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**GOVERNMENT OF THE PUNJAB
SERVICES AND GENERAL ADMINISTRATION
DEPARTMENT**

304-T, 3rd Floor Al-Falah Building, The Mall Lahore.

Dated Lahore, the 02nd January, 2020

CIRCULAR

No. L&M(PPRA)10-01/2011. Punjab Procurement Regulatory Authority (PPRA) frequently is being approached through complaints/grievances petition submitted to the procuring agencies and copy to PPRA raising the objections on the receipt of bids in Joint Venture (JV) mode whereby a company/firm has entered into more than one JV with different lead partners for the same procurement transaction.

2. In order to control and avoid this presumptuous and inapt action and to ensure healthy competition, Rule-36A of Punjab Procurement Rules-2014 (PPR-14) limits the behaviour of the bidder 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 has further elaborated that if a firm/bidder has submitted a bid in JV mode/Consortium of persons in any procurement, it shall be construed that each member of the consortium submitted the bid. Therefore, PPRA is of the concerted view that submission of more than one bid by a firm/bidder through more than one JVs/consortium of persons will not only be a clear infraction of the rule ibid but also would curtail the healthy competition and resultantly the very spirit of open competitive bidding process as provided under Rule-22 & 23 of PPR-14 is jeopardized. Furthermore, it would be very ironic that, when bid of any such JV

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emerges as lowest evaluated bid such bidder/firm in any case shall always be the winner party placing the whole process in a groove.

3. It is therefore advised that, in order to ensure the compliance of PPR-14 all the procuring agencies must include such provisions in bidding documents (Instruction to Bidders) in order to clarify the modality that one firm/bidder can submit only one bid either it may be in a JV mode/consortium of persons or exclusive and in case of deviation from this provision of law/rules all such bids shall be rejected under the rule ibid. The procuring agencies are further advised not to administer procurement process which contain any such infraction as deviation or violation of any PPRA law/rules in terms of rule-69 of PPR-14 is mis-procurement. The apex court in a case has held "in matters of public procurement, public officials are bound to exercise the duty with case that is expected of a prudent manager because state agencies stand in a fiduciary relationship to the people who are beneficial owner of the publically owned assets" (PLD 2014 Supreme Court 47).

2/1/2020
(SHAHID HUSSAIN)
Managing Director, PPRA

CC:-

1. The Chairman, Planning & Development Board.
2. The Senior Member, Board of Revenue, Punjab.
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 Head of Attached Departments Punjab.
8. All the Head of Autonomous Bodies Punjab.
9. The Director General NAB, Lahore.
10. The Director General Anti-Corruption Punjab.
11. The Registrar, Lahore High Court Lahore.
12. All the Deputy Commissioner Punjab.
13. Web-Developer/Data Administrator, PPRA with the direction to immediately upload the same on the website of the PPRA.
14. PA to MD, PPRA.

o/c
6-1-2020
Sham Shah
Abdul Faleem
Director (Legal & Monitoring),
PPRA S&GAD *3/1/2020*