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(PART-I)

PUNJAB GOVERNMENT NOTIFICATIONS AND ORDERS

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TO BE SUBSTITUTED BEARING SAME NUMBER AND DATE

GOVERNMENT OF THE PUNJAB PUNJAB PROCUREMENT REGULATORY AUTHORITY

Dated: Lahore 06th March, 2024

NOTIFICATION

No. MD(PPRA)50-BOM/2024.- In exercise of the powers conferred under section 27 of the Punjab Procurement Regulatory Authority Act 2009 (VIII of 2009), the Punjab Procurement Regulatory Authority is pleased to make the following regulations:

1. **Short title and commencement.**- (1) These regulations may be cited as the Punjab Procurement Regulations 2024.
(2) They shall come into force at once.
2. **Definitions.**- (1) In the regulations, unless the subject or context requires otherwise:

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(1903)

- (a) "Act" means the Punjab Procurement Regulatory Authority Act 2009 (VIII of 2009);
- (b) "bidder" means and includes a bidder, supplier, vendor, shortlisted applicant, pre-qualified bidder and consultant either individual or a firm;
- (c) "e-PADS" means e-Punjab Acquisition and Disposal System as approved by the Authority;
- (d) "e-bid or proposal" means electronic bid or proposal;
- (e) "e-submission" means submission of bid or proposal either by uploading PDF file or submission by using dynamic forms;
- (f) "registration system" means a single place available on the e-PADS for all users to register and provide details of credentials for verification and authentication to conduct different activities;
- (g) "regulations" means the Punjab Procurement Regulations 2024; and
- (h) "rules" means the Punjab Procurement Rules 2014.

(2) A word or expression used but not defined in the regulations shall have the same meaning as assigned to it in the Act, rules and regulations made thereunder.

3. Scope of e-Procurement process.- (1) All e-Procurements shall be made through the e-PADS.

(2) The e-PADS may involve the whole or a meaningful part or module of e-Procurement process.

(3) In case of procurements through the e-PADS:

- (a) the procuring agency shall not require the submission of hard copies of related tenders, invitation to proposals and related documents:

Provided that a procuring agency shall expressly provide complete details of document related to e-bid or proposal, if required to be submitted in hard form; and

- (b) all persons, firms, contractors, companies, consultants and other organizations shall submit their e-bids or proposals by using the e-PADS.

4. E-Procurement system.- (1) The Authority shall make the e-PADS accessible to all the stakeholders including but not limited to procuring agencies, bidders, prospective bidders, users and general public to the extent of their role to ensure transparency in the e-Procurement process.

(2) The e-PADS may contain:

- (a) registration of persons, firms, contractors, companies, consultants and other organizations;
- (b) uploading of bidding documents or provision of dynamic submission by the procuring agency using authorized credentials;
- (c) facility for registered persons, firms, contractors, companies, consultants and other organizations to submit bids electronically either by uploading file or through dynamic forms using authorized credentials;

- (d) digitally secured system to ensure that a e-bid or proposal offered by one registered person, firm, contractor, company, consultant or other organizations is not accessible to other persons, firms, contractors, companies, consultants and organizations as well as the procuring agency till the date and time specified for opening of that e-bid or proposal under rule 30 of the rules;
- (e) a system ensuring that no e-bid or proposal may be altered or modified after the deadline for submission of e-bid as specified under rule 30 of the rules, maintaining the time stamp whereby the date and time may be locked;
- (f) assistance to the procuring agency in evaluation of the received bids;
- (g) a mechanism for clarifications, redressal of grievances and award of contract;
- (h) a mechanism for e-payment;
- (i) inbuilt checks and remedies to resolve issues arising from dis-connectivity of internet;
- (j) interface or backend linkages with databases of PEC, FBR, PRA, SECP, PIFRA, DRAP, NADRA, Banks, Federal Ministries, Provincial Departments, Directorate General Public Relations office and other relevant entities for verification of information provided by the bidders, monitoring of the procurement transactions by the procuring agency and exchange of information; and
- (k) any other feature or modification for carrying out e-Procurement not inconsistent with the Act, rules and regulations.

(3) In case of failure on the part of any person, firm, contractor, company, consultant and other organization to submit a e-bid or proposal and e-application on account of any technical error or internet failure, not attributable to the procuring agency, may not constitute mis-procurement or otherwise affect the integrity of procurement process.

(4) The website of the Authority and e-PADS shall work in parallel.

5. Annual procurement plan.- (1) In addition to the uploading of annual procurement plan on the website of the Authority as provided in rule 8 of the rules, an activity wise plan shall also be uploaded on the e-PADS.

(2) The procuring agency shall assign each procurement transaction to relevant notified committee as per its requirements.

6. Publication of tender.- (1) The advertisement shall be published in accordance with rule 12 of the rules and each procurement activity shall also be published on the e-PADS.

(2) The procuring agency shall prominently specify to conduct the procurement through the e-PADS in the relevant advertisement.

(3) The procuring agency shall, as per its requirements, create Lots or specify the transaction of a procurement be made as a whole or item wise.

(4) The procuring agency shall specify any one of the following methods for invitation of e-bid or proposal through:

- (a) uploading PDF File; or
- (b) dynamic forms.

(5) In case of invitation of e-bid or proposal through uploading PDF file or dynamic forms, as the case may be, the procuring agency shall follow standard bidding documents notified by

the Authority and customized as per requirements of procuring agency.

(6) In case of invitation of e-bid or proposal through uploading PDF file, precise, unambiguous and complete bidding documents or pre-qualification documents, as the case may be, shall be uploaded immediately by the procuring agency on the e-PADS as well as on the website of the Authority at the time of advertisement for bidders free of cost.

(7) In case of any inconsistency between the bidding documents customized by the procuring agency and standard bidding documents notified by the Authority, the latter shall prevail.

7. Only registered persons, entity with authorized credentials etc. eligible to participate.- (1) Notwithstanding anything contained in the regulations, no person, firm, contractor, company, consultant or any organization shall be eligible to participate in e-Procurement by using the e-PADS unless that person, firm, contractor, company, consultant or any organization is registered with the registration system available on the e-PADS.

(2) The registration system shall provide a secure username and password or such other information as is required to access and use the e-PADS to every registered person, firm, contractor, company, consultant or organization.

(3) Unless registration altered for reasons mentioned under rules 19, 20 and 21 of the rules, every registration made on the e-PADS shall be valid for a period of one year subject to its valid registration with relevant forums such as PEC, FBR, PRA, SECP, PIFRA, Banks, Departments and entities, etc.

8. E-submission of e-bid or proposal and e-application.- (1) An e-bid or proposal shall be submitted on the e-PADS in the manner or method as specified in the advertisement before closing date for submission of such e-bid or proposal.

(2) The bidder shall be allowed to alter or modify his e-bid or proposal before the closing date for submission of the e-bid or proposal.

(3) The bidder shall complete and authenticate his e-bid or proposal and submit it within time.

(4) In case e-bid or proposal including entries and record submitted on the e-PADS found corrupt, un-readable or contains virus, the e-bid or proposal shall be rejected.

(5) An e-application for pre-qualification shall also be submitted in the same manner as e-bid or proposal is submitted.

(6) The bidder shall submit hard copy of the financial instrument in addition to the soft copy uploaded on the e-PADS as bid security. The bid security shall only be released upon the hard copy.

Explanation.- In this regulation, submission of encrypted electronic file shall be deemed submission in "envelope" or "package" as mentioned in the rules.

9. E-opening of e-bid or proposal and e-application.- (1) The e-bid or proposal and e-application for pre-qualification, as the case may be, shall be opened on the e-PADS on the time and place as specified in the bidding documents.

(2) For opening of an e-bid or proposal and e-application for pre-qualification, as the case may be, the e-PADS shall, at the time of opening, provide one time password to all the members of concerned committee upon their registered numbers.

(3) The e-PADS shall not allow to open the e-bid or proposal and e-application for pre-qualification, as the case may be, unless all the committee members enter one time password.

Explanation.- In this regulation, decryption of encrypted electronic file shall be deemed opening as mentioned in the rules.

10. E-evaluation of e-bid or proposal and e-application.- (1) In case of e-submission through uploading PDF file, the evaluation committee shall evaluate the e-bid or proposal and e-application for pre-qualification and prepare technical and financial evaluation reports, as the case may be.

(2) In case of e-submission of e-bid or proposal and e-application for pre-qualification through dynamic forms, the e-PADS shall evaluate and generate the technical and financial reports, as the case may be, for the members of procurement evaluation committee to finalize the same.

(3) The finalized report shall be uploaded on the e-PADS as well as on the website of the Authority.

11. Uploading of evaluation reports.- (1) In case of single stage one envelope bidding procedure, complete bid evaluation report shall be uploaded on the e-PADS and website of the Authority at least ten days prior to the award of contract in accordance with rule 37 of the rules.

(2) In case of other than single stage one envelope bidding procedure, procuring agency shall upload the technical evaluation report at least five days prior to the opening of financial bids on the e-PADS and website of the Authority:

Provided that the financial bid of the technically non-responsive bidders shall remain unopened in the e-PADS.

(3) The complete bid evaluation (technical and financial) shall be uploaded at least ten days prior to the award of procurement contract on the e-PADS and website of the Authority in accordance with rule 37 of the rules.

Explanation.- In this regulation, uploading shall be deemed as communication as mentioned in the rules.

12. E-contract award system.- (1) The procuring agency shall upload letter of acceptance or purchase order, as the case may be, on the e-PADS and original copy of the same shall be sent to the successful bidder or contractor.

(2) The procuring agency and successful bidder shall sign the contract manually. A signed copy of the contract agreement, where applicable, shall also be uploaded on the e-PADS.

(3) A successful bidder or contractor shall submit hard copy of the financial instrument in addition to the soft copy uploaded on the e-PADS as performance guarantee. The performance guarantee shall only be released upon the hard copy.

13. E-payment system.- The payments shall be made on the e-PADS or manually as specified by the procuring agency.

14. Blacklisting.- (1) The blacklisting proceedings shall be conducted in accordance with section 17A of Act read with rule 21 and schedule providing blacklisting mechanism or process appended to the rules.

(2) The procuring agency shall forward the decision of blacklisting to the Authority for uploading the same on the website of the Authority in accordance with provisions provided in the rules. The original copy of the same shall be sent to the concerned bidder or contractor.

15. E-grievances redressal system.- (1) The bidder shall file a grievance before the grievances redressal committee through the e-PADS. The bidder shall also submit a hard copy of the same to the grievances redressal committee in accordance with rule 67 of the rules.

(2) All the grievances filed by the bidders or contractors shall be redressed efficiently, as soon as possible, in accordance with the rule 67 of the rules. The procuring agency shall inform the decision on the grievance to the bidder on the e-PADS or in the form of letter, as the case may be.

16. Responsibilities of Managing Director.- (1) The Managing Director shall issue guidance and instructions for using the e-PADS in accordance with provisions of the Act and rules.

(2) The Managing Director shall:

- (a) monitor application of laws, rules, regulations, policies and procedures in respect of, or relating to the public procurement;
- (b) monitor the implementation of and evaluate laws, rules, regulations, policies and procedures in respect of, or relating to, inspection or quality of goods, services and works;
- (c) issue guidance and instructions regarding the interpretation and implementation of the Act, rules and regulations;

- (d) call a functionary of a procuring agency to provide assistance in its functions and call for information from a procuring agency pursuant to its objectives and functions; and
- (e) redress the complaints filed by the aggrieved bidder, firm, contractor and company against the procurement process of any procuring agency and issue necessary instructions, advice or pass speaking order thereon.

17. Application of other provisions of the rules.- (1) All other provisions of the rules shall apply on procurement made through the e-PADS.

18. Repeal.- The Punjab Procurement Regulations, 2022 are hereby repealed.

WITH THE APPROVAL OF PPRA BOARD OF MANAGEMENT

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(WAQAR AZIM)
Managing Director, PPRA