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GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY AUTHORITY
SERVICES AND GENERAL ADMINISTRATION
DEPARTMENT

304-T, 3rd Floor Al-Falah Building, The Mall Lahore.
Dated Lahore, the 07th June, 2024

CIRCULAR

No. L&M(PPRA)10-1/2011. Vide this office earlier circulars dated 06.08.2021 and 05.04.2023 all the procuring agencies across the province of Punjab were advised to ensure the uploading of complete bidding documents on PPRA website to avoid mis-procurement. The very purpose of uploading the complete bidding document is mainly the availability of the document to all the stakeholders including but not limited to the potential bidders, regulatory/accountability organizations and watchdogs such as Transparency International etc. for monitoring to ensure that no any clause contrary to Punjab Procurement Regulatory Framework is added to avoid any "Mis-procurement" during the procurement transaction. Besides, PPRA also intended to discourage the collusive practices of the procuring agencies for exercising control over issuance of bidding documents to few wanted ones resulting in either no competition or extremely restricted one helping contractors/supplier to resort to pooling or cartelizing the competition which was highly detrimental to government exchequer and public interest. Accordingly, PPRA is of the view that the interface between the procuring agency and the potential bidders at this stage must be reduced to minimum level by allowing the potential bidders to download the bidding document from the website of PPRA and participate in the procurement process in order to have wider, healthy and fair competition.

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2. Punjab Procurement Regulatory Authority (PPRA) has observed through monitoring of the tendering process and is being frequently approached through complaints that during the procurement process, procuring agencies either do not upload the complete bidding document or issue the same to the few selected potential bidders/contractors. In many cases, the procuring agencies restrict the issuance of bidding document to specific office(s)/number of days or even specific time mentioned in the tender advertisement in lieu of the payment of fee fixed as printing charges, thus compelling the potential bidders to come to them for obtaining the bidding document. PPRA highly discourages such practices/provisions in the advertisement/bidding document and marks these tenders as "violated tenders". The bidders must be allowed to participate in the procurement process after having downloaded the bidding document from the PPRA website without depositing of the printing charges and must not be forced to interact with the procuring agency on one pretext or the other. It is clarified to all the procuring agencies that aforementioned practice is against the true spirit of PPRA legal framework. Furthermore, in terms of rule 25(7) of PPR-14 tender fee may be charged keeping in view the cost of printing and provision of the documents only from those bidders who, by their own will, choose to get the bidding documents from the procuring agency instead of downloading the same from the website of PPRA. Rule ibid stipulates as follows:

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

3. In the wake of the above, all the procuring agencies are advised to strictly refrain from practices restricting competition or leading to any collusive practices by use of discretion causing undue advantage or disadvantage to any or more potential bidder/bidders, creating any obstruction, entry barrier to participate in any procurement process. The procuring



agencies must not add any of the following conditions in its tender advertisement or bidding document at the time of initiating the procurement transaction:

- I. Procuring Agencies shall not compel/restrict the prospective participants/bidders to essentially receive bidding document (or part of it) from a specific office, during specific number of days or time.
- II. Procuring Agencies shall not compel the prospective bidders for depositing of the printing charges if they don't get a set of bidding document from them.
- III. Procuring Agencies shall accept all such bids without demanding any charges/fee whereby the prospective bidders have downloaded the bidding document from the website of PPRA.

4. It is further apprised that in terms of section-2(j) of PPRA Act 2009 read with Rule-69 of PPR-14 provides that any violation of provision of the act, rules, regulations, orders or **instructions** shall be treated as "mis-procurement". The section and rule ibid stipulate as under:

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

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

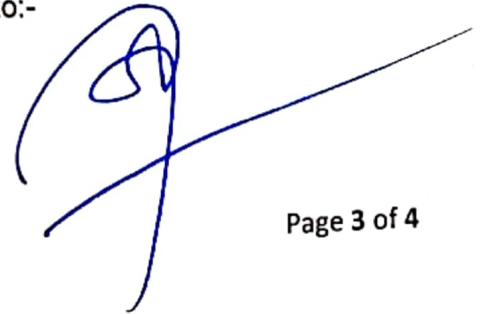
5. Foregoing in view, all the procuring agencies across the Punjab are advised to strictly adhere to the aforementioned instructions to avoid any kind of mis-procurement and subsequent proceedings under the relevant law/rules before any of the appropriate forums.

-sd-
(WAQAR AZIM)
Managing Director, PPRA

No. & Date even.

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

1. The Senior Member, Board of Revenue, Punjab.
2. The Chairman, Planning & Development Board.
3. The Inspector General of Police, Punjab.
4. The Accountant General, Punjab.



5. All the Administrative Secretaries, Govt. of the Punjab.
6. All the Divisional Commissioner in Punjab.
7. All the Heads of Attached Departments, Punjab.
8. All the Heads of Autonomous Bodies, Punjab.
9. The Director General Anti-Corruption Punjab.
10. All the Deputy Commissioners in Punjab.
11. PSO to the Chairman PPRA/Chief Secretary, Punjab.
12. PSO to the Additional Chief Secretary, Punjab.
13. Web-Developer/Data Administrative, PPRA with the direction to immediately upload the same on the website of the PPRA.
14. PS to MD, PPRA.
15. All the Chambers of Commerce & Industries of Pakistan.
16. All the Women Chamber of Commerce & Industries of Pakistan.
17. The Pakistan Pharmacist Association (PPA) 488-G Johar Town, Lahore.
18. The Pakistan Pharmaceutical Manufacturers Association (PPMA), House No. 474 Street No. 34 Sector I-8/2 Islamabad.
19. The Pakistan Electro-Medical Equipment Manufacturers and Distributors Association (PEMDA), Office No. 1311 High-Q Tower, Jail Road, Lahore.
20. The Healthcare Devices Association of Pakistan (HDAP), Office No. 301, 3rd Floor, Speedy Tower, Plot No. 129/I, Main Korangi Road, DHA, Phase-I, Karachi.
21. All Paksitan Security Agencies Association (APSAA),
South Zone: 1st Floor, 8-C, 24th Commercial Street, Phase-II, Ext. DHA, Karachi.
North Zone: House No. 3, Haji Aslam Chaudhry Street, Allama Iqbal International Airport, Lahore Cantt.
22. The Constructions Association of Pakistan (CAP), 2nd Floor, Classic Complex, 35-M Model Town Extension, Lahore.
23. The Institute of chartered Accountants of Pakistan (ICAP), Chartered Accountants Avenue Clifton, Karachi.


 SENIOR LAW OFFICER
 PPRA S&GAD

Cc:

1. The Registrar, Lahore High Court Lahore.
2. The Director General NAB, Lahore.
3. The Ombudsman, Punjab.




 11/07/24


 M. Farhan