agency with the consent of that other procuring agency, rule ibid stipulates that:

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.

However, if a procuring agency assigns whole or part of procurement process to another procuring agency then the assignee procuring agency shall accomplish the task through open competitive bidding process under rule 22 & 23 of PPR-14 and shall initiate and complete the procurement process strictly in accordance with PPR-14.

3. The procuring agency is advised to seek guidance from above said discussion / rule ibid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / codal requirements. Alternatively, a representative may be deputed to properly clarify the issue.


Senior Law Officer
PPRA S&GAD

31/1/22

Cc:

1. Secretary to the Govt. of the Punjab, School Education Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Tel. 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-15(SOC)(AB)(FSD)(1)/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 01st February, 2022

Director Purchase,
FMU, Allied / DHQ Hospital,
Faisalabad.

Subject: ADVICE REGARDING GRIEVANCES AGAINST M/S EASTERN MEDICAL CARE PVT. LTD ASUBMITTED BY M/S FRESENIUS MEDICAL CARE PVT. LTD.

I am directed to refer to your letters No. 12253/PC/FMU/ dated 11.01.2022 and 12579/PC/FMU dated 22-01-2022 on the subject whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It is apprised that vide this office letters No. L&M(PPRA)1-15(SOC)(AB)(FSD)(1)/2014/Com/Kw dated 02.12.2021, 29.12.2021 & 28-01-2022 (Copies enclosed) this office has already sought annotated report on the complaint filed by M/s Eastern Medical Care. Despite lapse of reasonable time the response from the concerned quarter is still pending rather the procuring agency has sought guidance of PPRA instead of complying with PPRA instructions; which is not an appropriate discourse.

2. In view of the aforementioned, it is once again requested, in the first instance to furnish the requisite report so that the complaint could be addressed accordingly. In case of non-provision of record / reply along-with plausible justifications, the account of the procuring agency may also be closed and / or the Chief Secretary / Chairman BOM, PPRA, Punjab may be apprised, the responsibility for which shall solely lie upon the procuring agency.

Abdul Salam
Senior Law Officer
PPRA S&GAD 1/2/22

Cc:

1. Secretary to the Govt. of the Punjab, Specialized Healthcare & Medical Education Department, Lahore
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.

No. L&M(PPRA)1-15(SOC)(AB)(FSO)(1)/2014/Com/Kur
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
Alfalah Building, 3rd Floor, The Mall Road Lahore
Dated Lahore, the 02nd December, 2021

TEL: 011-3701572
FAX: 011-32781776

To, The Medical Superintendent,
Allied Hospital,
Faisalabad.

Subject: CLARIFICATION OF RESERVATION-DIALYSIS / SURGICAL DISPOSABLES TENDER
2020-21 / ALLIED HOSPITAL, FAISALABAD.

I am directed to refer to the subject and to enclose herewith complaint lodged by
"M/s ^{PPK} Eastern Medical Care" (The complainant) regarding rejection. Main contention of the
complainant is that the procuring agency has declared the complainant as non-responsive on the
basis that bid security has been submitted in the name of M/s Nipro Medical Ltd (The Principal)
instead of M/s Eastern Medical Care (Bidder).

2. I am, therefore, directed to obtain the report / comments in annotated form
along-with supporting evidence of the instant procurement, if any, within ten (10) days please
as per Section 5(2)(a)(b) & (j) of the Punjab Procurement Regulatory Authority ACT 2009.

3. In order to timely address the issue, kindly ensure that the requisite report is
furnished within the stipulated time.

Abdul Salam
Senior Law Officer
PPRA S&GAD 2/12/21

CC:

1. The Secretary, Govt. of the Punjab, Specialized Healthcare & Medical Education
Department, Punjab, Lahore.
2. PSO to Chairman PPRA / Chief Secretary, Punjab.
3. PS to MD (PPRA).
4. M/s Eastern Medical Care, 7A-N, Model Town, Lahore.

07 DEC 2021

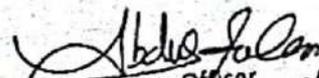
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
Alfalah Building, 3rd Floor, The Mall Road Lahore
Dated Lahore, 28th January, 2022

The Medical Superintendent,
Allied Hospital,
Faisalabad.

Subject: CLARIFICATION OF RESERVATION-DIALYSIS / SURGICAL DISPOSABLES
TENDER 2020-21/ ALLIED HOSPITAL, FAISALABAD.

I am directed to refer to your letter No. 12334/PC/FMU & 12253/PC/FMO dated 17.01.2022 in response to this office letters of even No. dated 02.12.2021 & 29.12.2021 (Copies enclosed) on the subject cited above whereby letter received from "M/s Eastern Medical Care" (The complainant) was forwarded for report along-with requisite record. Despite lapse of reasonable time the response from the concerned quarter is still pending rather the procuring agency has sought guidance of PPRA instead of complying PPRA instructions; which is not an appropriate discourse.

2. In view of the aforementioned, it is once again requested, in the first instance to furnish the requisite report so that the complaint could be addressed accordingly. In case of non-provision of record / reply along-with plausible justifications, the account of the procuring agency may also be closed and / or the Chief Secretary / Chairman BOM, PPRA, Punjab may be apprised, the responsibility for which shall solely lie upon the procuring agency.


Senior Law Officer
PPRA S&GAD, 28/1/22

CC:

1. The Secretary, Govt. of the Punjab, Specialized Healthcare & Medical Education Department, Punjab, Lahore.
2. PSO to Chairman PPRA / Chief Secretary, Punjab.
3. PS to MD (PPRA).



Tel: 011-99204572
Fax: 042-36284776

No.L&M(PPRA)1-15(SOC)(AD)(FSD)(1)/2014/Com/Kw
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
Alfalah Building, 3rd Floor, The Mall Road Lahore
Dated Lahore, the 29th December, 2021

To,

The Medical Superintendent,
Allied Hospital,
Faisalabad.

Subject: CLARIFICATION OF RESERVATION-DIALYSIS / SURGICAL DISPOSABLES
TENDER 2020-21/ ALLIED HOSPITAL, FAISALABAD.

I am directed to refer to this office letter of even No. dated 02.12.2021 (Copy enclosed) on the subject cited above whereby letter received from "M/s Eastern Medical Care" (The complainant) was forwarded for report along-with requisite record. I am further directed to append herewith a recent letter received from the complainant. Despite lapse of reasonable time the response from the concerned quarter is still pending.

2. In view of the aforementioned, it is once again requested to kindly furnish the requisite report so that the complaint could be addressed accordingly. It is further intimated that any contravention / violation of PPRA Act, Rules, orders or instructions made there under shall be treated as mis-procurement as mentioned under section 2(j) of Punjab Procurement Regulatory Authority Act, 2009 read with Rule 69 of Punjab Procurement Rules 2014 (amended to date). In case of non-provision of record / reply along-with plausible justifications, the account of the procuring agency may also be closed, the responsibility for which shall solely lie upon the procuring agency.

Abdul Sala
Senior Law Officer
PPRA S&GAD

CC:

1. The Secretary, Govt. of the Punjab, Specialized Healthcare & Medical Education Department, Punjab, Lahore.
2. PSO to Chairnian PPRA / Chief Secretary, Punjab.
3. PS to MD (PPRA).

Ok



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-22(G)(I)-AD/2012/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 01st February, 2022

Budget & Accounts Officer,
Directorate General Public Relations (DGPR),
Lahore.

Subject: REQUEST FOR ADVICE FOR THE PURCHASE OF MOTOR BIKES FOR THE OFFICE OF DGPR.

I am directed to refer to your letter No. DGPR(B&A)/2022/14 dated 26-01-2022 on the subject whereby an advice has been sought regarding procurement of motor bikes.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that principle method of procurement is open competitive bidding process as envisaged in Rule 22 & 23 of PPR-14. However, Rule 59 of PPR-14 has also provided alternative methods of procurement under specific circumstances as mentioned therein, to address different kinds of situations including procurement of motor bikes directly from local original manufacturers or their authorized agents at manufacturer's price under Rule 59(c)(vii) of PPR-14 which stipulates that;

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

3. PPRA is further of the view that to invoke the provisions of above said rule the following conditions must be fulfilled.

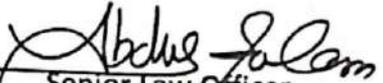
I. The vehicle to be procured by the procuring agency should fall within the definition of motor vehicle as provided under **Section 2 (23) of The Provincial Motors Vehicles Ordinance 1965**, which stipulates that;

2. (23) "motor vehicle" means any mechanically propelled vehicle adapted for use upon roads whether the powers of propulsion is transmitted thereto from an external or internal source, and includes a chassis to which a body has not been attached, [a tractor] and a trailer, [a combined harvester, a rig, a fork lifter, a road roller, construction and earth moving machinery such as a wheel loader, a crane, an excavator, a grader, a dozer and a pipe layer, a road making and a road/sewerage cleaning plant,] but does

not include a vehicle running, upon fixed rails or used solely upon the premises of the owner;

- II. The motor vehicles should have been originally manufactured at local level.
- III. It should be purchased at manufacture's price.

4. The procuring agency is advised to seek guidance from the above said discussion / rule ibid to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


Senior Law Officer
PPRA S&GAD

1/2/22

CC:-

1. Secretary to the Govt. of the Punjab, Information & Culture Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.





Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)PA/DIR(L&M)2019/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 01st February, 2022

The Secretary,
Mines & Minerals Department,
Lahore.

Subject: EXEMPTION UNDER SECTION 23 OF PPRA ACT 2009 & RULES 2014.

I am directed to refer to your letter No. SO(INT.AUDIT)9-1/2021 dated 20/01/2022 in response to this office letter dated 11-01-2022.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the response of procuring agency is not clear and needs clarification. It is therefore, requested to depute an officer (not below the rank of BS-17; along with copy of annual procurement plan for financial year 2021-22) well versant with the facts of the case to attend the office of undersigned in order to clarify the proposition referred above.

Abdul Salam
Senior Law Officer
PPRA S&GAD 1/2/22

Cc:

1. PSO to Chairman PPRA / Chief Secretary Punjab.
2. Section Officer (Internal Audit Wing), Mines & Minerals Department, Lahore.
3. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-16(SOC)(I)-AB/2014/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 01st February, 2022

The Secretary,
Board of Intermediate and Secondary Education,
Gujranwala.

Subject: CLARIFICATION REGARDING PROCUREMENT OF GOODS UNDER RULE 59(C)(VI) AND 61(2) FROM PUBLIC SECTOR ORGANIZATION.

I am directed to refer to your letter No. 492-Store dated 12-01-2021 on the subject whereby an advice has been sought regarding Rule 61 of Punjab Procurement Rules 2014 (PPR-14).

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that Rule 59(c)(VI) and Rule 61 are two different modalities. Therefore, proposition referred has been confused by the procuring agency. Since, the proposition/s referred for advice should be very explicitly formulated, therefore, procuring agency is directed to formulate the proposition/s accordingly while incorporating all the necessary information (fully supported with necessary documents and duly signed by the concerned officer) required to evaluate the issue in the light of Punjab Procurement Rules 2014 (PPR-14).

Abdul Salam
Senior Law Officer

PPRA S&GAD

1/2/22

CC:-

1. Secretary to the Govt. of the Punjab, Excise, Taxation and Narcotics Control Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



No. L&M(PPRA) 1-20(G)(I)-CO/2015
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 01st February, 2022

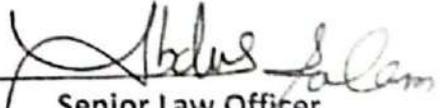
Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

Chief Executive Officer,
Punjab Industrial Estates, Development and Management Company,
Commercial Area (North) Sundar Industria Estate, Lahore.

Subject: REQUIREMENT OF CONSULTANT SELECTION COMMITTEE FOR PRIVATELY FUNDED PROJECTS.

I am directed to refer to your letter bearing No. PIE/PPRA/CEO/0118 dated 13.01.2021 whereby an advice has been sought on the subject cited above.

2 The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the proposition referred vide aforementioned letter is not clear and needs clarification. It is therefore, requested to depute an officer (not below the rank of BS-17) along with complete record of subject procurement, well conversant with the facts of the case to attend the office of undersigned in order to clarify the proposition referred above.


Senior Law Officer
PPRA S&GAD 1/2/22

- Cc:
1. Secretary, to the Govt. of the Punjab, Industries & Commerce Department, Lahore
 2. PSO to Chairman PPRA / Chief Secretary Punjab.
 3. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
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No. L&M(PPRA) 1-15(SOC)(AB)(LHR)(4)/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

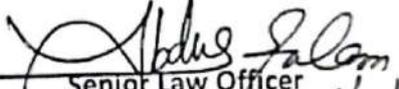
Dated Lahore, 01st February, 2022

Medical Superintendent,
Lahore General Hospital,
Lahore.

Subject: CLARIFICATION REGARDING GRIEVANCES DECISION

I am directed to refer to your letter bearing No. 91491/LGH dated 29.12.2021 whereby an advice has been sought on the subject cited above.

2 The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the proposition referred vide aforementioned letter is not clear and needs clarification. It is therefore, requested to depute an officer (not below the rank of BS-17) along with complete record of subject procurement, well conversant with the facts of the case to attend the office of undersigned in order to clarify the proposition referred above.


Senior Law Officer
PPRA S&GAD 1/2/22

Cc:

1. Secretary, to the Govt. of the Punjab, Specialized Healthcare & Medical Education Department, Lahore
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)W.P. 15729/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 01st February, 2022

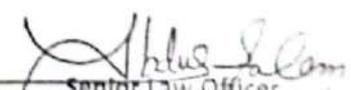
- I. Chief Executive Officer, (Respondent No. 5),
District Health Authority,
Lodhran.
- II. Additional Deputy Commissioner (Respondent No. 6),
Finance & Planning,
Lodhran.
- III. District Health Officer, Medical Sciences (Respondent No. 7),
Lodhran.

Subject: PROVISION OF ANNOTATED REPLY IN WRIT PETITION NO. 15729/2021
TITLED AS M/S ASK ENTERPRISES VERSUS GOVERNMENT OF PUNJAB ETC.

I am directed to refer the subject and to enclose herewith order dated 12-01-2022 passed by the Hon'ble High Court Lahore in writ petition No. 15729/2021 titled as "M/S ASK ENTERPRISES Vs Government OF PUNJAB ETC". The Hon'ble Court has directed Punjab Procurement Regulatory Authority to decide the Issue after providing proper hearing to all the concerned including the petitioner in accordance with relevant provisions of the Punjab Procurement Regulatory Authority Act 2009 and the Rules 2014.

2. I am therefore, directed to obtain parawise comments in annotated form from Respondents No. 5, 6 & 7 on the subject petition. It is therefore, requested to provide the requisite annotated reply / parawise comments within seven (07) days of the receipt of this letter through a special messenger (not below the rank of BS-17).

3. In order to decide the issue within time line given by the Hon'ble Court, kindly ensure that requisite response is received within stipulated time period.


Senior Law Officer
PPRA S&GA

Cc:

1. Secretary to the Govt. of Punjab, Primary & Secondary Health Department, Lahore
2. Deputy Commissioner, Lodhran.
3. The Registrar Lahore High court, Multan Bench Multan in compliance of order dated 12-01-2022 passed by Mr. Justice Anwaar Hussain in writ petition No. 15729/2021 titled as M/s ASK Enterprises versus The Government of Punjab.
4. PSO to Chairman PPRA / Chief Secretary Punjab
5. Naveed Sharif Choudhry, Learned Council for the petitioner, 33-Muhammadon Block District Courts, Multan.
6. M/s ASK Enterprises, Suit No. I, 1st Floor, Dost Plaza, Nishtar road, Multan .
7. PS to MD PPRA



Tel: 042-99204572
Fax: 042-36284776

Reminder-III

No. L&M(PPRA) 1-16(SOC)(II)-AB/2019
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 01th February, 2022

1. The Managing Director,
Public Procurement Regulatory Authority,
Federal Bank for Cooperatives Building,
1st Floor FBC Building Near State Bank,
Sector G-5/2, Islamabad.
2. The Secretary,
Govt. of the Punjab,
Higher Education Department,
Lahore

Subject: PURCHASE OF BOOKS THROUGH DIRECT CONTRACTING. ADJOURNMENT
MOTION NO. 170/2021 MOVED BY RANA MUNAWWAR HUSSAIN, MPA (PP-
79).

I am directed to refer to this office letters of even No. dated 12-11-2021, 10-12-2021 and 24-12-2021 (copy enclosed) on the subject cited above whereby it was requested to tender your valuable advice on the legal points with respect to the procurement of books. The requisite advice / viewpoint has not yet been received so far.

2. It is therefore, once again requested to kindly furnish the requisite response to this office as early as possible so that the matter may be addressed accordingly.


Senior Law Officer

PPRA S&GAD 1/2/22.

Cc:

1. PSO to Chief Secretary Punjab/Chairman PPRA.
2. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-22(G)(I)-AD/2012/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 03rd February, 2022

Budget & Accounts Officer,
Directorate General Public Relations (DGPR),
Lahore.

Subject: **REQUEST FOR ADVICE FOR THE AGREEMENT WITH PITB**

I am directed to refer to your letter No. DGPR(B&A)/2022/16 dated 26-01-2022 on the subject whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Rule 59(e) of PPR-14 is very clear which does not need approval of PPRA. Any Procuring Agency may proceed under Rule 59 (e) of PPR-14 if conditions mentioned therein exist.

Abdul Salam
Senior Law Officer
PPRA S&GAD 3/2/22.

CC:-

1. Secretary to the Govt. of the Punjab, Information & Culture Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



No. L&M(PPRA)PA/Dir.(L&M)/2021 P-1
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor Al-Falah Building, The Mall Road Lahore.

Dated Lahore, the 3rd Feb, 2022

Tel: 042-99204572
Exc. 042-36284774
Fax: 042-36284776

To,

The Assistant Director,
Anti Corruption Establishment,
District Gujranwala.

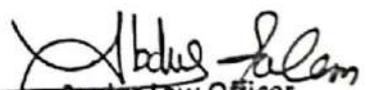
Subject: - INFORMATION REGARDING CASE FIR NO.17/21 PS ACE, GUJRAT AGAINST MUHAMMAD NAVEED ELAHI, DIARY CLERK, DGPR LAHORE AND TAHIR FARYAD, DISPATCH CLERK, DGPR, LAHORE.

I am directed to refer to your letter No.ACE-GR-FIR-17/21/06 dated 01st January, 2021, whereby it has been informed that the case cited above has been registered against the aforementioned Public Servants under section 420.468,471. PPC&5(2)47 PCA.

2. It is apprised that subject case/Public Servant does not relate to Punjab Procurement Regularity Authority. The same, therefore, is returned in original.

Cc:

1. PS to Managing Director, PPRA.


Senior Law Officer

PPRA, S&GAD 3/2/22



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-15(SOC)(2)/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 03rd February, 2022

Director,
Drugs Testing Laboratory,
Faisalabad.

Subject: REQUEST FOR THE ISSUANCE OF GUIDELINES FOR THE ADOPTION OF PAKISTAN POST OR OTHER COURIER SERVICE.

I am directed to refer to letter No. 2732/DS/DTL/FSD dated 07/01/2022 on the subject whereby an advice has been sought regarding direct contracting.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). After the promulgation of 18th amendment in the Constitution of Islamic Republic of Pakistan 1973 (CIRP-1973), procurement is a devolved subject and is the prerogative of the Provincial Govt. to adopt or proceed as per procurement laws formulated by the Provinces under the authority vested by Article 142(c) of CIRP 1973 which is further augmented by Article 142(b) & (c) and Article 143 read with Fourth Schedule of CIRP 1973.

3. PPRA is of the view that Article 4 & 25 of the CIRP 1973 read with Rules 22 & 23 of PPR-14 require that equal opportunities are to be provided to all the concerned in order to generate healthy competition in each procurement process. It is an established principle of law that when parallel legislation is available in respect of any specific matter, then provisions of special law prevail. As the aforementioned mailing service would be a business venture hence it has to be conducted / availed through open competitive bidding process strictly in accordance with PPR-14. Inference to the above said fact may also be drawn from Finance Department letter No. FD(FR) 11-2/89 dated 6-12-2012 (Copy enclosed).

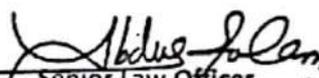
4. It is further added that principle method of procurement is open competitive bidding process as provided under rule 22 & 23 of PPR-14. However, rule-59(e) of PPR-14 provides that a procuring agency may engage an organization, semi-autonomous or autonomous institution under the administrative control of the Government, Federal Government or other Provincial Government, registered with the Authority through direct contracting if project is time bound or sensitive in nature and its information cannot be shared with private sector. The rule ibid stipulates that:

59.(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 be held among such organizations.
- (iv) rules 12 and 14 of the rules shall not apply on procurement process under the clause."

5. The procuring agency is advised to seek guidance from above said discussion and proceed strictly in accordance with PPR-14 after the fulfilment of all other legal / codal formalities.


Senior Law Officer
PPRA S&GAD 3/2/22

Cc:

1. Secretary Govt. of the Punjab Primary & Secondary Healthcare Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Dated Lahore, 03rd February, 2022

Chief Executive Officer,
District Health Authority,
Vehari.

Subject: REQUEST FOR EXTENSION IN DELIVERY PERIOD FOR PROCUREMENT OF ELECTRO MEDICAL EQUIPMENT, FURNITURE ETC FOR THE SCHEME "UP-GRADATION OF THQ HOSPITAL BUREWALA FROM 60 TO 150 BEDED HOSPITAL" FOR THE YEAR 2020-21.

I am directed to refer to your letter No. 1628/CEO-DHA dated 18-01-2022 on the subject whereby an advice has been sought regarding the extension in delivery time.

2. The case has been examined in light of Punjab Procurement Rules 2014 (PPR-14). Since, after completion of procurement process, the operative document is contract signed by both the parties, hence implementation of the clauses of the agreed contract is binding on both the parties. Furthermore, extension in delivery clause being an acronym for extension in delivery period is to be decided as per contract settled terms & conditions incorporated in the contract to ensure timely compliance of contractual obligations. It is a post procurement stage and every contract is bound to be regulated in accordance with the settled terms & condition of the contract between the parties. Furthermore, in terms of section 37 of the contract act 1872, the obligations of the parties to the contract are to be discharged according to the contents of signed contract.

3. Allowing for the above, extension in the delivery period may be accorded as per settled terms & conditions of the contract / bidding document vice versa. The procuring agency is advised to proceed after seeking guidance from the above said discussion strictly in accordance with PPR-14 after fulfilment of all other legal / codal requirements.


Senior Law Officer
PPRA S&GAD

3/2/22

- Cc:
1. Secretary Govt. of the Punjab Primary & Secondary Healthcare Department, Lahore.
 2. PSO to Chairman PPRA / Chief Secretary Punjab.
 3. PS to MD PPRA.

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<http://ppra.punjab.gov.pk>



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-21(W)(I)-AD/2018
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 04th February, 2022

Section Officer (Evaluation),
Irrigation Department,
Lahore.

Subject: CONSTRUCTION OF SORRA DAM PROJECT D.G.KHAN (ADP 5540 2021-22).

I am directed to refer to your letter No. SO(EV)IRPI/1-4/2021 dated 05-01-2022, received on 31.01.2022, whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Rule 26 & 55 of PPR-14 are very much clear in the instant proposition. The Rules ibid stipulate that:

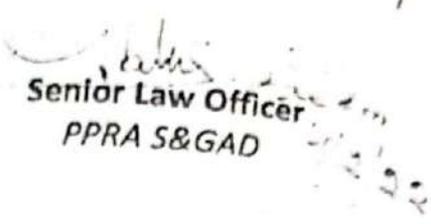
26. Reservations and preference.— (1) A procuring agency shall allow all prospective bidders to participate in procuring procedure without regard to nationality except in cases in which any procuring agency decides to limit such participation to national bidders only or prohibit participation of bidders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

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.

3. It has been reported that Ministry of Foreign Affairs, Government of Pakistan has banned any kind of trade / business with India. However, to reach a definite decision, the procuring agency is advised to approach the following organizations:

- I. Ministry of Foreign Affairs, Government of Pakistan.
- II. Ministry of Interior, Government of Pakistan.
- III. Ministry of Commerce, Government of Pakistan.
- IV. Ministry of Defence, Government of Pakistan.

3. The procuring agency is advised to seek guidance from above said discussion / rule ibid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / codal requirements.


Senior Law Officer
PPRA S&GAD

Cc:

1. Secretary to the Govt. of the Punjab, Irrigation Department, Lahore.
2. PSD to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Dated Lahore, 04th February, 2022

Research Officer-I (SPU),
Industries, Commerce, Investment
and Skills Development, Department,
Lahore.

Subject: ADVICE REGARDING PROCUREMENT UNDER RULE 59 (E) OF PUNJAB
PROCUREMENT RULES 2014.

I am directed to refer to your letter No. SPU/(ICI&SDD)/FSR/2021-22 dated 27-01-2022, whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that principle method of procurement is open competitive bidding process as provided under rule 22 & 23 of PPR-14. However, rule-59(e) of PPR-14 provides that a procuring agency may 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 through direct contracting if project is time bound or sensitive in nature and its information cannot be shared with private sector. The rule ibid stipulates that:

- 59.(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."

4. It is further added here that 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, only if its is registered with the Authority, i.e. Punjab Procurement Regulatory Authority (PPRA) in case of direct contracting. If, there are more than one eligible organizations (public sector manufacturing organization) intending to participate, in direct contracting under Rule 59 (e) of PPR-14, then the competition shall held among such organizations and RFP or ToRs shall be issued accordingly. Furthermore, in case of competition amongst more than one Public Sector Organization under Rule 59 (e) of PPR-14, then it shall be a preferable discourse for the procuring agency to constitute a Consultant Selection Committee (CSC) under Rule 40 of PPR-14. If procuring agency constitutes a CSC under Rule 40 of PPR-14, then that committee shall approve RFP or ToRs. However, provisions of Rules 12 and 14 of PPR-14 shall not be applicable if the procuring agency invokes the provision of Rule 59(e); as per clause (IV) of Rule 59(e).

4. The procuring agency is advised to seek guidance from above said discussion / rule ibid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / codal requirements.


Senior Law Officer
PPRA S&GAD 4/2/22.

cc:

1. Secretary to the Govt. of the Punjab, Industries, Commerce & Investment Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Dated Lahore, 07th February, 2022

Assistant Director (Planning),
Directorate of Women Development,
6-College Block Allama Iqbal Town, Wahdat road, Lahore.

Subject: FORFEIT OF 2% BID SECURITY OF FIRM.

I am directed to refer to your letter No. DWD:ACCT/DEV/1-12021-22-Vol-I-2080 dated 20-01-2022 on the subject whereby an advice has been sought regarding forfeiture of bid security.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Since, after completion of procurement process, the operative document is contract signed by both the parties, hence implementation of the clauses of the agreed contract is binding on both the parties. Furthermore, extension in delivery clause being an acronym for extension in delivery period is to be decided as per settled terms & conditions incorporated in the contract to ensure timely compliance of contractual obligations. It is a post procurement stage and every contract is bound to be regulated in accordance with the settled terms & condition of the contract between the parties.

3. PPRA mostly ends up after the contract is executed, which is dealt under contract Law (Act) but as PPRA has been approached to advice and guide, hence it is intimated that after the execution of the contract between the parties the execution of contract modalities become obligation of all the parties to contract. In terms of Section 37 of the Contract Act 1872, the obligations of the parties to the contract are to be discharged according to the contents of signed contract. The procuring agency is required to affirm if the clause pertaining to force majeure was part of the contract or otherwise.

4. It is further added here that if a contractor has not performed the contract up to the mark or consistently failed to perform his obligation under the contract then in addition to the forfeiture of bid security, (as per terms & conditions of bidding documents / contract agreement) a procuring agency may also initiate blacklisting proceeding against such bidder or contractor under rule 21 (1) of PPR-14 (if needed so). The rule ibid stipulates that:

Government, Federal Government or other
with the Authority :-

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:
- acted in a manner detrimental to the public interest or good practices;
 - consistently failed to perform his obligation under the contract;
 - not performed the contract up to the mark; or

For the information of the procuring agency, it is apprised that the detail procedure of blacklisting has been provided under the Schedule providing blacklisting process or mechanism appended with PPR-14.

The procuring agency may be advised to seek guidance from above said discussion / Rules ibid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / codal requirements


Senior Law Officer
PPRA S&GAD 7/2/22

- Secretary to the Govt. of the Punjab, Women Development Department, Lahore.
- PSO to Chief Secretary Punjab/Chairman PPRA.
- PS to MD, PPRA.



No. L&M(PPRA) 1-17(G)(I)-AB/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 10th February, 2022

Ayaz Aslam,
Senior Technical Officer / Deputy Director Operations,
Punjab Emergency Service Department (Technical Wing),
Lahore.

Subject: ADVICE REGARDING PROCUREMENT OF FURNITURE ITEMS.

I am directed to refer to your letter No. 1219(TECH)-21 dated 09.11.2021 on the subject whereby an advice has been sought regarding one person one bid.

2. The case has been examined in light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that Rule 36A of PPR-14 limits the bidders by restricting them to the scenario of one person one bid and the ibid rule clearly provides that if a person submits more than one bid the procuring agency is required to reject all such bids, Rule ibid stipulates that:

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.

TEVTA (Head office) clarified vide letter No. TEVTA/DG(OPS-I)/47 dated 03-03-2022 (copy enclosed) as follows:

"each of the centres (which participated as bidder in the procurement process) has been empowered as independent financial accounting unit and participation of these centres in any bidding process at centre's level is based on this status in addition to the fact that each centre have to account for their own overheads for the process. Furthermore, these three units are independent financial accounting units as per authorized working capital and powers of delegation; duly approved by TEVTA authority have participated in the same procurement process".

Apparently, on the basis of clarification rendered by TEVTA (Head Office), provisions of Rule-36A of PPR-14 may not be attracted in the referred scenario, specifically keeping in view the fact that all of these centres are Govt. organizations, independently submitting the bids. Hence, they may be construed as separate bidders.

3. The procuring agency is advised to seek guidance from the above discussion to decide the issue at own level and proceed strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.

Cc:

1. Secretary Govt. of the Punjab Home Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA

Abdul Salam
Senior Law Officer

PPRA S&GAD

20/2/22

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GOVERNMENT OF THE PUNJAB
TECHNICAL EDUCATION & VOCATIONAL TRAINING AUTHORITY

96-H, Gulberg-II, Lahore: Phone 042-99268315-19

www.tevta.gov.pk

(PROJECTS & PLANNING WING)



No. TEVTA/DG(OPS-I)/47

Rev No.00

Date: 03 February, 2022

To: Senior Law Office,
PPRA Punjab,
3rd Floor, Al-Falah Building, The Mall Road, Lahore.

Subject: ADVICE REGARDING PROCUREMENT OF FURNITURE ITEMS.

at Page III/c

Reference to your office letter No. L&M(PPRA)1-17(G)(I)-AB/2014 dated 22.12.2021

regarding the subject matter.

I am directed to state that TEVTA Woodworking Service Centre Gujrat, TEVTA Woodworking Service Centre Rawalpindi, & TEVTA Light Engineering Service Centre Gujranwala are functioning under the umbrella of TEVTA Punjab. It is to clarify that each of these centres has been empowered as independent financial accounting unit and participation of these centres in any bidding process at centre's level is based on this status in addition to the fact that each centre have to account for their own overheads for the process.

I am further directed to state that these units are engaged in manufacturing office furniture, educational furniture etc. in line with TEVTA Sales Policy 2019 duly approved by TEVTA Authority in addition to training, common facility services and advisory service. It is further clarified that these units are independent financial accounting units as per authorized working capital and powers of delegation; duly approved by TEVTA Authority.


Director (Service Centres)
TEVTA

Cc to:

A copy is forwarded for information and necessary action to:

1. Director General (Finance, Operations-I), TEVTA
2. The Additional Director General (Dev. & Service Centres), TEVTA.



Dated Lahore, 10th February, 2022

Medical Superintendent,
Project Director (Addl. Charge)
Sir Ganga Ram Hospital,
Lahore.

Subject: ISSUANCE OF SUPPLY ORDER ON REDUCED QUANTITY COMPARING TO THE TENDER NOTICE.

I am directed to refer to your letter No. 643/GR dated 29-01-2021 whereby an advice has been sought regarding reduction in quantity of items.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that nothing has been expressly mentioned in PPR-14 regarding subject query. However, the procuring agency may proceed as per availability of funds or its need if the bidder / supplier does not have any issue. It becomes binding on the bidder if such a condition is mentioned in the bidding document.

Abdul Saleem
Senior Law Officer
PPRA S&GAD 10/2/22

- CC:-
1. Secretary, to the Govt. of the Punjab, Specialized Healthcare & Medical Education Department, Lahore
 2. PSO to Chief Secretary Punjab/Chairman PPRA.
 3. PS to MD, PPRA.



Dated Lahore, 10th February, 2022

Project Director,
Project Director (Addl. Charge)
Sir Ganga Ram Hospital,
Lahore.

Subject: REQUEST TO BREAK THE PACKAGE OF DOPPLER ULTRASOUNDS INTO SUB-PACKAGES.

I am directed to refer to your letter No. 642/GR dated 29-01-2021 in response to this office letter of even No. dated 04-01-2022 whereby certain queries raised by this office has been responded and an advice has been sought regarding formulation of packages.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Prequalification procedure has been provided under rule 16 & 17 of PPR-14 as specific alternative modality for open competitive bidding process. PPRA is of the view that after the completion of prequalification process, scope of the assignment cannot be changed. However, the procuring agency prior to the issuance of bidding document and calling of bids from prequalified bidder may formulate packages in order to generate healthy competition without making any changes in the scope of prequalification. The procuring agency must consider the concept of "value for money" as defined in rule 2(ae) of PPR-14 read with "principles of procurement" as enunciated in rule 4 of PPR-14. The Rules ibid stipulate that:

2.(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

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.

Furthermore, Rule 25(3) of PPR-14 is also relevant in this regard, which provide that if "any information" that become necessary for bid evaluation shall be provided to the prospective bidders in a timely manner. The rule ibid stipulates that:

25. Bidding documents.— (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.

3. Furthermore, it is re-asserted that the procuring agency must assure that there would be no technical or operationality issue in maintenance of the machines. The technical parameters and dynamics have to be taken care of the procuring agency as it is not the ball-game of PPRA.

4. The procuring agency is advised to seek guidance from the above discussion / ibid rules to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.

Abdus Saleem
Senior Law Officer
PPRA S&GAD 10/2/22

CC:-

1. Secretary, to the Govt. of the Punjab, Specialized Healthcare & Medical Education Department, Lahore
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Dated Lahore, 10th February, 2022

Ayaz Aslam,
Senior Technical Officer / Deputy Director Operations,
Punjab Emergency Service Department (Technical Wing),
Lahore.

Subject: ADVICE REGARDING PROCUREMENT OF FURNITURE ITEMS.

I am directed to refer to your letter No. 1219(TECH)-21 dated 09.11.2021 on the subject whereby an advice has been sought regarding one person one bid.

2. The case has been examined in light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that Rule 36A of PPR-14 limits the bidders by restricting them to the scenario of one person one bid and the ibid rule clearly provides that if a person submits more than one bid the procuring agency is required to reject all such bids, Rule ibid stipulates that:

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.

TEVTA (Head office) clarified vide letter No. TEVTA/DG(OPS-I)/47 dated 03-03-2022 (copy enclosed) as follows:

"each of the centres (which participated as bidder in the procurement process) has been empowered as independent financial accounting unit and participation of these centres in any bidding process at centre's level is based on this status in addition to the fact that each centre have to account for their own overheads for the process. Furthermore, these three units are independent financial accounting units as per authorized working capital and powers of delegation; duly approved by TEVTA authority have participated in the same procurement process".



No. TEV

To

Apparently, on the basis of clarification rendered by TEVTA (Head Office), provisions of Rule-36A of PPR-14 may not be attracted in the referred scenario, specifically keeping in view the fact that all of these centres are Govt. organizations, independently submitting the bids. Hence, they may be construed as separate bidders.

3. The procuring agency is advised to seek guidance from the above discussion to decide the issue at own level and proceed strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.

Abdus Salam
Senior Law Officer
PPRA S&GAD 10/2/22

Cc:

1. Secretary Govt. of the Punjab Home Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA

of Rule-
ew the
bids.



GOVERNMENT OF THE PUNJAB
TECHNICAL EDUCATION & VOCATIONAL TRAINING AUTHORITY

96-H, Gulberg-II, Lahore : Phone 042-99268315-19
www.tevta.gov.pk



(PROJECTS & PLANNING WING)

No. TEVTA/DG(OPS-I)/47

Rev No.00

Date: 03 February, 2022

To: Senior Law Office,
PPRA Punjab,
3rd Floor, Al-Falah Building, The Mall Road, Lahore.

Subject: ADVICE REGARDING PROCUREMENT OF FURNITURE ITEMS. *at Page III/c*

Reference to your office letter No. L&M(PPRA)1-17(G)(I)-AB/2014 dated 22.12.2021

regarding the subject matter.

I am directed to state that TEVTA Woodworking Service Centre Gujrat, TEVTA Woodworking Service Centre Rawalpindi, & TEVTA Light Engineering Service Centre Gujranwala are functioning under the umbrella of TEVTA Punjab. It is to clarify that each of these centres has been empowered as independent financial accounting unit and participation of these centres in any bidding process at centre's level is based on this status in addition to the fact that each centre have to account for their own overheads for the process.

I am further directed to state that these units are engaged in manufacturing office furniture, educational furniture etc. in line with TEVTA Sales Policy 2019 duly approved by TEVTA Authority in addition to training, common facility services and advisory service. It is further clarified that these units are independent financial accounting units as per authorized working capital and powers of delegation; duly approved by TEVTA Authority.

Director (Service Centres)
TEVTA

Cc to:

A copy is forwarded for information and necessary action to:

1. Director General (Finance, Operations-I), TEVTA
2. The Additional Director General (Dev. & Service Centres), TEVTA.

SD

No. L&M(PPRA)1-15(SOC)(AB)(LHR)(6)/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

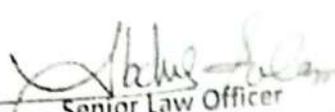
Dated Lahore, 10th February, 2021

Principal,
Services Institute of Medical Sciences, Services Hospital,
Lahore.

Subject: BANK GUARANTEE.

I am directed to refer to your letter No. 258/Principal dated 15/01/2021 on the subject whereby an advice has been sought regarding bank guarantee.

The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). The Rule of bid security, Rule 27 is very clear. The bid security may be upto 5% of the estimated price and should be clearly mentioned in the tender notice.


Senior Law Officer
PPRA S&GAD

- Cc:
1. Secretary Govt. of the Punjab Specialized Healthcare & Medical Education Department Lahore.
 2. PSO to Chairman PPRA / Chief Secretary Punjab.
 3. PS to MD PPRA.

No. L&M(PPRA)W.P. 7315/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 14th February, 2022

www.ppra.punjab.gov.pk



tel: 042-66201572
fx: 042-66281773
fax: 042-66284776

Assistant Registrar Writ-II,
For Additional Registrar (Judicial),
Lahore High Court, Lahore.

Subject: PROVISION OF COPY OF WRIT PETITION AND ALLIED DOCUMENTS.

I am directed to refer to hearing notice received from the Hon'ble Lahore High Court, Lahore in writ petition No. 7315/2021 titled as "M/s Sherazi Trading Co. Vs Aziz Bhatti Shaheed Teaching Hospital." (copy enclosed).

2. It is apprised that copy of writ petition and allied documents have not been received with the aforementioned hearing notice. Therefore, PPRA is unable to render its view point in shape of parawise comments before Hon'ble Court. It is therefore, requested to please provide copy of writ petition and allied documents to proceed further in this regard.


Senior Law Officer
PPRA S&GAD

14/2/22

Cc:

1. Registrar Lahore High court, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Dated Lahore, 16th February, 2022

Director Design,
Chief Engineer (North) Punjab,
PHE Department,
Lahore.

Subject: GUIDANCE / CLARIFICATION.

I am directed to refer to your letter bearing No. 300/P&D-I dated 01.02.2022 whereby it has been requested to provide guidance as to whether re-grouping of schemes falls under the purview of PPRA Rules 2014 or otherwise.

2 The Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Rule 08 of PPR-14 requires a procuring agency to devise annual procurement plan within its available resources within one month of the commencement of each financial year. Rule 09 of PPR-14 requires that a procuring agency shall announce the proposed procurement for each financial year and proceed accordingly without splitting or re-grouping of procurement so planned. The rules ibid stipulate that:

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.

3. As stated by procuring agency that the tender was published thrice but no bidder has participated in the bidding process due to huge volume of the scheme i.e. Rs. 858.00 million, PPRA is of the view that non-participation of any bidder in the procurement process apart from huge volume, also give rise to the query as to whether procuring agency has taken appropriate measures to create healthy competition by formulating comprehensive evaluation criteria, generic specifications etc, or had introduced any condition which was discriminatory and difficult to meet due to which bidders did not participate in the subject tender. Under Rule 34 of PPR-14 the procuring agency has also been required not to introduce any condition, which discriminates between bidders or which is difficult to meet.

4. In view of the forgoing discussion / Rules, if the huge volume was the only fact for non-participation of any bidder, the procuring agency may decide to formulate groups in order to ensure successful tendering process and timely execution of scheme keeping in view the relevant provision of Building & Road (B&R) Code as far as these are not inconsistent with the basic principle of procurement. However, the procuring agency must also consider the concept of value for money" as defined in rule 2(ae) of PPR-14 read with "principles of procurement" as enunciated under rule 4 of PPR-14. The Rules ibid stipulate that:

2.(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

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.


Senior Law Officer

PPRA S&GAD 16/2/22

Cc:

1. Secretary Govt. of the Punjab HUD&PHE Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA

No. L&M(PPRA) 1-5(W)(I)AB/2012
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 18th February, 2022

Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

Director Contracts P&D,
Punjab Ring Roads Authority,
PPRA Complex, Bulleh Shah Interchange, Gajju Mata,
Southern Toll Plaza, Ferozpur Road, Lahore.

Subject: CLEANING SERVICES AT LAHORE RING ROAD, NORTHERN LOOP.

I am directed to refer to letter No. PPRA/N-LOOP/CT-03/49866 dated 03/02/2022 on the subject whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that cleaning services may be assigned to Lahore Waste Management Company (LWMC) as per relevant Rules / AoA / MoU of both entities. As far as PPR-14 is concerned, Rule 64-A of PPR-14 provides that one procuring agency may assign its whole or a part of procurement process to another procuring agency with the consent of that other procuring agency, rule ibid stipulates that:

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.

However, if a procuring agency assigns whole or part of procurement process to another procuring agency then the assignee procuring agency shall accomplish the task through open competitive bidding process under rule 22 & 23 of PPR-14 and shall initiate and complete the procurement process strictly in accordance with PPR-14.

3. The procuring agency is advised to seek guidance from above said discussion / rule ibid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / codal requirements.

Senior Law Officer
PPRA S&GAD

Cc:

1. Secretary to the Govt. of the Punjab, Communication & Works Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



NO. 202-PPRA/2021
IN-202-PPRA/2021
DTE. 18/02/2022

No. L&M(PPRA) 74592/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 18th February, 2022

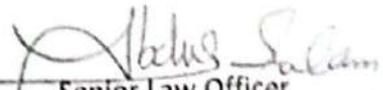
Mr. Asif Iqbal,
Managing Director,
Absolute Health Care Systems,
Unit 06, 2/F Khyber III G15,
Islamabad.

Subject: APPEAL

I am directed to refer to letter No. Nill dated 17/01/2022 on the subject cited above.

2. It is apprised that Hon'ble Lahore High Court Lahore vide order dated 30-11-2021 in writ petition No. 74592/2021 titled as "M/s Absolute Healthcare System Versus M.D/Chairman etc." passed by Hon'ble Mr. Justice Jawad Hassan has directed Punjab Procurement Regulatory Authority (PPRA) to consider the instant petition as representation of the petitioner and decide the issue after providing proper hearing to all the concerned including the petitioner in accordance with relevant provisions of the Punjab Procurement Regulatory Authority Act 2009 (PPRA Act 2009) and the Punjab Procurement Rules 2014 (PPR-14) through a speaking order.

3. In compliance of the directions of Hon'ble Court, after perusal of the record and personal hearing of all concerned parties, this office has decided the matter vide order dated 05-01-2022 (copy enclosed) and disposed of the petition accordingly. Therefore, appeal against the order 05-01-2022 preferred before Chairman PPRA / Chief Secretary, is not maintainable in the eyes of law.


Senior Law Officer
PPRA S&GAD 18/2/22

Cc:

1. Deputy Secretary, Service matter to Chief Secretary.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.

Dated Lahore, 18th February, 2022

Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

Haseeb Zaidi,
Budget & Accounts Officer,
Directorate General Public Relations (DGPR),
Lahore.

Subject: REQUEST FOR ADVICE FOR THE AGREEMENT WITH PITB.

I am directed to refer to letter No. DGPR(B&A)2022/15 dated 26/01/2022 on the subject whereby an advice has been sought regarding direct contracting.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that principle method of procurement is open competitive bidding process as provided under rule 22 & 23 of PPR-14. However, rule-59(e) of PPR-14 provides that a procuring agency may 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 through direct contracting if project is time bound or sensitive in nature and its information cannot be shared with private sector. The rule ibid stipulates that:

59.(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."

4. The procuring agency is advised to seek guidance from above said discussion / rule ibid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / codal requirements.

Senior Law Officer
PPRA S&GAD

10/4/22

Cc: *

1. Secretary to the Govt. Information & Culture Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.

No. L&M(PPRA) Note for MD PPRA
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 18th February, 2022

1st 042 93204572
1x 042 36284774
Fax 042 36284776

Director General,
Lahore Development Authority (LDA),
Lahore.

Subject: NOTE FOR MANAGING DIRECTOR PUNJAB PROCUREMENT REGULATORY
AUTHORITY PUNJAB.

I am directed to refer to your Note submitted to Managing Director PPRA vide No. 03155 dated 29-01-2022 (original enclosed).

02. Punjab Procurement Regulatory Authority has been established under Punjab Procurement Regulatory Authority Act, 2009 (Amended 2016) to regulate the procurement of goods, services and works in the public sector and for matters connected therewith. The definition of public procurement as provided in section 2(n) of PPRA Act, 2009 envisages that:

2(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".

03. The subject matter was also discussed with the officers of LDA. Apparently, the subject of instant regulations do not fall within the definition of public procurement and hence ambit of PPRA legal regime. PPRA is of the view that if payment from Provincial Consolidated Fund or the Public Account of the Province or funds of a procuring agency are involved in the subject of instant regulations, then the provisions of Punjab Procurement Regulatory Authority Act, 2009 (PPRA Act 2009) and Punjab Procurement Rules, 2014 (PPR-14) shall have precedence over any other law / Rules / Regulations. In case of applicability of PPRA Act, 2009 and PPR-14, instant regulations may be made applicable as far as they are not inconsistent with PPRA Act, 2009 and PPR-14.

04. However, it is apprised that the principle method of procurement is open competitive bidding process as provided under rule 22 & 23 of PPR-14. The important concept of "value for money" is defined in rule 2(ae) of PPR-14 read with "principles of procurement" as enunciated in rule 4 of PPR-14. The Rules ibid stipulate that:

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2.(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

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.

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

05. The Lahore Development Authority is advised to seek guidance from the above said discussion and proceed after fulfillment of all other legal / codal requirements.


Senior Law Officer
PPRA S&GAD 18/2/22

Cc:

1. PSO to Chairman PPRA / Chief Secretary Punjab.
2. PS to MD PPRA.



Dated Lahore, 18th February, 2022

Mr. Qaiser Iqbal,
Treasurer,
University of Education,
College Road Township, Lahore.

Subject: ADVICE FOR HIRING OF SERVICES FOR INTERNATIONAL PAYMENTS FOREIGN CURRENCY.

I am directed to refer to your letter No. UE/TR./BUDGET/2021-22/786 dated 04/02/2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Punjab Procurement Regulatory Authority has been established under Punjab Procurement Regulatory Authority Act, 2009 (Amended 2016) to regulate the procurement of goods, services and works in the public sector and for matters connected therewith. The definition of public procurement as provided under section 2(n) of PPR Act 2009 envisages that:

2(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".

Furthermore, the expression of services has been defined under section 2(q) of PPR-14 which stipulates that:

2(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;

3. In view of the forgoing, PPR is of the opinion that, if acquisition of services of Foreign Exchange Companies are being hired against payment from Provincial Consolidated Fund or the Public Account of the Province or funds of a procuring agency then it purely falls within

the definition of public procurement and subject to the legal requirements of PRA Act 2009 & PPR-14.

4. The procuring agency is advised to seek guidance from above said discussion / rule ibid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / codal requirements. In case of any difficulty, an officer may be deputed, well conversant with the issue, for briefing purpose, please.


Senior Law Officer
PPRA S&CAD 18/2/2

- Cc:
1. Secretary to the Govt. of the Punjab, Higher Education Department, Lahore.
 2. PSO to Chairman PPRA / Chief Secretary Punjab.
 3. PS to MD PPRA.

Dated Lahore, 18th February, 2022

Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

Principal,
D.G Khan Medical College,
Dera Ghazi Khan.

Subject: REQUEST FOR ADVICE WITH REGARD TO THE VALIDITY OF
PREQUALIFICATION PROCESS WHERE ONLY TWO MANUFACTURES EXIST IN
THE MARKET.

I am directed to refer to your letter No. 525/DGKMC dated 28/01/2022 on the subject whereby an advice has been sought regarding prequalification process.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that in case of procurement of PKR 100 million and above prequalification is mandatory for goods and large consultancy, under rule 16 & 17 of PPR-14. PPRA vide circular No. L&M(PPRA)10-01/2011 dated 10-02-2020 has further clarified that in case of procurement through prequalification mode "*procuring agency must ensure at least three (03 number) prequalified bidder are available for further bidding process*". However, rule 16(2) of PPR-14 provides that a procuring agency may dispense with the requirement of prequalification after recording reasons. The rule ibid stipulates that;

16. Prequalification (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. However, in the instant case since a quandary has been created regarding non-availability of required (three) number of firms for prequalification. Therefore, the procuring agency should ensure that no discriminatory and difficult condition had been introduced which may have curtailed healthy competition amongst the firms participating for prequalification. Rule 34 of PPR-14 is also very much clear in this regard, which stipulates that:

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.

4. The Lahore High Court Lahore In ICA No. 66488/2019 titled as M/s Aslan Fiber Vs Govt. of Punjab has rightly observed that;

"Simply because limited firms have prequalified and only one firm for surgical dressings was qualified does not tantamount to favoritism or arbitrariness. In this regard even if one firm is prequalified but the process has been duly followed, there is no justification to set aside the tendering process simply on this ground"

5. In view of the aforementioned decision of Hon'ble Court and concept of value for money" as defined in rule 2(ae) of PPR-14 read with "principles of procurement" as enunciated under rule 4 of PPR-14 the procuring agency, after due diligence, may decide to proceed further. The Rules Ibid stipulate that:

2.(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

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.

6. However, the Procuring Agency must ensure that the rates are in tandem with market rates and the prospective bidders have the requisite capacity to deliver. Furthermore, one of the options for the Procuring Agency is to opt open competitive bidding process without going into the prequalification procedure; as given in rule 22 & 23 of PPR-2014.

7. The procuring agency is advised to seek guidance from the above said discussion / rules to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.

Abdul Salam
Senior Law Officer
PPRA S&GAD 18/2/22.

- Cc:
1. Secretary Govt. of the Punjab Specialized Healthcare & Medical Education Department, Lahore.
 2. PSO to Chairman PPRA / Chief Secretary Punjab.
 3. PS to MD PPRA



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-16(SOC)(II)-AB/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 18th February, 2022

Dr. Ch. Shoaib Akhtar,
Additional Treasurer,
Fatima Jinnah Women University,
The Mall, Rawalpindi.

Subject: CLARIFICATION REGARDING NEGOTIATED TENDERING.

I am directed to refer to letter No. FJWU/TRE/2022/689 dated 11/01/2022 on the subject whereby an advice has been sought regarding direct contracting.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that principle method of procurement is open competitive bidding process as provided under rule 22 & 23 of PPR-14. However, Rule 59 of PPR-14 has also provided alternative methods of procurement under specific circumstances as mentioned therein, to address different kinds of situations amongst which Rule 59(c)(ii),(iii)&(iv) of PPR-14 may be relevant. The rules ibid stipulate that:

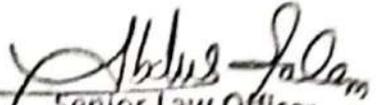
59. Alternative methods of procurements.— A procuring agency may utilize the following alternative methods of procurement of goods, services and works:

(c) direct contracting: a procuring agency shall only engage in direct contracting if any of the following conditions exist: (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 maintenance; and the contract does not exceed three years in duration;

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

4. The procuring agency is advised to seek guidance from above said discussion / rule ibid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / codal requirements to decide the matter according to the relevant aforementioned provisions at its own level.


Senior Law Officer

PPRA SB&AD

18/2/22

Cc:

1. Secretary to the Govt. of the Punjab, Higher Education Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Tel: 042-99204572
 Ex: 042-36284774
 Fax: 042-36284776

No. L&M(PPRA) 1-29(G)(I)-AD/2021
 PUNJAB PROCUREMENT REGULATORY
 AUTHORITY, S&GAD
 3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 17th February, 2022

Director (Administration) Project Director,
 Directorate General Mines & Minerals,
 Poonch House, Multan Road, Lahore.

Subject: REQUEST FOR ADVICE / CLARIFICATION.

I am directed to refer to your letter No. 2021-23/430 dated 07-02-2021, whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of PPR-14. PPRA is of the view that principle method of procurement is open competitive bidding process as provided in rule 22 & 23 of PPR-14. However, rule 59 of PPR-14 has also introduced alternative methods of procurement under specific circumstances as mentioned therein in order to address different kinds of situations amongst which Rule 59 (c)(ii)&(d)(ii) of PPR-14 are relevant. Rules ibid stipulate that:

59.(c)(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

(d)(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;

It is further added here that the provisions of Rule (59)(c)(ii) of PPR-14 can only be invoked when the required services are not available from the alternative sources. Furthermore, formulation of appropriate fora or committee is the responsibility of principal accounting officer / head of the department.

3. The procuring agency is advised to seek guidance from the above said discussion / rules ibid and proceed strictly in accordance with PPR-14 after the fulfillment of

all other legal/codal requirements in order to decide the matter as per relevant
aforementioned provision; at its own level.


Senior Law Officer

PPRA S&GAD 18/2/22

Cc:

1. Secretary to the Government of the Punjab, Mines & Minerals Department Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Dated Lahore, 21st February, 2022

Executive Engineer (OP),
For Chief Engineer, Irrigation Potohar Zone,
Rawalpindi.

Subject: ADVICE ON HIRING OF SHORT CONSULTANCY SERVICES.

I am directed to refer to your letter No. CE/PTR/IRRI/2022/580/16-D dated 08-02-2022, whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It is apprised that PPRA has already rendered its opinion vide this office letter of even No. dated 21-01-2022 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter.

Abdul Salam
Senior Law Officer
PPRA S&GAD 22/2/22

Cc:

1. Secretary to the Government of the Punjab, Irrigation Department Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA

Tel: 042-99204572
Fax: 042-36284774
Fax: 042-36284776

Dated Lahore, 21st January, 2021.

Executive Engineer (OP),
For Chief Engineer, Irrigation Potohar Zone,
Rawalpindi.

Subject: ADVICE ON HIRING OF SHORT CONSULTANCY SERVICE,

J. Page 88/C

I am directed to refer to your letter No. SE/PTR/IRRI/2021/5820/16-D dated ~~14-12-2021~~ on the subject whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Short term consultancy has been elucidated in rule 2(ab) of PPR-14 according to which short term consultancy of a firm means where the cost of consultancy does not exceed five (5) million rupees. Furthermore, method for the selection of consultant firm under short consultancy has been defined under Rule 46A of PPR-14, the Rules ibid stipulate that:

2. (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

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 and the

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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

It is pertinent to mention here that under short consultancy, procuring agency must opt open competitive bidding process under rule 22 & 23 of PPR-14, where the cost of consultancy firm is between 3 to 5 million rupees.

The procuring agency is advised to seek guidance from above said discussion / the bid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / requirements.

Abdul Jalom
Senior Law Officer
PPRA S&GAD, 21/1/22.

Secretary to the Govt. of the Punjab, Irrigation Department, Lahore.
PSO to Chief Secretary Punjab/Chairman PPRA.
PS to MD, PPRA.

G
21/1/22

PC
21/1/22



Dated Lahore, 22nd February, 2022

Section Officer (General),
Primary & Secondary Healthcare Department,
Lahore.

Subject: DIRECT CONTRACTING WITH PAKISTAN POST FOR MAIL SERVICE.

I am directed to refer to letter No. SO(G)/P&SHD/1-63/22 dated 17/02/2022 on the subject whereby an advice has been sought regarding direct contracting.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). After the promulgation of 18th amendment in the Constitution of Islamic Republic of Pakistan 1973 (CIRP-1973), procurement is a devolved subject and is the prerogative of the Provincial Govt. to adopt or proceed as per procurement laws formulated by the Provinces under the authority vested by Article 142(c) of CIRP 1973 which is further augmented by Article 142(b) & (c) and Article 143 read with Fourth Schedule of CIRP 1973.

3. PPRA is of the view that Article 4 & 25 of the CIRP 1973 read with Rules 22 & 23 of PPR-14 require that equal opportunities are to be provided to all the concerned in order to generate healthy competition in each procurement process. It is an established principle of law that when parallel legislation is available in respect of any specific matter, then provisions of special law prevail. As the aforementioned mailing service would be a business venture hence it has to be conducted / availed through open competitive bidding process strictly in accordance with PPR-14. Inference to the above said fact may also be drawn from Finance Department letter No. FD(FR) 11-2/89 dated 6-12-2012 (Copy enclosed).

4. It is further added that principle method of procurement is open competitive bidding process as provided under rule 22 & 23 of PPR-14. However, rule-59(e) of PPR-14 provides that a procuring agency may 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 through direct contracting if project is time bound or sensitive in nature and its information cannot be shared with private sector. The rule ibid stipulates that:

59.(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."

5. However, as apprised by the procuring agency, that rates offered by the Government entity are on much higher side as compared to the prevailing market rates, the concept of value for money (Rule 2 (ae)) and principles of procurement (Rule 4) as provided under PPR-14 are also relevant. Any undue favour to Government entity may be akin to favour and increase inefficiencies which is undesirable. On the basis of these principles and keeping in view the market rates, rates may be negotiated with Pakistan Post and decision may be arrived at.

6. The procuring agency is advised to seek guidance from above said discussion and proceed strictly in accordance with PPR-14 after the fulfilment of all other legal / codal formalities.

Cc:

1. Secretary to the Govt. of the Punjab Primary & Secondary Healthcare Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.

Abdul Salam
Senior Law Officer
PPRA S&GAD 22/2/22

No. FD (FR) II-2/09
GOVERNMENT OF THE PUNJAB
FINANCE DEPARTMENT
Dated Lahore, the 6th December, 2012

27643
08 DEC 2012
S&GAP

1. All Administrative Secretaries to Government of the Punjab.
2. All Heads of Attached Departments, Government of the Punjab.
3. The Chairman, PFSC, Lahore.
4. The Chairman, TEVTA, Lahore.
5. The Registrar, Lahore High Court, Lahore.
6. All Divisional Commissioners in the Punjab.
7. All District Coordination Officers in the Punjab.
8. All the Executive District Officers (F&P) of the District Governments in the Punjab.
9. All TMOs and TMAs in the Punjab.
10. All Heads of Autonomous / Semi Autonomous Bodies in the Punjab.
11. All Project / Programme Directors in Punjab.

CLARIFICATION REGARDING THE PUNJAB DELEGATION OF FINANCIAL POWERS RULES, 2006 AND PUNJAB PROCUREMENT RULES, 2009.

I am directed to refer to the subject cited above and to state that a question has arisen as to whether Punjab Procurement Rules, 2009 will prevail over the Punjab Delegation of Financial Powers Rules, 2006 and PFR-Vol-I or otherwise for the purpose of public procurement.

The matter has been examined in consultation with Law & Parliamentary Affairs Department. It is clarified that public procurement is regulated under the Punjab Procurement Regulatory Authority Act, 2009 and rules framed under this act. The rules so framed are part of the said special law and all public procurements have to be compliant to this special dispensation. Hence provisions of Punjab Procurement Rules, 2009 have an overriding effect on the provisions of Delegation of Financial Powers Rules and PFR Vol-I regulating procurement.

Muhammad
STATISTICAL OFFICER / A.O. (FR) 6/12/12

No. & Date Even:

A copy is forwarded for information and necessary action to:-

1. The Accountant General, Punjab, Lahore.
2. The Director General (Civil) Audit, Punjab, Lahore.
3. The Director General (Works) Audit, Punjab, Lahore.
4. The Director General (Commercial) Audit, Punjab, Lahore.
5. The Director General DERA (SAP) Audit, Punjab, Lahore.
6. The Director General (Works), Accounts, Punjab, Lahore.
7. The Director General (District Governments) Audit (South), Punjab, 364-F, Shah Rukan-e-Allah Colony, Multan.
8. The Director General, (District Governments) Audit, (North), Punjab, 7-Johar View Housing Society, New Campus Road, Canal Bank, Lahore.
9. All the District Accounts Officers in the Punjab / Treasury Officer, Lahore.
10. Senior Chief (DERA), Government of the Punjab, PSD Department with reference to his letter No.17 (24)DERA/P&D/2010-2011, dated 16.10.2012.
11. System Analyst, Finance Department, Government of the Punjab for posting the clarification on webpage of the department.

Muhammad
STATISTICAL OFFICER / A.O. (FR) 6/12/12

No. & Date Even:

A copy is forwarded for information to:-

1. The Secretary to the Governor, Punjab, Lahore.
2. The Secretary to the Chief Minister, Punjab, Lahore.
3. The PS to the Chief Secretary, Punjab, Lahore.
4. All Additional Secretaries, Govt. of the Punjab, Finance Department.

Muhammad
STATISTICAL OFFICER / A.O. (FR) 6/12/12

DEC 2012

Secretary Services
By No. 1853
Date 11/12/12
DS (Services) ✓
DS (Estn) ✓
Man)

MD PRA

Policy decision must be kept in a separate file. Get me a copy of it.

along with the letter already circulated to all Dept -

Supdt Engr



No. L&M(PPRA)1-15(SOC)(AB)(LHR)(1)/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

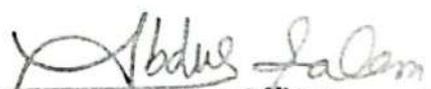
Dated Lahore, 24th February, 2022

The Principal,
Allam Iqbal Medical College & Jinnah Hospital,
Lahore.

Subject: ADVICE ON PROCUREMENT OF LINER ACCELERATOR WITH ALLIED FACILITIES FOR RADIOTHERAPY DEPARTMENT JINNAH HOSPITAL, LAHORE.

I am directed to refer to your letter No. 3481/PRINCIPAL/AIMC-JHL dated 17.02.2022 on the subject whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the proposition referred vide aforementioned letter is not clear and needs clarification. It is therefore, requested to depute an officer (not below the rank of BS-17) along with complete record of subject procurement, well conversant with the facts of the case to attend the office of undersigned in order to clarify the proposition referred above.


Senior Law Officer
PPRA S&GAD

24/2/22

CC:-

1. Secretary to the Govt. of the Punjab, Specialized Healthcare & Medical Education Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Dated Lahore, 25th February, 2022

Medical Superintendent,
Punjab Institute of Cardiology,
Lahore.

Subject: GUIDELINE REQUIRED IN THE LIGHT OF PPRA RULES.

I am directed to refer to your letter No. PC/AT-/2021-2022/4732-34 dated 11.02.2022 on the subject whereby an advice has been sought to examine the grievances petition and furnish advice.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the proposition referred vide aforementioned letter is not clear and needs clarification. It is therefore, requested to depute an officer (not below the rank of BS-17) along with complete record of subject procurement, well conversant with the facts of the case to attend the office of undersigned in order to clarify the proposition referred above.

Abdul Faleem
Senior Law Officer
PPRA S&GAD

24/2/22

CC:-

1. Secretary to the Govt. of the Punjab, Specialized Healthcare & Medical Education Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.

ppra.punjab.gov.pk
Tel: 042-99204572
F: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-18(W)(I)-AB/2016
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 24th February, 2022

Director Monitoring & Operations,
Parks & Horticulture Authority,
Jillani Park,
Lahore.

Subject: CLARIFICATION ON AWARD OF WORK UNDER PPRA RULES 59(D)(II) FOR MANUFACTURING & FIXATION OF DIFFERENT ORNAMENTAL FLOWER STRUCTURES.

I am directed to refer to your letter No. D(ME-O)PHA/2021-22/1993 dated 04-02-2022 whereby an advice has been sought regarding settlement of audit paras.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). There is no express provision available in PPR-14 regarding settlement of audit paras. Moreover, PPR-14 also does not have any mandate for the condonation of irregularities / regularization of a process once carried out in violation of PPR-14. Therefore, it is the procuring agency which has to get the issue settled through relevant forums i.e. SDAC/ PAC etc.

3. It is, however, apprised that principle method of procurement is open competitive bidding process as provided in rule 22 & 23 of PPR-14. However, rule 59 of PPR-14 has also introduced alternative methods of procurement under specific circumstances as mentioned therein to address different kinds of situations including direct contracting under rule 59(d)(ii) of PPR-14 where **technical or artistic reasons** are involved. The rule *ibid* stipulates that;

59. Alternative methods of procurements.– (d) 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:

(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

4. It is however, upon the procuring agency to decide the same at its own level to invoke the provisions of rule *ibid* keeping in view the conditions mentioned therein after

fulfilment of all other legal/codal formalities the procuring agency must also consider the concept of "value for money" as defined under Rule 2(ae) read with "Principles of procurement" as enunciated under Rule 4 of PPR-14.

2.(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

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.


Senior Law Officer 24/2/22.
PPRA S&GAD

CC:-

1. Secretary, to the Govt. of the Punjab, HUD&PHE Department, Lahore
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Dated Lahore, 24th February, 2022

Administrator,
Shaikh Zayed Hospital,
Lahore.

Subject: REQUEST FOR ADVICE ON SINGLE TENDER.

I am directed to refer to your letter No. SZH/FIN/270/2022 dated 04-02-2022 in response to this office letter of even No. dated 11-11-2021 whereby certain queries raised by this office has been responded and advice has been sought regarding settlement of audit paras.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). There is no express provision available in PPR-14 regarding settlement of audit paras. Moreover, PPR-14 also does not have any mandate for the condonation of irregularities / regularization of a process once carried out in violation of PPR-14. Therefore, it is the procuring agency which has to get the issue settled through relevant forums i.e. SDAC/ PAC etc.

3. The Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that rule 55A of PPR-14 is very much clear in this regard which provides that a procuring agency may award the contract even if a single complying bid / proposal is received. However, procuring agency must also consider its budgetary constraints, price reasonability as compared to the market rates along with capacity of the bidder to deliver optimally keeping in view the facts of value for money as defined under rule 2(ae) read with principles of procurement, provided under Rule 4 of PPR-14. In order to invoke the provisions of rule ibid it should also be ensured that the conditions / criteria (formulated for the evaluation of bids) is not discriminatory as to favour a single bidder as required under rule 34 of PPR-14. The relevant provisions of PPR-14 are as follows:

2(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.

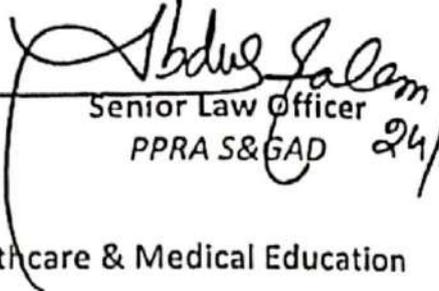
4. Principles of procurements.- A procuring agency, while making any procurement, shall ensure that the procurement is made in a fair and transparent manner, the object of procurement brings

value for money to the procuring agency and the procurement process is efficient and economical.

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.

55A. Single complying proposal. Subject to rule 35, if one complying bid is received, the procuring agency may award the contract to the bidder."

4. The procuring agency is advised to seek guidance from the above said discussion / rules to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


Senior Law Officer
PPRA S&GAD 24/2/22

Cc:

1. Secretary to the Govt. of the Punjab, Specialized Healthcare & Medical Education Department.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Dated Lahore, the 25/2 Feb, 2022

Tel: 042-99204572
Exc. 042-36284774
Fax: 042-36284776

To,

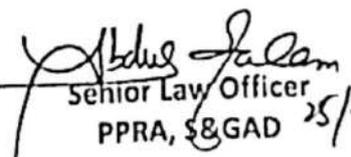
Dr. Muhammad Muneeb Zia,
Assistant Product Manager,
M/s. Ghazi Brothers, Ghazi House, 212, Defense Road,
Opposite US Apparel, near Shahkam Chowk, Lahore.

Subject: PRESENTATION AGAINST THE OTDER DATED 13-01-2022.

I am directed to refer to the subject and to append hear with letter No. PS/Member-I(Enq)Appeal/CS/2022(2-13) dated 22-02-2022 received from the office of Member -1 (Inquiries), S&GAD.

2. I am further directed to apprise that personal hearing in the above case has been fixed on 02-03-2022 at 11:30 A.M in the office chamber of Mr. Asim Sadiq Qureshi, Member-I (Inquiries), S&GAD 1st floor, H-Block, Punjab Civil Secretariat, Lahore.

3. You are therefore, directed to appear on the above said date / time and venue along with complete record of the matter.


Senior Law Officer
PPRA, S&GAD 25/2/22

No. & DATE EVEN.

1. Directorate of Livestock Gujranwala Division, Gujranwala with the direction to deputy an officer (not below the rank of BS-17) along with complete record in order to attend the subject said hearing on above said date / time and venue.


Senior Law Officer
PPRA, S&GAD 25/2/22.



Dated Lahore, the 25/2 Feb, 2022

Tel: 042-99204572
Exc: 042-36284774
Fax: 042-36284776

To, M/s. Tanvir Ahmed Rana (0306-6921012),
Ghazi & Company,
Chak No. 93/6R, New Farid Town,
District Sahiwal.

Subject: REPRESENTATION.

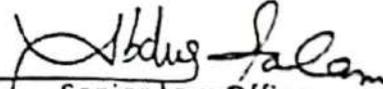
I am directed to refer to the subject and to attend hear with letter No. PS/
(Member Enquiries-IV) 1-30/2022 dated 24-02-2022 received from the office of Member
Enquiries-IV, S&GAD.

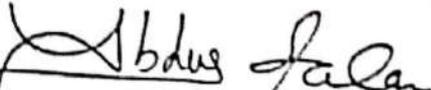
2. I am further directed to apprise that personal hearing in the above case has
been fixed on 02-03-2022 at 11:00 A.M in the office chamber of Mr. Mian Farooq Nazeer,
Member Enquiries-IV, S&GAD 1st floor, H-Block, Punjab Civil Secretariat, Lahore.

3. You are therefore, directed to appear on the above said date / time and
venue along with complete record of the matter.

No. & DATE EVEN.

1. Medical Superintendent, THQ Hospital, Chichawatni with the direction to
deputy an officer (not below the rank of BS-17) along with complete record in order to
attend the subject said hearing on above said date / time and venue.


Senior Law Officer
PPRA, S&GAD 25/2


Senior Law Officer
PPRA, S&GAD 25/2

No. L&M(PPRA)PA/Dir.(L&M)/ 2019/kw
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor Al-Falah Building, The Mall Road Lahore.

Dated Lahore, the 25th Feb, 2022

Tel: 042-99204572
Exc. 042-36284774
Fax: 042-36284776

To,
Mr. Riaz Bukhari,
RSSI Agri & Allied Services,
643-B, Ground Floor, Main Double Road,
E-11/4, Islamabad.

Subject: WRIT PETITION NO. 5219/2022 – RSSI AGRI & ALLIED SERVICES VS. POP ETC.

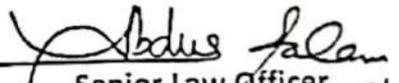
I am directed to refer to the subject and to append hear with letter No. PS/Member-I(Enq)Appeal/CS/2022(2-5) dated 22-02-2022 received from the office of Member -1 (Inquiries), S&GAD.

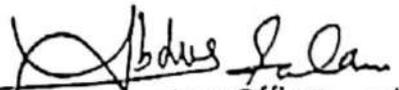
2. I am further directed to apprise that personal hearing in the above case has been fixed on 02-03-2022 at 11:30 in the office chamber of Mr. Asim Sadiq Qureshi, Member-I (Inquiries), S&GAD.

3. You are therefore, directed to appear on the above said date / time and venue along with complete record of the matter.

No. & DATE EVEN.

1. Barani Agricultural Research Institute, 13-KM, Talagang Road, P.O. Box-35, Chakwal with the direction to deputy an officer (not below the rank of BS-17) along with complete record in order to attend the subject said hearing on above said date / time and venue.


Senior Law Officer
PPRA, S&GAD 25/2/22


Senior Law Officer
PPRA, S&GAD 25/2/22

Cc:

1. Deputy Secretary (Services Matter) to Chief Secretary.
2. PSO to Chief Secretary Punjab.
3. Private Secretary to Member-I (Inquiries), S&GAD in response to letter No. PS/Member-I(Enq)Appeal/CS/2022(2-5) dated 22-02-2022.
4. PS to Managing Director, PPRA.

Dated Lahore, 24th February, 2022



Tel: 042-99204572
Fax: 042-36284776

The Commissioner,
Punjab Employees Social Security Institute,
3-A Gulberg-V, Jail Road,
Lahore.

Subject: WRIT PETITION NO. 72150/2021 TITLED AS M/S SOLUTIONS ENGINEERING (PVT.) LTD. VERSUS THE GOVERNMENT OF PUNJAB, ETC.

I am directed to refer to Hon'ble Lahore High Court, Lahore order dated 25-11-2021 in writ petition No. 72150/2021 titled as M/s SOLUTIONS ENGINEERING (PVT.) LTD. VERSUS THE GOVERNMENT OF PUNJAB, ETC. whereby Hon'ble Court had directed this office to treat the titled writ petition as a representation of petitioner and decide it in accordance with law/rules/policy.

2 In compliance of the directions of Hon'ble Court, after perusal of the record and personal hearing of all concerned parties, this office had decided the matter vide order dated 13-12-2021 (copy enclosed) and disposed of the petition. The matter was referred to Secretary Labour & Human Resource Department for decision through independent committee.

3. In view forgoing, it is requested to apprise this office with the latest status of the case / decision of the Committee.


Senior Law Officer
PPRA S&GAD

24/2/22

Cc:

1. PSO to Chief Secretary Punjab/Chairman PPRA.
2. PS to MD PPRA.
3. Muhammad Azhar Siddique, Advocate for the petitioner, Ground Floor, Almas Tower, Begum Salma Tasadaque Road, Near E-Plomer Building, 26-The Mall, Lahore.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 28th February, 2022

Section Officer (Culture),
Information & Culture Department,
Lahore.

Subject: EVALUATION OF TECHNICAL BIDS REGARDING OUTSOURCING OF EVENTS / FUNCTIONS OF PAK-CHINA DIPLOMATIC RELATIONS.

I am directed to refer to your letter No. SOC(INF)5-5/2017 dated 08/02/2020 on the subject whereby an advice has been sought on the following points:

- I. Can the Department proceed ahead with the process of outsourcing the activities / programs of the celebrations of Pak-China Diplomatic Relations in view of only two firms in the process?
- II. Can the Department bifurcate / distribute activities / programs between both the firms as a consequence of financial bidding?

2. As to query-I: The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that in case of procurement of goods of PKR 100 million and above, and large consultancy, prequalification is **mandatory**, under rule 16 & 17 of PPR-14. PPRA vide circular No. L&M(PPRA)10-01/2011 dated 10-02-2020 has further clarified that in case of procurement through prequalification mode "**procuring agency must ensure at least three (03 number) prequalified bidder are available for further bidding process**". However, rule 16(2) of PPR-14 provides that a procuring agency may dispense with the requirement of prequalification after recording reasons. The rule ibid stipulates that:

16. Prequalification (2) (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. In the instant case, a quandary has been reported regarding non-availability of required (three) number of firms for prequalification. In this regard, the procuring agency has to ensure that no discriminatory and difficult condition had been introduced which may

...curtailed healthy competition amongst the firms participating for prequalification. Rule 4 of PPR-14 is also very much clear in this regard, which stipulates that:

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.

4. The Lahore High Court Lahore in ICA No. 66488/2019 titled as M/s Asian Fiber Vs Govt. of Punjab has rightly observed that:

"Simply because limited firms have prequalified and only one firm for surgical dressings was qualified does not tantamount to favoritism or arbitrariness. In this regard even if one firm is prequalified but the process has been duly followed, there is no justification to set aside the tendering process simply on this ground"

5. In view of the aforementioned decision of Hon'ble Court and concept of value for money" as defined in rule 2(ae) of PPR-14 read with "principles of procurement" as enunciated under rule 4 of PPR-14 the procuring agency, after due diligence, may decide to proceed further with the received bids if they do not violate the rules *ibid*. The Rules *ibid* stipulate that:

2.(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

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.

6. However, the Procuring Agency must ensure that the rates are in tandem with market rates and the prospective bidders have the requisite capacity to deliver. Furthermore, one of the options for the Procuring Agency is to opt open competitive bidding process without going into the prequalification procedure; as given in rule 22 & 23 of PPR-2014.

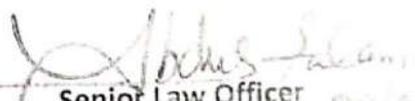
As to query-II: It is apprised that after the completion of prequalification process, scope of the assignment cannot be changed. The procuring agency prior to the issuance of bidding document and calling of bids from prequalified bidder may formulate packages in order to generate healthy competition without making any changes in the scope of prequalification. The procuring agency must consider the concept of "value for money" as defined in rule 2(ae) of PPR-14 read with "principles of procurement" as enunciated in rule 4 of PPR-14.

8. Furthermore, Rule 25(3) of PPR-14 is also relevant in this regard, which provide that if "any information" that become necessary for bid evaluation shall be provided to the prospective bidders in a timely manner. The rule ibid stipulates that:

25. Bidding documents.- (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.

9. Finally, it is asserted that the procuring agency must ensure that there would be no technical or operationality issue in completion of the programs. The technical financial parameters and dynamics have to be taken care of by the procuring agency as it is not the ball-game of PPRA. The upshot of the above discussion relating to query-II is that just "dividing" the tasks/activities/goods/services etc. between 02 bidders without any backing from the bidding documents may be inappropriate at this stage. The lowest bidder has to be preferred as per rules.

10. The procuring agency is advised to seek guidance from the above said discussion / rules to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


Senior Law Officer
PPRA S&GAD

Cc:

1. Secretary Govt. of the Punjab, Information & Culture Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA

No. L&M(PPRA) 1-53(G)2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 02nd March, 2022

Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

Ms. Shabnam Muzammal,
Deputy Director (Coord),
IW-III, NAB,
Lahore.

Subject: PROVISION OF INFORMATION U/S 19 OF NAO, 1999-INQUIRY AGAINST
MANAGEMENT / ADMINISTRATION AND OFFICERS / OFFICIALS OF SERVICES
HOSPITAL LAHORE (SHL) AND OTHERS.

I am directed to refer to your letter bearing No. 1(9)HQ/2243/IW-III/NAB-L dated 17.01.2021 whereby an advice has been sought on the subject cited above.

2 The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). There are no specific separate Rules for procurement of medicine. PPR-14 deals with all kind of procurement. PPRA is of the view that principle method of procurement is open competitive bidding process as provided under rule 22 & 23 of PPR-14 which always read with Rule 12 of PPR-14. However, Rule 59 of PPR-14 has also provided alternative methods of procurement under specific circumstances as mentioned therein, to address different kinds of situations amongst which Rule 59(c)(ii),(iii)&(iv) of PPR-14 may be relevant. The rules ibid stipulate that:

12. Method of advertisement.— (1) Save as otherwise provided in these rules, a procuring agency shall advertise procurement of more than two hundred thousand rupees and up to the limit of 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 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.

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

(c) direct contracting: a procuring agency shall only engage in direct contracting if any of the following conditions exist: (v) in case of an emergency but the procuring agency shall specify appropriate fora vested with necessary authority to declare an emergency;

3. The concerned health facility may be asked to justify the reason for not following the open competitive bidding. Moreover, the policy regarding local purchase of medicine may also be obtained from the Administrative Department.


Senior Law Officer
PPRA S&GAD

Cc:

1. Director General NAB, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.

No. L&M(PPRA) 1-16(SOC)(II)-AB/20214
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 03rd March, 2022

Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

Director Purchase and Store,
Govt. College women University,
Faisalabad.

Subject: ADVICE REGARDING BREACH OF CONTRACT.

I am directed to refer to your letters No. GCWUF/DP&S/1948 dated 16.02.2022 on the subject whereby an advice has been sought regarding second lowest bidder.

2. The case has been examined in the light of Punjab Procurement Rules 2013 (PPR-14). PPRA is of the view that if a contractor has not performed the contract up to the mark or consistently failed to perform his obligation under the contract then in addition to the forfeiture of bid security (as per agreed terms & conditions contained in the bidding document / contract agreement), a procuring agency may also initiate blacklisting proceeding against such bidder or contractor under rule 21 (1) of PPR-14 (if needed so), the rule ibid stipulates that:

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

3. As far as matter to award the contract to the second lowest bidder is concerned, the procuring agency should however prudently consider the difference of price quoted by the bidders (first and second lowest bidder) vis-a-vis the forfeited security amount to determine if the failure on the part of the lowest bidder is not an engineered move and decide to award the contract to 2nd lowest bidder keeping in view the "value for money" as defined in rule 2(ae) read with "principles of procurement" as enunciated in rule 4 of PPR-14. The Rules ibid stipulate that:

No. L&M(PPRA) 1-16(SOC)(II)-AB/20214
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 03rd March, 2022

Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

Director Purchase and Store,
Govt. College women University,
Faisalabad.

Subject: ADVICE REGARDING BREACH OF CONTRACT.

I am directed to refer to your letters No. GCWUF/DP&S/1948 dated 16.02.2022 on the subject whereby an advice has been sought regarding second lowest bidder.

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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

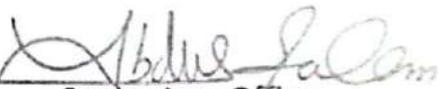
3. As far as matter to award the contract to the second lowest bidder is concerned, the procuring agency should however prudently consider the difference of price quoted by the bidders (first and second lowest bidder) vis-a-vis the forfeited security amount to determine if the failure on the part of the lowest bidder is not an engineered move and decide to award the contract to 2nd lowest bidder keeping in view the "value for money" as defined in rule 2(ae) read with "principles of procurement" as enunciated in rule 4 of PPR-14. The Rules ibid stipulate that:

2.(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

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.

4. It is further added here that PPR-14 do not bound any procuring agency to move towards second lowest evaluated bidder and it is incumbent upon the procuring agency to decide the same at its own level after determining whether rebidding process would be more appropriate or moving towards 2nd lowest bidder shall more precisely and appropriately fulfill the requirements of aforementioned rules. However, this whole process should be completed within the bid validity period, as per rule 28 of PPR-14.

5. The procuring agency is advised to seek guidance from the above said discussion / rule ibid to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


Senior Law Officer
PPRA S&GAD 3/3/22

Cc:

1. Secretary to the Govt. of Punjab, Higher Education Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA

<http://ppra.punjab.gov.pk>



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-18(W)/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

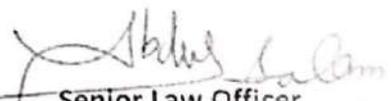
Dated Lahore, 07th March, 2022

Director (Design),
For Chief Engineer (North) Punjab,
Public Health Engineering Department,
Lahore.

Subject: **GUIDANCE / CLARIFICATION.**

I am directed to refer to your letter No. 496/P&D-I dated 23-02-2022, whereby an advice has been sought regarding adoption of procurement process.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Apparently, it seems that the procuring agency has apprised regarding the steps taken / proceedings for validation without mentioning any specific proposition on which advice of PPRA is being sought. The proposition/s referred for advice should be very explicitly formulated, therefore, procuring agency is directed to formulate the proposition/s accordingly (if any) while incorporating all the necessary information (fully supported with necessary documents and duly signed by the concerned officer) required to evaluate the issue in the light of Punjab Procurement Rules 2014 (PPR-14). It is further apprised that such kind of post validation for procurement process might not be covered under PPR-14 or ambit of PPRA.


Senior Law Officer
PPRA S&GAD 7/3/22

Cc:

1. Secretary to the Govt. of the Punjab, PHE&UD Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.

http://ppra.punjab.gov.pk



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-15(SOC)(I)-AD/2012
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th March, 2022

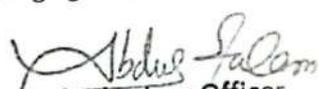
Director,
Institute of Blood Transfusion Services,
Lahore.

Subject: EXTENSION OF CONTRACT FOR THE SUPPLY OF CLIA KITS FOR ONE YEAR
REGARDING TENDER INQUIRY NO. E1,2,3 & 4 (FINANCIAL YEAR 2020-21)
AND PURCHASE ORDER NO. 4235-37 DATED 23-04-2021.

I am directed to refer to your letter No. BTS/PROCUREMENT/1820 dated 17/02/2022 on the subject whereby an advice has been sought on the subject cited above.

2. The case has been examined in light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the information provided by the procuring agency is insufficient and needs clarification. Therefore, before any conclusive advice is tendered the procuring agency must provide following documents through an officer (not below the rank of BS-18), well conversant with the facts of the case:

- (i). Copy of advertisement.
- (ii). Complete bidding documents
- (ii). Copy of contract agreement signed between the procuring agency and firm.


Senior Law Officer
PPRA S&GAD 7/3/22

Cc:

1. Secretary to the Govt. of Punjab, Specialized Healthcare & Medical Education Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Dated Lahore, 07th March, 2022

Dr. Nauman Sadiq,
Chairman Grievance Committee,
Aziz Bhatti Shaheed Teaching Hospital, Gujrat.

Subject: CLARIFICATION REGARDING PPRA RULE 33(1).

I am directed to refer to your letter No. Nil dated 26.02.2022 on the subject whereby advice has been sought on the subject cited above.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that bidding documents is an important part of the procurement mechanism which also requires to include the evaluation criteria along with all terms and conditions. The evaluation criteria / terms and conditions set forth in the bidding documents for the evaluation of bids are the main driving force which steers the evaluation process. Rule 32 (1) is very much clear in this regard which stipulate that:

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.

All the queries raised in the subject letter pertain to the evaluation of bids which must be decided in accordance with the evaluation criteria, term & conditions embedded in the bidding documents read with rule 33 (1) of PPR-14. The rule ibid stipulates that:

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. In the instant case (as reported) if the clarification of bidder is accepted, per test rate i.e. Rs. 19.9/test shall be enhanced to RS. 22.11/test and it will change the substance of financial bid. Therefore, apparently, in the light of Rule 31 of PPR-14 such clarification cannot be accepted.

http://ppra.nunish.com

4. The procuring agency is advised to seek guidance from the ibid Rules / discussion and proceed strictly in accordance with PPR-14 after fulfillment of all other legal / codal requirements.

Abdul Salam

Senior Law Officer
PPRA S&GAD

7/3/22

Cc:

1. Secretary to the Govt. of Punjab, Specialized Healthcare & Medical Education Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Dated Lahore, 07th March, 2022

Zonal Administrator Auqaf,
Data Darbar,
Lahore.

Subject: GRIEVANCE REGARDING EVALUATION OF TENDER (FINANCIAL BID) FOR
PROVISION OF SECURITY SERVICES.

I am directed to refer to your letter No. ADS(SECUIRTY)A/2022/8977 dated 21-02-2022 on the subject whereby an advice has been sought regarding award of contract.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA has repeatedly clarified that in case services (janitorial / security services etc.) where minimum wages are required to be considered, the procuring agency must evaluate that only on the basis of quoted wages and profit; and must ensure that all rates / taxes fees are same which does not need to be included in evaluation. Rule 55 of PPR-14 also requires that the lowest evaluated bid must be compliant to the other state laws, the rule ibid stipulates that:

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.

3. The procuring agency should evaluate & decide the lowest evaluated bidder keeping in view the wage rate (which shall always be equal to or more than the minimum wage rate as notified by the Labour & Human Resource Department). All applicable rates / taxes shall be taken as mandatory and constant and shall not be considered while evaluating the bids. Any bid which is devoid of aforementioned parameters may carry the inbuilt tendency to obviate the state Law / Rules which cannot be permitted.

4. Furthermore, it is the prime responsibility of grievance redressal committee (GRC) to decide such disputes / grievances under Rule 67 of PPR-14 but the GRC has badly failed to do so in the prescribed manner and forwarded the same to PPRA for opinion. It is further apprised that PPRA cannot examine & decide the grievance (filed by any bidder) on behalf of Grievance Redressal Committee (GRC) which has been entrusted with the express power to decide the same under rule 67 of PPR-14. The rule ibid stipulates that:

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 [ten] days after the announcement of the bid evaluation report.

(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.

5. In the instant case (as reported), the purchase committee evaluated all the technical & financial bids. After due evaluation process, it was revealed that two (2) bidders have quoted the same rate. Therefore, in order to decide the lowest evaluated bidder, the procuring agency considered the technical score of both the bidders and declared the lowest evaluated bidder accordingly and uploaded the evaluation report on the website of PPRA. The modus operandi adopted by the procuring agency apparently, seems correct and plausible as per the specific circumstances of subject procurement, as per Rule 2(ae) and Rule 4 of PPR-14. The procuring agency must also, however, consider that the bid of lowest evaluated bidder is compliant to all other laws including minimum wage law / Rules etc.

6. The procuring agency is advised to seek guidance from the above said discussion & proceed strictly in accordance with the PPRA law / Rules after fulfillment of all other legal / codal formalities.

Cc:

1. The Secretary, Govt. of the Punjab, Auqaf Department Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.

Abdul Salam
Senior Law Officer
PPRA S&GAD

7/3/22.



Dated Lahore, 07th March, 2022

Superintending Engineer,
Buildings Circle No. 2,
Gujranwala.

Subject: CLARIFICATION ON APPLICATION REGARDING TENDERS OF BUILDINGS
DIVISION, SIALKOT DATED 14-02-2022.

I am directed to refer to your letter No. 373/G dated 22-02-2022 on the subject whereby an advice has been sought.

2. Contents of the subject letter reveal that the procuring agency demanded bid security @ 2 % of estimated cost. M/s Muhammad Riaz Bajwa & Co. (the bidder) participated in the bidding process for the Group No. 1 & Group No. 2 and was emerged as lowest evaluated bidder. During scrutiny of the record, it revealed that the bidder had submitted less amount of bid security for both of the packages / groups as required in the bidding documents. The bidder has also submitted deficient amount of Rs. 2,14,300/- & 1,80,240/- respectively for both packages. The bidder has requested the procuring agency for the grant of permission to deposit the balance amount / deficient amount of bid security. The contents of attached financial comparative report revealed that the 1st lowest bidder (M/s Muhammad Riaz Bajwa & Co) quoted 2.80% & 4.99% below the estimated cost respectively for both packages while on the other side, the 2nd lowest bidder quoted 2.37% above the estimated cost in package No. 1. Therefore, if the 1st lowest bidder is declared non-responsive on account of minor deficient amount of bid security and 2nd lowest bidder is awarded the contract, then a huge public exchequer loss would occur. Now, the procuring agency has approached PPRA as to what modus operandi shall be adopted in the instant circumstances.

3. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that all such matters should be decided on case to case basis as per the facts of each individual case. However, Rule 33 (2) of PPR-14 is very much clear in the instant proposition (i.e. deficient amount of bid security), which provides an option to the procuring agency to seek and accept such clarifications, which do not change the substance of the bids. The Rule *ibid* stipulates that:

33. Clarification of 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.

4. It may further be added that after finalization of the bid process (which culminates to the selection of lowest evaluated bidder) the bid security is substituted (not converted) with performance guarantee i.e. performance guarantee in accordance with Rule 56 of PPR-14 shall be submitted by the lowest evaluated bidder and bid security shall be released by the procuring agency in favour of lowest evaluated bidder. The Rule ibid stipulates that:

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.

5. As reported, rate of 1st lowest bidder are also below and the 1st lowest evaluated bidder is willing to deposit the balance amount of bid security / performance guarantee as per Rule 56 of PPR-14. The procuring agency should prudently consider the difference of price quoted by the bidders (first and second) and should decide to award the contract keeping in view the "value for money" as defined in Rule 2(ae) read with "principles of procurement" as enunciated in Rule 4 of PPR-14. The Rules ibid stipulate that:

2.(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.

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.

6. The procuring agency is advised to seek guidance from the above said Rules ibid / discussion to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.

Senior Law Officer
PPRA S&AD

7/3/22

Cc:

1. Secretary to the Govt. of Punjab, Communication & Works Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Dated Lahore, 07th March, 2022

Zonal Administrator Auqaf,
Data Darbar,
Lahore.

Subject: GRIEVANCE REGARDING EVALUATION OF TENDER (FINANCIAL BID) FOR
PROVISION OF SECURITY SERVICES.

I am directed to refer to your letter No. ADS(SECUIRTY)A/2022/8977 dated 21-02-2022 on the subject whereby an advice has been sought regarding award of contract.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA has repeatedly clarified that in case services (janitorial / security services etc.) where minimum wages are required to be considered, the procuring agency must evaluate that only on the basis of quoted wages and profit; and must ensure that all rates / taxes fees are same which does not need to be included in evaluation. Rule 55 of PPR-14 also requires that the lowest evaluated bid must be compliant to the other state laws, the rule ibid stipulates that:

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.

3. The procuring agency should evaluate & decide the lowest evaluated bidder keeping in view the wage rate which shall always be equal to or more than the minimum wage rate as notified by the Labour & Human Resource Department. All applicable rates / taxes shall be taken as mandatory and constant and shall not be considered while evaluating the bids. Any bid which is devoid of aforementioned parameters may carry the inbuilt tendency to obviate the state Law / Rules which cannot be permitted.

4. Furthermore, it is the prime responsibility of grievance redressal committee (GRC) to decide such disputes / grievances under Rule 67 of PPR-14 but the GRC has badly failed to do so in the prescribed manner and forwarded the same to PPRA for opinion. It is further apprised that PPRA cannot examine & decide the grievance (filed by any bidder) on behalf of Grievance Redressal Committee (GRC) which has been entrusted with the express power to decide the same under rule 67 of PPR-14. The rule ibid stipulates that:

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 [ten] days after the announcement of the bid evaluation report.

(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.

5. In the instant case (as reported), the purchase committee evaluated all the technical & financial bids. After due evaluation process, it was revealed that two (2) bidders have quoted the same rate. Therefore, in order to decide the lowest evaluated bidder, the procuring agency considered the technical score of both the bidders and declared the lowest evaluated bidder accordingly and uploaded the evaluation report on the website of PPRA. The modus operandi adopted by the procuring agency apparently, seems correct and plausible as per the specific circumstances of subject procurement, as per Rule 2(ae) and Rule 4 of PPR-14. The procuring agency must also, however, consider that the bid of lowest evaluated bidder is compliant to all other laws including minimum wage law / Rules etc.

6. The procuring agency is advised to seek guidance from the above said discussion & proceed strictly in accordance with the PPRA law / Rules after fulfillment of all other legal / codal formalities.

Cc:

1. The Secretary, Govt. of the Punjab, Auqaf Department Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.

Abdul Salam
Senior Law Officer
PPRA S&GAD

7/3/22.



Dated Lahore, 08th March, 2022

The Medical Advisor,
The Punjab Employees Social Security,
3-A Gulberg V, Lahore.

Subject: GUIDELINE REGARDING PURCHASE OF ELECTRO MEDICAL EQUIPMENT.

I am directed to refer to your letter no. SSP(331)/Vol-I/2021/744 dated 04/03/2022 on the subject whereby an advice has been sought regarding voluntary discount offered by the lowest evaluated bidder.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that price is always fixed by the bidder / seller keeping in view the overhead, and profit. There is a financial management dictum "Price is to seller and cost is to buyer". A bidder / seller is always at liberty to quote the price or bid as deem appropriate. The product / services etc. being the property of the bidder can be valued by the bidder / seller as suits to him. The lowest evaluated bidder (emerged as a result of competitive bidding process under PPR-14) if intends to voluntarily reduce the price further he may do so, and the procuring agency may accept such offer in the best public interest.

3. Furthermore, Rule 55A of PPR-14 is very much clear in this regard which provides that a procuring agency may award the contract even if a single complying bid / proposal is received. However, procuring agency must also consider its budgetary constraints, price reasonability as compared to the market rates along with capacity of the bidder to deliver optimally keeping in view the facts of value for money as defined under rule 2(ae) read with principles of procurement, provided under Rule 4 of PPR-14. In order to invoke the provisions of rule ibid it should also be ensured that the conditions / criteria (formulated for the evaluation of bids) is not discriminatory as to favour a single bidder as required under rule 34 of PPR-14. The relevant provisions of PPR-14 are as follows:

2(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.

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.

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.

55A. Single complying proposal. Subject to rule 35, if one complying bid is received, the procuring agency may award the contract to the bidder."

4. The procuring agency is advised to seek guidance from the above said discussion & proceed strictly in accordance with the PPRA law / Rules after fulfillment of all other legal / codal formalities.


Senior Law Officer

PPRA S&CAD

8/3/22

Cc:

1. Secretary to the Govt. of the Punjab Labour & Human Resource Department Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-16(SOC)(II)-AB/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 08th March, 2022

Prof. Dr. Waqar Mahmood,
Director,
Center for Energy Research and Development,
University of Engineering and Technology,
Lahore.

Subject: **REQUEST FOR ADVICE ON MOTOR TEST BENCH TENDER LESSER AMOUNT OF EARNEST MONEY.**

I am directed to refer to your letter No. CERAD/UET/22/531 dated 21-02-2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that all such matters should be decided on case to case basis as per the facts of each individual case. However, Rule 33 (2) of PPR-14 is very much clear in the instant proposition (i.e. deficient amount of bid security), which provides an option to the procuring agency to seek and accept such clarifications, which do not change the substance of the bids. The Rule ibid stipulates that:

33. Clarification of 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. It may further be added that after finalization of the bid process (which culminates to the selection of lowest evaluated bidder) the bid security is substituted (not converted) with performance guarantee i.e. performance guarantee in accordance with Rule 56 of PPR-14 shall be submitted by the lowest evaluated bidder and bid security shall be released by the procuring agency in favour of lowest evaluated bidder. The Rule ibid stipulates that:

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.

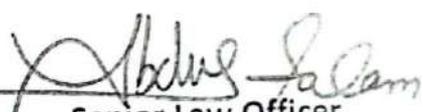
4. As reported, rate of 1st lowest bidder are also below and the 1st lowest evaluated bidder is willing to deposit the balance amount of bid security / performance guarantee as per Rule 56 of PPR-14. The procuring agency should prudently consider the difference of price quoted by the bidders (first and second) and should decide to award the

contract keeping in view the "value for money" as defined in Rule 2(ae) read with "principles of procurement" as enunciated in Rule 4 of PPR-14. The Rules ibid stipulate that:

2.(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.

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. The procuring agency is advised to seek guidance from the above said Rules ibid / discussion to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


Senior Law Officer
PPRA S&GAD 8/3/23

Cc:

- 1. Secretary to the Govt. of Punjab, Higher Education Department, Lahore.
- 2. PSO to Chairman PPRA / Chief Secretary Punjab.
- 3. PS to MD PPRA



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-18(W)/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 09th March, 2022

The Director (Design),
For Chief Engineer (North) Punjab,
Public Health Engineering Department, Lahore.

Subject: GUIDANCE / CLARIFICATION.

I am directed to refer to your letter no. 535/P&D-I dated 03/03/2022 on the subject whereby an advice has been sought regarding voluntary discount offered by the lowest evaluated bidder.

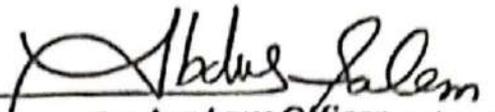
2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that price is always fixed by the bidder / seller keeping in view the overhead, and profit. A bidder is always at liberty to quote the price or bid as deem appropriate. The PPR-14 when read as an organic whole guide that the lowest evaluated bidder (emerged as a result of competitive bidding process under PPR-14) if intends to voluntarily reduce the price further he may do so, and the procuring agency may accept such offer in the best public interest.

3. In view of the above the procuring agency is advised to decide the subject matter at its own level in the interest of the exchequer keeping in view the "principles of procurement" as enunciated in rule 4 read with "value for money" as defined in rule 2(ae) of PPR-14. Rules *ibid* stipulate that:

2(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.

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.

4. The procuring agency is advised to seek guidance from the above said discussion & proceed strictly in accordance with the PPRA law / Rules after fulfillment of all other legal / codal formalities.


Senior Law Officer
PPRA S&CAD

9/3/22

Cc:

1. Secretary to the Govt. of the Punjab Labour & Human Resource Department Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Dated Lahore, 09th March, 2022

All Amjad Dogar,
Motor Transport Officer,
Chief Minister's Office, Punjab.

Subject: REQUEST FOR ADVICE REGARDING PRE-QUALIFICATION OF FIRMS FOR
RREPAIR OF TRANSPORT.

I am directed to refer to your letter No. MTO/CMS/5-125/2021(AUDIT PARA-20-21) dated 19/01/2022 on the subject whereby an advice has been sought regarding settlement of audit paras.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). There is no express provision available in PPR-14 regarding settlement of audit paras. Moreover, PPR-14 also does not have any mandate for the condonation of irregularities regularization of a process once carried out in violation of PPR-14. Therefore, it is the procuring agency which has to get the issue settled through relevant forum i.e. SDAC / PAC etc.

3. However, Rule 25(2)(g) of PPR-14 requires a procuring agency to mention list of goods or bill of quantities in the bidding documents. In the instant case (as reported), the exact nature of repair cannot be estimated / anticipated. Hence, the most plausible discourse for the repair of official vehicles may be to adopt alternative method of procurement (where the cost involved is up to two hundred thousand rupees) as enunciated under Rule 59 (b) of PPR-14. The Rule ibid stipulates that:

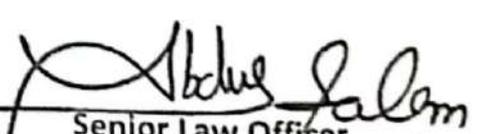
59. Alternative methods of procurements (b) petty purchases through quotation: a procuring agency may engage in petty purchases through at least three quotations where the cost of the procurement is more than [seventy five] thousand rupees but less than [two] hundred thousand rupees and such procurement 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;

For repair above Rs. 200,000/- open bidding may be done under Rule 22 and

4. 23 of PPR-14.

5. Alternatively, as advised by audit, if a considerable amount is spent on the repair of motor vehicles during each financial year then following modus operandi, in sequence, may also be adopted:

- a. A general prequalification of the workshops may be conducted for one financial year to ascertain capacity to deliver; under Rules 16 & 17 of PPR-14 without favoring any particular entities and, after that,
- b.(i). If value of repair for single transaction is upto Rs. 75,000/- then obtain quotation from any one pre-qualified bidder.
- b.(ii). If value of repair for single transaction is more than Rs. 75,000/- and upto the limit of Rs. 200,000/- then obtain quotations from at least 03 prequalified bidders.
- b.(iii). If value of repair for single transaction exceed Rs. 200,000/, then call bids from all the prequalified bidders, from time to time, as and when required by the procuring agency in order to ensure the healthy competition and compliance of principles of value for money (Rule 2(ae)) and principles of procurement (Rule 4) of PPR-14.


Senior Law Officer
PPRA S&GAD

9/3/22

Cc:

1. PSO to Chairman PPRA / Chief Secretary Punjab.
2. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-54(G)/2019.
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 09th March, 2022

Ali Amjad Dogar,
Motor Transport Officer,
Chief Minister's Office, Punjab.

Subject: REQUEST FOR ADVICE REGARDING PRE-QUALIFICATION OF FIRMS FOR
RREPAIR OF TRANSPORT.

I am directed to refer to your letter No. MTO/CMS/5-125/2021(AUDIT PARA-20-21) dated 19/01/2022 on the subject whereby an advice has been sought regarding settlement of audit paras.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). There is no express provision available in PPR-14 regarding settlement of audit paras. Moreover, PPR-14 also does not have any mandate for the condonation of irregularities regularization of a process once carried out in violation of PPR-14. Therefore, it is the procuring agency which has to get the issue settled through relevant forum i.e. SDAC / PAC etc.

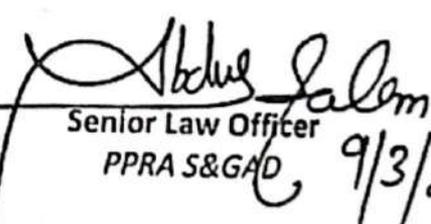
3. However, Rule 25(2)(g) of PPR-14 requires a procuring agency to mention list of goods or bill of quantities in the bidding documents. In the instant case (as reported), the exact nature of repair cannot be estimated / anticipated. Hence, the most plausible discourse for the repair of official vehicles may be to adopt alternative method of procurement (where the cost involved is up to two hundred thousand rupees) as enunciated under Rule 59 (b) of PPR-14. The Rule ibid stipulates that:

59. Alternative methods of procurements (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 [seventy five] thousand rupees but less than [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;

4. For repair above Rs. 200,000/- open bidding may be done under Rule 22 and 23 of PPR-14.

5. Alternatively, as advised by audit, if a considerable amount is spent on the repair of motor vehicles during each financial year then following modus operandi, in sequence, may also be adopted:

- a. A general prequalification of the workshops may be conducted for one financial year to ascertain capacity to deliver; under Rules 16 & 17 of PPR-14 without favoring any particular entities and, after that,
- b.(i). If value of repair for single transaction is upto Rs. 75,000/- then obtain quotation from any one pre-qualified bidder.
- b.(ii). If value of repair for single transaction is more than Rs. 75,000/- and upto the limit of Rs. 200,000/- then obtain quotations from at least 03 prequalified bidders.
- b.(iii). If value of repair for single transaction exceed Rs. 200,000/, then call bids from all the prequalified bidders, from time to time, as and when required by the procuring agency in order to ensure the healthy competition and compliance of principles of value for money (Rule 2(ae)) and principles of procurement (Rule 4) of PPR-14.


Senior Law Officer
PPRA S&GAD

9/3/22

Cc:

1. PSO to Chairman PPRA / Chief Secretary Punjab.
2. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-15(SOC)(2)-AD/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 17th March, 2022

Chief Executive Officer,
District Health Authority,
Bhakkar.

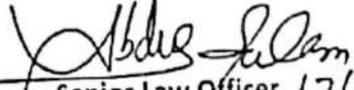
Subject: REQUEST FOR CLARIFICATION ABOUT UPLOADING TECHNICAL & FINANCIAL EVALUTION REPORTS ON PPRA'S WEBSITE.

I am directed to refer to your letter No. 2986/DHA-BKR dated 26/02/2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). There is no express provision available in PPR-14 regarding settlement of audit paras. Moreover, PPR-14 also does not have any mandate for the condonation of irregularities / regularization of a process once carried out in violation of PPR-14. Therefore, it is the procuring agency which has to get the issue settled through relevant forums i.e. SDAC/ PAC etc.

3. It is, however, apprised that PPRA has recently issued a circular No. L&M(PPRA)/10-01/2011 dated 06-08-2021 (Copy enclosed) duly approved by the PPRA Board of Management whereby, under Section 5(1) and 5(2)(f) of Punjab Procurement Regulatory Authority Act 2009, all procuring agencies have been instructed to upload all procurement related documents (on the website of PPRA) including evaluation report under Rule 37 of PPR-14.

4. The procuring agency is advised to seek guidance from the above said Rule / discussion & proceed strictly in accordance with the PPRA law / Rules after fulfillment of all other legal / codal formalities.


Senior Law Officer 17/3/22
PPRA S&GAD

Cc:

1. Secretary to the Govt. of Punjab, Specialized Healthcare & Medical Education Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Dated Lahore, 17th March, 2022

Assistant Director (F&P),
Provincial Disaster Management Authority,
40-A Lawrence Road, Lahore.

Subject: REQUEST FOR GRANT OF ADVICE WITH RESPECT TO THE PAYMENT OF PRINTING MATERIAL FROM A PRIVATE FIRM OTHER THAN THE GOVERNMENT PRINTING PRESS.

I am directed to refer to letter No. PDRP-2021/85/F&P dated 03/03/2022 on the subject whereby advice has been sought regarding urgency.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that principle method of procurement is open competitive bidding process as provided under Rule 22 & 23 of PPR-14. However, Rule 59 of PPR-14 has also provided alternative methods of procurement under specific circumstances as mentioned therein, to address different kinds of situations including urgency under Rule 59(d)(iii) of PPR-14. The definition of urgency has been provided under Rule 2(ad) of PPR-14. However, the reasons to invoke extreme urgency should not be attributable towards the procuring agency. The Rules ibid stipulate that:

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

59. Alternative methods of procurements.— (d) 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:

(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;

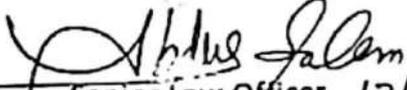
3. It is further added here that the procuring agency has to decide and invoke the urgency at its own level keeping in view the fact that conditions mentioned therein are fulfilled. However, in an urgent situation, Government printing press (GPP) being the technical expert department in printing job can also be requested to recommend a pool of pre-qualified printers having sufficient expertise to meet the printing requirements of a procuring agency. In that case, the procuring agency shall select the suitable bidder from amongst the pool of such bidders obtaining rates from them and ensuring due diligence in order to comply with the principle of value for money as defined under rule 2(ae) of PPR-14.

4. It is further apprised that, Rule 64-A of PPR-14 provides that one procuring agency may assign its whole or a part of procurement process to another procuring agency with the consent of that other procuring agency. Rule ibid stipulates that:

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.

However, if a procuring agency assigns whole or part of procurement process to another procuring agency then the assignee procuring agency shall accomplish the task in accordance with PPR-14.

5. The procuring agency is advised to seek guidance from above said discussion / Rules ibid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / codal requirements.


Senior Law Officer
PPRA S&GAD.

17/3/22.

Cc:

1. PSO to Chairman PPRA / Chief Secretary Punjab.
2. PSO to SMBR, Govt. of the Punjab.
3. Director General, Punjab Disaster Management Authority, Government of the Punjab.
4. PS to MD PPRA.



Dated Lahore, 17th March, 2022

Chief Executive Officer,
District Health Authority,
Bhakkar.

Subject: REQUEST FOR CLARIFICATION ABOUT UPLOADING TECHNICAL & FINANCIAL EVALUATION REPORTS ON PPRA'S WEBSITE.

I am directed to refer to your letter No. 2986/DHA-BKR dated 26/02/2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). There is no express provision available in PPR-14 regarding settlement of audit paras. Moreover, PPR-14 also does not have any mandate for the condonation of irregularities / regularization of a process once carried out in violation of PPR-14. Therefore, it is the procuring agency which has to get the issue settled through relevant forums i.e. SDAC/ PAC etc.

3. It is, however, apprised that PPRA has recently issued a circular No. L&M(PPRA)/10-01/2021 dated 06-08-2021 (Copy enclosed) duly approved by the PPRA Board of Management whereby, under Section 5(1) and 5(2)(f) of Punjab Procurement Regulatory Authority Act 2009, all procuring agencies have been instructed to upload all procurement related documents (on the website of PPRA) including evaluation report under Rule 37 of PPR-14.

4. The procuring agency is advised to seek guidance from the above said Rule / discussion & proceed strictly in accordance with the PPRA law / Rules after fulfillment of all other legal / codal formalities.

Senior Law Officer 17/3/22
PPRA S&GAD

Cc:

1. Secretary to the Govt. of Punjab, Specialized Healthcare & Medical Education Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA

<http://ppra.punjab.gov.pk>



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)W.P. 12962/2022
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

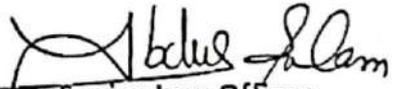
Dated Lahore, 17th March, 2022

The Secretary,
Mines and Minerals Department,
Lahore.

Subject: WRIT PETITION NO. 12962/2022 TITLED AS M/S GEO BAND VERSUS PROVINCE OF PUNJAB ETC.

I am directed to refer the subject and to enclose herewith order dated 03-03-2022 passed by the Hon'ble High Court Lahore in writ petition No. 12962/2022 titled as "M/S GEO BAND VERSUS PROVINCE OF PUNJAB ETC". The Hon'ble Court has directed Respondent No. 1 i.e. Secretary, Mines and Minerals Department, Lahore to decide the application of the petitioner, if pending, strictly in accordance with the law, after affording opportunity of hearing to all concerned and through a well-reasoned speaking orders expeditiously as possible.

2. In this regard, therefore, requested that needful may be done as per decision of Hon'ble Court, to ensure the compliance within stipulated time period.


Senior Law Officer
PPRA S&GAD 17/3/22

Cc:

1. The Registrar Lahore High Court, Lahore in compliance of order dated 03-03-2022 passed by Mr. Shahid Waheed in writ petition No. 12962/2022 titled as M/s Geo Band Versus Province of Punjab Etc.
2. PSO to Chairman PPRA / Chief Secretary Punjab
3. Muhammad Hammad Khan Rai, Hammad Law Company, National tower, 7-Turner Road, High court, Lahore.
4. PS to MD PPRA



Tel. 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-10(G)/2011
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 18th March, 2022

Muhammad Nadeem Ali Qaisar,
Section Officer (E&T),
Excise, Taxation & Narcotics, Control Department,
Lahore.

Subject: ADVICE REGARDING VALIDITY OF PURCHASE ORDERS.

I am directed to refer to your letter No. SO(E&M)1-7/2011 (P-X)(VOL-V) dated 17.03.2022 whereby an advice has been sought on the subject cited above.

2. Contents of the subject letter reveal that procuring agency issued three (3) number of purchase orders to National Radio and Telecommunication Corporation (NRTC), Ministry of Defence Production (a Federal Government entity), for the supply of retro reflective number plates with the condition that 50% mobilization advance (in accordance with clause 17.2 of the contract) shall be paid within 15 days but the procuring agency did not pay the mobilization advance within the stipulated time. Furthermore, Standing Committee of Cabinet on Finance & Development (SCCFD) in its 75th meeting held on 08-02-2022 enhanced the price of retro reflective number plates under clause 4.2 of the contract. Now, NRTC has approached the procuring agency and expressed its inability to supply the number plates due to non-payment of mobilization advance within stipulated time and enhanced prices of number plates. In such a situation, the procuring agency has approached PPRA for guidance as to whether purchase orders have taken effect or otherwise under the prevailing circumstances.

3. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that if the commencement of a contract is contingent upon the fulfilment of a condition then such contract takes effect only on the fulfilment of such condition. Rule 63 (c) of PPR-14 is very clear in this regard. The Rule ibid stipulates that:

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

(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.

4. The procuring agency is advised to seek guidance from the above said discussion / Rules to decide the issue strictly in accordance with PPR-14 for the fulfillment of all other legal/codal requirements.


Senior Law Officer
PPRA S&GAD 18/3/22

Cc:

1. Secretary to the Govt. of Punjab, Excise, Taxation & Narcotics Control Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA

No. L&M(PPRA) 1-15(SUC)(2)-AD/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 17th March, 2022

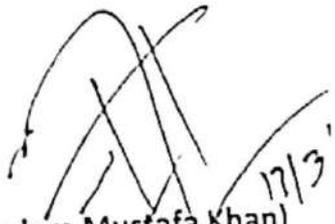
Medical Superintendent,
District Headquarters Hospital,
Rawalpindi.

Subject: ADVICE REGARDING FINANCIAL BID

I am directed to refer to your letter No. 845/PURCHASE/DHQ dated 01/03/2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the information provided by the procuring agency is insufficient and needs clarification. Therefore, before any conclusive advice is tendered, the procuring agency must provide following documents through an officer (not below the rank of BS-17), well conversant with the facts of the case:

- I. Copy of advertisement.
- II. Complete bidding documents.
- III. Original bid submitted by the bidder.
- IV. Copy of evaluation report.


(Ghulam Mustafa Khan)
Assistant Director, L&M
PPRA S&GAD

Cc:

1. Secretary to the Govt. of Punjab, Specialized Healthcare & Medical Education Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Dated Lahore, 04th March, 2022

Deputy Manager (P&P),
Punjab Social Security Health Management Company,
30-E III, Model Town,
Lahore.

Subject: CHANGE OF AWARD CONTRACT FROM DISTRIBUTOR TO MANUFACTURER.

I am directed to refer to your letter No. PSSHMC/EM-PROC/3830/22 dated 01-02-2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that nothing has been expressly mentioned in PPR-14 regarding change of award contract from distributor to manufacturer. The jurisdiction under PPR-14 Rules mostly ends up after the contract is executed. Therefore, the contract is dealt under contract Law (Act).

3. As per PPR-14, a bidder / supplier has to participate in the bidding process in order to be awarded a contract. The procuring agency may require proofs of qualification any time. Rule 18 of PPR-14 is very clear about this. The Rule ibid stipulates that:

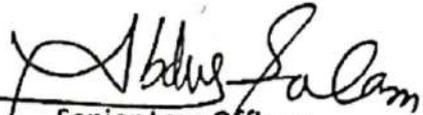
18. Qualification.— A procuring agency, at any stage of the procurement proceedings, having credible reasons for, or prima facie evidence of, any defect in the capacity or otherwise of a contractor, whether or not prequalified, may require the contractor to provide such further information concerning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

4. The procuring agency may also decide to opt for rebidding process under Rule 36 of PPR-14 keeping in view its requirements & time constraints. The Rule ibid stipulates that:

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.

5. The procuring agency is advised to seek guidance from the above said discussion / rules to decide the issue at own level strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


Senior Law Officer
PPRA S&GAD 4/3/22.

CC:-

1. Secretary, to the Govt. of the Punjab, Labour & Human Resource Department, Lahore
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.

<http://ppra.punjab.gov.pk>



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-13(G)(i)-AB/2012
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 17th March, 2022

Aneesa Sikandar,
General Manager (Finance),
Tourism Development Corporation of Punjab,
68, Trade Centre Block, M.A Johar Town, Lahore.

Subject: ADVICE REGARDING PRE-QUALIFICATION OF FIRM(S) FOR DETAIL
FEASIBILITY STUDY FOR INSTALLATION OF CHAIRLIFT PROJECT AT KOTLI
SATTIAN DISTRICT RAWALPINDI.

I am directed to refer to your letter No. TDCP/GM(FIN)/22/96 dated 08/03/2022 on the subject whereby an advice has been sought regarding prequalification process.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that in case of procurement of PKR 100 million and above prequalification is mandatory for goods and large consultancy, under rule 16 & 17 of PPR-14. PPRA vide circular No. L&M(PPRA)10-01/2011 dated 10-02-2020 has further clarified that in case of procurement through prequalification mode "*procuring agency must ensure at least three (03 number) prequalified bidder are available for further bidding process*". However, rule 16(2) of PPR-14 provides that a procuring agency may dispense with the requirement of prequalification after recording reasons. The rule ibid stipulates that:

Prequalification (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. It is further appraised that in the instant case since a quandary has been created regarding non-availability of required (three) number of firms for prequalification. Therefore, the procuring agency should ensure that no discriminatory and difficult condition had been introduced which may have curtailed healthy competition amongst the firms participating for prequalification. Rule 34 of PPR-14 stipulates that:

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.

4.

Vs Govt. of Punjab has rightly observed that:

"Simply because limited firms have prequalified and only one firm for surgical dressings was qualified does not tantamount to favoritism or arbitrariness. In this regard even if one firm is prequalified but the process has been duly followed, there is no justification to set aside the tendering process simply on this ground"

5. Furthermore, Rule 55A of PPR-14 is very much clear in this regard which provides that a procuring agency may award the contract even if a single complying bid / proposal is received. However, procuring agency must also consider its budgetary constraints, price reasonability as compared to the market rates along with capacity of the bidder to deliver optimally keeping in view the facts of value for money as defined under rule 2(ae) read with principles of procurement, provided under Rule 4 of PPR-14. In order to invoke the provisions of rule ibid it should also be ensured that the conditions / criteria (formulated for the evaluation of bids) is not discriminatory as to favour a single bidder as required under rule 34 of PPR-14. The relevant provisions of PPR-14 are as follows:

2(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.

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.

55A. Single complying proposal. Subject to rule 35, if one complying bid is received, the procuring agency may award the contract to the bidder."

The Procuring Agency however, must also ensure that the rates are in tandem with market rates and the prospective bidders have the requisite capacity to deliver. Furthermore, one of the options for the Procuring Agency is to opt open competitive bidding process without going into the prequalification procedure; as given in rule 22 & 23 of PPR-2014.

6. It is further apprised that Rule-59(e) of PPR-14 provides that a procuring agency may 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 through direct contracting if project is time

bound or sensitive in nature and its information cannot be shared with private sector. The rule ibid stipulates that:

59.(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 desiring 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."

7. The procuring agency is advised to seek guidance from the above said discussion / rules to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/contract requirements.

Abdul Salam
Senior Law Officer
PPRA S&GAD

17/3/22

Cc:

1. Secretary Govt. of the Punjab, Forestry Wildlife, Fisheries & Tourism Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Dated Lahore, 04th March, 2022

Deputy Manager (P&P),
Punjab Social Security Health Management Company,
30-E III, Model Town,
Lahore.

Subject: AUDIT PARA REGARDING TENDER OF MEDICINE / DISPOSABLES & ALLIED STORE F.Y 2018-19, 2019-20 AND 2020-21.

I am directed to refer to your letter No. PSSHMC/EM-PROC/3846/22 dated 02-02-2022 whereby an advice has been sought regarding settlement of audit paras.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). There is no express provision available in PPR-14 regarding settlement of audit paras. Moreover, PPR-14 also does not have any mandate for the condonation of irregularities / regularization of a process once carried out in violation of PPR-14. Therefore, it is the procuring agency which has to get the issue settled through relevant forums i.e. SDAC/ PAC etc.

3. It is further apprised that to favour any specific brand is against the spirit of PPR-14. However, for the selection of an appropriate brand, it is upon the procuring agency to formulate the generic specification as required under rule 10 of PPR-14. Rule 10 of PPR-14 provides as follows:

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.

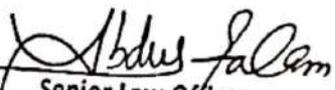
The procuring agency must also consider the definition of "value for money" as defined under Rule 2(ae) read with "Principles of procurement" as enunciated under Rule 4 of PPR-14. The contract shall be awarded to lowest evaluated bidder under Rule 55 of PPR-14. The Rules *ibid* stipulates that:

2.(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

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.

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

4. The procuring agency is advised to seek guidance from the above said discussion / rules.


Senior Law Officer
PPRA S&GD 4/3/22

CC:-

1. Secretary, to the Govt. of the Punjab, Labour & Human Resource Department, Lahore
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



No. L&M(PPRA)1-15(SOC)(I)-CO/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.
Dated Lahore, 04th March, 2022

Deputy Manager (P&P),
Punjab Social Security Health Management Company,
30-E III, Model Town,
Lahore.

Subject: CHANGE OF AWARD CONTRACT FROM DISTRIBUTOR TO MANUFACTURER.

I am directed to refer to your letter No. PSSHMC/EM-PROC/3830/22 dated 01-02-2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that nothing has been expressly mentioned in PPR-14 regarding change of award contract from distributor to manufacturer. The jurisdiction under PPR Rules mostly ends up after the contract is executed. Therefore, the contract is dealt under contract Law (Act).

3. As per PPR-14, a bidder / supplier has to participate in the bidding process in order to be awarded a contract. The procuring agency may require proofs of qualification any time. Rule 18 of PPR-14 is very clear about this. The Rule *ibid* stipulates that:

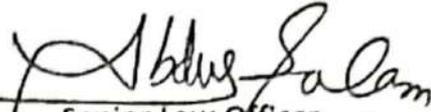
18. Qualification.— A procuring agency, at any stage of the procurement proceedings, having credible reasons for, or *prima facie* evidence of, any defect in the capacity or otherwise of a contractor, whether or not prequalified, may require the contractor to provide such further information concerning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

4. The procuring agency may also decide to opt for rebidding process under Rule 36 of PPR-14 keeping in view its requirements & time constraints. The Rule *ibid* stipulates that:

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.

5. The procuring agency is advised to seek guidance from the above said discussion / rules to decide the issue at own level strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


Senior Law Officer
PPRA S&GAD

4/3/22

CC:-

1. Secretary, to the Govt. of the Punjab, Labour & Human Resource Department, Lahore
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-15(SOC)(i)-CO/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 04th March, 2022

Deputy Manager (P&P),
Punjab Social Security Health Management Company,
30-E III, Model Town,
Lahore.

Subject: AUDIT PARA REGARDING TENDER OF MEDICINE / DISPOSABLES & ALLIED STORE F.Y 2018-19, 2019-20 AND 2020-21.

I am directed to refer to your letter No. PSSHMC/EM-PROC/3846/22 dated 02-02-2022 whereby an advice has been sought regarding settlement of audit paras.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). There is no express provision available in PPR-14 regarding settlement of audit paras. Moreover, PPR-14 also does not have any mandate for the condonation of irregularities / regularization of a process once carried out in violation of PPR-14. Therefore, it is the procuring agency which has to get the issue settled through relevant forums i.e. SDAC/ PAC etc.

3. It is further apprised that to favour any specific brand is against the spirit of PPR-14. However, for the selection of an appropriate brand, it is upon the procuring agency to formulate the generic specification as required under rule 10 of PPR-14. Rule 10 of PPR-14 provides as follows:

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.

The procuring agency must also consider the definition of "value for money" as defined under Rule 2(ae) read with "Principles of procurement" as enunciated under Rule 4 of PPR-14. The contract shall be awarded to lowest evaluated bidder under Rule 55 of PPR-14. The Rules ibid stipulates that:

2.(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

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.

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

4. The procuring agency is advised to seek guidance from the above said discussion / rules.

Abdus Saleem
Senior Law Officer
PPRA S&GAD 9/3/22.

CC:-

1. Secretary, to the Govt. of the Punjab, Labour & Human Resource Department, Lahore
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Dated Lahore, the 25th Feb, 2022

Tel: 042-99204572
Exc. 042-36284774
Fax: 042-36284776

To,

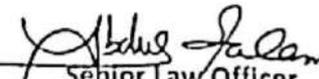
Dr. Muhammad Muneeb Zia,
Assistant Product Manager,
M/s. Ghazi Brothers, Ghazi House, 212, Defense Road,
Opposite US Apparel, near Shahkam Chowk, Lahore.

Subject: PRESENTATION AGAINST THE OTDER DATED 13-01-2022.

I am directed to refer to the subject and to append hear with letter No. PS/Member-I(Enq)Appeal/CS/2022(2-13) dated 22-02-2022 received from the office of Member -1 (Inquiries), S&GAD.

2. I am further directed to apprise that personal hearing in the above case has been fixed on 02-03-2022 at 11:30 A.M in the office chamber of Mr. Asim Sadiq Qureshi, Member-I (Inquiries), S&GAD 1st floor, H-Block, Punjab Civil Secretariat, Lahore.

3. You are therefore, directed to appear on the above said date / time and venue along with complete record of the matter.


Senior Law Officer
PPRA, S&GAD 25/2/22

No. & DATE EVEN.

1. Directorate of Livestock Gujranwala Division, Gujranwala with the direction to deputy an officer (not below the rank of BS-17) along with complete record in order to attend the subject said hearing on above said date / time and venue.


Senior Law Officer
PPRA, S&GAD 25/2/22.

Cc:

1. Deputy Secretary (Services Matter) to Chief Secretary.
2. PSO to Chief Secretary Punjab.
3. Private Secretary to Member-I (Inquiries), S&GAD in response to letter No. PS/Member-I(Enq)Appeal/CS/2022(2-13) dated 22-02-2022.
4. PS to Managing Director, PPRA.



Dated Lahore, the 25th Feb, 2022

Tel: 042-99204572
Exc. 042-36284774
Fax: 042-36284776

To,

Mr. Riaz Bukhari,
RSSI Agri & Allied Services,
643-B, Ground Floor, Main Double Road,
E-11/4, Islamabad.

Subject: WRIT PETITION NO. 5219/2022 – RSSI AGRI & ALLIED SERVICES VS. POP ETC.

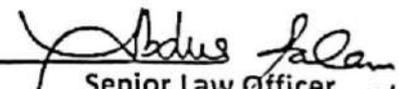
I am directed to refer to the subject and to append hear with letter No. PS/Member-I(Enq)Appeal/CS/2022(2-5) dated 22-02-2022 received from the office of Member -1 (Inquiries), S&GAD.

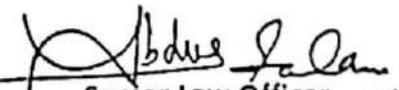
2. I am further directed to apprise that personal hearing in the above case has been fixed on 02-03-2022 at 11:30 in the office chamber of Mr. Asim Sadiq Qureshi, Member-I (Inquiries), S&GAD.

3. You are therefore, directed to appear on the above said date / time and venue along with complete record of the matter.

No. & DATE EVEN.

1. Barani Agricultural Research Institute, 13-KM, Talagang Road, P.O. Box-35, Chakwal with the direction to deputy an officer (not below the rank of BS-17) along with complete record in order to attend the subject said hearing on above said date / time and venue.


Senior Law Officer
PPRA, S&GAD 25/2/22


Senior Law Officer
PPRA, S&GAD 25/2/22

Cc:

1. Deputy Secretary (Services Matter) to Chief Secretary.
2. PSO to Chief Secretary Punjab.
3. Private Secretary to Member-I (Inquiries), S&GAD in response to letter No. PS/Member-I(Enq)Appeal/CS/2022(2-5) dated 22-02-2022.
4. PS to Managing Director, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-5(W)/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th March, 2022

SuperIntending Engineer,
Buildings Circle No. 2,
Gujranwala.

Subject: CLARIFICATION ON APPLICATION REGARDING TENDERS OF BUILDINGS
DIVISION, SIALKOT DATED 14-02-2022.

I am directed to refer to your letter No. 373/G dated 22-02-2022 on the subject whereby an advice has been sought.

2. Contents of the subject letter reveal that the procuring agency demanded bid security @ 2 % of estimated cost. M/s Muhammad Riaz Bajwa & Co. (the bidder) participated in the bidding process for the Group No. 1 & Group No. 2 and was emerged as lowest evaluated bidder. During scrutiny of the record, it revealed that the bidder had submitted less amount of bid security for both of the packages / groups as required in the bidding documents. The bidder has also submitted deficient amount of Rs. 2,14,300/- & 1,80,240/- respectively for both packages. The bidder has requested the procuring agency for the grant of permission to deposit the balance amount / deficient amount of bid security. The contents of attached financial comparative report revealed that the 1st lowest bidder (M/s Muhammad Riaz Bajwa & Co) quoted 2.80% & 4.99% below the estimated cost respectively for both packages while on the other side, the 2nd lowest bidder quoted 2.37% above the estimated cost in package No. 1. Therefore, if the 1st lowest bidder is declared non-responsive on account of minor deficient amount of bid security and 2nd lowest bidder is awarded the contract, then a huge public exchequer loss would occur. Now, the procuring agency has approached PPRA as to what modus operandi shall be adopted in the instant circumstances.

3. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that all such matters should be decided on case to case basis as per the facts of each individual case. However, Rule 33 (2) of PPR-14 is very much clear in the instant proposition (i.e. deficient amount of bid security), which provides an option to the procuring agency to seek and accept such clarifications, which do not change the substance of the bids. The Rule *ibid* stipulates that:

33. Clarification of 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.

4. It may further be added that after finalization of the bid process (which culminates to the selection of lowest evaluated bidder) the bid security is substituted (not converted) with performance guarantee i.e. performance guarantee in accordance with Rule 56 of PPR-14 shall be submitted by the lowest evaluated bidder and bid security shall be released by the procuring agency in favour of lowest evaluated bidder. The Rule ibid stipulates that:

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.

5. As reported, rate of 1st lowest bidder are also below and the 1st lowest evaluated bidder is willing to deposit the balance amount of bid security / performance guarantee as per Rule 56 of PPR-14. The procuring agency should prudently consider the difference of price quoted by the bidders (first and second) and should decide to award the contract keeping in view the "value for money" as defined in Rule 2(ae) read with "principles of procurement" as enunciated in Rule 4 of PPR-14. The Rules ibid stipulate that:

2.(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.

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.

6. The procuring agency is advised to seek guidance from the above said Rules ibid / discussion to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


Senior Law Officer
PPRA S&GAD

7/3/22

Cc:

1. Secretary to the Govt. of Punjab, Communication & Works Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA

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Dated Lahore, the 15th March, 2022

To,

The Principal,
Allama Iqbal Medical College & Jinnah Hospital,
Lahore.

Subject: SINGLE PACKAGE TENDER FOR PROCUREMENT OF RADIO THERAPY
EQUIPMENT INCLUDING LINEAR ACCELERATOR WITH ALLIED FACILITIES.

JINNAH HOSPITAL PACKAGE TENDER.

PURCHASE OF LINER ACCELERATOR WITH ALLIED FACILITIES FOR ONCOLOGY
DEPARTMENT JINNAH HOSPITAL LAHORE DURING THE FY 2021-2022.

COMPLAINT AGAINST THE VIOLATION OF BIDDING CRITERIA IN TECHNICAL
EVLAUATION REPORT & GRIEVANCE COMMITTEE DECISION FOR TENDER
DISPOSABLE SYRINGES 2021-22 OF JINNAH HOSPITAL LAHORE.

I am directed to refer to the subjects cited above. I am further directed to refer to the complaints lodged by the followings firms on the subjects respectively:

- (i). M/s Health Watch
- (ii). M/s Medequips
- (iii). M/s Varitron
- (iv). M/s Tech Zone

2. It is apprised that in pursuance of aforementioned complaints the procuring agency was requested to submit report vide this office letters of even No. dated 08.03.2022 & 10.03.2022 (copies enclosed).

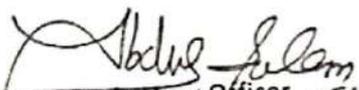
3. In view of foregoing facts and keeping in view three (3) No. of complaints received against subject procurement a personal hearing has been fixed on 24.03.2022

(Thursday) at 11:30 am at 304-T, 3rd floor, Alfalah Building, The Mall Road, Lahore. It is therefore, requested to depute technical officer / officers (not below the rank of BS-19) well conversant with the facts of the case to attend the hearing in the office chamber of Managing Director, PPRA along with separate reports in annotated form against each complaint and entire record of the subject procurement as already requested vide attached letters.


Senior Law Officer
PPRA S&GAD 15/3/22

No. & Date Even.

1. Ms. Sehrish Khawar, Advocate of High Court, M/s Health Watch, 138-C, Block-C, T-2, TECH Society, Lahore with the direction to attend PPRA office on above said date, time & venue.
2. Mr. Omer F. Sheikh, Director, M/s Mediquips (Pvt) Ltd, 30-Shahrah-e-Quaid-e-Azam, Lahore with the direction to attend PPRA office on above said date, time & venue.
3. Mr. Jahangir Kabir Sheikh, Director of Sales, M/s Varitron, 60-D, FFC Zahoor Elalhi Road, Gulberg-Iv, Lahore with the direction to attend PPRA office on above said date, time & venue.
4. Mr. Muhammad Ali Qadri, Director, 3M/s TechZone, 764, Askari 9, Army Housing Zarar Shaheed, Lahore with the direction to attend PPRA office on above said date, time & venue.


Senior Law Officer
PPRA S&GAD 15/3/22

CC:

1. The Secretary, Govt. of the Punjab, Specialized Healthcare & Medical Education Department, Punjab, Lahore.
2. PSO to Chairman PPRA / Chief Secretary, Punjab.
3. PS to MD (PPRA).



No. L&M(PPRA)PA/Dir.(L&M)/2019/kw
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor Al-Falah Building, The Mall Road Lahore.

Dated Lahore, the 25/2 Feb, 2022

Tel: 042-99204572

Exc. 042-36284774

Fax: 042-36284776

To,

M/s. Tanvir Ahmed Rana (0306-6921012),
Ghazi & Company,
Chak No. 93/6R, New Farid Town,
District Sahiwal.

Subject: REPRESENTATION.

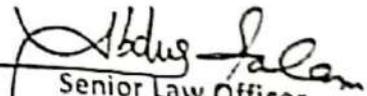
I am directed to refer to the subject and to append hear with letter No. PS/ (Member Enquiries-IV) 1-30/2022 dated 24-02-2022 received from the office of Member Enquiries-IV, S&GAD.

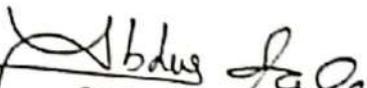
2. I am further directed to apprise that personal hearing in the above case has been fixed on 02-03-2022 at 11:00 A.M in the office chamber of Mr. Mian Farooq Nazeer, Member Enquiries-IV, S&GAD 1st floor, H-Block, Punjab Civil Secretariat, Lahore.

3. You are therefore, directed to appear on the above said date / time and venue along with complete record of the matter.

No. & DATE EVEN.

1. Medical Superintendent, THQ Hospital, Chichawatni with the direction to deputy an officer (not below the rank of BS-17) along with complete record in order to attend the subject said hearing on above said date / time and venue.


Senior Law Officer
PPRA, S&GAD 25/2/22


Senior Law Officer
PPRA, S&GAD 25/2/22

- Cc:
1. Deputy Secretary (Services Matter) to Chief Secretary.
 2. PSO to Chief Secretary Punjab.
 3. Personal Assistant to Member Inquiries-IV, S&GAD in response to letter No. P5/ (Member Enquiries-IV) 1-30/2022 dated 22-02-2022.
 4. PS to Managing Director, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-36(G)/15/R/W
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 29th March, 2022

Section Officer,
Services & General Administration Department,
VIP Flight (FW), Lahore.

Subject: VALUATION OF HAWKER 400XP (AP-BHO) AIRCRAFT AND HELICOPTER MI-171E(AP-BNS).

I am directed to refer to your letter No. VIP-3(26)/2018 dated 22/03/2022 on the subject whereby an advice has been sought regarding single complying proposal.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). At the outset it is apprised that this advice caters to the legal aspects of subject procurement; as it is reasonably expected that only the procuring agency is mostly well placed to know about the true dynamics, market conditions and all technical aspects.

3. PPRA is of the view that rule 12 (2) of PPR-14 is very much clear in the instant proposition which requires that the tender notice for the procurement exceeding three million rupees shall be published in at least two national daily newspapers of wide circulation, one in English and one in Urdu. The rule ibid stipulates that:

12. Method of advertisement.— Save as otherwise provided in these rules, (2) Subject to rule 13, any procurement exceeding [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.

4. It is further apprised that Rule 55A of PPR-14 provides that a procuring agency may award the contract even if a single complying bid / proposal is received. However, procuring agency must also consider its budgetary constraints, price reasonability as compared to the market rates along with capacity of the bidder to deliver optimally keeping in view the facts of value for money as defined under rule 2(ae) read with principles of procurement, provided under Rule 4 of PPR-14. In order to invoke the provisions of rule ibid it should also be ensured that the conditions / criteria (formulated for the evaluation of bids) is not discriminatory as to favour a single bidder as required under rule 34 of PPR-14. The relevant provisions of PPR-14 are as follows:

2(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.

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.

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.

55A. Single complying proposal. Subject to rule 35, if one complying bid is received, the procuring agency may award the contract to the bidder."

5. The procuring agency is advised to seek guidance from the above said discussion & proceed strictly in accordance with the PPRA law / Rules after fulfillment of all other legal / codal formalities.


Senior Law Officer
PPRA S&GAD 29/3/22.

Cc:

1. Secretary to the Govt. of the Punjab Labour & Human Resource Department Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-20(G)/2011.
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 29th March, 2022

Section Officer (General),
Industries, Commerce, Investment
and Skills Development Department,
Lahore.

Subject: ADVICE REGARDING PAYMENT OF INSTALLATION CHARGES AMOUNTING TO RS. 199,744/- (ONE HUNDRED NINETY NINE THOUSAND SEVEN HUNDRED FORTY FOUR ONLY) CLAIMED BY M/S MILLAT TRACTOR LIMITED.

I am directed to refer to your letter No. E&A(IC&ID)MISC/SPU/2016 dated 11/03/2022 on the subject whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Rule 25(2)(g) of PPR-14 is very relevant in the instant case which requires a procuring agency to mention list of goods or bill of quantities in the bidding documents. In the instant case (as reported), the contractor claimed that additional earth cable, power cable, control cable and PVC Pipe had been supplied during the installation of Generator other than the Generator and its accessories mentioned in their quotation and supplied thereof against the purchase order. In view of forgoing, before any conclusive advice is tender the procuring agency must apprise PPRA on the following points:

- I. Whether the supplies / equipment (against which bill is being claimed by the bidder) was included in the list of goods (as provided in the bidding documents) or otherwise. Please provide the copy of relevant document.
- II. Whether the said supplies / equipment was included in the purchase order or otherwise.


Senior Law Officer
PPRA S&GAD

29/3/22

Cc:

1. Secretary to the Govt. of Punjab, Industries, Commerce, Investment and Skills Development Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Tel: 042-99204572

Ex: 042-36284774

Fax: 042-36284776

No. L&M(PPRA)1-5(W)/2016
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 29th March, 2022

Executive Engineer,
Road Construction Division,
Gujranwala.

Subject: AUCTION OF RIGHTS FOR COLLECTION OF TOLL TAX ON GUJRANWALA-SIALKOT ROAD AT NANDI PUR, DISTRICT GUJRANWALA FOR THE F.Y. 2021-22 CLARIFICATION OF ALLOTMENT OF WORK TO 2ND HIGHEST AND SUBSEQUENT BIDDER.

I am directed to refer to your letter No. 1551/CB dated 14/03/2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It is apprised that Punjab Procurement Regulatory Authority has been established under Punjab Procurement Regulatory Authority Act 2009 (Amended 2016) to regulate the procurement of goods, services and works in the public sector and for matters connected therewith. The definition of public procurement as provided in section 2(n) of PPRA Act 2009 envisages that:

2(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".

3. In view of the forgoing, PPRA is of the view that the proposition referred pertains to "auction" which does not fall within the definition of public procurement and hence ambit of PPRA as well. Therefore, office of Executive Engineer, Road Construction Division, Gujranwala is advised to proceed and decide the matter as per relevant Law / Rules in this regard.

Abdul Salam
Senior Law Officer
PPRA S&GAD 29/3/22

Cc:

1. Secretary to the Govt. of Punjab, Communication & Works Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-23(SOC)(I)-AB/14/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 30th March, 2022

The Director Works,
The Punjab Employees Social Security,
3-A Gulberg V, Lahore.

Subject: CLARIFICATION OF PERFORMANCE SECURITY.

I am directed to refer to your letter No. SS.DC/406 dated 31/01/2022 on the subject whereby an advice has been sought regarding additional performance guarantee.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). There is no express provision available in PPR-14 regarding settlement of audit paras. Moreover, PPR-14 also does not have any mandate for the condonation of irregularities / regularization of a process once carried out in violation of PPR-14. Therefore, it is the procuring agency which has to get the issue settled through relevant forums i.e. SDAC/ PAC etc.

3. It is, however, apprised that Rule 56 of PPR-14 deals with the receipt of performance guarantee which stipulates that:

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.

4. As per understanding of PPRA the procuring agencies may demand performance guarantee upto 10% of contract amount. However, in exceptional circumstances when the difference between estimated cost and bid / tendered amount is more than 10% of the estimated cost the difference may be demanded as quality assurance security.

5. It is further submitted that the Hon'ble Lahore High Court Lahore vide order dated 30-09-2021 in ICA No. 18231/2021 titled as "A.M. Construction Company (Pvt.) Ltd. Vs The Province of Punjab passed by Mr. Justice Abid Aziz Sheikh & Mr. Justice Muhammad Sajid Mehmood Sethi (copy enclosed) has delivered a judgment regarding receipt of additional performance guarantee. The ratio decidendi of the Court order is reproduce as follows:

- i. "Demand of additional performance security under para 26(A) of the General directions is not violative of rule 56 of the Rules.
- ii. In all those petitions/appeal, where the lowest bidder did not become successful bidder, the performance security or additional performance security under Para 26(A) of the

- General Directions could be demanded in terms thereof and rule 56 of the Rules had no bearing on such performance/additional performance securities.*
- iii. *However, if the lower bidder acquired the status of a successful bidder, then performance security or even additional performance security shall be governed by rule 56 of the Rules and no payment of performance security or additional performance security could be demanded beyond the limit of 10% of the "contract price" prescribed in rule 56 of the Rules.*
- iv. *In case no performance security or additional performance security as per Para 26(A) of the General Directions was provided by the lowest bidder, the procuring agency was within its right to reject the bid under PARAS 15 and 26(B) of the General Directions read with rule 35 of the Rules".*

6. The procuring agency is advised to seek guidance from the above said discussion & proceed strictly in accordance with the PPRA law / Rules after fulfillment of all other legal / codal formalities.

Abdul Salam
Senior Law Officer
PPRA S&GAD, 30/3/22.

Cc:

1. Secretary to the Govt. of the Punjab Labour & Human Resource Department Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



PPRA, BS-204572
PPRA, BS-204572
PPRA, BS-204572

No. L&M(PPRA) 1-13(G)(i)-AB/2012
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 05th April, 2022

Aneesa Sikandar,
General Manager (Finance),
Tourism Development Corporation of Punjab,
68, Trade Centre Block, M.A Johar Town, Lahore.

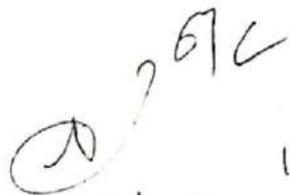
Subject: ADVICE REGARDING PROCUREMENT OF 04 NOS. SINGLE DECK CONVERTIBLE
BUSSES.

I am directed to refer to your letter No. TDCP/GM(FIN)/22/131 dated
15/03/2022 on the subject whereby an advice has been sought on the subject cited above.

The case has been examined in the light of Punjab Procurement Rules 2014
Rule 14. PPRA is of the view that the proposition referred vide aforementioned letter is not
clear and needs clarification. It is therefore, requested to depute an officer (not below the
rank of BS-17) along with complete record of subject procurement, well conversant with the
facts of the case to attend the office of undersigned in order to clarify the proposition
referred above.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

- Secretary Govt. of the Punjab, Forestry Wildlife, Fisheries & Tourism Department,
Lahore.
- PSO to Chairman PPRA / Chief Secretary Punjab.
- PS to MD PPRA


6/4/22 19:00hr

Dated Lahore, 05th April, 2022

Aneesa Sikandar,
General Manager (Finance),
Tourism Development Corporation of Punjab,
68, Trade Centre Block, M.A Johar Town, Lahore.

ADVICE REGARDING PROCUREMENT OF 04 NOS. SINGLE DECK CONVERTIBLE BUSES.

I am directed to refer to your letter No. TDCP/GM(FIN)/22/131 dated 20/04/2022 on the subject where Punjab advice has been sought on the subject cited above.

The case has been examined in the light of Punjab Procurement Rules 2014 of the Punjab, Forestry Wildlife, Fisheries & Tourism Department, PPRA is of the view that the proposition referred vide aforementioned letter is not in need of clarification. It is therefore, requested to depute an officer (not below the rank of Assistant Director (L&M)) with complete record of subject procurement, well conversant with the case to attend the office of undersigned in order to clarify the proposition referred above.

(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

It is therefore, requested to depute an officer (not below the rank of Assistant Director (L&M)) with complete record of subject procurement, well conversant with the case to attend the office of undersigned in order to clarify the proposition referred above.

I am directed to refer to your letter No. TDCP/GM(FIN)/22/131 dated 20/04/2022 on the subject where Punjab advice has been sought on the subject cited above.

ADVICE REGARDING PROCUREMENT OF 04 NOS. SINGLE DECK CONVERTIBLE BUSES.

Aneesa Sikandar,
General Manager (Finance),
Tourism Development Corporation of Punjab,
68, Trade Centre Block, M.A Johar Town, Lahore.

Dated Lahore, 05th April, 2022

No. L&M(PPRA) 1-13(G)(i)-AB/2012
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-1(G)(I)-AD/2019
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th April, 2022

Chief Scientist,
Soil and Water Testing,
Laboratory, Lahore.

Subject: CLARIFICATION REGARDING SEALED TENDER NUMBER: 001/LAB EQUIPMENT
AARI/SWTL-LHR/2021-22 OPENED ON 29-11-2021.

I am directed to refer to your letter No. 784 dated 15.03.2022 on the subject whereby an advice has been sought to examine the grievances petition and furnish advice.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that bidding documents is an important part of the procurement mechanism which also requires to include the evaluation criteria along with all terms and conditions. The evaluation criteria / terms and conditions are to be formulated as per rule 31 of PPR-14 and evaluation is conducted under rule 32(1)&(3) of PPR-14 which stipulate that:

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.

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.

(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.

3. PPRA is of the view that if a bid is non-compliant to the evaluation criteria / terms & conditions of the bidding documents it may be declared non-responsive. It is further apprised that PPRA cannot examine & decide the grievance (filed by any bidder) on behalf of grievance redressal committee (GRC) which has been entrusted with the express power to decide the same under rule 67 of PPR-14. In the instant case it is advised to please proceed as per rule 67 of PPR-14. The rule ibid stipulates that:

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 [ten] days after the announcement of the bid evaluation report.

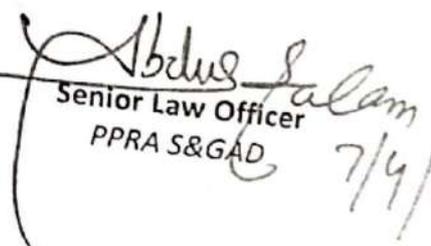
(3) The committee shall investigate and decide upon the complaint within fifteen days of the receipt of the complaint.

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

4. Furthermore, PPRA has issued a circular No. L&M(PPRA)10-01/2011 dated 20-05-2019 (copy enclosed) whereby all procuring agencies are instructed to devise the process in such a way that all bidders technically qualified in the procurement process may have an opportunity to raise their objections, if any, through their grievance petition against any of the technically qualified competitor prior to the opening of financial bid.

5. However, before any conclusive advice is tendered the procuring agency must provide following documents through an officer (not below the rank of BS-17), well conversant with the facts of the case:

- I. Copy of advertisement.
- II. Complete bidding documents.
- III. Original bid submitted by the bidder.
- IV. Copy of evaluation report.


Senior Law Officer
PPRA S&GAD

7/4/2

CC:-

1. Secretary to the Govt. of the Punjab, Agriculture Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-12(G)/20/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th April, 2022

Deputy Secretary (G) / Procurement Officer,
Food Department,
Lahore.

Subject: CONTRACT DOCUMENTS.

I am directed to refer to the subject and to append various contract agreements received to PPRA for information.

2. It is apprised that PPRA has recently issued a circular No. L&M(PPRA)/10-01/2011 dated 06-08-2021 (Copy enclosed) duly approved by the PPRA Board of Management whereby, under Section 5(1) and 5(2)(f) of Punjab Procurement Regulatory Authority Act 2009, all procuring agencies have been instructed to upload all procurement related documents (on the website of PPRA) including contract agreement under Rule 63 of PPR-14.

3. The procuring agency is advised to seek guidance from the above said circular and proceed strictly in accordance with the PPRA law / Rules after fulfillment of all other legal / codal formalities.


Senior Law Officer
PPRA S&GAD 7/4/22.

Cc:

1. Secretary to the Govt. of Punjab, Food Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Dated Lahore, the 07th April, 2022

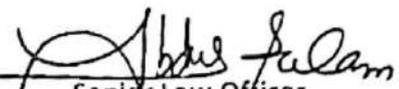
Tel: 042-99204572
Tel: 042-36284773
Exc:042-36284774
Fax: 042-36284776

To,

M/s Eastern Medical Care (Pvt) Ltd,
7A-N, Model Town,
Lahore.

Subject: ADVICE REGARDING GRIEVANCES AGAINST M/S EASTERN MEDICAL CARE PVT LTD SUBMITTED BY M/S FRESENIUS MEDICAL CARE PVT LTD.

I am directed to refer the subject and to enclose herewith the response received from the office of the Medical Director, FMU, Allied /DHQ Hospital, Faisalabad for information and further comments / response (if any) within (07) days of the receipt of this letter failing which the complaint shall be deemed to be disposed off.


Senior Law Officer
PPRA S&GAD 7/4/22

CC:

1. The Secretary, Govt. of the Punjab, Specialized Healthcare & Medical Education Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary, Punjab.
3. PS to MD (PPRA).



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-17(G)(I)-AB/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 11th April, 2022

The Director (Admin & Finance),
Punjab Forensic Science Agency,
Home Department,
Thokar Niaz Baig,
Lahore.

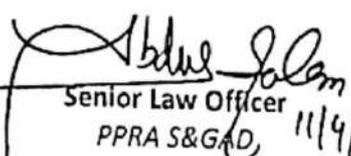
Subject: REQUEST FOR PROVISION OF ADVICE AS PER PPRA RULES.

I am directed to refer to your letter No. A.D(PUR)/PFSA/L.S/2-216/2021 dated 05/04/2022 on the subject whereby an advice has been sought regarding award of contract.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the revision of PC-I is the prerogative of Planning & Development Department. It is further apprised that award of contract under rule 55 of PPR-14 (to the lowest evaluated bidder) determination of price reasonability (keeping in view the then prevailing market rates, inflation rate, fluctuation in the dollar price, all applicable taxes / duties and imposition of new taxes) and estimated cost of any procurement is the responsibility of the procuring agency. The Rule ibid stipulates that:

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.

3. The procuring agency is advised to seek guidance from the aforementioned provision of PPR-14 / discussion in order to get the issue settled at its own level.


Senior Law Officer
PPRA S&GAD 11/4/22

CC:-

1. Secretary to the Govt. of the Punjab, Home Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-13(G)(i)-AB/2012
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 11th April, 2022

Aneesa Sikandar,
General Manager (Finance),
Tourism Development Corporation of Punjab,
68, Trade Centre Block, M.A Johar Town, Lahore.

Subject: ADVICE REGARDING PROCUREMENT OF 04 NOS. SINGLE DECK CONVERTIBLE BUSES,

I am directed to refer to your letter No. TDCP/GM(FIN)/22/131 dated 25/03/2022 and this office letter of even number dated 05-04-2022 on the subject. Mr. Amir Nawaz Khan (Manager Planning & Development) attended the office of PPRA to clarify the proposition.

2. The Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that rule 55A of PPR-14 is very much clear in this regard which provides that a procuring agency may award the contract even if a single complying bid / proposal is received. However, procuring agency must also consider its budgetary constraints, price reasonability as compared to the market rates along with capacity of the bidder to deliver optimally keeping in view the facts of value for money as defined under rule 2(ae) read with principles of procurement, provided under Rule 4 of PPR-14. In order to invoke the provisions of rule ibid it should also be ensured that the conditions / criteria (formulated for the evaluation of bids) is not discriminatory as to favour a single bidder as required under rule 34 of PPR-14. The relevant provisions of PPR-14 are as follows:

2(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.

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.

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.

55A. Single complying proposal. Subject to rule 35, if one complying bid is received, the procuring agency may award the contract to the bidder."

4. The procuring agency is advised to seek guidance from the above said discussion / rules to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


Senior Law Officer
PPRA S&GAD

11/4/22

Cc:

1. Secretary Govt. of the Punjab, Forestry Wildlife, Fisheries & Tourism Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-3(SPL)/2011.
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 11th April, 2022

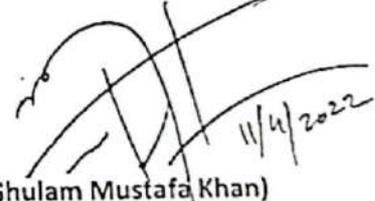
The Member,
Chief Minister's Inspection Team, Punjab,
Lahore.

Subject: COMPLAINT AGAINST MR. SHAHID HUSSAIN EX-MD PPRA.

I am directed to refer to your letter No. PS/MG-IV/3-47/2022/CMIT/370 dated 16/03/2022 on the subject whereby parawise comments has been sought on the subject cited above.

2. It is submitted that Mr. Shahid Hussain Ex-Managing Director PPRA had retired on 05/01/2021 after reaching the age of superannuation. It is further apprised that now post of Managing Director is a cadre post and regular incumbent has been appointed since 09-06-2021 as per law / Rules.

3. In view of forgoing, the subject complaint has become infructuous and may very kindly be filed accordingly.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

Cc:

1. PSO to Chairman PPRA / Chief Secretary Punjab.
2. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
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No. L&M(PPRA) 1-17(G)(I)-AD/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 11th April, 2022

AIG / Logistics,
Chief Purchase Officer
For Provincial Police Officer / IGP,
Punjab, Lahore.

Subject: GUIDANCE / CLARIFICATION.

I am directed to refer to your letter No. 975/LOG dated 31/03/2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that price is always fixed by the bidder / seller keeping in view the overhead, and profit. A bidder is always at liberty to quote the price or bid as deem appropriate. The PPR-14 when read as an organic whole guide that the lowest evaluated bidder (emerged as a result of competitive bidding process under PPR-14) if intends to voluntarily reduce the price further he may do so, and the procuring agency may accept such offer in the best public interest.

3. In view of the above the procuring agency is advised to decide the subject matter at its own level in the interest of the exchequer keeping in view the "principles of procurement" as enunciated in rule 4 read with "value for money" as defined in rule 2(ae) of PPR-14. Rules ibid stipulate that:

2(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.

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.

4. The procuring agency is advised to seek guidance from the above said discussion & proceed strictly in accordance with the PPRA law / Rules after fulfillment of all other legal / codal formalities.


Senior Law Officer
PPRA S&GAD

11/4/22

Cc:

1. Inspector General of Police, Punjab, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Tel: 042-99204572
Ex: 042-36284774
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No. L&M(PPRA) 1-17(G)(I)-AD/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 11th April, 2022

The SSP / Admin,
For Addl: Inspector General of Police,
Counter Terrorism Department (CTD), Punjab, Lahore .

Subject: ADVICE – GUIDELINE.

I am directed to refer to your letter No. 1416/CTD/ACCTT dated 28/03/2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). There is no express provision available in PPR-14 regarding settlement of audit paras. Moreover, PPR-14 also does not have any mandate for the condonation of irregularities / regularization of a process once carried out in violation of PPR-14. Therefore, it is the procuring agency which has to get the issue settled through relevant forums i.e. SDAC/ PAC etc.

3. It is further apprised that in terms of Rule 37 of Punjab Procurement Rules 2014, "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." The Connotation of the aforementioned rule and inference thereof leads to the fact that evaluation report means combination of technical as well as financial evaluation. As compliance of rule ibid requires uploading of complete evaluation report where the procuring agency after a pause of 10 days enters in to a contract. The matter was also clarified vide circular No. L&M(PPRA)WD/2018/(i) dated 28-11-2019 (Copy enclosed). However, for future procurement transactions separate space for technical & financial evaluation report has been provided on the website of PPRA in order to facilitate the procuring agencies.

5. The procuring agency is advised to seek guidance from the above said Rule / discussion & proceed strictly in accordance with the PPRA law / Rules after fulfillment of all other legal / codal formalities.


Senior Law Officer
PPRA S&GAD 11/4/22

Cc:

1. Inspector General of Police, Punjab, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-53(G)/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 18th April, 2022

Syed Rizwan Hussain Shah,
Secretary / Additional Director (Staff),
NAB, Multan.

Subject: PREVENTION COMMITTEE ON "TRANSPARENCY IN PROCUREMENTS,
STOCKING AND CONSUMPTION OF PHARMACEUTICAL MEDICINES /
DISPOSABLE ITEMS AND INSTRUMENT / EQUIPMENT BY THE PUBLIC SECTOR
MEDICAL FACILITIES / HOSPITALS"

I am directed to refer to your letter No. 4(1)/PC/PREV/A&P/NAB-M/06 dated 23-02-2022, whereby comments of Punjab Procurement Regulatory Authority have been sought as to what modus operandi shall be adopted for the procurement of medicine / drugs on Quality and Cost Based Selection (QCBS) either by invoking the provisions of Rule 38-A of Punjab Procurement Rules 2014 (PPR-14) or including "medicines / drugs" in the definition of "services" instead of "goods".

2. The case has been examined in the light of Punjab Procurement Regulatory Authority Act, 2009 & PPR-14. The conclusive definitions of "goods" and "services" have been separately provided under Section 2 (f) & (q) of Punjab Procurement Regulatory Authority Act, 2009 (PPRA Act 2009) which stipulate that:

2.(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;

(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;

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3. It is apprised that "medicines / drugs" purely falls under the definition of "goods" as defined under section 2(f) of PPRA Act, 2009. Therefore, it would not be appropriate to include the category of "medicine / drugs" in the definition of "services" as it would be ultra vires to the basic scheme of PPRA legal framework. The most plausible discourse in the instant proposition is to opt the provisions of Rule 38-A read with Rule 45(3) of PPR-14, which provides sufficient solution along with certain checks for adopting QCBS method for the procurement of medicine / drugs. The Rules *ibid* stipulate that:

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.

45. Methods for selection of consultants.- (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;

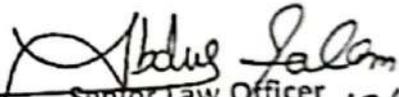
(e) the weight for quality is normally of eighty percent with twenty percent given to cost and more than twenty percent weight to the cost of the services is justified only in relatively routine and straightforward assignments (such as design of simple structures), whereas in no cases it should exceed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

4. In view of the aforementioned, PPRA is of the concerted view that the most appropriate discourse is to opt the provisions of Rule 38-A of PPR-14 rather to place the "medicine / drugs" in the definition of "services" through an amendment in PPR-14. The checks provided in Rule 38-A i.e. **recommendation of the Authority (PPRA BOM)** and

approval of the Government shall not only discourage the unjustified adoption of QCBS method but also help the observance of "value for money" as defined under rule 2(ae) read with "principles of procurement" as enunciated under rule 4 of PPR-14. The Rules ibid stipulate that:

2(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.

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.


Senior Law Officer
PPRA S&EAD 18/4/22

Cc:

1. Director General, NAB, Multan.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA

<http://ppra.punjab.gov.pk>



Tel: 042-99204572
Fax: 042-36284776

No.L&M(PPRA) PA/Dir(L&M)2019/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, the 18th April, 2022

To,

The Director General,
Rawalpindi Development Authority,
Rawalpindi.

Subject:

DIRECT CONTRACTING FOR THE WORK CONSTRUCTION OF RAWALPIND RING ROAD (38.30 KM) MAIN CARRIAGEWAY FROM BANTH (N-5) TO THAILAIN (M-2) (GROUP-I).

I am directed to refer to the subject cited above and append herewith a letter received from "M/s National Logistic Cell" (The complainant). Main contention of the complainant is regarding discriminatory condition.

2. I am, therefore, directed to obtain the report / comments in annotated form along-with supporting evidence of the instant procurement, if any, within ten (10) days please; as per Section 5(2)(a)(b) & (J) and Section 17 of the Punjab Procurement Regulatory Authority ACT 2009.
3. In order to timely address the issue, kindly ensure that the requisite report is furnished within the stipulated time.


Senior Law Officer
PPRA S&GAD 18/4/22.

CC:

1. The Secretary, Govt. of the Punjab, Housing UD &PHE Department, Punjab, Lahore.
2. PSO to Chairman PPRA / Chief Secretary, Punjab.
3. PS to MD (PPRA).
4. M/s National Logistic Cell Sowon Camp, Rawalpindi.



No. L&M(PPRA) 1-27(W)(I)-CI/2015/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 20th April, 2022

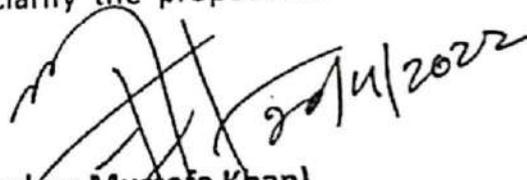
Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

The General Manager (P&C),
Lahore Waste Management Company,
4th & 7th Floor, Shaheen Complex, Egerton Road, Lahore.

Subject: REQUEST FOR GUIDANCE / OPINION ON PRE-QUALIFICATION PROCESS.

I am directed to refer to your letter No. LWMC/P&C/625 dated 04-04-2022, whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the proposition referred vide aforementioned letter is not clear and needs clarification. It is therefore, requested to depute an officer (not below the rank of BS-17) along with complete record of subject procurement, well conversant with the facts of the case to attend the office of undersigned in order to clarify the proposition referred above.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

Cc:

1. The Secretary to the Government of the Punjab, Local Government & Community Development Department, Lahore.
1. PSO to Chairman PPRA / Chief Secretary Punjab.
2. PS to MD PPRA



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)W.P. 18407/2022
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 20th April, 2022

Assistant Registrar Writ-I,
For Additional Registrar (Judicial),
Lahore High Court, Lahore.

Subject: PROVISION OF COPY OF WRIT PETITION AND ALLIED DOCUMENTS.

I am directed to refer to hearing notice received from the Hon'ble Lahore High Court, Lahore in writ petition No. 18407/2022 titled as "M/s Muhammad Riaz & Co & others Vs Government of Punjab & others." (copy enclosed).

2. It is apprised that copy of writ petition and allied documents have not been received with the aforementioned hearing notice. Therefore, PPRA is unable to render its viewpoint in shape of parawise comments before Hon'ble Court. It is therefore, requested to please provide copy of writ petition and allied documents to proceed further in this regard.


(Ghulam Mustafa Khan)
Assistant Director (Legal & Monitoring)
PPRA S&GAD

Cc:

1. Registrar Lahore High court, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



No. L&M(PPRA) 1-21(W)(I)-AD/2018
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 20th April, 2022

Executive Engineer (OP),
For Chief Engineer, Irrigation Potohar Zone,
Rawalpindi / Islamabad.

Subject: ADVICE ON HIRING OF SHORT CONSULTANCY SERVICES.

I am directed to refer to your letter No. CE/PTR/IRRI/2022/580/16-D dated 07-04-2022, whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It is apprised that PPRA has already rendered its opinion vide this office letter of even No. dated 21-01-2022 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter.


Senior Law Officer
PPRA S&GAD 20/4/22

Cc:

1. Secretary to the Government of the Punjab, Irrigation Department Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



No. L&M(PPRA)1-16(SOC)(II)-AB/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 20th April, 2022

Muhammad Naveed Akhtar,
Project Director (B&W),
Punjab Tianjin University of Technology,
Near Green town Police Station, Township, Lahore.

Subject: SEEKING ADVICE ON ADDITIONAL 5% GST IMPOSED BY GOVERNMENT FOR PURCHASE OF COMPUTERS & LAPTOPS.

I am directed to refer to your letter No. PTUT/PD/22/295 dated 06.04.2022 on the subject whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It is apprised that deduction of imposition of applicable taxes do not fall under the PPRA legal framework. Therefore, the procuring agency is advised to approach the relevant forum i.e. Federal Board of Revenue (FBR) etc. for the guidance and settlement of issues.

3. It is, however, apprised that bidding documents is an important part of the procurement mechanism which also requires to include the evaluation criteria along with all terms and conditions. The evaluation criteria / terms and conditions are to be formulated as per rule 31 of PPR-14 and evaluation is conducted under rule 32(1)&(3) of PPR-14 which stipulate that:

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.

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.

(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.

4. It is the responsibility of Procuring Agency to formulate unambiguous evaluation criteria. The Procuring Agency always has the option of re-bidding under Rule 22&23 of PPR-14. Action against the defaulting contractors may also be taken under Rule 21 of PPR-14 read with the Schedule appended with the Rules.

5. The Procuring Agency is advised to seek guidance from the above said discussion / Rules to decide the issue strictly in accordance with PPR-14 read with terms & conditions contained in bidding document after the fulfillment of all other legal/codal requirements.


Senior Law Officer
PPRA S&GAD 20/4/22

CC:-

1. Secretary to the Govt. of the Punjab, Higher Education Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-15(SOC)(AB)(LHR)(8)/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 20th April, 2022

The Medical Superintending,
Sir Ganga Ram Hospital,
Lahore.

Subject: PROCUREMENT AGAINST GENERAL TENDERS LESS CDR / BID SECURITY.

I am directed to refer to your letter No. 2657/Gr dated 28-03-2022 whereby an advice has been sought on the subject cited above.

2. Contents of the subject letter reveal that the procuring agency demanded bid security @ 2 % of estimated cost. On the opening of financial bid, it revealed that the 1st lowest bidder had submitted less amount of bid security as required in the bidding documents. The procuring agency demanded Rs. 9,28,020/- as bid security whereas the lowest evaluated bidder has submitted Rs. 9,02,000/- with deficient amount of Rs. 26020/-. If the 1st lowest bidder is declared non-responsive on account of minor deficient amount of bid security and 2nd lowest bidder is awarded the contract, then loss of Rs. 22,00,000/- would occur to the National exchequer. Now, the procuring agency has approached PPRA as to what modus operandi should be adopted in the instant circumstances.

3. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that all such matters should be decided on case to case basis as per the facts of each individual case. However, Rule 33 (2) of PPR-14 is very much clear in the instant proposition (i.e. deficient amount of bid security), which provides an option to the procuring agency to seek and accept such clarifications, which do not change the substance of the bids. The Rule ibid stipulates that:

33. Clarification of 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.

4. It may further be added that after finalization of the bid process (which culminates to the selection of lowest evaluated bidder) the bid security is substituted (not converted) with performance guarantee i.e. performance guarantee in accordance with Rule 56 of PPR-14 shall be submitted by the lowest evaluated bidder and bid security shall be released by the procuring agency in favour of lowest evaluated bidder. The Rule ibid stipulates that:

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.

5. The procuring agency should prudently consider the difference of price quoted by the bidders (first and second) and should decide to award the contract keeping in view the "value for money" as defined in Rule 2(ae) read with "principles of procurement" as enunciated in Rule 4 of PPR-14. The Rules ibid stipulate that:

2.(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.

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.

6. The procuring agency is advised to seek guidance from the above said Rules ibid / discussion to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


Senior Law Officer
PPRA S&GAD 20/4/22

Cc:

1. Secretary to the Govt. of Punjab, Specialized Healthcare & Medical Education Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Tel: 042-99204572
Fax: 042-36284776

No. L&M(PPRA)1-17(G)(I)-AD/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 20th April, 2022

The AIG / Logistics,
For Provincial Police Officer / IGP,
Police Department,
Lahore.

Subject: GUIDANCE / CLARIFICATION.

I am directed to refer to your letter No. 1030/C-I dated 07.04.2022 on the subject whereby an advice has been sought regarding initiation of prequalification process for the purchase of different items i.e. stitched uniform, boots, bullet proof helmet, bullet proof jacket etc. in early April i.e. three months prior to the commencement of financial year 2022-23.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that Rule 8 of PPR-14 requires that Annual Procurement Plan (APP) shall be uploaded within one month from the commencement of each financial year. Rule ibid stipulates that:

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.

3. PPRA is of the view that true connotation of ibid rule provides a cut off date for the formulation and uploading date of APP for each financial year. However, if a procuring agency has sufficient and reasonable justifications for the early formulation / uploading of APP and materialization thereof, in order to ensure the timely availability of uniform articles, the procuring agency may opt the same after providing certain checks and safeguards.

4. In view of forgoing facts, the procuring agency may go ahead with the proposed early formulation / uploading of APP and materialization thereof, after incorporating the following minimum safeguards in the Prequalification Notice / Request of Tender and the bidding documents, in order to avoid any legal implication:

- I. In case of non-availability / allocation of sufficient required funds, the whole procurement may be scrapped and in such case the procuring agency shall incur no liability towards the prospective bidders.
- II. Keeping in view the availability of funds, the quantity may be increased / decreased strictly as per the provisions of PPRA Law / Rules.

Senior Law Officer

PPRA S&GAD

20/4/22

CC:-

1. The Inspector General Police, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
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To,

No. L&M(PPRA) 1-16(SOC)/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 21st April, 2022

Section Officer (Audit),
Higher Education Department,
Lahore.

Subject:

PROBE OF AUDIT PARA NO. 04 "IRREGULAR AWARD OF CONTRACT OF
CANTEEN RS. 9,600,000/-, OUTSTANDING RECOVERY OF TAX, FINE AND
UTILITY CHARGES RS.1.95,516/-, RECORD OF AUCTION OF 2019-20 NOT
PRODUCED" FOR THE YEAR 2018-20 OF GOVT. COLLEGE WOMEN UNIVERSITY,
FAISALABAD.

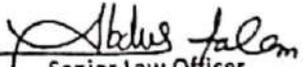
I am directed to refer to your letter No. SO(AUDIT)3-16/2022(F-03) dated 31/03/2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). There is no express provision available in PPR-14 regarding settlement of audit paras. Moreover, PPR-14 also does not have any mandate for the condonation of irregularities / regularization of a process once carried out in violation of PPR-14. Therefore, it is the procuring agency which has to get the issue settled through relevant forums i.e. SDAC/ PAC etc. Furthermore, deduction / imposition of applicable taxes do not fall under the PPRA legal framework.

3. It is apprised that Punjab Procurement Regulatory Authority has been established under Punjab Procurement Regulatory Authority Act 2009 (Amended 2016) to regulate the procurement of goods, services and works in the public sector and for matters connected therewith. The definition of public procurement as provided in section 2(n) of PPRA Act 2009 envisages that:

2(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".

4. In view of above, PPRA is of the view that the proposition referred does not fall within the definition of public procurement and hence ambit of PPRA as well. Therefore, the procuring agency is advised to approach the relevant forums i.e. Punjab Revenue Authority (PRA) or Federal Board of Revenue (FBR) etc. for the settlement of the issues.


Senior Law Officer
PPRA S&GAD 21/4/22

Cc:

1. Secretary to the Govt. of the Punjab, Higher Education Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



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No. L&M(PPRA) 1-15(SOC)(AB)(LHR)(1)/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 29th April, 2022

The Medical Superintending,
Jinnah Hospital,
Lahore.

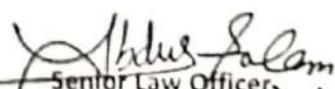
Subject:

PROCUREMENT OF LINEAR ACCELERATOR DUAL ENERGY, LINEAR
ACCELERATOR SINGLE ENERGY, C.T. SIMULATOR & BRACHYTHERAPY
AGAINST APPROVED ADP SCHEME FOR RADIOTHERAPY DEPARTMENT,
JINNAH HOSPITAL LAHORE.

I am directed to refer to your letters No. 15648/Admn/JHL dated 18-04-2022 and No. 16379/ADMN/JHL dated 22-04-2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It is apprised that a number of complaints have been filed by different firms / bidders against the subject procurement process. To redress their grievances, all parties were heard at length on 26-04-2022 at the office Chamber of Managing Director PPRA. One of the complainant i.e. M/s Varitron apprised the Chair that they have come to know about the new fact with respect to the blacklisting of one of the respondent / affected firm i.e. M/s Shirazi Trading and concealment of facts in this regard. During the course of hearing, the competent authority advised all the complainants to submit their grievances / allegations / submissions / objections in written form on or before 29-04-2022 which shall be shared with the procuring agency and affected firms. The procuring agency and affected firms i.e. M/s Aimed Solution & M/s Shirazi Trading were also directed to submit their reply on the grievances / allegations / submissions / objections submitted by the complainants on or before 10-05-2022. The case is now fixed for hearing on 12-05-2022, and after affording personal hearing / case will be decided.

3. However, there is nothing on the record which prevents the procuring agency to take decision strictly as per law / rules / facts and the bidding documents specially with respect to the issue of blacklisting of the firm / bidder.


Senior Law Officer,
PPRA S&GAD

29/4/22

Cc:

1. Secretary to the Govt. of Punjab, Specialized Healthcare & Medical Education Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Tel: 042-99204572
Fax: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-16(SOC)(1)-AD/2022
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 29th April, 2022

The Director of Education (Colleges),
Faisalabad Division,
Faisalabad.

Subject:

**CLARIFICATION REGARDING PURCHASE OF FURNITURES WAS ADVERTISED
ON 09-09-2021 IN NEWSPAPER DAWN & EXPRESS.**

I am directed to refer to your letter No. 3069/CT dated 08.04.2022 on the subject whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that principle method of procurement is open competitive bidding process as provided in rule 22 & 23 of PPR-14. However, rule 59 of PPR-14 has also introduced alternative methods of procurement under specific circumstances as mentioned therein in order to address different kinds of situations including repeat order under rule 59(c)(iv) of PPR-14 which shall not exceed fifteen percent of the original procurement. The rule ibid stipulates that:

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

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

3. It is further apprised that if the current expenditure for the procurement of furniture falls within the threshold of 15% of the original procurement of furniture items only (not the whole tender) then the procuring agency may proceed with the rule ibid. However, in other case, provisions, of rule 22 & 23 i.e. open competitive bidding process shall be adopted.

4. The Procuring Agency is advised to seek guidance from the above said discussion / Rules to decide the issue strictly in accordance with PPR-14 read with terms & conditions contained in bidding document after the fulfillment of all other legal/codal requirements.

Abdus Salam
Senior Law Officer
PPRA S&GAD 29/4/22

CC -

1. Secretary to the Govt. of the Punjab, Higher Education Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204112
Fax: 042-36288178
Tel: 042-36288178

No. LEM(PPRA)1-15(SOC)(1)/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, 5&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 29th April, 2022

To,

The Principal,
Quad-1-Azam Medical College, B.V. Hospital,
Jubilee Female Hospital, School of Nursing Bahawalpur,
Bahawalpur

Subject: GUIDELINE REGARDING THE MATTER OF NON-SUPPLY OF PHOTOSTAT PAPER 70GM & 80GM IN THE TENDER FOR THE PURCHASE OF STATIONARY STORE ITEMS FOR QAMC & ALLIED INSTITUTIONS FOR THE FINANCIAL YEAR 2021-22.

I am directed to refer to your letter No. 9620 dated 06.04.2022 on the subject whereby an advice has been sought on the subject cited above.

2. PPRA role mostly ends up after the contract is executed, which is dealt under contract Law (Act) but as PPRA has been approached to advice and guide, hence it is intimated that after the execution of the contract between the parties the execution of contract modalities become obligation of all the parties to contract. In terms of Section 37 of the Contract Act 1872, the obligations of the parties to the contract are to be discharged according to the contents of signed contract. The procuring agency is required to affirm if the clause pertaining to force majeure was part of the contract or otherwise.

3. It is further added here that if a contractor has not performed the contract up to the mark or consistently failed to perform his obligation under the contract then in addition to the forfeiture of bid security, (as per terms & conditions of bidding documents / contract agreement) a procuring agency may also initiate blacklisting proceeding against such bidder or contractor under rule 21 (1) of PPR-14 (if needed so). The rule ibid stipulates that:

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

For the information of the procuring agency, it is apprised that the detail procedure of blacklisting has been provided under the Schedule providing blacklisting process or mechanism appended with PPR-14.

4. It is further apprised that principle method of procurement is open competitive bidding process as provided under Rule 22 & 23 of PPR-14. However, Rule 59 of PPR-14 has also provided alternative methods of procurement under specific circumstances as mentioned therein, to address different kinds of situations including urgency under Rule 59(d)(iii) of PPR-14. The definition of urgency has been provided under Rule 2(ad) of PPR-14. However, the reasons to invoke extreme urgency should not be attributable towards the procuring agency. The Rules *ibid* stipulate that:

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

59. Alternative methods of procurements.- (d) 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:

(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;

5. The procuring agency is advised to seek guidance from above said discussion / Rules *ibid* and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / codal requirements especially adhering to the principle of value for money.


Senior Law Officer
PPRA S&GAD
29/4/22

CC:-

1. Secretary to the Govt. of the Punjab, Specialized Healthcare & Medical Education Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-27(W)(II)-AD/2016
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 27th April, 2022

To,

Mr. Akbar Munir,
Director Engineering,
Walled City of Lahore Authority,
54-Lawrence Road, Lahore.

Subject: PILOT URBAN REHABILITATION AND INFRASTRUCTURE IMPROVEMENT PROJECT PACKAGE-II FROM CHOWK PURANI KOTWALI TO RIM MARKET THROUGH CHOWK CHUNNA MANDI, MOTI BAZAR WALLED CITY.

I am directed to refer to your letter No. ENGG.WING/WCLA/PACKAGE II/2022/25 dated 04/04/2022 whereby an advice has been sought on the subject cited above

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). There is no express provision available in PPR-14 regarding settlement of audit paras. Moreover, PPR-14 also does not have any mandate for the condonation of irregularities / regularization of a process once carried out in violation of PPR-14. Therefore, it is the procuring agency which has to get the issue settled through relevant forums i.e. SDAC/ PAC etc.

3. It is however, apprised that rule 12 (2) of PPR-14 requires that the tender notice for the procurement exceeding three million rupees shall be published in at least two national daily newspapers of wide circulation, one in English and one in Urdu along with PPRA website. The rule ibid stipulates that:

12. Method of advertisement.— *Save as otherwise provided in these rules, (2) Subject to rule 13, any procurement exceeding [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.*

5. The procuring agency is advised to seek guidance from the above said Rule / discussion & proceed strictly in accordance with the PPRA law / Rules after fulfillment of all other legal / codal formalities.

Senior Law Officer
PPRA S&GAD

Cc:

1. Secretary to the Govt. of the Punjab, Local Government & Community Development Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Tel: 042-99224872
 Ex: 342-36284774
 Fax: 042-36284776

No. L&M(PPRA) 1-17(G)(I)-AD/2014
 PUNJAB PROCUREMENT REGULATORY
 AUTHORITY, S&GAD
 3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 10th May, 2022

The Director (Admin & Finance),
 Punjab Forensic Science Agency,
 Home Department,
 Thokar Niaz Baig,
 Lahore.

Subject: REQUEST FOR PROVISION OF ADVICE AS PER PPRA RULES.

I am directed to refer to your letter No. A.D(PUR)/PFSA/L.S/2-216/2021 dated 06/05/2022 on the subject whereby an advice has been sought regarding award of contract.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Revision of PC-1 is the prerogative of Planning & Development Department (P&D) and, as reported, amended PC-1 has already been approved by Provincial Development Working Party (PDWP), P&D Department. It is further apprised that award of contract under rule 55 of PPR-14 (to the lowest evaluated bidder) and determination of price reasonability (keeping in view the then prevailing market rates, inflation rate, fluctuation in the dollar price, all applicable taxes / duties and imposition of new taxes) and estimated cost of any procurement is the responsibility of the procuring agency. The Rule 1bid stipulates that:

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.

3. Matter has been examined. The procuring agency has also reported that certain precautionary measures were taken and a "Price Reasonability committee" was constituted to evaluate the difference / reasonability of price quoted by the lowest evaluated bidder keeping in view the prevailing market rates and escalation in the price of dollar etc. The committee, after threadbare analysis of case recommended that the instant procurement process should be completed. It is appreciable that a "Price Reasonably Committee" has been constituted by the procuring agency in order to evaluate the reasonability of price quoted by the lowest bidder. The principle of "value for money" will be the touchstone to gauge the quality of public procurement. It is given as follows:

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2.(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.

The procuring agency may proceed further in the light of above said discussion fulfilment of all other legal / codal requirements.


Senior Law Officer

PPRA S&GAD

9/5/22

Secretary to the Govt. of the Punjab, Home Department, Lahore.
PSO to Chief Secretary Punjab/Chairman PPRA.
PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-35(SOC)(I)-AB/2018
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 09th May, 2022

The Director (HR & Admin),
Punjab Education Foundation,
52-L, Gulberg III, Near Kalma Chowk,
Lahore.

Subject: CLARIFICATION REGARDING ACCEPTING HIGHER SPECIFICATIONS OFFERED BY BIDDER.

I am directed to refer to your letter No. PEF/ADMIN/PROC/PPRA/2021-22/1947 dated 25/04/2020 on the subject whereby an advice has been sought as to whether the procuring agency can accept the offer of the lowest evaluated bidder for the supply of tablets with higher / equal specs instead of quoted specification or otherwise.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that bidding documents is an important part of the procurement mechanism which also requires to include the evaluation criteria along with all terms and conditions. The evaluation criteria / terms and conditions set forth in the bidding documents for the evaluation of bids are the main driving force which steers the evaluation process. Rule 32 (1) & (3) are very much clear in this regard which stipulate that:

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.

(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.

3. As far as the matter to accept the higher specs on same rate is concerned, the procuring agency before deciding to accept the same should ensure the quality of the product offered vis-à-vis brand as it is a common factor that a higher specs item of non-familiar / cheaper brand than that quoted by the bidder in bid, are usually available at lower price.

4. As the bidder is offering high specs hence the procuring agency is advised to seek guidance from above said discussion to decide the issue keeping in view the concept of "value for money" as defined in rule 2(ae) of PPR-14 read with "principles of procurement" as enunciated in rule 4 of PPR-14. The Rules ibid stipulate that:

2.(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

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.


Senior Law Officer
PPRA S&GAD, 9/5/22

CC:-

1. Secretary, to the Govt. of the Punjab, School Education Department, Lahore
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-04204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-17(G)(I)-AB/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 10th May, 2022

The Director (Admin & Finance),
Punjab Forensic Science Agency,
Home Department,
Thokar Niaz Baig,
Lahore.

Subject: REQUEST FOR PROVISION OF ADVICE AS PER PPRA RULES,

I am directed to refer to your letter No. A.D(PUR)/PFSA/LS/2-216/2021 dated 06/05/2022 on the subject whereby an advice has been sought regarding award of contract.

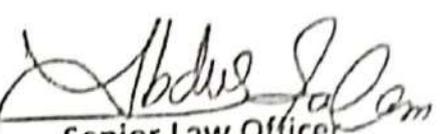
2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Revision of PC-I is the prerogative of Planning & Development Department (P&D) and, as reported, amended PC-I has already been approved by Provincial Development Working Party (PDWP), P&D Department. It is further apprised that award of contract under rule 55 of PPR-14 (to the lowest evaluated bidder) and determination of price reasonability (keeping in view the then prevailing market rates, inflation rate, fluctuation in the dollar price, all applicable taxes / duties and imposition of new taxes) and estimated cost of any procurement is the responsibility of the procuring agency. The Rule ibid stipulates that:

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.

3. Matter has been examined. The procuring agency has also reported that certain precautionary measures were taken and a "Price Reasonability committee" was constituted to evaluate the difference / reasonability of price quoted by the lowest evaluated bidder keeping in view the prevailing market rates and escalation in the price of dollar etc. The committee, after threadbare analysis of case recommended that the instant procurement process should be completed. It is appreciable that a "Price Reasonably Committee" has been constituted by the procuring agency in order to evaluate the reasonability of price quoted by the lowest bidder. The principle of "value for money" will be the touchstone to gauge the quality of public procurement. It is given as follows:

2.(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.

4. The procuring agency may proceed further in the light of above said discussion after fulfilment of all other legal / codal requirements.


Senior Law Officer
PPRA S&CAD 9/5/22

CC:-

1. Secretary to the Govt. of the Punjab, Home Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-35(SOC)(I)-AB/2018
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 09th May, 2022

The Director (HR & Admin),
Punjab Education Foundation,
52-L, Gulberg III, Near Kalma Chowk,
Lahore.

Subject: CLARIFICATION REGARDING ACCEPTING HIGHER SPECIFICATIONS OFFERED BY BIDDER.

I am directed to refer to your letter No. PEF/ADMIN/PROC/PPRA/2021-22/1947 dated 25/04/2020 on the subject whereby an advice has been sought as to whether the procuring agency can accept the offer of the lowest evaluated bidder for the supply of tablets with higher / equal specs instead of quoted specification or otherwise.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that bidding documents is an important part of the procurement mechanism which also requires to include the evaluation criteria along with all terms and conditions. The evaluation criteria / terms and conditions set forth in the bidding documents for the evaluation of bids are the main driving force which steers the evaluation process. Rule 32 (1) & (3) are very much clear in this regard which stipulate that:

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.

(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.

3. As far as the matter to accept the higher specs on same rate is concerned, the procuring agency before deciding to accept the same should ensure the quality of the product offered vis-à-vis brand as it is a common factor that a higher specs item of non-familiar / cheaper brand than that quoted by the bidder in bid, are usually available at lower price.

4. As the bidder is offering high specs hence the procuring agency is advised to seek guidance from above said discussion to decide the issue keeping in view the concept of "value for money" as defined in rule 2(ae) of PPR-14 read with "principles of procurement" as enunciated in rule 4 of PPR-14. The Rules ibid stipulate that:

2.(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

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.


Senior Law Officer
PPRA S&GAD 9/5/22

CC:-

1. Secretary, to the Govt. of the Punjab, School Education Department, Lahore
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Dated Lahore, 10th May, 2022

Anser Nawaz Chatha,
Manager Administration & HR
Punjab Educational Endowment Fund (PEEF),
Ali Town Station, Raiwind Road, Thokar Niaz Baig,
Lahore.

Subject: REQUEST FOR ADVISE AGAINST TENDER "INVITATION OF BID/PROPOSAL FOR HIRING OF THIRD PARTY SERVICES FOR THE PROVISION OF ARMED SECURITY GUARDS (04) FOR PEEF".

I am directed to refer to your letter No. PEEF/admin/2022/2070 dated 21-04-2022 on the subject whereby an advice has been sought regarding award of contract.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA has repeatedly clarified that in case services (janitorial / security services etc.) where minimum wages are required to be considered, the procuring agency must evaluate that only on the basis of quoted wages and profit; and must ensure that all rates / taxes fees are same which does not need to be included in evaluation. Rule 55 of PPR-14 also requires that the lowest evaluated bid must be compliant to the other state laws, the rule ibid stipulates that:

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.

3. The procuring agency should evaluate & decide the lowest evaluated bidder keeping in view the wage rate which shall always be equal to or more than the minimum wage rate as notified by the Labour & Human Resource Department. All applicable rates / taxes shall be taken as mandatory and constant and shall not be considered while evaluating the bids. Any bid which is devoid of aforementioned parameters may carry the inbuilt tendency to obviate the state Law / Rules which cannot be permitted.

4. Furthermore, it is the prime responsibility of grievance redressal committee (GRC) to decide such disputes / grievances under Rule 67 of PPR-14. It is further apprised that PPRA cannot examine & decide the grievance (filed by any bidder) on behalf of Grievance

Redressal Committee (GRC) which has been entrusted with the express power to decide the same under rule 67 of PPR-14. The rule ibid stipulates that:

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 [ten] days after the announcement of the bid evaluation report.

(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.

5. The procuring agency is advised to seek guidance from the above said discussion & proceed strictly in accordance with the PPRA law / Rules after fulfillment of all other legal / codal formalities.


Senior Law Officer
PPRA S&GAD 11/5/22

Cc:

1. The Secretary, Govt. of the Punjab, School Education Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.

No. L&M(PPRA)1-20(G)/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 12th May, 2022

22
161 012 99504572
15 012 36284774
158 012 36284776

Procurement Specialist,
Punjab Model Bazaars Management Company,
R-102, Iqbal Town,
Lahore.

Subject: REQUEST FOR EXPERT OPINION REGARDING RATES QUOTED BY THE FIRM / CONTRACTOR IN ABOVE / BELOW PERCENTAGE AGAINST TENDER ESTIMATED AMOUNT.

I am directed to refer to your letter No. PRS/ODP/MB/PPRA/04/22 dated 28-04-2022 on the subject whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that it is the prerogative of a Procuring Agency to formulate unambiguous evaluation criteria. The proposition put forth is not very clear. There is no provision in PPR-14 regarding submission of bids on above or below the estimated cost in %age. It is further observed that bidding documents is an important part of the procurement mechanism which also requires to include the evaluation criteria along with all terms and conditions keeping in view the requirements of a specific procurement. The evaluation criteria / terms and conditions are to be formulated as per rule 31 of PPR-14 and evaluation is conducted under rule 32(1)&(3) of PPR-14. Furthermore, under Rule 34 of PPR-14 Procuring Agency has been instructed not to introduce any such condition which is discriminatory and difficult to meet. The Rules *ibid* stipulate that:

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.

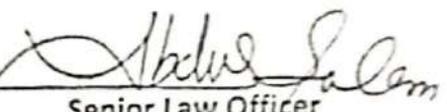
32. Evaluation of bids. (1) All bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set forth in the prescribed bidding document.

(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.

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.

3. The Procuring Agency is advised to seek guidance from the above said discussion / Rules to decide the issue strictly in accordance with PPR-14 read with terms & conditions contained in bidding document after the fulfillment of all other legal/codal requirements. In case of any comprehension issue, a well versed representative may be sent with record for discussion.


Senior Law Officer
PPRA S&GAD 12/15/22

CC:-

1. Secretary to the Govt. of the Punjab, Industries commerce & Investment Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-12(G)/2020/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 12th May, 2022

The Deputy Secretary (General) / Purchase Officer,
Food Department,
Lahore.

Subject: ADDITIONAL PROCUREMENT OF STORE ITEMS (BRADANA) FOR WHEAT
PROCUREMENT SEASON 2022-23.

I am directed to refer to your letter No. SOF-V-1(1)/2022/arrangements dated 11.05.2022 received today, i.e.: 12.5.2022, whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules, 2014 (PPR-14). PPRA is of the view that principle method of procurement is open competitive bidding process as provided in rule 22 & 23 of PPR-14. However, Rule 59 of PPR-14 has also introduced alternative methods of procurement under specific circumstances as mentioned therein in order to address different kinds of situations including repeat order under rule 59(c)(iv) of PPR-14 which shall not exceed fifteen percent of the original procurement. The rule ibid stipulates that:

*59. Alternative methods of procurements.- A procuring agency may utilize the following alternative methods of procurement of goods, services and works.
(c) (iv) repeat orders not exceeding fifteen percent of the original procurement;*

Repeat orders not exceeding 15% of the original procurement may be issued after completion of the original contracts.

3. Furthermore, if the quantity of required procurement exceeds the threshold of 15%, the procuring agency may also invoke the other alternative methods of procurement including "Urgency" as provided under Rule 59 (d)(III) of PPR-14. The definition of "Urgency" has been provided under Rule 2(ad) of PPR-14. However, the reasons to invoke extreme urgency should not be attributable towards the procuring agency. The Rules ibid stipulate that:

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

59. Alternative methods of procurements.- (d) 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:

(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;

The procuring agency has to decide and invoke any of the alternative methods of procurement at its own level; keeping in view the fact that conditions mentioned therein to invoke any of the alternative methods, are fulfilled or otherwise.

4. It is further apprised that either in case of open competitive bidding process under Rule 22 & 23 of PPR-14 or procurement through alternative methods of procurement under Rule 59 of PPR-14 the procuring agency must consider the concept of "value for money" as defined in rule 2(ae) of PPR-14 while effecting the desired procurement. The Rules ibid stipulate that:

2.(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

5. The Procuring Agency is advised to seek guidance from the above said discussion / Rules to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

CC:-

1. Secretary to the Govt. of the Punjab, Food Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. Senior Law Officer, PPRA.
4. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)W.P. 24332/2022
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 12th May, 2022

Assistant Registrar Writ-I,
For Additional Registrar (Judicial),
Lahore High Court, Lahore.

Subject: PROVISION OF COPY OF WRIT PETITION AND ALLIED DOCUMENTS.

I am directed to refer to hearing notice received from the Hon'ble Lahore High Court, Lahore in writ petition No. 24332/2022 titled as "M/s Kashif Builders & Construction etc. Vs Government of Punjab etc." (copy enclosed).

2. It is apprised that copy of writ petition and allied documents have not been received with the aforementioned hearing notice. Therefore, PPRA is unable to render its viewpoint in shape of parawise comments before Hon'ble Court. It is therefore, requested to please provide copy of writ petition and allied documents to proceed further in this regard.


(Ghulam Mustafa Khan)
Assistant Director (L & M)
PPRA S&GAD

Cc:

1. Registrar Lahore High court, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Tel: 042-99204572
Fax: 042-36284776

No. L&M(PPRA)1-17(G)(I)-AD/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 16th May, 2022

The AIG / Logistics,
For Provincial Police Officer / IGP,
Police Department,
Lahore.

Subject: SINGLE COMPLYING BIDDEDR

I am directed to refer to your letter No. 1189/SPO dated 10.05.2022 received on the subject whereby an advice has been sought regarding single complying bidder.

2. The Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that rule 55A of PPR-14 is very much clear in this regard which provides that a procuring agency may award the contract even if a single complying bid / proposal is received. However, in order to invoke the provision of rule 55A, procuring agency must also consider its budgetary constraints, price reasonability as compared to the market rates along with capacity of the bidder to deliver optimally keeping in view the facts of "value for money" as defined under Rule 2(ae) read with "principles of procurement", provided under Rule 4 of PPR-14. In order to invoke the provisions of Rule ibid it should also be ensured that the conditions / criteria (formulated for the evaluation of bids) is not discriminatory as to favour a single bidder as required under Rule 34 of PPR-14. The relevant provisions of PPR-14 are as follows:

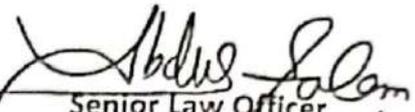
2(ae) "value for money" means the best returns for each rupee spent in terms of quality, timeliness, reliability, after sales service, up-grade ability, price, source, and the combination of whole-life cost and quality to meet the procuring agency's requirements.

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.

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.

55A. Single complying proposal. Subject to rule 35, if one complying bid is received, the procuring agency may award the contract to the bidder."

4. The procuring agency is advised to seek guidance from the above said discussion / rules to decide the Issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


Senior Law Officer
PPRA S&GAD 16/5/22

CC:-

1. The Inspector General Police, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Dated Lahore, 16th May, 2022

Mr. Ahmad Ali,
Chief Engineer (Contracts),
Punjab Industrial Estates, Development and Management Company,
Commercial Area (North) Sundar Industrial Estate, Sundar Raiwind Road,
Lahore.

Subject: CLARIFICATION REGARDING RULE 35 (REJECTION OF BIDS).

I am directed to refer to your letter No. PIE/P&C/PPRA/59/1111 dated 26.04.2022 on the subject whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that there is no provision in PPR-14 regarding submission of bids on above or below the estimated cost in %age. It is apprised that under Rule 35 of PPR-14, a procuring agency may reject all bids or proposals at any time prior to the acceptance of a bid or proposal. Furthermore, under Rule 36 of PPR-14, the procuring agency may initiate the re-bidding process. The Rules ibid are reproduced as follow:

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.

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.

3. As far as matter to award the contract to the second lowest bidder is concerned, the procuring agency should prudently decide to award the contract to 2nd lowest bidder keeping in view the "value for money" as defined in Rule 2(ae) read with "principles of procurement" as enunciated in Rule 4 of PPR-14. It is further apprised that PPRA Rules do not bound any procuring agency to move towards second lowest evaluated bidder and it is incumbent upon the procuring agency to decide the same at its own level. The Rules ibid stipulate that:

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.

2. (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.

4. The Procuring Agency is advised to seek guidance from the above said discussion / Rules to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


Senior Law Officer
PPRA S&GAD 16/5/21

CC:-

1. Secretary to the Govt. of the Punjab, Industries commerce & Investment Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-9(G)(I)-AD/2012
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 16th May, 2022

Deputy Director (LAB),
Environmental Protection Agency,
Gaddafi Stadium,
Lahore.

Subject: SEEKING ADVICE FOR A SINGLE COMPLIANT BID FOR JOB-II UNDER RULE 55-
A.

I am directed to refer to your letter No. 129/DD(LAB)/EPA/2022 dated 08.04.2022 on the subject whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). The proposition put forth is not very clear. There is no provision in PPR-14 regarding submission of bids on above or below the estimated cost. It is further apprised that award of contract under rule 55 of PPR-14 (to the lowest evaluated bidder) and determination of price reasonability (keeping in view the then prevailing market rates, inflation rate, fluctuation in the dollar price, all applicable taxes / duties and imposition of new taxes) and estimated cost of any procurement is the responsibility of the procuring agency. The Rule ibid stipulates that:

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.

3. The Procuring Agency is advised to seek guidance from the above said discussion / Rules to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements. In case of any comprehension issue, a well versed representative may be sent with record for discussion.

Abdus Salam
Senior Law Officer
PPRA S&GAD 16/5/22

CC:-

1. Secretary to the Govt. of the Punjab, Environment Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

Dated Lahore, 24th May, 2022

- I. Medical Superintendent, (Respondent No. 2),
Jinnah Hospital,
Lahore.
- II. Grievance Redressal Committee, (Respondent No. 3),
Jinnah Hospital,
Lahore.
- III. Medical Superintendent, (Respondent No. 4),
Services Hospital,
Lahore.
- IV. Grievance Redressal Committee, (Respondent No. 5),
Services Hospital,
Lahore.

Subject: PROVISION OF ANNOTATED REPLY IN WRIT PETITION NO. 29844/2022
TITLED AS TECHZONE, ETC. VERSUS MANAGING DIRECTOR, PPRA ETC.

I am directed to refer the subject and to enclose herewith order dated 18-05-2022 passed by the Hon'ble High Court Lahore in writ petition No. 29844/2022 titled as "M/S TECHZONE, ETC. Vs MANAGING DIRECTOR, PPRA, ETC". The Hon'ble Court has directed Punjab Procurement Regulatory Authority (Respondent No.1) to decide the issue after providing proper hearing to all the concerned including the petitioner in accordance with relevant provisions of the Punjab Procurement Regulatory Authority Act, 2009 and the Rules, 2014.

2. I am therefore, directed to obtain parawise comments in annotated form from Respondents No. 2 to 5 on the subject petition. It is therefore, requested to provide the requisite annotated reply / parawise comments within three (03) days of the receipt of this letter through a special messenger (not below the rank of BS-17).

3. In order to decide the issue within time line given by the Hon'ble Court, kindly ensure that requisite response is received within stipulated time period.


(Ghulam Mustafa Khan)
Assistant Director (L & M)
PPRA S&GAD

24/5/22

- Cc:
1. Secretary to the Govt. of Punjab, Specialized Healthcare & Medical Education Department, Lahore.
 2. The Registrar Lahore High court, Lahore in compliance of order dated 18-05-2022 passed by Mr. Justice Shujaat Ali Khan in writ petition No. 29844/2022 titled as M/s Techzone etc. Versus Managing Director, PPR.
 3. PSO to Chairman PPRA / Chief Secretary Punjab
 4. Mr. Jahangir A Jhoja, Council for the petitioner, Jhoja Law Associates, 4-A Mozanag Road, Lahore.
 5. PS to MD PPRA.

**PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD**
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 26th May, 2022

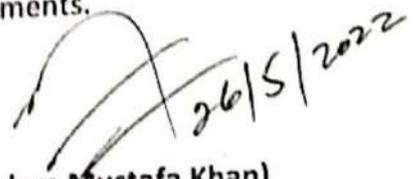
Ms. Rehana Anwar,
Assistant Director (Admin),
Punjab Reform Management Program,
184-A, Upper Mall Scheme, Scotch Corner (Behind NIPA),
Lahore.

Subject

REQUEST FOR ADVICE ON THE LOI FOR HIRING OF FIRM / INSTITUTE /
UNIVERSITY.

I am directed to refer to your letter No. PMU/PRMP/AUDIT&ACCTS/188 dated
11/05/2022 on the subject whereby an advice has been sought regarding prequalification
process.

The case has been examined in the light of Punjab Procurement Rules 2014
[PPR-14]. It is apprised that PPRA has already rendered its opinion on the similar
propositions vide this office letters No. L&M(PPRA)1-15(SOC)(I)/2021 dated 18-02-2022 &
No. L&M(PPRA)1-13(G)(I)-AB/2012 dated 17-03-2022 (Copies enclosed). The procuring
agency may seek guidance from the aforementioned letters in order to decide the issue in
accordance with PPR-14 after fulfilment of all other legal / codal requirements.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

1. Secretary Govt. of the Punjab Planning & Development Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Tel: 042-99204572
 Ext: 042-36284774
 Fax: 042-36284776

NO. L&M(PPRA)/W.P. 28624/2022
**PUNJAB PROCUREMENT REGULATORY
 AUTHORITY, S&GAD**
 3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 26th May, 2022

- I. **The Secretary, (Respondent No. 2),**
 Specialized Healthcare & Medical Education,
 Lahore.
- II. **Medical Director, (Respondent No. 3),**
 Children Hospital & Institute of Children Health,
 Lahore.
- III. **Grievance Redressal Committee, (Respondent No. 4),**
 Children Hospital & Institute of Children Health,
 Lahore.

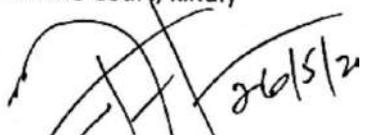
Subject: PROVISION OF ANNOTATED REPLY IN WRIT PETITION NO. 28624/2022
TITLED AS M/s TOTAL TECHNOLOGIES PVT. LTD VERSUS GOP, ETC.

I am directed to refer the subject and to enclose herewith order dated 18-05-2022 passed by the Hon'ble High Court Lahore in writ petition No. 28624/2022 titled as "M/S TOTAL TECHNOLOGIES PVT. LTD VERSUS GOP, ETC". The Hon'ble Court has directed Punjab Procurement Regulatory Authority (Respondent No.5) as follows:

"That respondent No. 5 will either way decide aforesaid representation of the petitioners, strictly in accordance with law expeditiously preferably within a period of 15 days from the date of receipt of certified copy of this order"

2. I am therefore, directed to obtain parawise comments in annotated form from Respondents No. 2 to 4 on the subject petition in order to decide the issue after providing proper hearing to all the concerned including the petitioner in accordance with relevant provisions of the Punjab Procurement Regulatory Authority Act, 2009 and the Rules, 2014. It is therefore, requested to provide the requisite annotated reply / parawise comments within three (03) days of the receipt of this letter through a special messenger (not below the rank of BS-17).

3. In order to decide the issue within time line given by the Hon'ble Court, kindly ensure that requisite response is received within stipulated time period.


 (Ghulam Mustafa Khan)
 Assistant Director (L & M)
 PPRA S&GAD

- To:
1. Secretary to the Govt. of Punjab, Specialized Healthcare & Medical Education Department, Lahore.
 2. The Registrar Lahore High court, Lahore in compliance of order dated 19-05-2022 passed by Mr. Justice Abid Aziz Sheikh in writ petition No. 28624/2022 titled as M/s M/s Total Technologies Private Limited Versus GoP, etc.
 3. PSO to Chairman PPRA / Chief Secretary Punjab
 4. M/s Total Technologies Private Limited, through its Business Manager, Mr. Hamid Majeed Sandhu, having its office at 696-J2, Johar Town, Lahore.
 5. M/s Vertex Medical Private Limited, through its Director, Mr. Ramzan Arif, having its office at 70 MM Alam Road, Block B-1, Gulberg-III, Lahore.
 6. M/s Digionics Private Limited, through its Director, Mr. Qasim Masood, having its office at Shadman 1, Jail Road, G8RJ+V75, Lahore.
 7. PS to MD PPRA.
 8. ✓ PA to SLO.



Tel: 042-99204572
Fax: 042-36284774
042-36284776

No. L&M(PPRA)1-56(8)/2022
**PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD**
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 31th May, 2022

The Director Coordination,
Directorate General Monitoring & Evaluation,
Planning & Development Board,
4th & 5th Floor, BOS Building, 65-Trade Center Block,
M.A Johar Town,
Lahore.

Subject: **REQUEST FOR AN ADVICE REGARDING HOLDING OF RE-TENDER.**

I am directed to refer to your letter No. DGM&E/AC/32 dated 31.05.2022 on the subject whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that under Rule 35 of PPR-14, a procuring agency may reject all bids or proposals at any time prior to the acceptance of a bid or proposal. Furthermore, under Rule 36 of PPR-14, the procuring agency may initiate the re-bidding process. The Rules (bid) are reproduced as follow:

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.

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.

3. The Procuring Agency is advised to seek guidance from the above said discussion / Rules to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.

Abdus Salam
Senior Law Officer
PPRA S&GAD 31/5/22

CC:-

1. Director General, Monitoring & Evaluation, Planning & Development Board, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.

www.ppra.punjab.gov.pk



No. L&M(PPRA)PA/Dir.(L&M)/2019/kw-1
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor Al-Falah Building, The Mall Road Lahore.

Dated Lahore, the 6th June, 2022

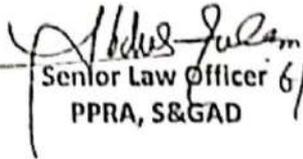
Tel: 042-99204572
Exc. 042-36284774
Fax: 042-36284776

To,

The Deputy Director,
Planning & Procurement (Member),
Irrigation Department,
Lahore.

Subject: MINUTES OF MEETING OF CONSULTYANTS SELECTION COMMITTEE FEASIBILITY
STUDY OF PAIKHEL LIFT IRRIGATION SCHEME.

I am directed to refer to the subject and to append hear with original letter No. 1003-09/28-WI dated 10-05-2022 wrongly delivered to this office (Original copy enclosed); for further necessary action and information please.


Senior Law Officer 6/6/22
PPRA, S&GAD

Cc:

- i) Secretary Irrigation Department, Lahore.
- ii) PS to Managing Director, PPRA.



No. EPRO/PC1/21/APP/WEB-UP/KW
GOVERNMENT OF THE Punjab
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

☎ 346-99205593

Dated Lahore, the 08th June, 2022

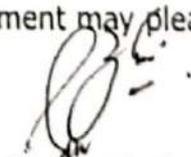
The Managing Director,
Public Procurement Regulatory Authority,
Cabinet Division,
1st Floor, Federal Bank for Cooperatives Building,
Sector G-5/2, Islamabad.

Subject: **DRAFT MEMORANDUM OF UNDERSTANDING (MOU) FOR
DEFINING FRAME WORK FOR DEVELOPMENT OF THE UNIFIED
E-PROCUREMENT SYSTEM AND INTEROPERABILITY
MECHANISM WITH THE PROVINCIAL & REGIONAL PPRAS.**

Kindly refer to letter No. PPRA/PMU/EP-03/2021/35 dated 04.06.2022 on the subject cited above whereby draft MOU to be signed between Federal Public Procurement Regulatory Authority (FPPRA) and Punjab Procurement Regulatory Authority (PPRA) for attainment of DLI-3 of World Bank's program for result (**PforR**) has been furnished.

2. Beside the objective explained in your letter, the provision of e-GP system is also required to achieve the DLR-3 of the Punjab Resource Improvement and Digital Effectiveness (PRIDE) (15% operational budget expenditure process through e-Procurement) as provided in Program Appraisal Document (PAD) agreed with the World Bank by the Govt. of the Punjab. For processing of the case for signing of the MOU, the information with regards to development, testing and successful launching / operationalization of the software with the timeline given against each will be required to be presented before the competent authority.

3. Foregoing in view, it is requested that information with the timelines for each activity involved in development, testing, training and launching/ operationalization and provision of the software to Punjab Government may please be provided at the earliest.


(WAQAR AZIM)
Managing Director, PPRA



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-15(SOC)(I)-CO/2022
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 09th June, 2022

Manager IT,
Punjab Social Security Health Management Company,
Head Office, 30-E III, Model town,
Lahore.

Subject: PSSHMC TENDER REGARDING MPLS CONNECTIVITY SERVICES.

I am directed to refer to your letter No. PSSHMC/EM-PROC/4231/22 dated 22.03.2022 and meeting dated 22-04-2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Since, after completion of procurement process, the operative document is contract signed by both the parties, hence implementation of the clauses of the agreed contract is binding on both the parties. It is a post procurement stage and every contract is bound to be regulated in accordance with the settled terms & condition of the contract between the parties.

3. PPRA role mostly ends up after the contract is executed, which is dealt under contract Law (Act). Since PPRA has been approached to advice and guide, hence it is intimated that after the execution of the contract between the parties the execution of contract modalities become obligation of all the parties to contract. In terms of Section 37 of the Contract Act 1872, the obligations of the parties to the contract are to be discharged according to the contents of signed contract.

4. The procuring agency is advised to seek guidance from above said discussion and proceed as per relevant term and condition of the signed contract; in accordance with PPR-14 after fulfilment of all other legal / codal requirements.


(Ghulam Mustafa Khan)
Assistant Director, L&M
PPRA S&GAD
09/06/2022

CC:-

1. Secretary to the Govt. of the Punjab, Labour & Human Resource Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



No. L&M(PPRA)1-26(G)/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 09th June, 2022

Dr. Muhammad Khalid Farooq,
Director,
Research Centre for Conservation of Indigenous Breeds,
Near Shakarganj Sugar Mills,
Toba Road, Jhang.

Subject: CLARIFICATION REGARDING SECTION 59 (C)(IV) OF PUNJAB PROCUREMENT RULES, 2016.

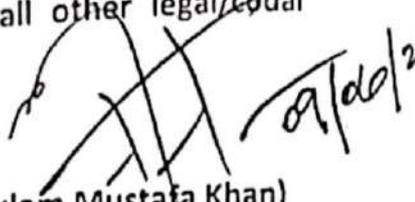
I am directed to refer to your letter No. 1820 dated 23.05.2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that principle method of procurement is open competitive bidding process as provided in Rule 22 & 23 of PPR-14. However, Rule 59 of PPR-14 has also introduced alternative methods of procurement under specific circumstances as mentioned therein in order to address different kinds of situations including repeat order under Rule 59(c)(iv) of PPR-14 which shall not exceed fifteen percent of the original procurement. The rule ibid stipulates that:

59. Alternative methods of procurements.— A procuring agency may utilize the following alternative methods of procurement of goods, services and works.
(c) (iv) repeat orders not exceeding fifteen percent of the original procurement;

3. It is further apprised that there is no express provision available in PPR-14 to increase or decrease the quantity of items, as the same is against the spirit of PPR-14 because quantity always leads to the cost. In case of re-tendering, however, the quantity may be increased or decreased as it will provide level playing field to all prospective bidders. Furthermore, after the completion of procurement process the procuring agency may place repeat orders which shall not exceed fifteen percent of the original procurement under rule 59 (c)(iv) of PPR-14. The true connotation of "fifteen percent of the original procurement" is that the total quantity mentioned the original advertisement.

4. The Procuring Agency is advised to seek guidance from the above said discussion / Rules to decide the issue strictly in accordance with PPR-14 read with terms & conditions contained in bidding document after the fulfillment of all other legal/codal requirements.


(Ghulam Mustafa Khan)
Assistant Director, L&M
PPRA S&GAD

CC:-

1. Secretary to the Govt. of the Punjab, Livestock & Dairy Development Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)3-1/2019
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 15th June, 2022

Chief Officer,
Metropolitan Corporation,
Lahore.

Subject: ADVICE REGARDING EXTENSION OF THE PREVAILING FRAMEWORK CONTRACT FOR THE FINANCIAL YEAR 202-23.

I am directed to refer to your letter No. CO/MCL/1261 dated 26.05.2022 whereby an advice has been sought on the subject cited above.

2. As per contents of subject letter, procuring agency signed contracts with different contractors for the provision of various goods / services / assignments, which are going to expire on 30-06-2022. As per contract agreement clause, the contract may be extended further for the next financial year; with the mutual consent of both the parties. As reported by the procuring agency, all the contractors are agree to extend the contract. The procuring agency intends to seek guidance as to whether said contracts may be extend in accordance with the "extension clause" provided under contract agreement or it should go for fresh procurement process.

3. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA role mostly ends up after the contract is executed, which is dealt under contract Law (Act). Since, after completion of procurement process, the operative document is contract signed by both the parties. It is a post procurement stage and every contract executed in accordance with the settled terms & condition of the contract signed between the parties. It is further apprised that after the signing of the contract between the parties and in terms of Section 37 of the Contract Act 1872, the obligations of the parties to the contract are to be discharged according to the contents of signed contract.

4. PPRA is of the view that concept of "value for money" as defined under Rule 2(ae) of PPR-14 read with "principles of procurement" as enunciated under Rule 4 of PPR-14 are the guiding principles. Therefore, the procuring agency, keeping in view the escalation factor, is the best judge to decide that either the extension of contract or initiation of fresh procurement process would be more appropriate to ensure these guiding principles. The Rules ibid stipulate that:

2.(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

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. In view of forgoing, PPRA is of the view that Procuring Agency may extend the framework contract keeping in view the relevant clause of contract agreement.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

CC:-

1. The Administrator, Metropolitan Corporation, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-35(SOC)(II)-AB/2022
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

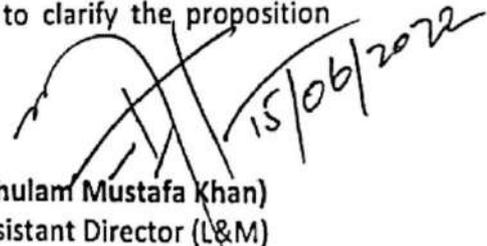
Dated Lahore, 15th June, 2022

The Director (QASS),
Punjab Education Initiatives Management Authority,
50, Babar Block Garden Town, Lahore.

Subject: REQUEST FOR ADVICE REGARDING TRAINING OF TEACHER THROUGH QAED
OF 1596 SCHOOLS FUNCTIONING UNDER PEIMA IN THE PUNJAB.

I am directed to refer to letter No. PEIMA/QASS-TR/2022-4888 dated 13/06/2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the proposition referred vide aforementioned letter is not clear and needs clarification. It is therefore, requested to depute an officer (not below the rank of BS-17) along with complete record of subject procurement, well conversant with the facts of the case to attend the office of undersigned in order to clarify the proposition referred above.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

Cc:

1. Secretary to the Govt. of the Punjab, School Education Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-2(G)/2017
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 13th June, 2022

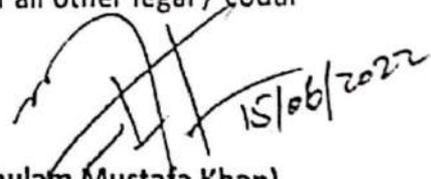
Mr. Shahid Hameed Virk,
Zonal Administrator,
Badshahi Masjid,
Lahore.

Subject: OPINION REGARDING AWARD FOR PROVISION OF SECURITY SERVICES.

I am directed to refer to your letter No. ABM-I(SEcurity)A/2018 dated 19/05/2022 on the subject whereby an advice has been sought as to what course of action will be adopted if the rates quoted by the all contractors are same.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It is apprised that a similar proposition was referred to PPRA by Zonal Administrator Auqaf, data Darbar, Lahore vide letter No. ADS(Security)A/2022/8977 dated 21-02-2022 whereby PPRA has rendered its view point vide this office letter of even No. dated 07-03-2022 (copies enclosed).

3. The procuring agency may seek guidance from the aforementioned letters in order to decide the issue in accordance with PPR-14 after fulfilment of all other legal / codal requirements.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

Cc:

1. Secretary Govt. of the Punjab, Auqaf Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



No. AD5(Security)A/2022/177 Dated: 21-02-2022
 Office of the Zonal Administrator Data Darbar Lahore,
 Department of Auqaf & Religious Affairs Punjab,
 MAD PPRA

181

Copy No.	000672
Date	27-2-22
Dir. (L.S.):	
Dir. (A.S.):	
CEO	<input checked="" type="checkbox"/>
V.P.	
A.O.	
P.S.	

To,

The Senior Law Officer,
 PPRA S&GAD, 3rd Floor, Al-Falah Building,
 The Mall, Lahore.

Subject:- Grievance Regarding Evaluation of Tender (Financial Bid) for Provision of Security Services.

With reference to subject cited above it is stated that the undersigned floated a Tender for Provision of Services of Security Guards at Darbar Hazrat Data Gunj Baksh via Newspapers Advertisement in "Dawn" News dated 4-12-2021 & "Daily Duniya" Dated 5-12-2021 and PPRA's website. Technical bids of the said Tender were opened on 23-12-2021 & afterwards on 13-01-2022 the Financial Bids of Technically Successful companies were opened. As per Financial Bid M/S A.J Security Services Pvt Limited & M/S Klass Security Services Pvt Limited has offered Rate of Rs. 27,593.11 per security guard per month inclusive of all taxes and due to higher ranking in Technical Bid M/S A.J Security Services Pvt Limited has been declared lowest and successful bidder for the said Tender.

After wards the following companies submitted their grievances to departmental Grievances Redressal Committee:

1. M/S Fast Security & Management Services Pvt Limited
2. M/S Klass Security Services Pvt Limited
3. M/S Hatal Blue Security Services

After hearing of grievances the Departmental Grievances Redressal Committee has decided to seek an advice from PPRA Annexure "A"

All above mentioned companies have their own stance that the rates offered by them are as per rules & prevailing laws. You are hereby requested to please guide us in this regard as to which company has offered the lowest rate as per rules & prevailing laws. Break up of Rate offered in Financial Bid by the companies are attached as Annexure "B".

(Signature)
 Zonal Administrator Auqaf
 Data Darbar, Lahore

CC

1. P.A to Director Finance Auqaf Punjab

(Signature)
 Zonal Administrator Auqaf
 Data Darbar, Lahore.



Tel: 042-99704572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-2(G)/17
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th March, 2022

Zonal Administrator Auqaf,
Data Darbar,
Lahore.

Subject: GRIEVANCE REGARDING EVALUATION OF TENDER (FINANCIAL BID) FOR
PROVISION OF SECURITY SERVICES.

I am directed to refer to your letter No. ADS(SECURITY)A/2022/8977 dated 21-02-2022 on the subject whereby an advice has been sought regarding award of contract.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA has repeatedly clarified that in case services (janitorial / security services etc.) where minimum wages are required to be considered, the procuring agency must evaluate that only on the basis of quoted wages and profit; and must ensure that all rates / taxes fees are same which does not need to be included in evaluation. Rule 55 of PPR-14 also requires that the lowest evaluated bid must be compliant to the other state laws, the rule ibid stipulates that:

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.

3. The procuring agency should evaluate & decide the lowest evaluated bidder keeping in view the wage rate (which shall always be equal to or more than the minimum wage rate as notified by the Labour & Human Resource Department). All applicable rates / taxes shall be taken as mandatory and constant and shall not be considered while evaluating the bids. Any bid which is devoid of aforementioned parameters may carry the inbuilt tendency to obviate the state Law / Rules which cannot be permitted.

4. Furthermore, it is the prime responsibility of grievance redressal committee (GRC) to decide such disputes / grievances under Rule 67 of PPR-14 but the GRC has badly failed to do so in the prescribed manner and forwarded the same to PPRA for opinion. It is further apprised that PPRA cannot examine & decide the grievance (filed by any bidder) on behalf of Grievance Redressal Committee (GRC) which has been entrusted with the express power to decide the same under rule 67 of PPR-14. The rule ibid stipulates that:

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 [ten] days after the announcement of the bid evaluation report.

(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.

5. In the instant case (as reported), the purchase committee evaluated all the technical & financial bids. After due evaluation process, it was revealed that two (2) bidders have quoted the same rate. Therefore, in order to decide the lowest evaluated bidder, the procuring agency considered the technical score of both the bidders and declared the lowest evaluated bidder accordingly and uploaded the evaluation report on the website of PPRA. The modus operandi adopted by the procuring agency apparently, seems correct and plausible as per the specific circumstances of subject procurement, as per Rule 2(ae) and Rule 4 of PPR-14. The procuring agency must also, however, consider that the bid of lowest evaluated bidder is compliant to all other laws including minimum wage law / Rules etc.

6. The procuring agency is advised to seek guidance from the above said discussion & proceed strictly in accordance with the PPRA law / Rules after fulfillment of all other legal / codal formalities.

Abul Hasan
Senior Law Officer
PPRA S&GAP

7/3/22

Cc:

1. The Secretary, Govt. of the Punjab, Auqaf Department Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-30(G)/2011/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 15th June, 2022

Mr. Junaid Amjad,
General Manager (Programmes),
Punjab Social Protection Authority,
78-79 D, New Muslim Town, Lahore.

Subject: GRADUATION AND INCOME GENERATION SCHEME FOR PWDs IN PUNJAB.

I am directed to refer to your letter No. PSPA/GM(PROG)/2022/1240 dated 13.04.2022 whereby an advice has been sought on the subject cited above.

2. Contents of the subject letter reveal that Punjab Social Protection Authority (PSPA) launched a scheme titled as "Income Generation Scheme in Punjab through interest free loan for persons with disabilities". Since Punjab Small Industries Corporation (PSIC) had the experience for such projects therefore, PSPA signed a MOU with PSIC to execute the scheme. Initially the MOU was signed for a period of two (02) years, which was extended time to time. A clause was incorporated in the aforesaid MOU which stipulates that:

"This MOU may be amended at any time through mutual consent of the parties in writing. The party wishing to amend the MOU must give the other party a written notice of not less than three months."

After signing of MOU, PSIC initiated open competitive bidding process under rule 22 & 23 of Punjab Procurement Rules 2014 (PPR-14) and awarded the contract to Akhuwat. Now, PSIC intends to transfer back the functional responsibilities of the scheme to PSPA (the procuring agency) under the aforementioned clause. Therefore, PSPA has approached PPRA for seeking guidance / views in this regard.

3. The case has been examined in the light of Punjab Procurement Rules (2014). Rule 64-A of PPR-14 provides that a procuring agency may assign its whole or a part of procurement process to another procuring agency with the consent of that other procuring agency. The Rule *ibid* stipulates that:

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.

It is further added here that if a procuring agency assigns whole or part of procurement process to another procuring agency then the assignee procuring agency shall accomplish the task through open competitive bidding process under rule 22 & 23 of PPR-14.

4. In the instant case, PSPA has assigned, through MOU, the procurement process to PSIC under Rule 64-A of PPR-14, owing to the expertise of PSIC in the similar field. Detail perusal of MOU reveals that, apparently, PSPA assigned the procurement process as a whole. However, by inserting amendment clause in the MOU, it was also provided that modalities of assignment could be revised as per prevailing circumstances through mutual consent of PSPA & PSIC at any stage of procurement process. Therefore, PPRA is of the opinion that, by invoking the amendment clause of MOU, PSIC may transfer back the rest of the procurement process i.e. functional responsibilities for the remaining part of execution of the contract to PSPA (the original procuring agency).

5. The PSPA & PSIC are advised to seek guidance from the above said discussion and to proceed strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


15/06/2012
(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

CC:-

1. Secretary to the Govt. of the Punjab Planning & Development Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



No. L&M(PPRA) 1-27(W)(I)-CO/15/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 13th June, 2022

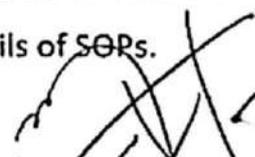
Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

The Managing Director / Program Director,
Punjab Municipal Development Fund Company,
184 Scotch Corner, Upper Mall Scheme, Lahore.

Subject: UPDATION OF PPRA SOPs UNDER PUNJAB CITIES PROGRAM (PCP).

I am directed to refer to your letter PMDFC/207204/9C dated 31-05-2022, on the subject cited above whereby it was requested to share views / input of PPRA on draft SOPs.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the draft SOPs referred vide aforementioned letter needs certain clarifications. It is, therefore, requested to depute an officer (not below the rank of BS-18 along with complete record of subject procurement), well conversant with the facts of the case to attend the office of undersigned in order to discuss the details of SOPs.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

15/06/2022

Cc:

1. The Secretary to the Govt. of the Punjab, LG&CD Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-31(G)(I)-AD(2012)
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 06th June, 2022

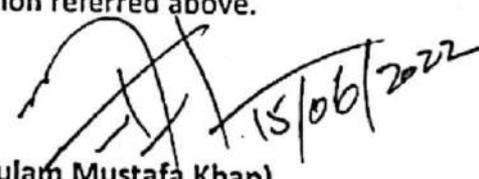
Abdul Qayyum,
Chief Executive officer,
Punjab Population Innovation Fund,
126 Abu Bakar Block New Garden Town Lahore.

Subject: (1)-PRODUCTION AND ON AIRING OF DRAMA SERIAL ON FAMILY PLANNING.
(2)-CLARIFICATION REGARDING PROCUREMENTS OF PROJECT PARTNER.

I am directed to refer to your letters bearing No. PPIF/983 & 984 dated 23.05.2021 whereby an advice has been sought on the subject I & II cited above, respectively.

2. Both the cases have been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the procuring agency has not properly addressed the observations raised vide this office letters of even No. dated 06-09-2021 & 07-12-2021. The propositions referred vide aforementioned letters are not clear and need clarification.

3. It is therefore, requested to depute an officer (not below the rank of BS-18) along with complete record of subject procurements, well conversant with the facts of the cases to attend the office of undersigned in order to clarify the proposition referred above.


(Ghulam Mustafa Khan)
Assistant Director, L&M
PPRA S&GAD

Cc:

1. Secretary to the Govt. of the Punjab, Population Welfare Department, Lahore
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



No. L&M(PPRA) 1-35(SOC)(I)-AB/2018
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 13th June, 2022

Tel. 042-99204572
Ex: 042-36284774
Fax: 042-36284776

The Additional Director (Admin),
Punjab Education Foundation,
52-L, Gulberg III, Near Kalma Chowk, Lahore.

Subject: HONORARIA / MEETIGN FEE FOR CONSULTANT SELECTION COMMITTEE MEMBERS.

I am directed to refer to your letter PEF/ADMIN/PROC/PPRA/2021-22/2024 dated 18-05-2022, whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It is apprised that Punjab Procurement Regulatory Authority has been established under Punjab Procurement Regulatory Authority Act 2009 (Amended 2016) to regulate the procurement of goods, services and works in the public sector and for matters connected therewith. The definition of public procurement as provided in section 2(n) of PPRA Act 2009 envisages that:

2(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".

3. In view of above, PPRA is of the view that the proposition referred does not fall within the definition of public procurement and hence ambit of PPRA as well.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

15/06/2022

Cc:

1. The Secretary to the Govt. of the Punjab, School Education Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



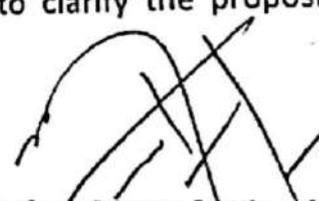
Dated Lahore, 15th June, 2022

The Director Technical (Power),
Chief Engineer (Power),
Energy Department,
1st Floor, Central Design Building,
Irrigation Secretariat, Old Anarkali, Lahore.

Subject: REQUEST FOR ADVICE IN RESPECT OF TENDER FOR THE YEAR 2021-22
SUPPLY OF FURNITURE AND FIXTURES, I.T. EQUIPMENT & MACHINERY AND
ENERGY METER TESTING INSTRUMENTS FOR THE SCHEME TITLED
"ESTABLISHMENT OF METER TESTING LAB AND ADDITIONAL ELECTRIC
INSPECTOR OFFICE IN PUNJAB".

I am directed to refer to your letter No. CE(P)/2022/1257/DS dated 30-05-2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the proposition referred vide aforementioned letter is not clear and needs clarification. It is therefore, requested to depute an officer (not below the rank of BS-17) along with complete record of subject procurement, well conversant with the facts of the case to attend the office of undersigned in order to clarify the proposition referred above.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

CC:-

1. Secretary, to the Govt. of the Punjab, Energy Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Dated Lahore, 20th June, 2022

Chief Operating Officer,
Punjab Cattle Market Management & Development Company,
2nd floor, Commissioner Office, Civil Lines,
Faisalabad.

Subject: AUDIT PARA NO. 12 ISSUED BY THE REGIONAL DIRECTOR AUDIT DISTRICT GOVERNMENT FAISALABAD FOR FY 2019-2020, (IRREGULAR AWARD OF AUCTION AND COLLECTION RIGHTS WITHOUT ADVERTISEMENT ON PPRA WEBSITE RS. 58.743 MILLIONS).

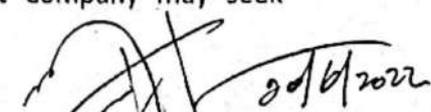
I am directed to refer to your letter No. PCMMDC/FSD/2022/1038 dated 10/06/2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). There is no express provision available in PPR-14 regarding settlement of audit paras. Moreover, PPR-14 also does not have any mandate for the condonation of irregularities / regularization of a process once carried out in violation of PPR-14. Therefore, it is the procuring agency which has to get the issue settled through relevant forums i.e. SDAC/ PAC etc.

3. It is apprised that Punjab Procurement Regulatory Authority has been established under Punjab Procurement Regulatory Authority Act 2009 (Amended 2016) to regulate the procurement of goods, services and works in the public sector and for matters connected therewith. The definition of public procurement as provided in section 2(n) of PPRA Act 2009 envisages that:

2(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"

4. In view of above, PPRA is of the view that the proposition referred does not fall within the definition of public procurement and hence ambit of PPRA as well. Therefore, the office of Punjab Cattle Market Management & Development Company may seek guidance from the relevant Law / Rule in this regard.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

Cc:

1. Secretary to the Govt. of the Punjab, LG&CD Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-19(G)/2011
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 20th June, 2022

Section Officer (HR),
Human Rights & Minorities Affairs Department,
National Tower, Opposite Alwan-e-Iqbal,
28-Egerton Road, Lahore.

Subject: DEVELOPMENT SCHEME TITLED "COMBINED MARRIAGES OF MINORITIES ALL OVER PUNJAB" REFLECTED AT G.SR. 7029 IN ADP 2021-22.

I am directed to refer to your letter SO(HR)HR&MA1-14/2021 dated 08-06-2022, on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Perusal of the attached / provided advertisement reveals that bid validity period for the subject procurement is till 30-06-2022. As per Rule 55 award of contract under rule 55 of PPR-14 to the lowest evaluated bidder is the responsibility of the procuring agency. The Rule ibid stipulates that:

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.

3. PPRA is of the view that bid security of all the bidder (including lowest evaluated bidder) may be returned immediately after 30-06-2022; who do not agree to extend their bid validity period beyond 30-06-2022, as per Rule 28 of PPR-14. The Rule ibid stipulates that:

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.

(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 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."

(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.

4. The Procuring Agency is advised to seek guidance from the above said discussion / Rules to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


(Ghulam Mustafa Khan)
Assistant Director Legal
PPRA S&GAD

Cc:

1. The Secretary to the Govt. of the Punjab, Human Rights & Minorities Affairs
Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.

<http://ppra.punjab.gov.pk>



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-8(G)(I)-AB/2012
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 21st June, 2022

The Director Technical (Power),
Chief Engineer (Power),
Energy Department,
1st Floor, Central Design Building,
Irrigation Secretariat, Old Anarkali, Lahore.

Subject:

**REQUEST FOR ADVICE IN RESPECT OF TENDER FOR THE YEAR 2021-22
SUPPLY OF FURNITURE AND FIXTURES, I.T. EQUIPMENT & MACHINERY AND
ENERGY METER TESTING INSTRUMENTS FOR THE SCHEME TITLED
"ESTABLISHMENT OF METER TESTING LAB AND ADDITIONAL ELECTRIC
INSPECTOR OFFICE IN PUNJAB".**

I am directed to refer to your letter No. CE(P)/2022/1257/DS dated 30-05-2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Bidding documents is an important part of the procurement mechanism which steers the whole procurement process and it also includes the evaluation criteria along with all other terms & conditions. The evaluation criteria / terms and conditions are to be formulated as per rule 31 of PPR-14 and evaluation is conducted under rule 32(1) & (3) of PPR-14. The Rules ibid stipulate that:

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.

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.

(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.

PPRA is of the view that, any bid which is not compliant to the specifications / evaluation criteria / terms & conditions set forth in the bidding documents, is liable to be declared as non-responsive.

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3. It is further apprised that under Rule 35(5) of PPR-14 a procuring agency may restart bidding process from any prior stage if it is possible without violating any principle of procurement contained in Rule 04 of PPR-14. The rule Ibid stipulates that:

35. Rejection of bids (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 contained in rule 4 and shall immediately communicate the decision to the bidders".

4. The Procuring Agency is advised to seek guidance from the aforementioned discussion / Rule to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

CC:-

1. Secretary, to the Govt. of the Punjab, Energy Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-30(G)/2022
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 21st June, 2022

Muhammad Imran Younus,
Secretary,
Grievance Redressal Committee,
Planning and Development Board,
Public Private Partnership Cell,
56-Tipu Block New Garden Town Lahore.

Subject: CLARIFICATION REGARDING PROCUREMENT OF SECURITY SERVICES FOR
PUBLIC PRIVATE PARTNERSHIP CELL P&D BOARD, GOVERNMENT OF
PUNJAB.

I am directed to refer to your letter No. CO(PPP)/P&D/17-351/2019 dated 17-06-2022 above whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It is apprised that PPRA has issued a circular No. L&M(PPRA)10-01/2011 dated 03-12-2018 in this regard and rendered its opinion on the similar propositions vide this office letter No. L&M(PPRA)1-18(W)(i)-AB/2016 dated 01-11-2021 (Copies enclosed).

3. The procuring agency (Planning and Development Board, Public Private Partnership Cell) may seek guidance from the aforementioned circular and letter; in order to decide the issue at own level in accordance with PPR-14 after fulfilment of all other legal / codal requirements.


22/06/2022
(Ghulam Mustafa Khan)
Assistant Director
PPRA S&GAD

CC:-

1. Secretary to the Govt. of the Punjab, Planning & Development Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Dated Lahore, 22nd June, 2022

Qaiser Mehmood,
Secretary / Additional Director (staff),
For DG NAB Multan.

Subject:

PREVENTION COMMITTEE ON "TRANSPARENCY IN PROCUREMENTS,
STOCKING AND CONSUMPTION OF PHARMACEUTICAL MEDICINES /
DISPOSABLE ITEMS AND INSTRUMENT / EQUIPMENT BY THE PUBLIC SECTOR
MEDICAL FACILITIES / HOSPITALS"

I am directed to refer to your letter No. 4(1)/PC/PREV/A&P/NAB-M/06 dated 27-04-2022, whereby comments of Punjab Procurement Regulatory Authority have been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Regulatory Authority Act, 2009 & PPR-14. The annotated reply / response of PPRA to the proposition / queries raised by the NAB Multan, is as under:

Sr. No.	Query	PPRA observation
1.	It is stressed by members that to effectively and vigilantly supervise local purchase and formulation of standard bidding documents for the sub-ordinate offices / procuring agencies; administrative department i.e. P&SHD Punjab claimed to be bereft of legal enforcement mechanism and believes to have little operational oversight as sub-ordinate offices are independent procuring agencies vide PPRA rules.	It is apprised that "procuring agency" has been defined under section 2(l) of PPRA Act, 2009 which stipulates that: 2.(l) "procuring agency" means: (i) a department, attached department of the Government; (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; It is further apprised that under Section 5(2)(h) of PPRA Act, 2009, PPRA has

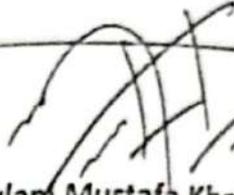
formulated the template Standard Bidding Documents (SBDs) for the procurement of goods, works, services & consultancy services. These template SBDs are uploaded on PPRA website. A circular dated 25-09-2021 with a Reminder circular date 17-01-2022 (copy enclosed) was issued by PPRA whereby it was requested to all the procuring agencies to share their concrete and useful suggestions for the improvement of SBDs. The Primary & Secondary Healthcare (P&SHC) Department may forward their valuable input to PPRA to streamline the "local purchase". The viewpoint of P&SHC shall be incorporated in the SBDs accordingly.

PPRA is of the view that Primary & Secondary Healthcare Department being administrative department may devise & issue any kind of instructions / guideline, (which are not inconsistent with PPR-14) to all such procuring agency, which fall under its administrative control. Recently, in pursuance of an advice issued by PPRA vide letter No. L&M(PPRA1-15(SOC)(I)/2021 dated 22-12-2022, Specialized Healthcare & Medical Education (SHC&ME) Department has issued certain instructions to the procuring agencies laying under their administrative control vide letter No. SP(P-I)/H/1-4/2021 (PPRA) dated 24-12-2021 (copies enclosed) to complete the early procurement of medicine. PPRA is of the view that P&SHD may also opt such kind of mechanism for effective and vigilant procurement of local purchase of medicine.

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II.	Members have drawn attention towards section 5(2)(d) and (h) of PPRA Act and of the view that procurements are not being regulated, which has caused confusion, improper and inconsistent application of rules.	Under Section 5(2)(d) of PPRA Act, regulation for Punjab Procurement Rules 2014 are in process and soon it will be publicized for the all public procuring agencies. However, under Section 5(2)(h) of PPRA Act, 2009, Standard Bidding Documents (SBDs) has been formulated and uploaded on the website of PPRA.
III.	It is observed that efficient, effective and timely procurements are vulnerable to extensive timelines of procurement & usage (from 180 to 235 days) and contracts cannot be awarded as per advertised quantity timely. Resultantly it increases the burden of local purchase. It is suggested by members that extensive timelines in procurements could be adjusted through usage of exceeding budget @ 25% of new financial year for its first quarter through amendments in rule 59 (c)(iv) of PPRA rules.	<p>Principle method of procurement is open competitive bidding process as provided in rule 22 & 23 of PPR-14. However, Rule 59 of PPR-14 has also introduced alternative methods of procurement under specific circumstances as mentioned therein in order to address different kinds of situations including repeat order under rule 59(c)(iv) of PPR-14 which shall not exceed fifteen percent of the original procurement. The rule ibid stipulates that:</p> <p>59. Alternative methods of procurements.— A procuring agency may utilize the following alternative methods of procurement of goods, services and works.</p> <p>(c) (iv) repeat orders not exceeding fifteen percent of the original procurement;</p> <p>Repeat orders not exceeding 15% of the original procurement may be issued after completion of the original contracts.</p> <p>It is further apprised that, in pursuance of an advice issued by PPRA vide letter No. L&M(PPRA1-15(SOC)(I)/2021 dated 22-12-2022, Specialized Healthcare & Medical Education (SHC&ME) Department has issued certain instructions to the procuring agencies laying under their administrative control vide letter No. SP(P-I)H/1-4/2021</p>

(PPRA) dated 24-12-2021 (copies enclosed)
to complete the early procurement of
medicine. Therefore, instead of amendment
in Rule 59(c)(iv) of PPR-14, Primary &
Secondary Healthcare Department may
follow the likewise mechanism adopted by
SHC&ME.


22/06/2022
(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

Cc:

1. Director General, NAB, Multan.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA

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SO(P-I)H/1-4/2021(PPRA)
GOVERNMENT OF THE PUNJAB
SPECIALIZED HEALTHCARE & MEDICAL
EDUCATION DEPARTMENT

Dated Lahore, the 24th December, 2021



To

- 1 All Vice Chancellors of Medical Universities In Punjab
- 2 All Principals of Autonomous Medical Institutions In Punjab
- 3 All Heads of Specialized Health Institutions In Punjab
- 4 All Medical Superintendents of Teaching Hospitals In Punjab
- 5 The Dean, Pakistan Kidney & Liver Institute, Lahore

Subject: ANNUAL PROCUREMENT CALENDAR FOR FY 2022-23 AND ONWARDS.

Kindly refer to the subject cited above.

2. It has been observed that the procuring agencies under the administrative domain of Specialized Healthcare & Medical Education (SHC&ME) Department start their vital procurement processes in July / August every year causing un-necessary delays in the procurement of medicines and medical devices. Such delays invariably compromise service delivery to the patients and performance of the healthcare facilities.

3. In order to resolve the issue of uploading of Annual Procurement Plan (APP) SHC&ME Department approached the Punjab Procurement Regulatory Authority (PPRA) for advice regarding the uploading of APP for the purchase of medicines and medical devices in early March i.e. around four months prior to the commencement of each financial year along with a draft "Annual Procurement Calendar" vide letter of even number dated 20th December, 2021.

4. PPRA examined the case in the light of Rule 8 of PPR-14 and replied vide letter No. L&M(PPRA)1-15(SOC)(I)/2021 dated 22nd December, 2021 (copy enclosed) that:

3. PPRA is of the view that true connotation of ibid rule provides a cutoff date for the formulation and uploading date of APP for each financial year. However, if a procuring agency has sufficient and reasonable justification for early formulation / uploading of APP and materialization thereof, in order to ensure the timely availability of medicine / medical devices and for the benefit of patients, the procuring agency may opt the same after providing certain checks and safeguards.

4. *In the instant case, as reported, delay in procurement of medicine /*

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medical devices through bulk purchase has given rise to certain enquiries in the procurement through local purchase (which is used as an alternative mode of bulk purchase) on the one side. On the other side, the ultimate beneficiaries (patients) also suffer seriously despite the fact that human life is a sensitive subject to deal with and require prompt actions to avoid any untoward situation.

5. In view of the foregoing facts, the procuring agency may go ahead with the proposed early formulation / uploading of APP and materialization thereof, after incorporating the following minimum safeguards in Tender Notice / Request of Tender and the bidding documents, in order to avoid any legal implication:

- I. In case of non-availability / allocation of sufficient required funds, the whole procurement may be scrapped and in such case the procuring agency shall incur no liability towards the prospective bidder.
- II. Keeping in view the availability of funds, the quantity may be increased / decreased strictly as per the provisions of PPRÁ Law / Rules."

5. In light of the detailed advice rendered by PPRÁ as stated above, SHC&ME Department has revised Annual Procurement Calendar for bulk purchase of medicines and medical devices from the first of January 2022. Now the procurement of medicines and medical devices for FY 2022-23 and onwards shall be undertaken as per the below mentioned Revised Annual Procurement Calendar;

Sr. No.	TIME PERIOD	PROCUREMENT STEP
1	1 st Jan -5 th Jan	Notification of Purchase related Committees
2	6 th Jan -15 th Jan	Demand generation of medicines from units, sub-units, emergency, wards etc.
3	16 th Jan-30 th Jan	Rationalization and quantification of the demand
4	1 st Feb -7 th Feb	Preparation of First Draft of Annual Procurement Plan of the hospital
5	8 th Feb - 15 th Feb	Review of Annual Procurement Plan by the Head of the Hospital and the relevant Committees
6	16 th Feb-22 nd Feb	Amendment in 1 st Draft of APP, if required.
7	23 rd Feb- 28 th Feb	Review of 2 nd Draft APP, if required.
8	1 st Mar-4 th Mar	Preparation of Final Draft of APP for the next Financial Year
9	5 th Mar-10 th Mar	Approval of APP and Uploading of Annual Procurement Plan on PPRÁ Website. (PPRÁ has agreed to such uploading)

10	11 th Mar-20 th Mar	Preparation of Bidding Documents and Advertisements (Preferably separate for medicines, Biologicals and medical devices)
11	21 st Mar -26 th Mar	Publication of newspaper advertisements and uploading of Tenders and bidding documents on PPRA and Departmental website.
12	6 th April -11 th April	Opening of technical bids and forwarding of technical bids / samples to concerned TECs
13	7 th April - 5 th May	Technical evaluation of bids and samples / Hospital shall start Second Phase of Procurement for unquoted items (2 nd Advertisement to be published)
14	6 th May - 8 th May	Announcement of Technical Evaluation Report, emails to be sent to bidding firms and to upload result of technical evaluation on Departmental website
15	9 th May -20 th May	Grievances submission period for the bidding firms, if any
16	21 st May-30 th May	Grievance's redressal period and uploading of Minutes of Meeting of Grievances Redressal Committee
17	1 st Jun -7 th Jun	Opening of Financial Bids of technically responsive bidders, Preparation of Comparative Statement, Preparation and Uploading of Bid Evaluation Report on PPRA's website
18	8 th Jun -17 th Jun	Gap Days as Per PPRA under rule 37 of PPR-2014 for 1 st Advertisement cycle / May continue with the Second Phase of procurement of those items which were NOT quoted by firms in the 1 st Advertisement, / May launch the Third Phase for procurement of those items which could not be procured because the bids by applying firms were declared non-responsive (3 rd Advertisement)
19	18 th Jun - 20 th Jun	Issuance of AAT (Advance Acceptance of Tenders)
20	21 st Jun-27 th Jun	Submission of Performance Guarantee and Stamp Duties by the successful bidding firms
21	28 th Jun -30 th Jun	Preparation of Agreements on Legal Papers
22	1 st July - 10 th July	Signing of Agreements and Issuance of Purchase Orders
23	11 th July -11 th Sep	Delivery Period of 60 days, Inspections and submission of samples in DTLs
24	12 th Sep -30 th Sep	Inspections, Submission of samples in DTLs, DTL Reports' Collection and Compilations of Inspections Reports
25	1 st Oct - 30 th Oct	Payments to Agreement Compliant Firms
26	1 st Nov - 15 th Nov	Submission of 'Execution of Annual Procurement Plan Report' to the SHC&MED

6. In view of the above, I am directed to Intimate that all the procuring agencies under the administrative control of SHC&ME Department shall follow the above stated revised "Annual Procurement Calendar" from January 1, 2022 onwards. Moreover, minimum safeguards in the Tender Notice / Request for Tender and the bidding document must be incorporated, in order to avoid any legal complication.

7. All procuring agencies of establishments / hospitals working under the administrative control of SHC&ME department are hereby directed to submit notification of their procurement related committees by Monday, 03.01.2022.

(Bulid 24/12/2021)
SECTION OFFICER (PURCHASE -I)

No. & Date Even;

1. Managing Director, PPRA, Alfalah Building, 3rd Floor, the Mall, Lahore
2. System Analyst / In-charge ICT Cell with the request to upload the letter on the official website of the Department.
3. PS to Secretary, SHC & ME Department
4. PS to Secretary, SHC&ME Department –South Punjab
5. PS to Special Secretary Health, SHC & ME Department
6. PS to Special Secretary (P, D&F), SHC&ME Department
7. PA to Additional Secretary (Procurement), SHC&ME Department

SECTION OFFICER (PURCHASE -I)



TEL: 342-99204572
FAX: 342-36784776

No. L&M(PPRA)1-15(SOL)(11)/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

11

Dated Lahore, 22nd December, 2021

Section Officer (Purchase-I),
Government of the Punjab,
Specialized Healthcare & Medical Education Department, Lahore.

Subject:

ISSUANCE AND UPLOADING OF ANNUAL PROCUREMENT PLAN UNDER RULES OF THE PPR-2014 FOR THE PROCUREMENT OF MEDICINES AND MEDICAL DEVICES IN SPECIALIZED HEALTHCARE & MEDICAL EDUCATION DEPARTMENT (SHC&ME).

A.S (Procurement)

Dairy #. 171

1:25-12-21

I am directed to refer to your letter No. SO(P-I)H1-4/2021(PPRA) dated 20.12.2021 on the subject whereby an advice has been sought regarding uploading of annual procurement plan for the purchase of medicine / medical devices in early March i.e. four months prior to the commencement of each financial year.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that Rule 8 of PPR-14 requires that Annual Procurement Plan (APP) shall be uploaded within one month from the commencement of each financial year. Rule ibid stipulates that:

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.

PPRA is of the view that true connotation of ibid rule provides a cut off date for the formulation and uploading date of APP for each financial year. However, if a procuring agency has sufficient and reasonable justifications for the early formulation / uploading of APP and materialization thereof, in order to ensure the timely availability of medicine / medical devices and for the benefit of patients, the procuring agency may opt the same after providing certain checks and safeguards.

4. In the instant case, as reported, delay in procurement of medicine / medical devices through bulk purchase has given rise to certain enquires in the procurement through local purchase (which is used as an alternative mode of bulk purchase) on the one side. On

human life is a sensitive subject to deal with and requires prompt actions to avoid any untoward situation.

2. In view of foregoing facts, the procuring agency may go ahead with the proposed early formulation / uploading of APP and materialization thereof, after incorporating the following minimum safeguards in the Tender Notice / Request of Tender and the bidding documents, in order to avoid any legal implication:

- I. In case of non-availability / allocation of sufficient required funds, the whole procurement may be scrapped and in such case the procuring agency shall incur no liability towards the prospective bidders.
- II. Keeping in view the availability of funds, the quantity may be increased / decreased strictly as per the provisions of PPRA Law / Rules.

Abdul Salam
Senior Law Officer
PPRA S&GAD 22/12/21

CC:-

1. Secretary to the Govt. of the Punjab, Specialized Healthcare & Medical Education Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-15(SOC)(I)/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 24th June, 2022

Convener Grievances Committee,
Punjab Healthcare Commission,
185-Ahmed Block, New Garden Town, Lahore.

Subject: **PROVISION OF ADVICE AGAINST GRIEVANCE ON TENDER INQUIRY NO. 19/22**
MISC.IT.EQP.II TITLED PROCUREMETN OF MISC. IT EQUIPMENT.

I am directed to refer to your letter No. PHC/GRP./2022/10430 dated 14.06.2022 on the subject whereby an advice has been sought to examine the grievances petition and furnish advice.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that bidding documents is an important part of the procurement mechanism which also requires to include the evaluation criteria along with all terms and conditions. The evaluation criteria / terms and conditions are to be formulated as per rule 31 of PPR-14 and evaluation is conducted under rule 32(1)&(3) of PPR-14 which stipulate that:

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.

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.

(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.

3. PPRA is of the view that if a bid is non-compliant to the evaluation criteria / terms & conditions of the bidding documents it may be declared non-responsive. It is further apprised that PPRA cannot examine & decide the grievance (filed by any bidder) on behalf of grievance redressal committee (GRC) which has been entrusted with the express power to decide the same under rule 67 of PPR-14. In the instant case it is advised to please proceed as per rule 67 of PPR-14. The rule ibid stipulates that:

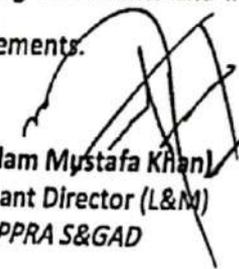
67. Redressal of grievances by the procuring agency.- (1) The procuring agency shall constitute a committee comprising of odd number of persons, with proper powers and authorizations, to address the complaints of bidders that may occur prior to the entry into force of the procurement contract.

(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 [ten] days after the announcement of the bid evaluation report.

(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.

4. The procuring agency is advised to seek guidance from above said discussion / Rule ibid to decide the issue as per term & conditions of the bidding documents and in accordance with PPR-14; after fulfilment of all other legal / codal requirements.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

24/06/2023

CC:-

1. Secretary to the Govt. of the Punjab, Specialized Healthcare Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.

<http://ppra.punjab.gov.pk>



Tel: 042-99204572
Fax: 042-36284776

No. L&M(PPRA)1-35(SO2)(II) E2/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, SR&GD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 24th June, 2022

The Chief Executive Officer,
Punjab Health Facilities Management Company,
35-A, Bahawalpur House, GOR II,
Lahore.

Subject: ADVICE REGARDING THE PROCUREMENT OF DRUGS / MEDICINE / MEDICAL DEVICES / EQUIPMENT / PRINTING MATERIAL AND INTER-ALIA FOR FY 2022-23.

I am directed to refer to your letter No. PHFMC/CEO/A125/2022 dated 07.06.2022 on the subject whereby an advice has been sought regarding initiation of prequalification process for the purchase of different items i.e. drugs / medicine / medical devices / equipment / printing material and Inter alia prior to the commencement of financial year 2022-23.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that in case of procurement of PKR 100 million and above prequalification is mandatory for goods and large consultancy, under rule 16 & 17 of PPR-14. However, Rule 16(2) of PPR-14 provides that a procuring agency may dispense with the requirement of prequalification after recording reasons. The rule ibid stipulates that:

16. Prequalification (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. It is further apprised that Rule 8 of PPR-14 requires that Annual Procurement Plan (APP) shall be uploaded within one month from the commencement of each financial year. Rule ibid stipulates that:

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.

PPRA is of the view that true connotation of Ibid rule provides a cut off date for the formulation and uploading date of APP for each financial year. However, if a procuring agency has sufficient and reasonable justifications for the early formulation / uploading of APP and materialization thereof, in order to ensure the timely availability of medicine / medical devices and for the benefit of patients, the procuring agency may opt the same after providing certain checks and safeguards. PPRA vide letter No. L&M(PPRA)1-15(SOC)(1)/2021 dated 22-12-2021 issued a similar advice to Specialized Healthcare & Medical Education Department (copy enclosed).

4. The procuring agency is advised to seek guidance from above said discussion / Rule Ibid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / codal requirements.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

Cc:

1. Secretary to the Govt. of the Punjab, Primary & Secondary Healthcare Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



No. L&M(PPRA)1-15(SOL)11/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 22nd December, 2021

Section Officer (Purchase-I),
Government of the Punjab,
Specialized Healthcare & Medical Education Department, Lahore.

Subject:

ISSUANCE AND UPLOADING OF ANNUAL PROCUREMENT PLAN UNDER RULE
8 OF THE PPR-2014 FOR THE PROCUREMENT OF MEDICINES AND MEDICAL
DEVICES IN SPECIALIZED HEALTHCARE & MEDICAL EDUCATION DEPARTMENT
(SHC&ME).

A.S (Procurement)

Dairy #. 171

23-12-21

I am directed to refer to your letter No. SO(P-I)H1-4/2021(PPRA) dated 20.12.2021 on the subject whereby an advice has been sought regarding uploading of annual procurement plan for the purchase of medicine / medical devices in early March i.e. four months prior to the commencement of each financial year.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that Rule 8 of PPR-14 requires that Annual Procurement Plan (APP) shall be uploaded within one month from the commencement of each financial year. Rule 8 stipulates that:

B. 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.

PPRA is of the view that true connotation of ibid rule provides a cut off date for the formulation and uploading date of APP for each financial year. However, if a procuring agency has sufficient and reasonable justifications for the early formulation / uploading of APP and materialization thereof, in order to ensure the timely availability of medicine / medical devices and for the benefit of patients, the procuring agency may opt the same after providing certain checks and safeguards.

4. In the instant case, as reported, delay in procurement of medicine / medical devices through bulk purchase has given rise to certain enquires in the procurement through local purchase (which is used as an alternative mode of bulk purchase) on the one side. On

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human life is a sensitive subject to deal with and requires prompt actions to avoid any untoward situation.

In view of foregoing facts, the procuring agency may go ahead with the proposed early formulation / uploading of APP and materialization thereof, after incorporating the following minimum safeguards in the Tender Notice / Request of Tender and the bidding documents, in order to avoid any legal implication:

- I. In case of non-availability / allocation of sufficient required funds, the whole procurement may be scrapped and in such case the procuring agency shall incur no liability towards the prospective bidders.
- II. Keeping in view the availability of funds, the quantity may be increased / decreased strictly as per the provisions of PPRA Law / Rules.

Abdul Salam
Senior Law Officer

PPRA S&GAD

22/12/21

CC:-

1. Secretary to the Govt. of the Punjab, Specialized Healthcare & Medical Education Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to AID, PPRA.



Dated Lahore, 24th June, 2022

The Director (QASS),
Punjab Education Initiatives Management Authority,
50, Babar Block Garden Town, Lahore.

Subject: REQUEST FOR ADVICE REGARDING TRAINING OF TEACHER THROUGH QAED OF 1596 SCHOOLS FUNCTIONING UNDER PEIMA IN THE PUNJAB.

I am directed to refer to letter No. PEIMA/QASS-TR/2022-4888 dated 13/06/2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that principle method of procurement is open competitive bidding process as provided under rule 22 & 23 of PPR-14. Rule 59 of PPR-14, however, has provided alternative methods of procurement under specific circumstances as mentioned therein, to address different kinds of situations which also includes direct contracting with single supplier under Rule 59 (c)(ii) of PPR-14. As reported, Quaid-e-Azam Academy for Educational Development (QAED) Punjab is the only public sector institute which has been providing the professional training services of teacher at Tehsil / District level, therefore, Rule 59(c)(ii) of PPR-14 may be relevant in this regard. The Rule ibid stipulates that:

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

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

(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

3. It is further apprised that Rule-59(e) of PPR-14 provides that a procuring agency may 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 through direct contracting if project is time bound or sensitive in nature and its information cannot be shared with private sector. The Rule ibid stipulates that:

59.(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

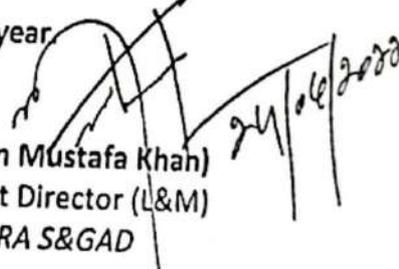
(b) of sensitive nature and its information cannot be shared with private sector.

(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."

4. The procuring agency is advised to seek guidance from above said discussion / Rule ibid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / codal requirements to the extent of current year. The procuring agency is also advised to plan ahead of its training schedule to have fair competition for coming year.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

Cc:

1. Secretary to the Govt. of the Punjab, School Education Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.

<http://ppra.punjab.gov.pk>



Tel: 042-36284774
Fax: 042-36284776

No. MD(PPRA)45-BOM/2022.
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor Alfalah Building The Mall Road, Lahore

Dated Lahore, the 29th June, 2022

To,

1. The Additional Chief Secretary, Government of the Punjab.
2. The Chairman, Punjab Information Technology Board (PITB).
3. The Secretary, Govt. of the Punjab Irrigation Department.
4. The Secretary, Govt. of the Punjab C&W Department.
5. The Secretary, Govt. of the Punjab Law & Parliamentary Affairs Department.
6. The Secretary, Govt. of the Punjab LG&CD Department.
7. The Secretary, Govt. of the Punjab SH & ME Department.
8. The Secretary, Govt. of the Punjab P&D Department.
9. The Secretary, Govt. of the Punjab Finance Department.
10. The Member (Infrastructure Development), P&D Board.

Subject: MINUTES OF THE 45th MEETING OF THE BOARD OF MANAGEMENT (BOM) PUNJAB PROCUREMENT REGULATORY AUTHORITY (PPRA) HELD ON 29.04.2022 AT 02:00 PM UNDER THE CHAIRMANSHIP OF CHIEF SECRETARY, PUNJAB.

I am directed to refer to the above cited subject.

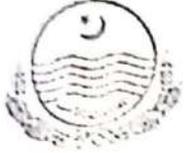
2. Please find enclosed herewith minutes of the 45th meeting of the Board of Management (BOM) Punjab Procurement Regulatory Authority (PPRA) held on 29.04.2022 at 02:00 PM under the Chairmanship of Chief Secretary, Punjab duly approved by the Competent authority (Chairperson BOM PPRA/Chief Secretary) for information and further necessary action please.

Abdul Salam
Senior Law Officer, PPRA

29/6/22

CC:-

1. The Staff Officer to Chief Secretary, Punjab/Chairman BOM, PPRA.
2. PS to MD PPRA.



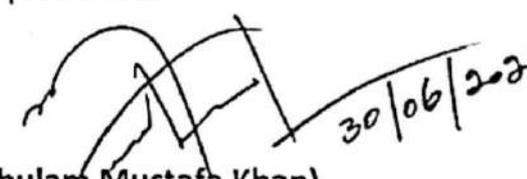
Dated Lahore, 30th June, 2022

The Director Finance & Admn,
Multan Development Authority,
Directorate of Finance & Admin,
Multan.

Subject: CLARIFICATION REGARDING INCLUSION OF CONTRIBUTIONS (SOCIAL SECURITY, EOBI, GROUP INSURANCE ETC) IN COS ESTIMATE FOR PROCUREMENT OF SERVICES OF SECURITY GUARDS.

I am directed to refer to your letter No. 836/ADMIN/MDA dated 27-06-2022 above whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It is apprised that PPRA has issued a circular No. L&M(PPRA)10-01/2011 dated 03-12-2018 in this regard and rendered its opinion on the similar propositions vide this office letter No. L&M(PPRA)1-18(W)(i)-AB/2016 dated 01-11-2021 (Copies enclosed).
3. The procuring agency (Multan Development Authority) may seek guidance from the aforementioned circular and letter; in order to decide the issue at own level in accordance with PPR-14 after fulfilment of all other legal / codal requirements.


(Ghulam Mustafa Khan)
Assistant Director (Legal)
PPRA S&GAD

30/06/2022

CC:-

1. Secretary to the Govt. of the Punjab, Housing UD & PHE Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. ✓ PS to MD, PPRA.



Dated Lahore, 01st November, 2021

Director (Inspection),
Faisalabad Develop Authority,
Faisalabad.

Subject: ADVICE REGARDING FINANCIAL BID CALCULATION OF HIRING OF SECURITY COMPANY.

I am directed to refer to your letter No. 870-72/D(Insp.)/FDA-2021 dated 23-10-2021 on the subject cited above whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA has repeatedly clarified that in case services (Janitorial / security services etc.) where minimum wages are required to be considered, the procuring agency must evaluate the only on the basis of quoted wages and profit; and must ensure that all rates / taxes fees are same which does not need to be included in evaluation. Rule 55 of PPR-14 also requires that the lowest evaluated bid must be compliant to the other state laws, the rule ibid stipulates that:

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.

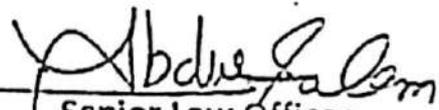
3. It has come to the knowledge of PPRA, that certain applicable taxes have already been fixed by the relevant departments which are as follows:

Department Name	Punjab Social Security Institute (PESSI)	Employees Security	Employees Old age Benefit Institute	Income Tax Department	Punjab Revenue Authority
Tax Name	Social Security		EOBI	Income Tax	Sales Tax
Ratio	6%		5%	3%	16%

Note: The above schedule must be verified by the procuring agency and include in bidding document as a constant and mandatory requirement.

The above rates / taxes being constant, the procuring agency should evaluate & decide the lowest evaluated bidder keeping in view the wage rate (which shall always be equal to or more than the minimum wage rate as notified by the Labour & Human Resource Department) & profit quoted by the bidder only. All applicable rates / taxes shall be taken as mandatory and constant and shall not be considered while evaluating the bids. Any bid which is devoid of aforementioned parameters may carry the inbuilt tendency to obviate the state Law / Rules which cannot be permitted.

5. The procuring agency is advised to seek guidance from the above said discussion to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


Senior Law Officer
PPRA S&GAD 1/11/21

CC:-

1. Secretary to the Govt. of the Punjab, HUD&PHE Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
Fax: 042-36284776

No. L&M(PPRA) 10-01/2011
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 03rd December, 2018

C I R C U L A R

Punjab Procurement Regulatory Authority is being frequently approached by different institutions / procuring agencies seeking advice as to whether while considering the competitive rates quoted by different security service firms for security guards, minimum wages announced by the Govt. is to be considered and made the base line while evaluating such bids or otherwise.

2. The cases have been examined in detail in consultation with relevant institutions regulating the laws relating to minimum wages. PPRA is of the view that though the evaluation of bid is the main criteria for selection of bidder yet in case of services (security guards) where minimum wages are required to be considered are kept in view. The procuring agency must evaluate the bids considering the fact that the rates quoted by the bidders include the base line of minimum wages along with other applicable taxes. Any bid which is devoid of aforementioned parameter might carry the inbuilt tendency to evade the state law / rules which cannot be allowed and taken as an apt discourse or process.

3. The procuring agencies are also advised that while budgeting the expenditure for all services involving minimum wages, must keep in view the base line expenditure which is required to be involved in the bid.

(SHAHID HUSSAIN)
Managing Director, PPRA

Cc:

1. Registrar, Lahore High Court Lahore;
2. All Administrative Secretaries, Government of the Punjab;
3. Inspector General of Police, Punjab;
4. Accountant General, Punjab;
5. Director General, Civil Audit, Punjab;
6. Director General, Works Audit, Punjab;
7. All Divisional Commissioners, Government of the Punjab;
8. All Deputy Commissioners, Government of the Punjab.

(SHAHID HUSSAIN)
Managing Director, PPRA

http://ppra.punjab.gov.pk



Tel: 042-99204572
Fax: 042-36284776

No. PA/Dir.(L&M)/2022
GOVT. OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 06th July, 2022

To,

The Controller,
Govt. of the Punjab,
Printing Press Punjab
Lahore.

Subject:

**PUBLISH THE PUNJAB ELECTRONIC PROCUREMENT
REGULATIONS 2022 IN OFFICIAL GUAZETTE.**

I am directed to refer to subject cited above and to append herewith a copy of Notification No. MD(PPRA)45-BOM/2022 dated 29.06.2022 with the request to publish the same in the next issue of official Gazette, Government of the Punjab.

Cc:

1. PS to MD, PPRA.

Abdul Falam
Senior Law Officer
PPRA S&GAD 6/7/22.



Dated Lahore, 07th July, 2022

The Additional Deputy Commissioner (F&P),
For Deputy Commissioner,
Lodhran.

Subject: GUIDELINE FOR OPENING OF TENDER REGARDING HIRING OF SECURITY EQUIPMENT DURING WHOLE FINANCIAL YEAR 2022-2023.

I am directed to refer to your letter No. DC/DN/1075 dated 06-07-2022 whereby an advice has been sought as to what modus operandi shall be adopted if the date of opening of tender has been declared as "public holiday".

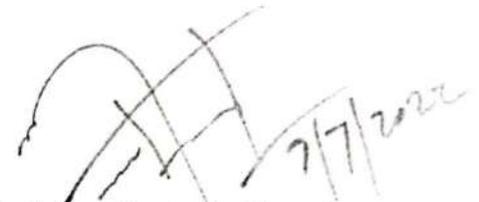
2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). In the instant case, a situation specific proposition has been placed before PPRA for advice. As reported, procuring agency intends to procure security equipment as by-election in the district has also been announced on 17-07-2022. Bid opening date is 08/07/2022 and if it is extended to the next working day i.e. 13/07/2022, the procuring agency will not have sufficient time to complete the tendering process on or before 17/07/2022 i.e. by-election day.

3. Usually, as a general practice vogue, a clause is always incorporated in the bidding documents that if the date of opening of tender is declared as public holiday, then, the tender shall be opened on the next working day. Occasionally, it becomes unpredictable for the procuring agency to ascertain upcoming gazetted holidays especially on religious ceremonies (Eid holidays etc.). The procuring agency may opt such provision if exists in the bidding documents. However, the procuring agency may handle this situation (for future procurement) while deciding such a date for opening / closing which does not creates such uncertain situations. In any other case Rule 29 of PPR-14 is relevant which stipulates that:

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.

4. In view of forgoing PPRA is of the opinion that keeping in view the paucity of time and law & order situation, the most plausible discourse for the procuring agency is to open the tenders as per advertised schedule i.e. 08-07-2022. However, the procuring agency should ensure that all the prospective bidders are made aware of the fact that the schedule of tender opening remains the same irrespective of public holiday on 08/07/2022.

5. The procuring agency may seek guidance from the aforementioned Rule / discussion in order to decide the issue and to proceed further in accordance with PPR-14 after fulfilment of all other legal / codal requirements.


(Ghulam Mustafa Khan)
Assistant Director (Legal)
PPRA S&GAD

CC:-

1. The Deputy Commissioner, Lodhran.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Dated Lahore, the 20th July, 2022

- To,
1. The Secretaries,
Govt. of the Punjab,
 - i. C&W Department.
 - ii. LG & CD Department.
 - iii. Irrigation Department.
 - iv. Finance Department.
 2. The Chief Executive Officer,
IDAP.
 3. The Managing Director
National Engineering Services of Pakistan Pvt. Ltd.
 - i. Engineering Consultancy Services Punjab.
 - ii.

Subject: CONSULTATIVE SESSION REGARDING STANDARD BIDDING DOCUMENTS (SBDs)
FOR WORKS AND CONSULTANCY SERVICES.

I am directed to refer to the subject regarding consultative session on standard bidding documents (SBDs) for works and consultancy services held on 18-07-2022 at 11:00 AM in the office chamber of Managing Director PPRA following attend the meeting:

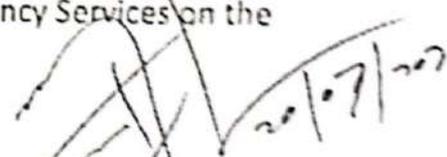
Sr. No	Name	Department	Designation
1	Mr. Arif	IDAP	Manager
2	Mr. Amer Mirza	IDAP	General Manager (P&C)
3	Mr. Naveed Ahmad	Irrigation Department	Director Procurement
4	Mr. Zahid Karim	Local Govt. & Community Development Department	Chief Engineer
5	Mr. Soheeb Ullah	Local Govt. & Community Development Department	Assistant Engineer
6	Mr. Shaheryar Hussain	Finance Department	Head PFMU
7	Mr. Arslan Zamir	NESPAK	Chief Engineer
8	Muhammad Ahmed	ECSP	Junior Engineer
9	Mr. Zeeshan Ahmed	ICAP	Senior Manager
10	Mr. Ahmad Habib	ICAP	Senior Vice Chairman, Punjab
11	Mr. Umer Jalal	ECSP	General Manager
12	Muhammad Ali	ICAP	Senior Manger

2. I am further directed to apprise that SBDs Works and Consultancy Services were discussed in detail and all the participants undertaken to submit input / comments of their respective Departments in the written form; within one week. It is, therefore, requested to kindly instruct the concerned officer to provide the comments on Standard Bidding Documents (SBDs) works and Consultancy Services latest by 25-07-2022.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA, S&GAD

No. & Date Even.

1. President, Institute of Chartered Accountants of Pakistan (ICAP), Chartered Accountants Avenue Clifton Karachi with the request to provide the comments on Standard Bidding Documents (SBDs) works and Consultancy Services on the aforementioned date.
2. The Secretary General, Constructors Association of Pakistan (CAP), Office No.3, 1st Floor, Al-Malik Complex, Jinnah Avenue, Blue Area, Islamabad with the request to provide the comments on Standard Bidding Documents (SBDs) works and Consultancy Services on the aforementioned date.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA, S&GAD

Cc:

1. PSO to Chairman PPRA / Chief Secretary, Punjab.
2. PS to Secretary, Govt. of the Punjab, Planning & Development Board.
3. PS to MD, PPRA.



Dated Lahore, the 21st July, 2022

To,

1. The Secretary,
Govt. of the Punjab, Local Government
& Community Development
Department, Lahore.
2. The Secretary,
Govt. of the Punjab, Auqaf & Religious
Affair Department, Punjab.
3. The Managing Director,
Lahore Waste Management Company,
Lahore.

Subject: CONSULTATIVE SESSION REGARDING STANDARD BIDDING DOCUMENTS (SBDs)
FOR SERVICES.

I am directed to refer to the subject regarding consultative session on Standard Bidding Documents (SBDs) for Services held on 21-07-2022 at 11:00 AM in the office Chamber of Managing Director PPRA, following attend the meeting:

Sr. No	Name	Department	Designation
1	Ms. Tahira Akram	Auqaf & Religious Affairs Department.	Deputy Secretary
2	Mr. Muhammad Yousaf	Auqaf Organization.	Deputy Director (Finance)
3	Mr. Khalid Hussain	Local Govt. & Community Development Department.	Superintendent Engineer
4	Mr. Abdur Rahman	Lahore Waste Management Company.	General Manager (P&C)
5	Mr. Major Naveed Riaz	All Pakistan Security Agency Association (APSAA)	Ex-Vice Chairman

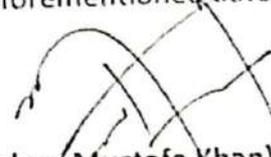
2. I am further directed to apprise that SBDs Services were discussed in detail and all the participants undertaken to submit input / comments of their respective Departments in the written

form; till 26-07-2022. It is, therefore, requested to kindly instruct the concerned officer to provide the comments on Standard Bidding Documents (SBDs) Services latest by 26-07-2022 evening.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA, S&GAD

No. & Date Even.

1. The Secretary, All Pakistan Security Agencies Association, House No.3, Haji Aslam Chaudhry Street, Allama Iqbal International Air Port, Cantt Lahore with the request to provide the comments on Standard Bidding Documents (SBDs) Services on the aforementioned date.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA, S&GAD

Cc:

4. PSO to Chairman PPRA / Chief Secretary, Punjab.
2. PS to Secretary, Govt. of the Punjab, Planning & Development Board.
3. PS to MD, PPRA.



Dated Lahore, 26th July, 2022

The Section Officer (Purchase),
Special Education Department,
Lahore.

Subject:

**FIRM WILLING TO SUPPLY DIFFERENT MODEL OF SAME BRAND SCANNER
DUE TO CLOSURE OF THE MODEL QUOTED IN TECHNICAL BID.**

I am directed to refer to your letter No. SO(P)1-2/2021 dated 30/06/2020 on the subject whereby an advice has been sought as to whether the new model of the same brand (fulfilling the technical criterion as per tender documents) offered by the firm due to closure of previously quoted model can be accepted by the procuring agency or otherwise.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that bidding documents is an important part of the procurement mechanism which also includes the evaluation criteria along with all terms and conditions. The evaluation criteria / terms and conditions set forth in the bidding documents for the evaluation of bids are the main driving force which steers the evaluation process. Rule 32 (1) & (3) are very much clear in this regard which stipulate that:

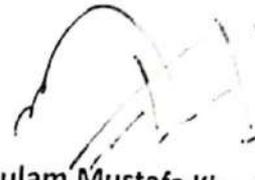
32. Evaluation of bids. (1) All bids shall be evaluated in accordance with the evaluation criteria and **other terms and conditions** set forth in the prescribed bidding document.

(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.

3. PPRA is of the view that, if alternative model of the same brand offered by the firm fulfills the minimum technical criterion / specification as mentioned in the original advertisement / bidding documents and the procuring agency is satisfied with the statement of the firm that the quoted model is no more available in the market, then procuring agency may accept the same keeping in view the concept of "value for money" as defined in Rule 2(ae) of PPR-14 read with "principles of procurement" as enunciated in Rule 4 of PPR-14. The Rules ibid stipulate that:

2.(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

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.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

CC:-

1. Secretary, to the Govt. of the Punjab, Special Education Department, Lahore
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Dated Lahore, 02nd August, 2022

The Secretary,
Punjab Masstransit Authority,
PMA Office, 5th Floor, Arfa Software Technology Park,
346-B, Ferozpur Road,
Lahore.

Subject: ADVICE REGARDING TENDERING PROCESS AS PER PPRA RULES 2014.

I am directed to refer to your letter No. PMA/ADMN-2017/1122 dated 26.07.2022 on the subject whereby an advice has been sought regarding submission of fake documents by the lowest bidder.

2. The case has been examined in the light of Punjab Procurement Regulatory Authority Act, 2009 (PPRA Act, 2009) and Rules 2014 (PPR-14). PPRA is of the view that Rule 18 & 19 of PPR-14 are very much clear in this regard which provide that a procuring agency shall disqualify a contractor on the ground that he had provided false, fabricated or materially incorrect information. The Rules *ibid* stipulate that:

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.

3. Furthermore, submission of fake documents and misleading to the procuring agency also amount to the "corrupt practice" as defined under section 2(d)(iv) of PPRA Act, 2009. Therefore, the procuring agency may also initiate the blacklisting proceedings against the said firm based on submission of fake documents; under Section 17-A read with Rule 21 and the Schedule providing blacklisting mechanism or process appended to PPR-14 (the schedule).

No. & Date E..

4. It is further added here that the decision to move towards second lowest bidder or fresh bidding lies with the procuring agency. The procuring agency should, however, must consider the concept of "value for money" as defined in Rule 2(ae) of PPR-14 read with "principles of procurement" as enunciated in Rule 4 of PPR-14 in order to decide the matter. The Rules *ibid* stipulate that:

2. (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.

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. The procuring agency is advised to seek guidance from the aforementioned Rule / discussion in order to proceed further in accordance with PPR-14 after fulfilment of all other legal / codal requirements.


(Ghulam Mustafa Khan)
Assistant Director (I & M)
PPRA S&GAD

CC:-

1. Secretary to the Govt. of the Punjab, Transport Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Dated Lahore, the 5th August, 2022

To: The Director General Health Services,
Punjab, Lahore.

Subject: RESERVATIONS & AMBIGUITIES IN THE PRE-QUALIFICATION DOCUMENTS FOR
"MANAGEMENT & OPERATIONS OF HOSPITAL WASTE SERVICE IN HEALTHCARE
FACILITIES, DGHS, P&SHD, PUNJAB".

I am directed to refer to the subject and to enclose herewith complaint lodged by "M/s. Arar Innovations (Pvt) Ltd" (The complainant) regarding pre-qualification documents. Main contention of the complainant is that the procuring agency failed to adhere PPRA Rules 2014 while formulating evaluation criteria for prequalification i.e. qualification, relevant experience, capabilities with respect to personnel, equipment, and plant, past performance, financial position and appropriate managerial capability.

2. I am, therefore, directed to obtain the report / comments in annotated form along with supporting evidence of the instant procurement, as per Section 5(2)(a)(b) & (j) and Section 17 of the Punjab Procurement Regulatory Authority ACT 2009.

3. I am further directed to apprise that the personal hearing in the above said case has been fixed on 12-08-2022 (Friday) at 10:00am in the office Chamber of Managing Director, PPRA. It is therefore requested to depute an officer (not below the rank of BS-18) well conversant with the facts of the case to attend the hearing along with report / comments in annotated form so that the matter may be decided in accordance with Law/Rules.

(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

No. & Date Even:

1. M/s ARAR Innovations (Pvt) Ltd, 140-A, Shadman-II, Lahore with the direction to attend PPRA office on above said date, time & venue.

(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

CC:

1. The Secretary, Govt. of the Punjab, Primary & Secondary Healthcare Department, Punjab, Lahore.
2. PSO to Chairman PPRA / Chief Secretary, Punjab.
3. PS to MD (PPRA).



No. L&M(PPRA)1-22(G)(I)-AD/2012/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 10th August, 2022

Deputy Director (Admn.),
For Director General Public Relations
Govt. of the Punjab,
Lahore.

Subject: REQUEST FOR ADVICE.

I am directed to refer to your letter No. PR(E)-2022/3007 dated 27/07/2022

whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It is apprised that Punjab Procurement Regulatory Authority has been established under Punjab Procurement Regulatory Authority Act 2009 (Amended 2016) to regulate the procurement of goods, services and works in the public sector and for matters connected therewith. The definition of public procurement as provided in section 2(n) of PPRA Act 2009 envisages that:

2(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".

3. In view of the forgoing, PPRA is of the view that the proposition referred pertains to "auction" which does not fall within the definition of public procurement and hence ambit of PPRA as well. Therefore, office of the Director General Public Relations, may proceed and decide the matter at its own level.

Cc:

1. Director General Public Relations, Govt. of the Punjab, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.


Senior Law Officer
PPRA S&GAD

10/8/22



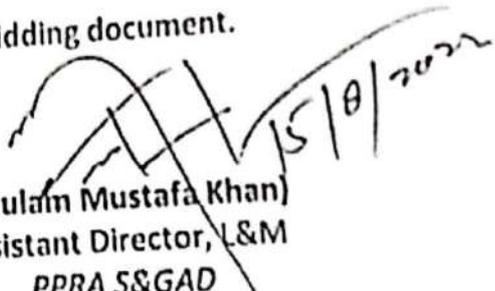
Dated Lahore, 15th Aug, 2022

To: The Secretary,
Govt. of the Punjab,
Communication & Works Department,
Lahore.

Subject: STANDARD PROCUREMENT DOCUMENT – REQUEST FOR BID (RFI).

I am directed to refer to your letter No. SOPC(C&W)5-100/2022(OPBRC) dated 22/07/2022 on the subject whereby it has been requested to vet the draft bidding document in the light of Punjab Procurement Rules 2014 (PPR-14).

2. It is appraised that draft bidding document referred vide aforementioned letter needs certain clarifications. It is therefore, requested to depute the concerned officer / officers (not below the rank of Deputy Secretary) well conversant with the draft SBDs to attend the office of PPRA on 17-08-2022 at 01:00PM in order to discuss the draft bidding document.


(Ghulam Mustafa Khan)
Assistant Director, L&M
PPRA S&GAD

Cc:

1. PSO to Chairman PPRA / Chief Secretary Punjab
2. PS to MD PPRA.



Dated Lahore, 17th August, 2022

The Additional Secretary (Coordination),
Services & General Administration Department,
Lahore.

ADVICE REGARDING HIRING OF NON-CONSULTANCY SERVICES.

Subject:

I am directed to refer to the subject cited above and to apprise that different institutions / procuring agencies are frequently approaching Punjab Procurement Regulatory Authority (PPRA) seeking advice regarding procurement of non-consultant services e.g. hiring of security services / janitorial services. The rates quoted by different firms often do not correspond to the prevailing minimum wage rate notified by the Government. Therefore, it becomes quite problematic for the procuring agencies to evaluate the bids for the determination of lowest evaluated bidder or to proceed with the ongoing contracts in a situation where Government revises minimum wage rate. A meeting was held in the office chamber of Managing Director, PPRA on 10-08-2022 to discuss the aforementioned issues (Annex-A).

2. During the course of meeting dated 10/08/2022 detail deliberation were made. Vide this office letter of even No. dated 11-08-2022 (Annex-B) the view / suggestions of Finance Department & Labour Department in black and white were sought on the following points:

- I. If minimum wages rates are revised by the government, what will be its impact on the ongoing contracts (security services / janitorial services etc.) signed between the Procuring Agency based on previous minimum wages rates and what modus operandi may be adopted for the application of revised minimum wage rates to such ongoing contracts?
 - II. Many Procuring Agencies have already finalized their procurement process and are at contract awarding stage for the tender floated on the basis of previous minimum wages rates for Security / janitorial services. Reprocessing of the procurement will take another 2-3 months and it is not possible to run the hospital without janitorial services for a single day. What modus operandi may be adopted to deal with this scenario?
3. The next meeting was scheduled to be held on 15-08-2022 at 02:00 PM in office Chamber of Managing Director, PPRA. The Finance Department vide letter No. PA/TA/2022 dated 15-08-2022 (Annex-C) opined as follows:

"2. The view point of Finance Department is as under, as desired in your above referred letter:

- I. The ongoing contracts will be governed as per its existing terms & conditions of contract.
- II. In the matters, which are at contract warding stage, rebidding would be appropriate option to give fair opportunity to each of the bidder and contracts would be awarded accordingly.
3. Further, it would be appropriate that under rule-20 of Government of the Punjab Rules of Business 2011, to proceed in the matter, Law Department, Government of the Punjab be consulted for expert opinion please".

The Labour Department (Minimum Wages Board) vide letter No. MWB/82(VIII)/22/337 dated 15-08-2022 (Annex-D) opined as follows:

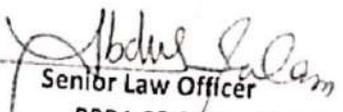
- I. "No employer is authorized to pay less than the declared minimum wages under any agreement, contract or award as per section 11(2)(b) of Punjab Minimum Wages Act, 2019.
- II. Ongoing contracts should be revised through mutual negotiations by increasing salary portion as per percentage increase in minimum wages declared for such category by Punjab Government.
- III. The contracts which has not been finalized, bids may revised by increasing salary portion as per percentage increase in minimum wages declared for such category by Punjab Government".

4. The views / comments submitted by Finance Department & Labour Department are at variance. Therefore, PPRA is of the opinion that keeping in view the contradictory views of both the Departments and suggestion of Finance Department, to seek opinion of Law Department matter may be referred to Law & Parliamentary Affairs Department for expert opinion on the queries mentioned at para 2 above.

5. In view of the forgoing, office of the Additional Secretary (Coordination) is requested to forward the matter to Law & Parliamentary Affairs Department for valuable advice.

Cc:

1. The Secretary to the Govt. of the Punjab Law & Parliamentary Affairs Department.
2. PSO to Chairman PPRA / Chief Secretary Punjab
3. PS to MD PPRA.


Senior Law Officer
PPRA S&GAD, 17/8/22



Tel: 042-99211088

NO. PA/TA/2022
GOVERNMENT OF THE PUNJAB
FINANCE DEPARTMENT

Dated Lahore the 15th August, 2022

To

The Assistant Director (L&M)
PPRA S&GAD

Subject: - MEETING REGARDING HIRING OF NON-CONSULTANCY SERVICES.

Please refer to your letter No. L&M(PPRA)1-15(SOC)(AB)(LHR)(10)/2014/KW dated 11.08.2022 on the subject noted above.

2. The view point of Finance Department is as under, as desired in your above referred letter:-

- i. The ongoing contracts will be governed as per its existing terms & conditions of contracts.
- ii. In the matters, which are at contract awarding stage, rebidding would be appropriate option to give fair opportunity to each of the bidder and contracts would be awarded accordingly.

3. Further, it would be appropriate that under rule-20 of Government of the Punjab Rules of Business-2011, to proceed in the matter, Law Department, Government of the Punjab be consulted for expert opinion please.


15/08/22
Technical Advisor

165

GOVERNMENT OF THE PUNJAB
MINIMUM WAGES BOARD
62-D, NEW MUSLIM TOWN, LAHORE

To

✓ The Senior Law Officer,
Punjab Procurement Regulatory Authority,
3rd Floor, Al-Falah Building, the Mall, Lahore

No. MWB/82(VIII)/22/337

Dated Lahore the 15th August, 2022

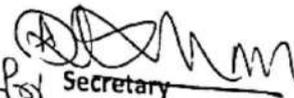
Subject:

MEETING REGARDING HIRING OF NON-CONSULTANCY SERVICES

Kindly refer to your letter No. L&M(PPRA)1-15(SOC)(AB)(LHR)(10)/2014/KW dated 11.08.2022 on the subject noted above.

The views/suggestions of this department are as follows:-

- I. No employer is authorized to pay less than the declared minimum wages under any agreement, contract or award as per section 11(2)(b) of Punjab Minimum Wages Act, 2019.
- II. Ongoing contracts should be revised through mutual negotiations by increasing salary portion as per percentage increase in minimum wages declared for such category by Punjab Government.
- III. The contracts which has not been finalized, bids may revised by increasing salary portion as per percentage increase in minimum wages declared for such category by Punjab Government.


for Secretary
Minimum Wages Board, Punjab



Tel: 042-99204572
Fax: 042-36284774
Cell: 042-36284776

PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 26th August, 2022

The Chief Engineer (Contracts),
Punjab Industrial Estates Development and Management Company,
Commercial Area (North), Sundar Industrial Estate, Sundar Raiwind Road,
Lahore.

Subject: ENGAGEMENT OF CONSULTANTS UNDER RULE 59(E) OF PPR-2014.

I am directed to refer to your letter No. PIEDMC/MISC/PPRA/18/1741 dated 25-07-2022, whereby an advice has been sought on the subject cited above.

The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Principle method of procurement is open competitive bidding process as provided under Rule 22 & 23 of PPR-14. PPRA is of the view that procuring agency is the best judge to decide as to whether any project is time bound or sensitive in nature keeping in view the circumstances of each case. PPRA cannot decide the time bound / sensitive in nature of any project on behalf of the procuring agency.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

- cc:
1. Secretary to the Govt. of the Punjab, Industries Commerce and Investment Department, Lahore.
 2. PSO to Chairman PPRA / Chief Secretary Punjab.
 3. PS to MD PPRA.



No. L&M(PPRA)1-23(SOC)(I)-AB/14/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 02nd September, 2022

The Medical Advisor,
The Punjab Employees' Social Security Institution,
Head Office,
3/A, Gulberg-V, Lahore.

Subject: ADVICE REGARDING ACCEPTANCE OF SHIPMENT.

I am directed to refer to your letter No. SSP(331)/2022-23/VOL-I/3664 dated 23/08/2022 whereby an advice has been sought on the subject cited above.

2 Contents of the subject letter reveal that, procuring agency awarded the contract for the procurement of 38 numbers of "ICU Ventilators Make Chirana A.S. Slovakia". As per proforma invoice, the contractor was under an obligation to dispatch the shipment from "Hamburg Port, Germany". Later, on the Bank of Punjab informed the procuring agency that the shipment was loaded from "Koper Port, Slovenia" instead of "Hamburg Port, Germany". Upon inquiry, the contractor apprised the procuring agency that due to war in Russia the whole system in Europe got disturbed. Therefore, the shipment was loaded from "Koper Port, Slovenia" instead of "Hamburg Port Germany" Now, the shipment has been arrived at Karachi Seaport. Furthermore, due to sudden increase in Covid-19 cases in Pakistan, hospitals are in severe need of ICU Ventilators. To resolve the issue, a meeting of purchase committee was held, wherein a representative of Bank of Punjab also participated. The representative of Bank of Punjab apprised the committee that they have no objection for change of port subject to approval of the procuring agency. The procuring agency has approached PPRA, for seeking advice as to whether change in port of loading the shipment can be accepted or otherwise.

3 The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Proposition raised by the procuring agency do not pertain to any specific provision of PPRA legal framework. However, PPRA is of the view that the procuring agency may decide to proceed in the matter at its own level keeping in view the principle of "value for money" as defined under Rule 2(ae) and "principles of procurement" as enunciated under Rule 4 of PPR-14. The Rules ibid stipulate that:

2(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.

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.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

Cc:

1. The Secretary, to the Govt. of the Punjab, Labour & Human Resource Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Dated Lahore, 02nd September, 2022

The Secretary,
School Education Department,
Lahore.

Subject:

SEEKING ADVICE OF IRREGULAR AWARD OF QAT CONTRACT TO M/S PEF AMOUNTING TO RS. 71.925 MILLION FOR THE YEAR 2020-21 OF AUDIT PARA NO. 7 OF PUNJAB EDUCATION INITIATIVE MANAGEMENT AUTHORITY.

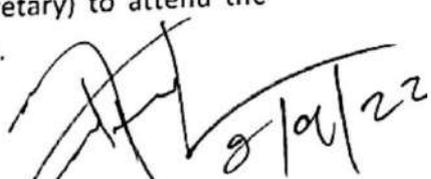
I am directed to refer to your letter No. SO(G-II)49/2022/ADV/PEIMA dated 30/06/2022 whereby an advice has been sought on the subject cited above.

2. I am further directed to apprise that a meeting has been scheduled to be held on 12-09-2022 at 01:00 PM in office Chamber of Managing Director, PPRA. It is therefore requested to depute the relevant officer well conversant with the facts of the case (not below the rank of Deputy Secretary) to attend the meeting along with record (if any) on the above said points; so that the matter may be decided as per Law / Rules.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

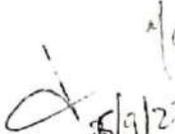
No. & Date Even

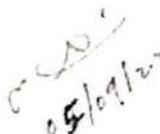
1. The Managing Director, Punjab education Foundation, with the request to depute an officer (not below the rank Deputy Secretary) to attend the meeting along with record, on the above said date, time & venue.
2. The Managing Director, Punjab Education Initiatives Management Authority, with the request to depute an officer (not below the rank Deputy Secretary) to attend the meeting along with record, on the above said date, time & venue.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

Cc:

1. The Section Officer (G-II), School Education Department, Lahore with reference to their letter No. SO(G-II)49/2022/ADV/PEIMA.
2. PS to MD PPRA


5/9/22


05/09/22



Dated Lahore, 02nd September, 2022

The Secretary,
School Education Department,
Lahore.

Subject: SEEKING ADVICE OF IRREGULAR AWARD OF QAT CONTRACT TO M/S PEE AMOUNTING TO RS. 71.925 MILLION FOR THE YEAR 2020-21 OF AUDIT PARA NO. 7 OF PUNJAB EDUCATION INITIATIVE MANAGEMENT AUTHORITY.

I am directed to refer to your letter No. SO(G-II)49/2022/ADV/PEIMA dated 30/06/2022 whereby an advice has been sought on the subject cited above.

2. I am further directed to apprise that a meeting has been scheduled to be held on 12-09-2022 at 01:00 PM in office Chamber of Managing Director, PPRA. It is therefore, requested to depute the relevant officer well conversant with the facts of the case (not below the rank of Deputy Secretary) to attend the meeting along with record (if any) on the above said points; so that the matter may be decided as per Law / Rules.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

No. & Date Even

1. The Managing Director, Punjab education Foundation, with the request to depute an officer (not below the rank Deputy Secretary) to attend the meeting along with record, on the above said date, time & venue.
2. The Managing Director, Punjab Education Initiatives Management Authority, with the request to depute an officer (not below the rank Deputy Secretary) to attend the meeting along with record, on the above said date, time & venue.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

Cc:

1. The Section Officer (G-II), School Education Department, Lahore with reference to their letter No. SO(G-II)49/2022/ADV/PEIMA.
2. PS to MD PPRA



Dated Lahore, 08th September, 2022

The Project Director,
Project Management Unit,
Primary & Secondary Healthcare Department,
Government of the Punjab, Lahore.

Subject: **GUIDANCE / CLARIFICATION REGARDING THE REPEAT ORDER UNDER SECTION 59-C-IV OF PPRA 2014 FOR CONTRACT OF "ESTABLISHMENT OF CT SCANNING FACILITIES AT DISTRICT HEAD QUARTER HOSPITALS IN PUNJAB"**

I am directed to refer to your letter No. P&SHD/PMU/OS/CT/10 dated 10/08/2020 whereby following queries has been raised for advice:

2. It is apprised that vide this office letters No. 1-15(SOC)/2019/KW dated 08-10-2020 & 20-11-2020 PPRA has already rendered its opinion that after the completion of procurement process the Procuring Agency may place repeat orders which shall not exceed fifteen percent (15%) of the original procurement under Rule 59 (c)(iv) of PPR-14. The rule ibid stipulates that:

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

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

3. Now the Procuring Agency has once again approached PPRA with the following queries:

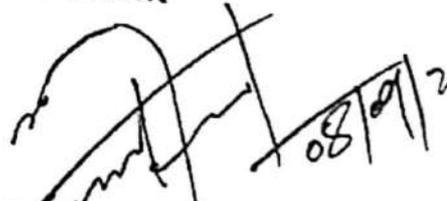
- I. New procurement process for provision of CT Scanning Services is ongoing and the department is at the stage of issuance of Request for Proposal (RFP). These three sites are planned / proposed to be included in the RFP. In case for these three sites, the lowest evaluated bidder in the new procurement process turns out to be on lower side than the instant contracted rates, what will be the department's course of action.
- II. The current contract is in the extension mode and valid till 31st January, 2023.

4. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA, cannot decide the referred issue on behalf of the procuring agency as to whether re-bidding process (keeping in view the inflation rate) would be more appropriate or procurement of said CT Scan Services through repeat order will bring more value for money to the Procuring Agency.

5. In view of forgoing, the Procuring Agency is advised to decide the issue at own level keeping in view the principle of "value for money" as defined under Rule 2(ae) read with "principles of procurement" as enunciated under Rule 4 of PPR-14. The Rules ibid stipulate that:

2(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.

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


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

Cc:

1. Secretary to the Govt. of Punjab, Primary & Secondary Healthcare Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab
3. PS to MD PPRA.

http://ecra.punjab.gov.pk



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284770

RECEIVED	
Sl. No.	9237
Date:	22/10/20
PMU, P & SHD Floor, Al-Falah Building, The Mall Lahore.	
Deputy PD	
F & A	
Procurement	
Infrastructure	
Planning & HR	
ICT	
Operations C/N/S	
Health Services Sourcing	
Director General	
Project Management Unit	
Procurement Cell	
Primary & Secondary Healthcare Department,	
Government of the Punjab, Lahore.	

No. L&M(PPRA) 1-15(SOC)/2019 / 2062
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
Dated Lahore, 08th October, 2020

[Handwritten signature]

P&S Health Care
T: 3519
14-10-20

Subject:

GUIDANCE / CLARIFICATION REGARDING THE REPEAT ORDER UNDER SECTION 59-C-IV OF PPRA 2014 FOR CONTRACT OF "ESTABLISHMENT OF CT SCANNING FACILITIES AT DISTRICT HEAD QUARTER HOSPITALS IN PUNJAB"

PMU

I am directed to refer to your letter No: P&SHD/PMU/PPRA/2020 dated 23/09/2020 on the subject whereby an advice has been sought regarding repeat order.

2. Contents of the subject letter reveal that procuring agency awarded a contract for establishment of CT scan facilities at District Head Quarter (DHQ) Hospitals in Punjab for a period of 5 years to M/s Eastern Medical Technology Services. Initially the contract was signed for twenty (20) health facilities according to the allocated hospital zones, where after Procuring agency received several requests / demands from "DHQ Jhang" for the provision of same services for its provisions to other DHQs as well. Since the procuring agency did not sign the contract for the requisite site therefore, procuring agency has approached PPRA for seeking advice as to whether the repeat order can be placed under rule 59(c)(vi) of PPRA Rules 2014 to M/s Eastern Medical Technologies Services or otherwise.

3. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that there is no express provision available to increase or decrease the quantity of items under PPR-14 after the declaration of lowest evaluated bidder because same is against the spirit of PPRA rules 2014 as quantity always leads to the cost. However, after the completion of procurement process the procuring agency may place repeat orders which shall not exceed fifteen percent (15%) of the original procurement under rule 59 (c)(iv) of PPR-14; the rule ibid stipulates that;

[Handwritten notes: PMU, P&S, P&SHD]

3
ss. (c)(iv) repeat orders not exceeding fifteen percent of the original procurement;

It is also important to see the contents of the bidding document and contract prior to tender any advice to see if the proposed district was included in the bidding process. If the bidding document and subsequently contract executed with the bidder either include the proposed district or clause to enhance the areas of requisite services the same be provided / apprised so that exact advice corresponding to the provision of contract could be given.

4. Allowing for the above, the procuring agency is advised to seek guidance as discussed above and proceed further strictly in accordance with PPR-14.

Abul Jalal
Senior Law Officer
PPRA S&GAS - 9/X/XX

- cc
1. Web Developer / Data Administrator, to do the needful as per directions of competent authority.



Tel: 042-99204572
Ext: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-15(SOC)/2019/KW / 2-350
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 20th /10/2020

PMH

Director Outsourcing,
Project Management Unit,
Primary & Secondary Healthcare Department,
Government of the Punjab, Lahore.

Health Care
بیماریوں کا علاج
Entry No. 4115
Date: 26-11-20

Subject: GUIDANCE / CLARIFICATION REGARDING THE REPEAT ORDER UNDER SECTION 59-C-IV OF PPRA 2014 FOR CONTRACT OF "ESTABLISHMENT OF CT SCANNING FACILITIES AT DISTRICT HEAD QUARTER HOSPITALS IN PUNJAB"

I am directed to refer to your letter No. P&SHD/PMU/PPRA/2020 dated 29/10/2020 in response to this office letter of even No. dated 08-10-2020 on the subject whereby an observation raised by this office has been responded by the procuring agency and an advice has been sought regarding repeat order.

2. Contents of the subject letter reveal that procuring agency awarded a contract for establishment of CT scan facilities at District Head Quarter (DHQ) Hospitals in Punjab for a period of 5 years to M/s Eastern Medical Technology Services. Initially the contract was signed for twenty (20) health facilities according to the allocated hospital zones, where after Procuring agency received several requests / demands from "DHQ Jhang" and from other DHQs as well for the provision of same services for them. Since the procuring agency did not sign the contract for the requisite site therefore, procuring agency has approached PPRA for seeking advice as to whether the repeat order can be placed under rule 59(c)(vi) of PPRA Rules 2014 to M/s Eastern Medical Technologies Services or otherwise.

PMOS
PL put up
in light
of
3. 11/11

Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that there is no express provision available to the Procuring Agency for the increase or decrease the quantity of items under PPR-14 after the completion of the procurement process the procuring agency may place repeat order which shall not exceed fifteen percent (15%) of the original procurement under PPR-14; the rule Ibid stipulates that;

RECEIVED
20479
Procurement Rules
Date: 27/11/2020
provision available to
the Procurement of
S&A
PROCUREMENT 2014 as
Infrastructure
Planning & Mgt
Operations & Mgt
which shall not
Operations & Mgt
under 59(c)(vi) of
CTO BERG
Procurement Cell
03

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

4. In the instant case since the procuring agency has already included the proposed District Head Quarter Hospital Jhang which was open to competition for all the prospective bidders, therefore, the procuring agency may invoke the provisions of rule 1(b)(d).

5. Allowing for the above, the procuring agency is advised to seek guidance as discussed above and proceed further strictly in accordance with PPR-14 after the fulfillment of all other legal / codal formalities.

Abdul Salam
Senior Law Officer
PPRA SSGAD

20/11/XX

Cc:

1. Web Developer / Data Administrator, to do the needful as per directions of competent authority.



Dated Lahore, 09th September, 2022

Dr. Muhammad Khalid Farooq,
Director,
Research Centre for Conservation of Indigenous Breeds,
Near Shakarganj Sugar Mills,
Toba Road, Jhang.

Subject:

CLARIFICATION REGARDING SECTION 59 (C)(IV) OF PUNJAB PROCUREMENT RULES, 2016.

I am directed to refer to your letter No. 1820 dated 23.05.2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that principle method of procurement is open competitive bidding process as provided under Rule 22 & 23 of PPR-14. However, Rule 59 of PPR-14 has also introduced alternative methods of procurement under specific circumstances as mentioned therein in order to address different kinds of situations including repeat order under Rule 59(c)(iv) of PPR-14 which shall not exceed fifteen percent of the original procurement. The rule ibid stipulates that:

*59. Alternative methods of procurements.— A procuring agency may utilize the following alternative methods of procurement of goods, services and works.
(c) (iv) repeat orders not exceeding fifteen percent of the original procurement;*

3. It is further apprised that there is no express provision available in PPR-14 to increase or decrease the quantity of items, as the same is against the spirit of PPR-14 because quantity always leads to the cost. In case of re-tendering, however, the quantity may be increased or decreased as it will provide level playing field to all prospective bidders. Furthermore, after the completion of procurement process the procuring agency may place repeat orders which shall not exceed fifteen percent of the original procurement under rule

59 (c)(iv) of PPR-14. The true connotation of "fifteen percent of the original procurement" is that the total quantity mentioned the original advertisement.

4 In the instant case as reported by the procuring agency 520 tons of wheat bran was procured against an advertised amount of 300 tons. 175 tons excess quantity procured @ Rs. 3.11 per KG less than market rate with good faith and in the public interest and to provide benefit to the Govt. exchequer, ultimately public exchequer got a reasonable benefit i.e. Rs. 76.544 million. As far as the matter of payment to contractor is concerned, PPRA is of the view that conducting the legal procurement procedure and to ensure its sanctity i.e. to be in accordance with PPRA legal framework is primarily the responsibility of the procuring agency, therefore, all precautionary and legal modalities are required to be ascertained to have been fulfilled prior to award of contract. The fact of successful completion of the contract to the satisfaction of the procuring agency, as a result of award of contract after competitive bidding process has created the right of payment in favor of the contractor as every procurement process culminates to execution of contract, hence, terms and conditions are to be discharged as vowed. Furthermore, a procuring agency is required to make prompt payments to the contractor under rule 62 of PPR-14 which stipulates that:

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.

5 The procuring agency issued purchase order 520 tons of wheat bran against an advertised volume of 300 tons (175 tons excess quantity procured) which is violation of Principles of fairness & transparency. Had the procuring agency initially advertised 520 tons, it might have got even lesser rates. The procuring agency procured wheat bran @ Rs. 3.11 per KG less than market rate in good faith and, as reported, there was a benefit of Rs. 76.544 million to the Govt. exchequer. Although, it was done in good faith and resulted into some kind of benefit to the Government, however, the violation of settled / prescribed principles of procurement cannot be allowed by any means and modus operandi adopted by the procuring agency was inappropriate.

6. In view of forgoing facts, it is established that violation of the principles of procurement as enunciated under Rule 04 of PPR-14 has been committed. However, the mitigating circumstances as mentioned at para 4 & 5 above must be taken into consideration while taking any administrative measure. The procuring agency should be very careful in future procurement transactions for the implementation of PPR-14 in true letter & spirit. It is further added here that infringement of any provision of Law / Rule or action of the procuring agency, unless done in connivance with the contractor, cannot be made semblance to put any embargo on payment of contractor who has satisfactorily performed the contract / delivered the goods.

7. In the wake of above, the procuring agency may proceed, if there is no other legal hitch except the one discussed above, for the payment to the contractor.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

CC:-

1. Secretary to the Govt. of the Punjab, Livestock & Dairy Development Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Dated Lahore, 09th September, 2022

The Purchase Officer,
Sahiwal Medical College & Allied Institutions,
Sahiwal.

Subject: ADVICE / GUIDELINE REQUIRED.

I am directed to refer to your letter No. 10317/PS/SLMC/SWL dated 15/07/2022

on the subject whereby an advice has been sought as to what course of action shall be adopted if the rates quoted by the two bidders are same.

2. The case has been examined in light of Punjab Procurement Rules 2014 (PPR-14). No express provision is available in PPR-14 with respect to the proposition referred. PPRA is of the view that procuring agency should provide a mechanism to decide such kind of situation in the bidding documents. However, if no such mechanism has been provided and the lowest rates offered by the two firms are exactly same, then the procuring agency may choose the successful bidder, in order to save time which might be wasted in re-bidding process, by way of toss i.e. tossing a coin in the air in the presence of the representatives of the bidders.

3. Therefore, the procuring agency may decide the instant matter at its own level as discussed above, keeping in view the principle of "value for money" as defined under Rule 2(ae) read with "principles of procurement" as enunciated under Rule 4 of PPR-14. The Rules ibid stipulate that:

2(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.

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


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

Cc:

1. Secretary to the Govt. of the Punjab, SHC&ME Department, Lahore
 2. PSO to Chairman PPRA / Chief Secretary Punjab.
- 10/9/22 AD PPRA*



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-20(G)(I)-CO/2015
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 12th September, 2022

The General Manager (Technical),
Punjab Industrial Estates development and Management Company,
Commercial Area (North) Sundar Industrial Estate, Sundar Raiwind Road,
Lahore.

Subject: OPINION / GUIDELINES REQUIRED FOR THE PURCHASE OF POWER FROM
INDEPENDENT POWER PRODUCERS FOR PROJECTS UNDER PUNJAB
INDUSTRIAL ESTATES DEVELOPMENT AND MANAGEMENT COMPANY
THROUGH DIRECT OR WHEELING PROCESS.

I am directed to refer to your letter No. PIE/GMT/872 dated 05.08.2021
whereby an advice has been sought on the subject cited above.

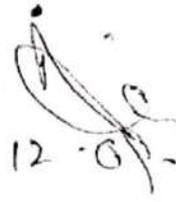
2. The case has been examined in the light of Punjab Procurement Rules 2014
(PPR-14). PPRA is of the view that the proposition referred vide aforementioned letter is not
clear and needs clarification. It is therefore, requested to depute an officer (not below the rank
of BS-17) along with complete record of subject procurement, well conversant with the facts
of the case to attend the office of undersigned in order to clarify the proposition referred
above.

(Ghulam Mustafa Khan)
Assistant Director (L & M)
PPRA S&GAD

Cc:

1. Secretary to the Govt. of the Punjab, Industries & Commerce Department, Lahore
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



12/9/22

12-09-22



Mr. Shoalb Manzoor,
Procurement Associate,
Punjab Population Innovation Fund,
127 Abu Bakar Block New Garden Town Lahore.

Subject: (1)- CLARIFICATION REGARDING PROCUREMENTS OF PROJECT PARTNER.
(2)- PRODUCTION AND ON AIRING OF DRAMA SERIAL ON FAMILY PLANNING.

I am directed to refer to your letters bearing No. PPIF/1087 dated 23.08.2021 whereby an advice has been sought on the subject I & II cited above, respectively.

2. Subject (1), Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Punjab Procurement Regulatory Authority has been established under Punjab Procurement Regulatory Authority Act 2009 (Amended 2016) to regulate the procurement of goods, services and works in the public sector and for matters connected therewith. The definition of public procurement as provided in section 2(n) of PPRA Act 2009 envisages that:
2(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".

PPRA is of the view that after award of a contract to any bidder / contractor / firm as a result of open competitive bidding process under PPR-14, the procurement to be conducted by the private firms, does not fall under the definition of public procurement as provided under Section 2(n) of PPRA Act, 2009.

3. Subject (2), The expressions "services" and "consultancy services" has been defined under section 2(q) of PPRA Act, 2009 and Rule 2(m) of PPR-14 respectively which stipulate that:

2(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;

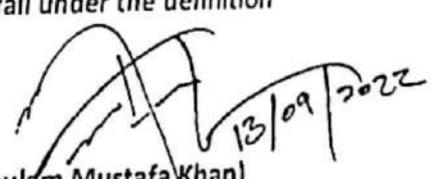
2. (m) "consultancy services" means services requiring adequate technical expertise and financial capability in undertaking specific assignment or project and may be of an Intellectual nature and differ from the other types of services directly connected with the procurement of goods and works in which 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;

4. The proposition laid down by the Procuring Agency has been examined in the light of aforementioned Law / Rules. As reported by the Procuring Agency, the activities to be performed by the firm involve the following:

- I. Provision of one-liner (storyline of the drama)
- II. Script Writing
- III. Production including designing and execution of promotional campaign. Promotional campaigns include teasers, Drama OST, promos and public service message etc.
- IV. Development of social media campaign.
- V. Hiring of casting members
- VI. Provision of detailed budget.

Therefore, PPRA is of the view that aforementioned activities clearly fall under the definition of consultancy services as provided under Rule 2(m) of PPR-14.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

13/09/2022

Cc:

1. Secretary to the Govt. of the Punjab, Population Welfare Department, Lahore
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Dated Lahore, 19th September, 2022

The Director General Health Services
Govt. of the Punjab, Lahore.

Subject:

REQUEST TO DECLARE MISPROCUREMENT UNDER RULE 69 OF PUNJBA
PROCUREMENT RULES 2014 IN VIOLATION OF RULE 32 AND OTHER RELATED
PROVISIONS OF THE RULES IBID BY DIRECTORATE GENERAL HEALTH
SERVICES PUNJAB IN PREQUALIFICATION OF MEDICAL DEVICES FOR FY 2022-
23.

I am directed to refer to this office letter of even number dated 28.07.2022 whereby office of the Director General Health Services (DGHS/Procuring Agency) was directed to submit a report on the complaint lodged by M/s. Lab Link Enterprises. (the Complainant).

2. Brief history of the matter is that Invitation of Pre-qualification for "Pharmaceutical Manufacturing Units and Sole Agents of Foreign Principals of Medical Devices" for financial year 2022-23 was published in newspaper vide IPL No. 5705. The Complainant objected non-compliance of evaluation criteria. In order to expeditiously decide the matter as per Law/Rules, both the parties (Complainant and Procuring Agency) were afforded with an opportunity of personal hearing on 05.09.2022 in the office Chamber of Managing Director, PPRA. Dr. Muhammad Hafeez (DD Pharmacy) and Muhammad Asif (Pharmacist) attended the hearing on behalf of the Procuring Agency. Mr. Kashif Ahmed (BD), Mr. Salman Said (M.M), Mr. Rizwan Ahmad (R.S.M) and Mr. Rana Ali Akhtar appeared on behalf of Complainant.

3. The representative of the Complainant, at the very outset of the arguments, mentioned clause 10 of knock down criteria (Quoted product / item wise) of section 2 Pre-qualification criteria i.e. every firm must have to submit Goods Declaration Certificate along with other relevant documents which must also be verifiable. The clause ibid stipulates that:

"The firm submit copies of Goods Declaration Certificates of quoted items for at least three years since January 2018 onward till closing date of submission of PQD application alongwith all relevant documents such as bill of lading,

performa invoice / packing list (For Importers only). These documents must be verifiable"

As per prequalification evaluation report, M/s KM Enterprises, M/s Al-Hamd Enterprises and M/s Searle Company Limited were declared as "not qualified" on the basis of non-fulfillment of clause 10: Goods Declaration Certificates of quoted item along with bill of lading & performa invoice / packing list not attached. Goods Declaration Certificates of quoted items subject to verification. It was submitted that provision of bill of lading and performa invoices is one separate thing while Goods Declaration Certificate verification is another separate parameter, which was to be implemented in strict adherence. Provision of all documents is compulsory while Goods Declaration Certificate verification was another compulsory parameter. The complainant further apprised the Chair that only "Web Based One Customs (WeBoc) and / or Pakistan Single Window (PSW)" is the valid source to verify the Goods Declaration Certificate. It is the practice of the department to verify the tax returns through company's login; similarly, Goods Declaration Certificate can only be verified by WeBoc Login of the firms. The complainant specifically mentioned that as per Rule 32 of PPR-2014 bids shall be evaluated in accordance with the evaluation criteria as described in the prequalification documents. However, the Procuring Agency accepted the Goods Declaration Certificate on the basis of following seven (7) parameters / checks which were formulated by the Procuring Agency at its own.

- I. Airway Bill No & Date
- II. IGM/EGM No & Date
- III. Gross weight
- IV. Container Number
- V. Name of item / item description
- VI. Custom duty values
- VII. Challan Date comparison with Goods Declaration Certificate Date

However, no such criteria was mentioned in the prequalification documents that Goods Declaration Certificate shall be evaluated on the basis of aforementioned seven (7) parameters. The complainant raised his voice before Grievance Redressal Committee (GRC) and requested to get the Goods Declaration Certificate verified through WeBoc. GRC heard the stance of the complainant and turned down the grievance application of the complainant without verifying the same. The complainant side argued that such acts of the Procuring



Agency are not only against Punjab Procurement Rules 2014 (PPR-14) but also amount to be malpractices by the public functionaries. The complainant further prayed that subject prequalification may be declared as "mis-procurement" under Rule 69 of PPR-14 and matter may be probed and the delinquents may be proceeded against as per law / Rules. The complainant also requested to constitute an independent committee to verify Goods Declaration Certificate as per merit and criteria through best available digital means.

4. The representative of the Procuring Agency submitted annotated reply against each objection of the complainant and countered the stance of the complaint. It was argued that prequalification was carried out on merit and as per prequalification criteria, which was similar for all the firms / applicants. Technical Evaluation Committee checked the Goods Declaration Certificate of firms, all incomplete Goods Declaration Certificate which did not accompany bill of lading / invoices were rejected at technical evaluation level. All documents related to Goods Declaration Certificate were required and firms were also declared non-responsive due to incomplete Goods Declaration Certificate in technical evaluation report. In prequalification document it was mentioned that Goods Declaration Certificate should be verifiable, exact mechanism of verification was not provided in detail in the prequalification document. It was also mentioned in the technical evaluation report that Goods Declaration Certificate are to be verified and committee can verify these from WeBoc/PSW. The representative of the Procuring Agency further apprised the Chair that during GRC meeting, the committee decided to check seven (7) parameters instead of checking the Goods Declaration Certificate from WeBoc/PSW and all those items which fulfilled these 7 parameters against the bill of lading and invoices, were declared qualified. In prequalification document it was mentioned that Goods Declaration Certificate should be verifiable but WeBoc/PSW was not written and hence it was not binding upon the Procuring Agency to verify Goods Declaration Certificate through WeBoc. Two (2) Goods Declaration Certificate (IV Cannula Size 18G and 20G) of M/s Al-Hamd Enterprises did not comply with the above said 7 parameters so those were not accepted by the committee. Similarly, the Goods Declaration Certificate of spinal needle quoted by M/s Hashir Surgical Services did not comply with the above said parameters and were not accepted by the committee. In GRC meeting online parameters like income tax return, statement from FBR and Goods Declaration Certificate were checked but it was not possible to check all firms and online status of all the items. It was assured that the committee had verified all documents. However, the complainant



insisted that it should be verified through WeBoc/PSW which was not possible due to privacy / shortage of time Login/Password and threat of Hacking etc. The Representative of the Procuring Agency concluded their arguments and prayed the Chair that the Procuring Agency has followed the evaluation criteria mentioned in the prequalification documents. The complainant is just trying to hamper and dictate the procurement process as per his own wishes which is not only intrusion in public service delivery but also against the norms and integrity of procurement Rules. The Instant complaint does not merit any consideration as no Rule has been violated. Therefore, the subject complaint may kindly be dismissed.

5. Parties heard, available record perused, following has been observed:

- I. PPRA is of the view that according to Rule 31 of PPR-14 every Procuring Agency is required to formulate an appropriate evaluation criteria 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 as envisaged under Rule 31 of PPR-14. Rule 31 is reproduced as under:

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.

- II. Bidding document is an important part of the procurement mechanism, which also requires to include the evaluation criteria along with all terms and conditions. The evaluation criteria / terms and conditions are to be formulated as per Rule 31 of PPR-14 and evaluation is conducted under Rule 32(1) & (3) of PPR-14. Rules ibid stipulate that:

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.



(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.

- III. Perusal of the record reveals that as per clause 10 of the prequalification document, it was clearly mentioned that that Goods Declaration Certificate along with all other relevant documents shall be submitted by the firm and these documents shall be verifiable. Exact mechanism of the verification of Goods Declaration Certificate was not provided in detail. As per prequalification report, the technical committee observed that aggrieved firm may submit grievance against the prequalification report. It was also clearly provided that claim of any aggrieved firm regarding Goods Declaration Certificate shall be verified from online portal of "WeBoc/PSW". However, despite clear cut observation of technical committee and repeated requests of the complainant, GRC instead of verifying the Goods Declaration Certificate from WeBoc/PSW assumed seven (7) parameters for the verification of Goods Declaration Certificate. PPRA is of the view that it was in the fitness of the things that GRC should have verified the Goods Declaration Certificate through available digital sources i.e. WeBoc/PSW. Therefore, verification of Goods Declaration Certificate based on said seven (7) parameters cannot be treated as an authentic and conclusive verification.
- IV. It is the prime responsibility of GRC to decide such disputes / grievances under Rule 67 of PPR-14. GRC has been entrusted with the express power to decide the same under rule 67 of PPR-14. The rule ibid stipulates that:

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 [ten] days after the announcement of the bid evaluation report.

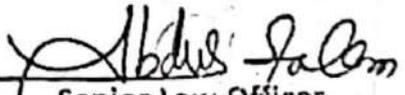
(3) The committee shall investigate and decide upon the complaint within fifteen days of the receipt of the complaint.

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

In the instant case, Goods Declaration Certificate was not verified from an available authentic source i.e. WeBoc/PSW and in this way the grievance of the complainant was not properly addressed by GRC as mandated under Rule 67 of PPR-14.

6. In the light of observations made at para supra, PPRA is of the view that modus operandi for verification of Goods Declaration Certificate adopted by the GRC was not appropriate. Since the Procuring Agency has mentioned that the Goods Declarations Certificate are verifiable then it was the prime responsibility of the Procuring Agency to get it verified from the best possible source i.e. digital source available in this regard. The Procuring Agency is therefore advised to constitute an independent committee to verify the Goods Declaration Certificate of all prospective applicants through an authentic digital source i.e. WeBoc/PSW etc. and declare the status (qualify / not-qualify) of all firms accordingly. The prequalification result shall, however, be subject to the final outcome of this verification process.

7. In view of forgoing complaint filed by M/s Lab Link Enterprises is hereby disposed off.


Senior Law Officer

PPRA S&GAD. 19/9/22.

Cc:

1. The Secretary, Govt. of the Punjab, Primary & Secondary Healthcare Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.
4. M/s Lab Link Enterprises, 221-H, Block-2, P.E.C.H.S, Karachi.



No. L&M(PPRA) 1-23(SOC)(I)-AD/2012
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

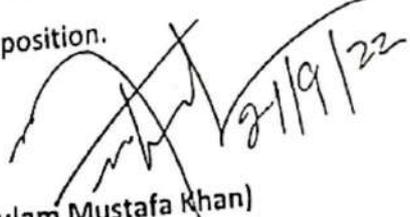
Dated Lahore, 21st September, 2022

Mr. Ali Akbar Bosan,
Chief Operating Officer,
Punjab Skills Development Fund,
21-A, H-Block, Dr. Mateen Fatima Road, Gulberg-II,
Lahore.

Subject: PUNJAB PROCUREMENT REGULATORY AUTHORITY (PPRA), SEEKING ADVICE.

I am directed to refer to your letter No. 001/PSDF/PROC/PPRA/09-22 dated 12.09.2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the proposition referred vide aforementioned letter is not clear and needs clarification. It is therefore, requested to depute an officer (not below the rank of BS-17) along with complete record of subject procurement, well conversant with the facts of the case to attend the office of undersigned in order to clarify the proposition.


(Ghulam Mustafa Khan)
Assistant Director (L & M)
PPRA S&GAD

- Cc:
1. Secretary to the Govt. of the Punjab, Labour & Human Resource Department, Lahore
 2. PSO to Chairman PPRA / Chief Secretary Punjab.
 3. PS to MD PPRA.



No. L&M(PPRA) 1-30(G)/2022
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

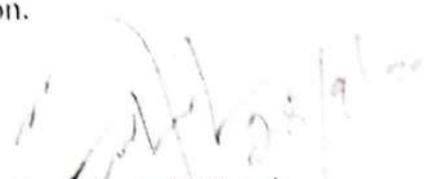
Dated Lahore, 28th September, 2022

Ms. Nayab Zahra,
Planning Officer (RP),
Planning & Development Board,
Lahore

Subject: CDA BAHAWALPUR PURCHASE ORDER FOR SUPPLY OF DIESEL GENERATING SETS.

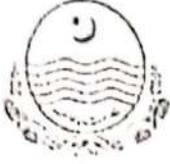
I am directed to refer to your letter No. 1(329)/RP/P&D/2016 VOL-II dated 25.08.2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the proposition referred vide aforementioned letter is not clear and needs clarification. It is therefore, requested to depute an officer (not below the rank of BS-18) along with complete record of subject procurement, well conversant with the facts of the case to attend the office of PPRA in order to clarify the proposition.


(Ghulam Mustafa Khan)
Assistant Director Legal
PPRA S&GAD

Cc:

1. Secretary to the Govt. of the Punjab, Planning Development Board, Lahore
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Dated Lahore, 29th September, 2022

Mr. Hamid Javaid Awan,
Director Coordination,
Directorate General Public Relations (DGPR),
21- Mehmood Ghaznai Road, Lahore.

Subject: ADVICE.

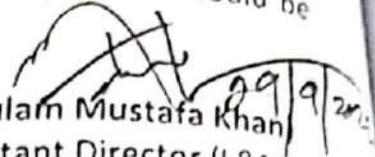
I am directed to refer to your letter No. PR(ADVT)-2022/2467 dated 06/09/2020 whereby an advice has been sought on the subject cited above. Contents of subject letter reveal that procuring agency started prequalification process on 11-06-2022 but it could not be completed timely owing to the cumbersome verification process.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It is appraised that Rule 16 & 17 of PPR-14 deal with prequalification procedure as an alternative modality for open competitive bidding process. PPRA is of the view that on account of circumstances which delayed the completion of subject prequalification process (as reported by the procuring agency) the procuring agency may decide to extend the prequalification period keeping in view the principle of "value for money" as defined under Rule 2(ae) read with "principles of procurement" as enunciated under Rule 4 of PPR-14. The Rules *ibid* stipulate that:

2(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.

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

3. It is further added here that the procuring agency should not extend the prequalification period unnecessarily and fresh/ongoing prequalification process should be completed in the shortest possible time.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

- cc:
1. Secretary to the Govt. of Punjab, Information Department, Lahore.
 2. PSO to Chairman PPRA / Chief Secretary Punjab
 3. PS to MD PPRA.



No. MD(PPRA)46-BOM/2022
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 30th September, 2022

The Secretary,
Law & Parliamentary Affairs Department,
Lahore.

Subject: REQUEST FOR VETTING DRAFT-BIDDING DOCUMENTS (GOODS, WORKS,
SERVICES AND CONSULTANCY SERVICES AS PER DECISION OF PPRA 46TH
MEETING OF PPRA BOM.

I am directed to refer to the subject and to append herewith minutes of the 46th meeting of the Board of Management (BoM) held on 26-09-2022 under the Chairmanship of Chief Secretary, Punjab.

2. The BoM has decided as follows:

"After detailed deliberations, BoM approved the draft SBDs subject to the feedback from Irrigation Department and subsequent vetting by the Law & Parliamentary Affairs Department within 7 days from the date of receipt as proposed by the Secretary Law & Parliamentary Affairs Department"

3. I am further directed to append herewith the draft bidding documents, with the request to vet the draft bidding documents, as follows:

- | | |
|---|---------|
| i. Draft Bidding Document (Goods) | Annex-A |
| ii. Draft Bidding Document (Works) | Annex-B |
| iii. Draft Bidding Document (Services) | Annex-C |
| iv. Draft Bidding Document (Consultancy Services) | Annex-D |

4. Soft copies of the Draft Bidding Documents have been sent through email (sec.law@punjab.gov.pk) and attached herewith in USB.

Abdus Salam
Senior Law Officer
PPRA S&GAD 30/9/22

CC:-

1. The Secretary, Govt. of the Punjab, Specialized Healthcare & Medical Education Department, Lahore.
2. The Secretary, Govt. of the Punjab, Irrigation Department, Lahore
3. The Secretary, Govt. of the Punjab, Planning & Development Board.
4. The Secretary, Govt. of the Punjab, Finance Department, Lahore.
5. Joint Director, PITB, Lahore.
6. PSO to Chief Secretary Punjab/Chairman PPRA.



Tel. 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. MD(PPRA)46-BOM/2022 | 66
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 30th September, 2022

The Secretary,
Law & Parliamentary Affairs Department,
Lahore.

Subject: REQUEST FOR VETTING DRAFT-BIDDING DOCUMENTS (GOODS, WORKS, SERVICES AND CONSULTANCY SERVICES AS PER DECISION OF PPRA 46TH MEETING OF PPRA BOM.

I am directed to refer to the subject and to append herewith minutes of the 46th meeting of the Board of Management (BoM) held on 26-09-2022 under the Chairmanship of Chief Secretary, Punjab.

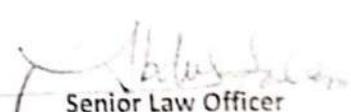
2. The BoM has decided as follows:

"After detailed deliberations, BoM approved the draft SBDs subject to the feedback from Irrigation Department and subsequent vetting by the Law & Parliamentary Affairs Department within 7 days from the date of receipt as proposed by the Secretary Law & Parliamentary Affairs Department"

3. I am further directed to append herewith the draft bidding documents, with the request to vet the draft bidding documents, as follows:

- | | |
|---|---------|
| i. Draft Bidding Document (Goods) | Annex-A |
| ii. Draft Bidding Document (Works) | Annex-B |
| iii. Draft Bidding Document (Services) | Annex-C |
| iv. Draft Bidding Document (Consultancy Services) | Annex-D |

4. Soft copies of the Draft Bidding Documents have been sent through email (sec.law@punjab.gov.pk) and attached herewith in USB.


Senior Law Officer
PPRA S&GAD

CC:-

1. PSO to Chief Secretary Punjab/Chairman PPRA.
2. PS to MD, PPRA.



No. L&M(PPRA) 1-15(SOC)(2)/2022
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, 5&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 06th October, 2022

The Medical Superintendent,
DHQ Hospital Okara City,
Okara,

Subject: CLARIFICATION OF THE BID SECURITY RULE NO. 27 BID SECURITY.- THE PROCURING AGENCY MAY REQUIRE THE BIDDERS TO FURNISH A BID SECURITY NOT EXCEEDING FIVE PERCENT OF THE ESTIMATED PRICE.

I am directed to refer to your letter No. 14483/DHQ dated 01/09/2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that bidding documents is the vital part of the procurement mechanism, which includes evaluation criteria along with terms & conditions for the evaluation of bids as well. The main driving force which steers the evaluation process is evaluation criteria read with terms & conditions set forth in the bidding documents for the evaluation of bids. Rule 24(2), 31(1) & 32(3) are very much clear in this regard. These Rules ibid are reproduced as follows:

24. Submission of bids. (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.

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.

32. Evaluation of bids.(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.

3. However, before tendering any conclusive advice on the subject proposition, the procuring agency must apprise PPRA on the following:

- i. As per bidding documents, whether the bids were called on "lot wise" or "item wise"?

- ii. What criteria was provided in the bidding documents to evaluate the lowest evaluated bidder?
- iii. Whether the contract is to be awarded on lot wise or item wise basis?


(Ghulam Mustafa Khan)
Assistant Director (I. & M)
PPRA S&GAD

- CC:-
1. The Secretary Govt. of the Punjab, Primary & Secondary Healthcare Department Lahore.
 2. PSO to Chairman PPRA / Chief Secretary Punjab.
 3. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA)1-23(SOC)(i)-AB/2014/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th October, 2022

Dr. Salma Amlr,
Medical Superintendent,
Punjab Employees Social Security Hospital,
I-12, Islamabad.

Subject: REQUEST FOR GUIDANCE.

I am directed to refer to your letter No. SSR/HOSPITAL/PPRA/898 dated 08.09.2022. Contents of the subject letter reveal that the bidders have quoted the prices 6 to 20% higher than estimated price due to the devaluation of Pak Rupee as the most of hospital items are imported item.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the proposition put forth is not very clear. There is no express provision available in PPR-14 regarding "market price" or submission of bids on above or below the estimated cost. Award of contract under Rule 55 of PPR-14 (to the lowest evaluated bidder) and determination of price reasonability (keeping in view the then prevailing rates in open market, inflation rate, fluctuation in the dollar price, all applicable taxes / duties and imposition of new taxes etc.) with reference to the estimated cost of any procurement is responsibility of the procuring agency. The Rule ibid stipulates that:

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.

3. It is further apprised that under Rule 35 of PPR-14, a procuring agency may reject all bids or proposals at any time prior to the acceptance of a bid or proposal. Furthermore, under Rule 36 of PPR-14, the procuring agency may initiate the re-bidding process. The Rules ibid are reproduced as follow:

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.

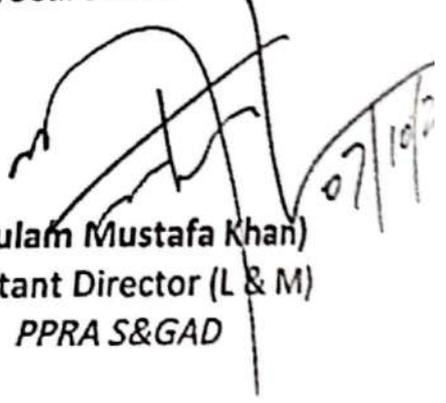
36. Re-bidding.— If the procuring agency rejects all the bids under rule 35, it may proceed with the process of fresh bidding but before doing that it shall assess the reasons for rejection and may, if

necessary, revise specifications, evaluation criteria or any other condition for bidders.

4. The Procuring Agency is advised to seek guidance from the above said discussion / Rules to decide the issue at own level strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements keeping in view the concept of "value for money" as defined under Rule 2(ae) read with "Principles of procurement" as enunciated under Rule 4 of PPR-14.

2.(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

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.


(Ghulam Mustafa Khan)
Assistant Director (L & M)
PPRA S&GAD

CC:-

1. Secretary to the Govt. of the Punjab, Labour & Human Resource Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-36(G)(I)-AD/2012
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th October, 2022

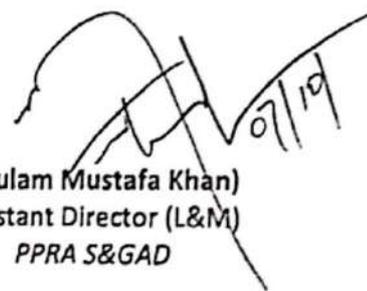
Deputy Director (RD&T),
Anti-Corruption Establishment,
Lahore.

Subject: REQUEST FOR ASSISTANCE REGARDING PROCUREMENT PROCEDURE IN
ENQUIRY NO 52/2022 DACE HQ.

I am directed to refer to your letter No. DAC-23314 dated 05-09-2020 on the subject whereby it has been requested to depute an officer to render its opinion on PPRA Rules 2014.

2 It is appraised that Punjab Procurement Regulatory Authority has to regulate the procurements of the public sector in Punjab Province and as PPRA is already deficient of required human resource to manage the responsibility as currently only two officer (Managing Director & Senior Law Officer) are doing the robust task. Hence, it is not possible for PPRA to spare an officer to honor the request of Anti-Corruption Establishment, Lahore. Anti-Corruption Establishment, Lahore however, if deem appropriate and plausible may formulate the precise proposition and forward the same to PPRA for expert opinion. It is reiterated that any call of Anti-Corruption Establishment, Lahore for any clarification / expert opinion on procurement intensive proposition shall always be welcomed.

3. This issues with the approval of competent authority.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

Cc:

1. PSO to Chairman PPRA / Chief Secretary Punjab
2. PS to MD PPRA.



Tel: 042-99204572
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No. L&M(PPRA) 1-13(G)(I)-AD/2012
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3rd Floor, Al-Falah Building, The Mall Lahore.

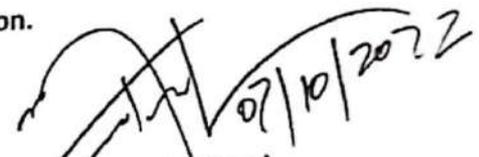
Dated Lahore, 07th October, 2022

The Director,
Lahore Zoo,
Lahore.

Subject: TENDER FOR SUPPLY OF FISH, ROTI, & CHICKEN FOR THE FINANCIAL YEAR 2020-21 TO LAHORE ZOO (FRAME WORK CONTRACT).

I am directed to refer to your letter No. 583/ZOO/MGT/2022 dated 08.09.2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the proposition referred vide aforementioned letter is not clear and needs clarification. It is therefore, requested to depute an officer (not below the rank of BS-18) along with complete record of subject procurement, well conversant with the facts of the case to attend the office of PPRA in order to clarify the proposition.


(Ghulam Mustafa Khan)
Assistant Director (L & M)
PPRA S&GAD

Cc:

1. Secretary to the Govt. of the Punjab, Labour & Human Resource Department, Lahore
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.

PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 10th September, 2022

100-147-0024572
15-147-30284734
05-147-30284736

The Secretary,
Specialized Healthcare & Medical Education Department.
Lahore.

The Medical Superintendent,
Bahawal Vitoria Hospital.
Bahawalpur.

Subject:

**REQUEST FOR NO OBJECTION CERTIFICATE FOR LAWFUL PAYMENTS OF M/S
MEDI URGE (PRIVATE) LIMITED.**

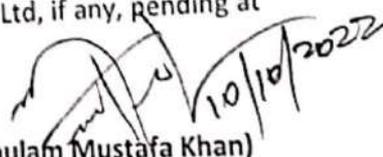
I am directed to refer to letter No. MU2210097-M dated 07.10.2022 by M/s
Medi Urge (Pvt.) Ltd (copy enclosed) whereby request has been made to issue directions to
Specialized Healthcare & Medical Education Department & Bahawal Victoria Hospital,
Bahawalpur for lawful payments.

2. The case has been examined in the light of Punjab Procurement Rules 2014
(PPR-14). PPRA is of the view that no procuring agency is supposed to hold any amount /
payment due / accrued for procurement in respect of any closed transaction, due to
blacklisted status of the firm except for a specific case in which the firm has been blacklisted
and penalized for holding / confiscation of the payment by the competent authority.

3. Since Rule 62 of PRR-14 requires a procuring agency to make payments to the
bidder / firm not later than 30 days of the submission of bill; provided work is satisfactory, in
accordance with the conditions of contract. The Rule ibid stipulates that:

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.

3. In the wake of above, the procuring agencies are advised to issue payments
relating to previous procurement transactions to M/s Medi Urge (Pvt.) Ltd, if any, pending at
their end.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

CC:-

1. PSO to Chief Secretary Punjab/Chairman PPRA.
2. PS to MD, PPRA.
3. M/s Medi Urge (Pvt.) Ltd 77-Sector A-1, township, Lahore.

PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 10th September, 2022

The Secretary,
Specialized Healthcare & Medical Education Department.
Lahore.

The Medical Superintendent,
Bahawal Vitoria Hospital.
Bahawalpur.

subject:

**REQUEST FOR NO OBJECTION CERTIFICATE FOR LAWFUL PAYMENTS OF M/S
MEDI URGE (PRIVATE) LIMITED.**

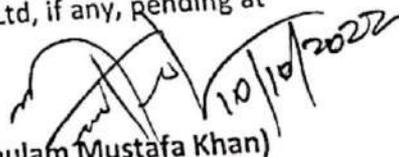
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The case has been examined in the light of Punjab Procurement Rules 2014 (PRR-14). PPRA is of the view that no procuring agency is supposed to hold any amount / payment due / accrued for procurement in respect of any closed transaction, due to blacklisted status of the firm except for a specific case in which the firm has been blacklisted and penalized for holding / confiscation of the payment by the competent authority.

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In the wake of above, the procuring agencies are advised to issue payments relating to previous procurement transactions to M/s Medi Urge (Pvt.) Ltd, if any, pending at their end


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

1. PSO to Chief Secretary Punjab/Chairman PPRA.
2. PS to MD, PPRA.
3. M/s Medi Urge (Pvt.) Ltd 77-Sector A-1, township, Lahore.



Dated Lahore, 10th October, 2022

The Secretary,
Specialized Healthcare & Medical Education Department.
Lahore.

The Medical Superintendent,
Bahawal Vitoria Hospital.
Bahawalpur.

Subject: REQUEST FOR NO OBJECTION CERTIFICATE FOR LAWFUL PAYMENTS OF M/S
MEDI URGE (PRIVATE) LIMITED.

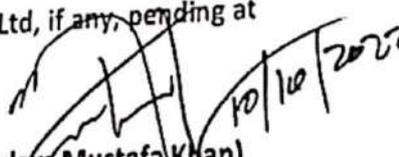
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(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

CC:-

1. PSO to Chief Secretary Punjab/Chairman PPRA.
2. PS to MD, PPRA.
3. M/s Medi Urge (Pvt.) Ltd 77-Sector A-1, township, Lahore.



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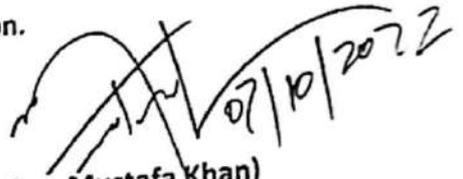
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The Director,
Lahore Zoo,
Lahore.

Subject: TENDER FOR SUPPLY OF FISH, ROTI, & CHICKEN FOR THE FINANCIAL YEAR 2020-21 TO LAHORE ZOO (FRAME WORK CONTRACT).

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(Ghulam Mustafa Khan)
Assistant Director (L & M)
PPRA S&GAD

- Cc:
1. Secretary to the Govt. of the Punjab, Labour & Human Resource Department, Lahore
 2. PSO to Chairman PPRA / Chief Secretary Punjab.
 3. PS to MD PPRA.



Dated Lahore, 10th October, 2022

The Secretary,
Specialized Healthcare & Medical Education Department.
Lahore.

The Medical Superintendent,
Bahawal Vitoria Hospital.
Bahawalpur.

Subject: REQUEST FOR NO OBJECTION CERTIFICATE FOR LAWFUL PAYMENTS OF M/S
MEDI URGE (PRIVATE) LIMITED.

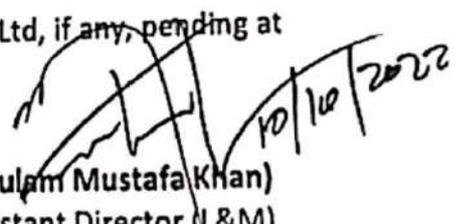
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3. Since Rule 62 of PRR-14 requires a procuring agency to make payments to the
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relating to previous procurement transactions to M/s Medi Urge (Pvt.) Ltd, if any, pending at
their end.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

CC:-

1. PSO to Chief Secretary Punjab/Chairman PPRA.
2. PS to MD, PPRA.
3. M/s Medi Urge (Pvt.) Ltd 77-Sector A-1, township, Lahore.



GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor Alfalah Building, The Mall, Lahore.

[Dated Lahore the 27th October, 2022]

NOTIFICATION

No. MD(PPRA)46-BOM/2022. **002154** In exercise of the powers conferred under Section 27 of the Punjab Procurement Regulatory Authority Act, 2009 (VIII of 2009) read with Rule 25(5) of Punjab Procurement Rules 2014, the Authority is pleased to frame Standard Bidding Documents and notify under the regulations (available at PPRA website <https://ppra.punjab.gov.pk>) as follows:

- i) Standard Bidding Documents for Procurement of Goods.
- ii) Standard Bidding Documents for Procurement of Civil Works.
- iii) Standard Bidding Documents for Procurement of Services.
- iv) Standard Bidding Documents (Request for Proposal for Consultancy Services).

WITH THE APPROVAL OF PPRA BOARD OF MANAGEMENT

-sd-

(WAQAR AZIM)
MANAGING DIRECTOR, PPRA

No. & Date even.

1. A copy is forwarded for information and necessary action to:-
2. The Senior Member, Board of Revenue, Punjab.
3. The Chairman, Planning & Development Board.
4. The Inspector General of Police, Punjab.
5. The Accountant General, Punjab.
6. All the Administrative Secretaries, Govt. of the Punjab.
7. All the Divisional Commissioners in Punjab.
8. All the Heads of Attached Departments, Punjab.
9. All the Heads of Autonomous Bodies, Punjab.
10. The Director General Anti-Corruption Punjab.
11. All the Deputy Commissioners in Punjab.
12. PSO to the Chairman PPRA/Chief Secretary, Punjab.
13. PSO to the Additional Chief Secretary, Punjab.
14. Superintendent, Government Printing Press Punjab (with the request to publish the same in the official gazette).
15. Web-Developer/Data Administrator, PPRA with the direction to immediately upload the same on the website of the PPRA.
15. PS to MD, PPRA.

Abdus Jaleem
SENIOR LAW OFFICER

PPRA S&GAD

27/10/22

CC:

1. The Ombudsman, Punjab.
2. The Registrar, Lahore High Court Lahore.



Dated Lahore, 31th October, 2022

Deputy Director (Technical),
Directorate of Civil Defence,
Lahore.

Subject: PURCHASE OF SIXTEEN (16) NOS. BOMB DISPOSAL RESPONSE VEHICLES
"REVENING OF BOMB DISPOSAL SERVICE OF CIVIL DEFENCE PUNJAB
(PHASE-II)" G.S. NO. 4635.

I am directed to refer to your letter No. 7-2/BD EQUIPMENT PHASE-II(P-I)/12596-97 dated 11.10.2022 whereby an advice has been sought on the subject cited above.

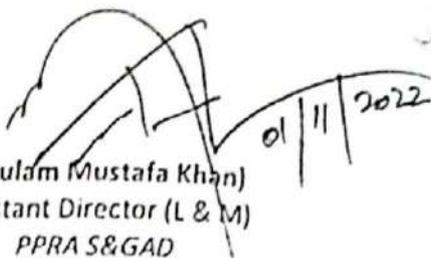
2. Case has been examined in the light of Punjab Procurement Rules 2014. PPRA is of the view that after the execution of the contract between the parties the execution of contract modalities becomes obligation of all the parties to contract. In terms of Section 37 of the Contract Act 1872, the obligations of the parties to the contract are to be discharged according to the contents of signed contract. In the instant case, as reported, the purchase committee has evaluated and concluded that the situation involved was an event of force majeure which was beyond the control of the firm and recommend not to impose the liquidated damages.

3. In view of the forgoing, the Procuring Agency may decide to extend the timeline for delivery of the vehicles without the imposition of liquidated damages in the light of recommendations of procurement committee keeping in view the concept of "value for money" as defined under Rule 2(ae) read with "Principles of procurement" as enunciated under Rule 4 of PPR-14.

2.(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

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.


(Ghulam Mustafa Khan)
Assistant Director (L & M)
PPRA S&GAD

01/11/2022

CC:-

1. Secretary to the Govt. of the Punjab, Home Department, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



No. L&M(PPRA)PA/Dir(L&M)/2021
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor Al-Falah Building, The Mall Road Lahore.

Dated Lahore, the 01st Nov, 2022

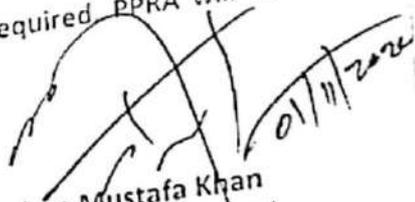
Tel: 042-99204572
Fax: 042-36284776

To,
The Additional Director (Staff),
National Accountability Bureau (NAB),
District Multan.

Subject: ATTACHMENT OF EXPERT – INQUIRY AGAINST OFFICERS / OFFICIALS OF HIGHWAY DEPARTMENT, MUZAFFARGARH AND OTHERS.

I am directed to refer to your letter bearing No. NABM202111122258169/426/SAK/576 dated 19.10.2022 on the subject whereby it has been requested to deputy an officer / expert (not below the rank of BPS-17) for evaluation / analysis of record / documents violation of PPRA Rules (if any) in award of contract / projects of construction / rehabilitation of Metal Roads in District Muzaffargarh.

2. Since, Punjab Procurement Regulatory Authority has acute shortage of human resources as only two (2) officers are working in PPRA presently. It is, therefore, not possible to spare an officers to attend NAB office Multan. NAB Multan, however, may formulate the precise proposition and forward the same to PPRA on which opinion of PPRA is required. PPRA will be forthcoming to respond any such quires received from NAB, Multan.


Ghulam Mustafa Khan
Assistant Director (L&M)
PPRA, S&GAD

Cc:
1. PS to MD, PPRA.



Dated Lahore, 16th November, 2022

The Managing Director / Program Director(PMDFC),
Punjab Municipal Development Fund Company,
184 Scotch Corner, Upper Mall Scheme, Lahore.

Subject: UPDATION OF PPRA SOPs UNDER PUNJAB CITIES PROGRAM (PCP).

I am directed to refer to your letters No. PMDFC/207204/9C dated 31-05-2022 & PMDFC/2022 dated 27-10-2022, meetings held in PPRA on 29-09-2022 & 18-10-2022 on the subject cited above.

2. Matter has been examined, Urban Unit prepared SOPs under the project titled as "Punjab Cities Governance Improvement Project" and got reviewed by PPRA way back in 2014 i.e. eight (8) years ago. PMDFC is now executing a project titled as "Punjab Cities Program (PCP)" funded by the World Bank in 16 MCs of Punjab. In the Project Appraisal Document (PAD), it was agreed with the donor (World Bank) to update the earlier SOPs which was prepared by Urban Unit. Accordingly, PMDFC finalized / updated the draft SOPs after incorporating all amendments notified in Punjab Procurement Rules 2014 (amended up to date) in consultation with PPRA after aforementioned meetings.

3. PPRA has already rendered its views to Urban Unit on the same matter vide this office letter No. MD(PPRA)7-1/2013/619 dated 17-04-2014 (copy enclosed). However, it is advised that the SOPs should be updated / revised regularly in consultation with PPRA during the course of implementation / in future to keep them in conformance with PPRA legal framework.

4. It is important to note that the SOPs would be a guiding document / implementation tool of Punjab Procurement Rules for the concerned procuring agencies and PPRA legal framework i.e. PPRA Act, 2009 & PPR-14 (amended up to date) shall always be having overriding effect on these SOPs.

(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

16/11/2022

Cc:

1. The Secretary to the Govt. of the Punjab, LG&CD Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.

http://ppra.punjab.gov.pk



Tel: 042-37402656-7
Fax: 042-37402654

No.MD(PPRA)7-1/2013/ -619
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD

Dated Lahore, the 17th April, 2014

USP & MSU (P&D)
18 APR 2014
No: 10437.....

To,

Dr. Nasir Javed,
Chief Executive Officer,
The Urban Unit, PCGIP,
503-Shaheen Complex, Edgerton Road,
Lahore.

Subject: **PUNJAB CITIES GOVERNANCE IMPROVEMENT PROJECT (PCGIP)**
STANDARD OPERATING PROCEDURES FOR PUBLIC
PROCUREMENT (DLI2)

Please refer to your letter bearing No.7666 dated 15.04.2014 and a series of meetings held in PPRA and in Urban Unit, on subject cited above.

2. Apropos to the discussion and meetings held to review and finalize the SOPs, the document being finalized in consultation with PPRA (final draft) may be implemented in the five CDGs as planned. The SOPs should be updated / revised regularly in consultation with PPRA during the course of implementation to keep them in conformance with PPRA rules, as amended from time to time.

3. It is important to note that the SOPs would be a guiding document / implementation tool of Punjab Procurement Rules for procuring agencies and the PP Rules shall always have overriding effect on SOPs.

(SHAHID HUSSAIN)
Managing Director, PPRA.

CC:-

1. Secretary, Government of the Punjab, P&D Department;
2. Secretary, Government of the Punjab, LG&CD Department;
3. Secretary, Government of the Punjab, HUD&PHE Department.

Sami
Naveed
Razaqat
15/4/14

15/4/14

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Tel. 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-15(SO)(2)/2022
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

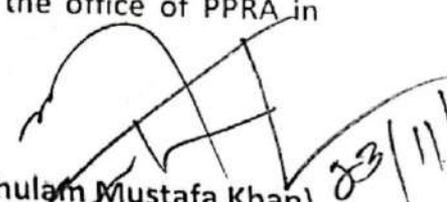
Dated Lahore, 23rd November, 2022

The Deputy Project Director,
Project management Unit,
Primary & Secondary Healthcare Department, Lahore.

Subject: APPLICATIKON AGAINST MINUTES OF MEETING- GRIEVANCE REDRESSAL COMMITTEE (GRC) REGARDING PROVISION OF "OPERATIONS & MANAGEMENT OF LAUNDRY SERVICES IN HEALTH FACILITIES UNDER THE ADMINISTRATIVE CONTROL OF P&SHD".

I am directed to refer to your letter No. P&SHD/PMU/OS/LAUNDRY-6A/2022 dated 01-11-2022 on the subject whereby an advice has been sought regarding award of contract.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the proposition referred vide aforementioned letter is not clear and needs clarification. It is therefore, requested to depute an officer (not below the rank of BS-17) along with complete record of subject procurement, well conversant with the facts of the case to attend the office of PPRA in order to clarify the proposition.


(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

Cc:

1. The Secretary, Govt. of the Punjab, P&SHD, Department Lahore
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Dated Lahore, 29th November, 2022

Director Contracts, P&D,
Punjab Ring Road Authority,
PPRA Complex, Bulleh Shah Interchange,
(Southern Loop Toll Plaza), Gajju Matta, Ferozpur Road,
Lahore.

Subject: DIGITIZATION OF CASH COLLECTION ON LAHORE RING ROAD.

I am directed to refer to your letter No. PPRA/CT-03/RFP/DIGITIZATION OF CC/S1866 dated 21-10-2022 on the subject whereby a request has been made for vetting the draft RFP.

2. The draft RFP "Standard Bidding Documents for Services other than Consultancy Services" has been examined in the light of Punjab Procurement Rules 2014 (PPR-14) in the presence of Mr. Ikhlas Ahmed, Deputy Director and necessary legal provisions of PPR-14 have been explained to the representative of Punjab Ring Road Authority. The office of Punjab Ring Road Authority is, however, advised to minutely review the draft RFP in order to ensure that no provision of draft RFP should be in conflict with PPRA legal framework.


(Ghulam Mustafa Khan)
Assistant Director, Legal
PPRA S&GAD

Cc.

1. PSO to Chairman PPRA / Chief Secretary Punjab.
2. PS to MD PPRA.



No. L&M(PPRA)1-20(G)(I)-CO/2015
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 30th November, 2022

Ch. Khizar Hayat,
Chief Engineer (P&C),
Punjab Industrial Estates, Development and Management Company,
Commercial Area (North) Sundar Industrial Estate, Sundar Raiwind Road,
Lahore.

Subject: CONSTRUCTION OF EXTERNAL ELECTRICITY DISTRIBUTION NETWORK (11 KV) AT QAID-E-AZAM BUSINESS PARK (QABP), SHEIKHUPURA.

I am directed to refer to your letter No. PIE/P&C/EE/QABP/89/2784 dated 25-11-2022 on the subject cited above:

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that under Rule 27 of PPR-14 a procuring agency may require a bid security from the prospective bidders up to 05% of the estimated price. The purpose of seeking bid security is to ensure the compliance of obligations which a bidder undertakes at the time of submission of bid and it has been provided under Rule ibid. It is a safeguard provided in the Rules to keep a bidder committed to his undertaking (price quoted for specified time period) given in the bid. The Rule ibid stipulates that:

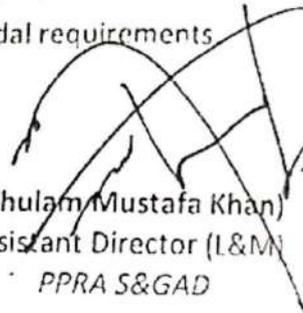
27. Bid security:— The procuring agency may require the bidders to furnish a bid security not exceeding five per cent of the estimated price.

Furthermore, where needed and clearly expressed in the bidding document a Procuring Agency may also require performance guarantee up to 10% of the contract amount in accordance with Rule 56 of PPR-14. The purpose to receipt performance security is to ensure the successful completion of the project. The Rule ibid stipulates that:

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

3. It is further apprised for the information convenience of the Procuring Agency that bid security and performance guarantee are two different types of financial negotiable instruments which are required from the bidder / contractor on different point of times. It is further added that after finalization of the bid process (which culminates to the selection of lowest evaluated bidder) the bid security is substituted (not converted) with performance guarantee i.e. lowest evaluated bidder shall be required to submit performance guarantee and his bid security shall be released upon the successful submission of performance guarantee. However, it is upon the Procuring Agency to decide the receipt of bid security from the prospective bidders at the rate of 0 to 5% of the estimated price (as per Rule 27 of PPR-14) and performance guarantee from the successful bidder at the rate of 0 to 10 % of contract amount (as per provision of Rule 56 of PPR-14) if it is needed and clearly mentioned in the bidding document.

4. The procuring agency is advised to seek guidance from above said discussion / Rule ibid to decide the issue as per term & conditions of the prevailed bidding documents and in accordance with PPR-14; after fulfilment of all other legal / codal requirements


(Ghulam Mustafa Khan)
Assistant Director (I&M)
PPRA S&GAD

30/11/2022

Cc:

1. The Secretary, to the Govt. of Punjab Industries, Commerce and Investment Department.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Tel: 042-99204572
Fax: 042-36284776

No. L&M(PPRA)1-17(G)(i)-AD/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 13th December, 2022

Ms. Riffat Haider Bokhari, SSP/HQrs,
For Deputy Inspector General of Police,
Head of Traffic Police, Punjab, Lahore.

Subject: REQUEST FOR GUIDANCE ON PERFORMANCE GUARANTEE FOR THE
PROJECT DRIVING LICENSE ISSUANCE MANAGEMENT SYSTEM (DLIMS).

I am directed to refer to your letter No. 7922/DLIMS dated 14.11.2022
whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that where needed and clearly expressed in the bidding document a Procuring Agency may require performance guarantee up to 10% of the contract amount in accordance with Rule 56 of PPR-14. The purpose of receipt of performance security is to ensure the successful completion of the project. The Rule ibid stipulates that:

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

4. In the instant case, as reported, Procuring Agency has awarded the contract (for delivery of printed driving license cards at the door steps of applicants in all Districts of the Punjab) to Pakistan Post by invoking the provisions of Rule 59(e) of PPR-14. Furthermore, neither bidding documents was formally issued nor open bidding process was conducted, therefore, the Procuring Agency may decide not to require the performance guarantee from Pakistan Post which is a Public Sector Organization.


(Ghulam Mustafa Khan)
Assistant Director (L & M)
PPRA S&GAD
13/12/20

CC:-

1. The Inspector General of Police, Punjab, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Dated Lahore, 13th December, 2022

Mr. Kashif Masroor,
Additional Director (Staff),
For Director General,
National Accountability Bureau,
Lahore.

Subject:

PROVISION OF INFORMATION U/S 19 & 27 OF NAO, 1999 – INQUIRY
AGAINST MAZHAR HUSSAIN ASIF, EX-CHIEF ENGINEER TEPA, OFFICERS /
OFFICIALS OF TEPA / LDA, AND OTHERS.

I am directed to refer to your letter No. 1(9)HQ/2201/W-II/NAB-L dated 25-10-2022, whereby comments of Punjab Procurement Regulatory Authority have been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Regulatory Authority Act, 2009 & PPR-14. The annotated reply / response of PPRA to the proposition / queries raised by the NAB Lahore, is as under:

Sr. No.	Query	PPRA observation
a.	Traffic Engineering & Transport Planning Agency (TEPA), LDA got anticipatory administrative approval of a project namely "Construction of Walk N Shop Park at M.A. Johar town, Lahore". amounting to Rs. 1513.101 Million from Competent Authority, on the basis of mere rough cost estimates of two pages (copy attached as annexure-A); without preparing any detailed drawings of the project, detailed rough cost estimates, analysis of rates etc. In view of above, it may be opined that	The preparation and approval etc. of PC-I does not pertain to PPRA legal framework rather it is relevant to Planning & Development Board. It is therefore, suggested that opinion of Planning & Development Board may be sought in order to proceed further.

whether such practice / non-preparation of PC-I is violation of PPRA Rules or otherwise. The relevant rules may be quoted

b. The record analysis of the same further revealed that only two firms submitted their financial bids after pre-qualification. However, the CDR/Bank guarantee of the second lowest firm was also found to be made from the account of tender awarded firm. Keeping in view the aforementioned scenario, it may also be opined that whether this is a violation of any PPRA rules or otherwise. The relevant rules may be quoted.

The proposition has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). The purpose of seeking bid security is to ensure the compliance of obligations which a bidder undertakes at the time of submission of bid and it has been provided under Rule 27 of PPR-14. It is a safeguard provided in the rules to keep a bidder committed to his undertaking (price quoted for specified time period) given in the bid. The genuineness of the CDR is normally checked to the extent that the CDR submitted is not fake. PPRA is of the view that provision of CDR / bank guarantee from the same account may give rise to an apprehension that the subject procurement is an engineered move which might have curtailed healthy competition and defeated principles of procurement as provided under Rule 04 of PPR-14. The Rule *ibid* stipulates that:

"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."

However, the case needs to be analyzed in totality to assess the impact of this transaction on the principles of

		<p>procurement stated above. For instance if reasonable number of bidders have participated in the process and have been qualified for opening of financial bid then the impact of this transaction may not be of significant importance. If the two firms involved in the transaction are absolutely two distinct entities as per their registration in the concord regulatory organization, then firms may be required to explain the said arrangement. Furthermore, following factors may also be kept in view to finally conclude the case:</p> <ol style="list-style-type: none"> I. Number of bidders participated in the subject procurement process. II. Number of bidders declared technically qualified. III. The highest price quoted by the bidder for the subject procurement. IV. The difference of price quoted by the first, second and third lowest bidder.
c.	Any other relevant information.	Nil.

(Ghulam Mustafa Khan)
Assistant Director (L&M)
PPRA S&GAD

13/12/22

Cc:

1. Director General, NAB, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Tel. 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-16(SOC)/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 20th December, 2022

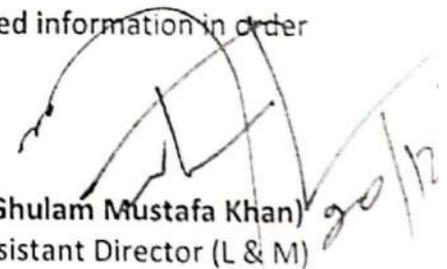
Section Officer (Audit),
Higher Education Department,
Lahore.

Subject: ADVICE OF AUDIT PARA NO. 11, 12, 13, 14, 15, 16, 17, 18 AND 21 FOR THE FINANCIAL YEAR 2016-20 OF UNIVERSITY OF OKARA.

I am directed to refer to your eight (8) number of letters bearing the same No. SO(AUDIT)3-16/2022(F-12) dated 29.09.2022 whereby an advice has been sought on the subject cited above.

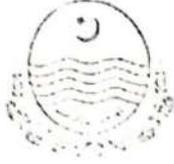
2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that contents of subject letters are very vague and sketchy as they do not adumbrate any proposition / question on which advice of PPRA is being sought. I am therefore, directed to obtain self-contained note upon each letter with all the details and point on which the advice of PPRA is being sought.

3. It is therefore, requested to provide the aforementioned information in order to proceed further.


(Ghulam Mustafa Khan)
Assistant Director (L & M)
PPRA S&GAD

Cc:

1. Secretary to the Govt. of the Punjab, Higher Education Department, Lahore
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Dated Lahore, 22nd December, 2022

Mushtaq Hussain Chughtai,
Divisional Forest Officer,
Okara Forest Division.

Subject: CLARIFICATION ABOUT UPLOADING OF ANNUAL CONTRACT BELOW THAN 3 MILLION.

I am directed to refer to your letter bearing No. 1961/AC dated 08.11.2022 whereby an advice has been sought on the subject cited above.

2 The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that Rule 12 (2) of PPR-14 is very much clear in the instant proposition which requires that the tender notice for the procurement exceeding three million rupees shall be published in at least two national daily newspapers of wide circulation, one in English and one in Urdu. The Rules ibid stipulates that:

12. Method of advertisement.— (1) Save as otherwise provided in these rules, a procuring agency shall advertise procurement of more than two hundred thousand rupees and up to the limit of 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 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. It is further apprised that Punjab Procurement Regulatory Authority has been established under Punjab Procurement Regulatory Authority Act 2009 (Amended 2016) to regulate the procurement of goods, services and works in the public sector and for matters connected therewith. The definition of public procurement as provided in Section 2(n) of PPRA Act, 2009 which envisages that:

2(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".

4. In view of the forgoing, PPRA is of the view that the proposition referred seems to pertain to "auction" which does not fall within the definition of public procurement and hence ambit of PPRA as well. Therefore, office of the Divisional Forest Office Okara, may proceed and decide the matter as per relevant law/rule.


Senior Law Officer
PPRA S&GAD

22/12/22

Cc:

1. The Secretary, Govt. of the Punjab, Forest Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-15(SOC)(AB)(LHR)(5)/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 22nd December, 2022

Chief Executive Officer,
Mayo Hospital,
Lahore.

Subject: REPORT OF AUDITOR GENERAL OF PAKISTAN FOR THE YEAR 2014-15.
IRREGULAR AUCTION OF CAR PARKING / MOTOR CYCLE STAND.

I am directed to refer to your letter No. 77873/MH dated 11/11/2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). There is no express provision available in PPR-14 regarding settlement of audit paras. Moreover, PPR-14 also does not have any mandate for the condonation of irregularities / regularization of a process once carried out in violation of PPR-14. Therefore, it is the procuring agency which has to get the issue settled through relevant forums i.e. SDAC/ PAC etc.

3. It is apprised that Punjab Procurement Regulatory Authority has been established under Punjab Procurement Regulatory Authority Act 2009 (Amended 2016) to regulate the procurement of goods, services and works in the public sector and for matters connected therewith. The definition of public procurement as provided in section 2(n) of PPRA Act 2009 envisages that:

2(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"

4. In view of above, PPRA is of the view that the proposition referred does not fall within the definition of public procurement and hence ambit of PPRA as well. Therefore, the office of Mayo Hospital, Lahore may seek guidance from the relevant law/rule in this regard.


Senior Law Officer

PPRA S&GAD 22/12/22.

Cc:

1. Secretary to the Govt. of the Punjab, LG&CD Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-18(W)(I)-AB/2016
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 22nd December, 2022

The Director General,
Parks & Horticulture Authority,
Faisalabad.

Subject: TENDERING ADVICE REGARDING REDUCTION OF RESERVE PRICE AND AUCTIONING OF COLLECTION RIGHTS OF ADVERTISEMENT FEE FOR TWO FINANCIAL YEARS.

I am directed to refer to your letter No. 324/DG/PHA/2022 dated 25/11/2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Punjab Procurement Regulatory Authority has been established under Punjab Procurement Regulatory Authority Act 2009 (Amended 2016) to regulate the procurement of goods, services and works in the public sector and for matters connected therewith. The definition of public procurement as provided in section 2(n) of PPRA Act 2009 envisages that:

2(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"

3. In view of above, PPRA is of the view that the proposition referred does not fall within the definition of public procurement and hence ambit of PPRA legal framework. Therefore, the office of the Director General PHA, Faisalabad may seek guidance from the relevant law/rule in this regard.

Abdus Saleem
Senior Law Officer 22/12/22
PPRA S&GAD

Cc:

1. Secretary to the Govt. of the Punjab, HUD&PHE Department, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Tel. 042-99204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-15(SOC)(2)/2022
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 29th December, 2022

THE Chief Executive Officer,
District Health Authority,
Mianwali.

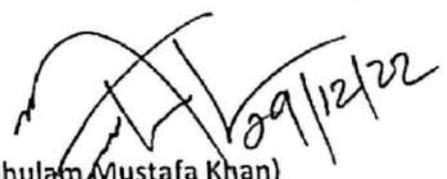
Subject: REQUEST FOR CLARIFICATION FOR OPENING OF FINANCIAL BIDS AFTER TECHNICAL EVALUATION.

I am directed to refer to your letter No. CEO/DHA/18393/MWI dated 22.12.2022 whereby an advice has been sought on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the proposition referred vide aforementioned letter is not clear and needs clarification. It is therefore, requested to depute an officer (not below the rank of BS-19) along with other relevant officers / officials well conversant with the facts of the case and complete record of subject procurement, to attend the office of PPRA 04-01-2023 at 02:00pm in order to clarify the proposition.

3. In order to streamline the process undersigned may be contacted on the following numbers:

042-99204572
03027515709


(Ghulam Mustafa Khan)
Assistant Director (L & M)
PPRA S&GAD

Cc:

1. Secretary to the Govt. of the Punjab, Primary & Secondary Healthcare Department, Lahore
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Tel: 042 99204572

Tel: 042 36284773

Fax: 042 36284774

Fax: 012 36284776

To,

Ms. Nayyab Zahra,
Planning Officer (RP),
Planning & Development Board,
Punjab, Lahore.

No.L&M(PPRA) 1-30(G)/2022
**PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD**
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, the 29th December, 2022

Subject: CDA BAHAWALPUR PURCHASE ORDER FOR SUPPLY OF DIESEL GENERATING SETS.

I am directed to refer to the letter No. 1(329)/RP/P&D/2016/Vol-II dated 25.08.2022 on the subject cited above received from the office of the Planning Officer (RP), Planning & Development Board, a hearing held in the PPRA office on 20.12.2022. Mr. Kamran (SDO) Cholistan Development Authority, Bahawalnagar (CDA) attended hearing on the behalf of the procuring agency. Mr. Tanveer Ahmed (Head Marketing & Finance) attended PPRA office on behalf of M/s General Electromax Company (the complainant / firm). Subsequent to the aforementioned hearing, the complainant was asked to submit his contentions through a written letter. Accordingly, the complainant submitted his stance vide letter No. GEC-01/01 dated 21.12.2022. Both the representative of procuring agency and complainant were heard at length, arguments were considered in the light of relevant provision of Punjab Procurement Rules 2014 (PPR-14) and following has been observed:

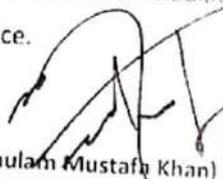
(i). CDA issued tender notice for the procurement of 07 Electric Generators. The firm submitted its bid, work order was issued and initially 03 generators were supplied in line with the bid submitted which were rejected by CDA after the inspection. On this the firm supplied new generators in accordance with the specifications laid down by the procuring agency and revised supply order. The firm, accordingly, supplied 04 generators (02 of 100 KVA and 02 of 80 KVA) which were dully accepted (after inspection) by the procuring agency and letter of satisfaction was issued to the firm. However, the payment has not been made by the procuring agency till date.

(ii). During the course of hearing representative of the procuring agency apprised that the scheme, under which subject procurement was conducted, was abandoned and has been replaced with another scheme. Therefore, no funds are available for the payments

to the firm. Representative of procuring agency also admitted that said generators are in the custody of the procuring agency against which no payments has ever been made.

(iii). P & D Board vide its letter No. 1(329/RP/P&D/2016 Vol-II dated 25.08.2022, has reported that there are certain violations of law / rules committed by the procuring agency during the proceeding of the subject procurement. PPRA is of the view that it is the duty of procuring agency to ensure the observance of PPRA legal framework along with fulfillment of all other legal / codal requirements during any procurement transactions. Any lapse on the part of the procuring agency cannot be attributed towards the complainant and made basis for the stoppage of payments for none of his fault. It is pertinent to mention here that vide order dated 14.11.2019 (passed by Managing Director CDA Upon the direction of Hon'ble Lahore High Court, Lahore Bahawalpur bench in writ petition No. 8379-2019/BWP) the issue of payment to the complainant was not resolved rather 04 Nos. generators were held by the procuring agency illegally and same are lying with the procuring agency till date without any legal justification / basis. PPRA is of the view that this act of the procuring agency has caused a great hardship for the complainant and he has rightly requested to release his generators from the illegal custody of procuring agency.

3. In view of foregoing facts, it has become clear that 04. No generators have been delivered by the complainant to the procuring agency almost 04 years ago and these are still lying under the illegal custody of the procuring agency, hence, the demand of the complainant for release of generators is all justified. The procuring agency is, therefore, advised to immediately return the said generators to the complainant under intimation to this office.


(Ghulam Mustafa Khan)
Assistant Director (I.&M)
PPRA S&GAD

CC:

1. The Secretary, Govt. of the Punjab, Planning & Development Department, Lahore.
2. The Commissioner, Bahawalpur Division Bahawalpur.
3. The Managing Director, Cholistan Development Authority, Bahawalpur.
4. PSO to Chairman PPRA / Chief Secretary, Punjab.
5. PS to MD (PPRA).
6. M/s General Electromax Company, 11-km, Jaranwala Road, near Nazir CNG, Lahore.



Dated Lahore, 30th December, 2022

The Medical Superintendent,
Punjab Dental Hospital,
Lahore.

Subject: ADVICE REGARDING BID SECURITY.

I am directed to refer to your letter No. 4216/PDH dated 08.12.2022 whereby an advice has been sought on the subject cited above.

2. Contents of the subject letter reveal that Procuring Agency advertised tender for the procurement of 40 dental units. Four (4) number of firms purchased the bidding documents and three (3) firms submitted their bids. The Procuring Agency evaluated the bids and declared one (1) firm i.e. M/s Western Scientific as "technically responsive". The only responsive firm submitted bid security vide CDR No. 14159460 amounting to Rs. 245,000/- (which is deficient). Now, the Procuring Agency approached PPRA for seeking advice as to whether the only responsive firm may be considered for further bidding process.

3. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that bidding documents is an important part of the procurement mechanism which also requires to include the evaluation criteria along with all terms and conditions. The evaluation criteria / terms and conditions are to be formulated as per Rule 31 of PPR-14 and evaluation is conducted under Rule 32(1)&(3) of PPR-14 which stipulate that:

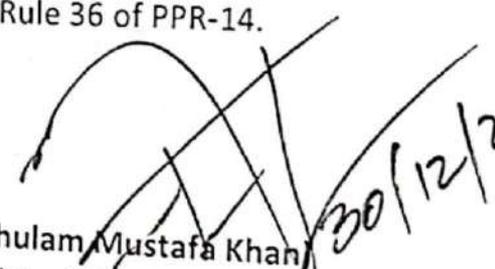
31. Evaluation criteria.– (1) A procuring agency shall formulate an appropriate evaluation criterion listing all the relevant information against which a bid is to be evaluated and such evaluation criteria shall form an integral part of the bidding documents.

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.

(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.

4. As reported, the total dental units are 40 and the estimated price for each unit is Rs. 1.4 million. As per tender notice appended with the aforementioned letter, the bidders were required to submit 2% bid security of the estimated price. Whereas, the only responsive firm i.e. M/s Western Scientific submitted bid security vide CDR No. 14159460 amounting to Rs. 245000/- which comes 0.4375% of the estimated price. PPRA is of the view that if a bid is non-compliant to the evaluation criteria / terms & conditions of the bidding documents it shall be declared non-responsive.

5. In view of the aforementioned discussion, the most plausible discourse for the Procuring Agency may be to re-initiate the bidding process as per Rule 36 of PPR-14.


(Ghulam Mustafa Khan)
Assistant Director (L & M)
PPRA S&GAD

30/12/22

1. Secretary to the Govt. of the Punjab, SHC. & ME Department, Lahore
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



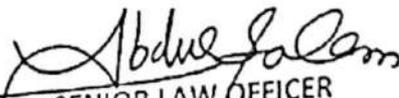
Dated Lahore, 30th December, 2022

To,
District Health Officer (Preventive Services)
(Departmental Representative)
District Health Authority, Faisalabad Primary & Secondary Healthcare
Department

Subject: IMPLEMENTATION OF THE ORDERS OF THE PUNJAB SERVICE TRIBUNAL IN
SERVICE APPEAL NO. 2725/2019 FILED BY MR. SAEED AHMED, STORE
KEEPER, THQ HOSPITAL, JARANWALA, FAISALABAD AGAINST THE
IMPUGNED ORDER NO. SO(INQ)1-3/2017 DATED 18.03.2019.

I am directed to refer to this office letter of even number dated 02.12.2022 on the subject cited above. Primary & Secondary Healthcare Department vide letter bearing No. SO(INQ)1-3/2017 dated 21.11.2022 intimated that the Competent Authority (Chief Minister, Punjab) has appointed Mr. Waqar Azim (Managing Director, PPRA) as Hearing Officer in the subject case of accused official (Mr. Saeed Ahmed, Store Keeper) of THQ Hospital, Jaranwala on the order passed by Punjab Service Tribunal Lahore vide order dated 21.02.2022.

2. I am further directed to apprise that you have been appointed as Departmental Representative in the subject case. It is therefore, requested to appear before the Managing Director, PPRA alongwith relevant record for briefing the history of the case on 05.01.2023 (Thursday) at 02:00 PM positively.


SENIOR LAW OFFICER
for MANAGING DIRECTOR, PPRA
S&GAD/Inquiry Officer 30/12/22.

CC:
1. Section Officer (Inquires), Primary & Secondary Healthcare Department Lahore.



Dated Lahore, 30th December, 2022

To,

District Health Officer (Preventive Services)
(Departmental Representative)
District Health Authority, Faisalabad Primary & Secondary Healthcare
Department

Subject: IMPLEMENTATION OF THE ORDERS OF THE PUNJAB SERVICE TRIBUNAL IN SERVICE APPEAL NO. 2725/2019 FILED BY MR. SAEED AHMED, STORE KEEPER, THQ HOSPITAL, JARANWALA, FAISALABAD AGAINST THE IMPUGNED ORDER NO. SO(INQ)1-3/2017 DATED 18.03.2019.

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SENIOR LAW OFFICER
for MANAGING DIRECTOR, PPRA
S&GAD/Inquiry Officer 30/12/22.

CC:

1. Section Officer (Inquires), Primary & Secondary Healthcare Department Lahore.