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No. L&M(PPRA) 1-15(SOC)/2020/P3
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 04th January, 2021

Director,
Drugs Testing Laboratory,
Faisalabad.

Subject: **REQUEST FOR GUIDELINES REGARDING ESTIMATED PRICE.**

Please refer to your letter No. 600/PC/DTL/FSD dated 16/12/2020 on the subject whereby an advice has been sought regarding the award of contract.

2. Contents of subject letter reveal that procuring agency determined estimated cost for laboratory equipment i.e. "atomic absorption spectrophotometer" by calling three quotations from open market whereby the procuring agency received Rs. 11.1 million, 9.5 million and 9.0 million. The market rate estimation committee of the procuring agency evaluated three quotations and fixed the estimated cost of the equipment as Rs. 7.5 million which was based on the analogy of previous procurement process and three quotations. The procuring agency issued RFP to the prequalified firms for the ibid equipment after due evaluation process, the lowest evaluated bidder quoted Rs. 8.79 million which is higher than the estimated price of the procuring agency. The procuring agency in such a scenario has approached PPRA for seeking advice as to what course of action should be taken to proceed further in this matter.

3. The proposition has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the concerted opinion that to award the contract under rule 55 of PPR-14 (to the lowest evaluated bidder) determination of price reasonability (keeping in view the 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 prerogative of the procuring agency. Hence, PPRA intervention in these matter is uncalled for. It is further added here that the procuring agency may also invoke the provision of rule 35 (1) of PPR-14 which clearly authorize a procuring agency to reject all bids or proposals at any time **prior to the acceptance of a bid or proposal** if the quoted rates are considered to be irrational and unreasonable.

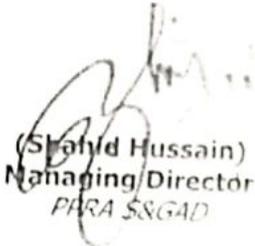
4. In view of the above said discussion, PPRA is of the concerted view that the procuring agency should decide the instant matter at its own level either to award the contract or to cancel the procurement process specifically keeping in view the "principles of procurement" as envisaged under rule 04 read with "value for money" as defined under rule 2 (ae) 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. It may not be out of place to mention that all quoted rates by bidders flow within the ambit of estimated cost which is the budgeted allocation demanded by the procuring agency and approved by the Government. As a result of competitive process if the quoted rates are within the approved range of estimated cost, than it is upto the discretion of the procuring agency to accept it or not keeping in view the rationality of the quoted rates and if in excess to the estimated cost which falls beyond the buying capacity of the procuring agency it is up to the procuring agency to decide as to go on with the conducted process or otherwise. The procuring agency however shall justify the action what so ever keeping in view the spirit of Rule 4 of PPR-14.

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.


(Shahid Hussain)
Managing Director
PPRA S&GAD

Cc:

- 1. Web Developer / Data Administrator, to do the needful as per directions of competent authority



PPRA-012-2020/1572
PPRA-012-2020/284774
PPRA-012-2020/284776

No. L&M(PPRA) 1-15(SOC)/2020/P3
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 04th January, 2021

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

Subject: **GUIDANCE REGARDING MARKET RATE COLLECTION IN OPEN COMPETITIVE BIDDING PROCESS.**

Please refer to your letter No. 9964/DGKMC dated 21/12/2020 on the subject whereby an advice has been sought as to whether it is required to collect market rates and compare it with the offered rate of lowest evaluated bidder after due competitive bidding process or otherwise.

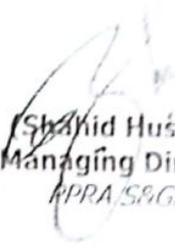
2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). As a principal requirement market rates are always analyzed prior to the initiation of procurement process rather at the time of budget formulation to calculate the estimated price in order to have an idea about the prevailing rates which can be increased or decreased during the continuation of procurement process on account of a number of factors involved in the manufacturing / supplies of the goods / commodity involved, inflation, fluctuation in exchange rate, all applicable taxes / duties and imposition of new taxes if any. PPRA is of the concerted opinion that to award the contract is the prerogative of the procuring agency after completion of open competitive bidding process in accordance with PPR-14. Rule 55 of PPR-14 clearly settles the proposition. 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.

Since after conducting open competitive bidding process which is always conducted on estimated cost, analyzing the market rate vis-a-vis quoted bids has no rationale as any post procurement process activity particularly pertaining to the rate evaluation shall distort the whole process sanctity and would meant to be putting the cart before the horse, hence any such activity being bereft of principles of procurement as envisaged under rule 4 of PPR-14 cannot be supported being tend to be illogical and uncalled for.

3. In the wake of the above, the procuring agency is advised either to proceed and complete the process with the existing quoted rates or initiate the process afresh if considers that the rates quoted are exorbitant and irrational.

4. 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.


(Shahid Hussain)
Managing Director
PPRA/SSGAD

Dated Lahore, 04th January, 2021

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Addl. Medical Superintendent,
Pharmacies,
Nishtar Hospital,
Multan.

Subject: **REQUEST FOR ADVICE REGARDING PURCHASE OF ANTI RABIES VACCINE.**

Please refer to your letter No. PHARMACY/STORE/5211/NH dated 03-12-2020 in response to this office letter of even No. 18-11-2020 and advice has been sought for the procurement of anti-rabies vaccine.

2. Succinct of the subject letter & record reveal that procuring agency issued purchase order to M/s Atlantic Pharmaceuticals Karachi on 04-01-2020 for the provision of 30,000/- Nos of anti-rabies vaccine. The contractor failed to supply the requisite vaccine within given time frame and a show cause notice was issued on 14-02-2020 by the procuring agency whereby the contractor was directed to explain the reasons of delay. The contractor could not respond the show cause notice within stipulated time period and approached the procuring agency on 25-03-2020 with the request to cancel his supply orders with the excuse that due to worldwide lock down as a result of Covid-19 pandemic syndrome he is unable to supply. The procuring agency in continuation of show cause notice, issued a personal hearing notice to contractor to appear before the Addl. Medical Superintendent pharmacies on 19-08-2020 and in response to personal hearing notice the contractor apprised procuring agency that the requisite vaccine may be provided in complete quantity immediately if the procuring agency waive of all penalties i.e. late delivery charges and risk purchase as per the terms and conditions of the tender. The procuring agency in such a situation has approached PPRA for seeking advice as to whether force majeure clause may be invoked due to Covind-19 pandemic lockdown or otherwise.

3. Case has been examined in light of Punjab Procurement Rules 2014 (PPR-14). Since, 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, procuring agency is advised to first determine as to whether the supply time line fell victim to the Covid-19 scenario or it is being used to cover the default on the part of

contractor, because contract was awarded on 04-01-2020 and the contractor was required to supply the requisite by what date and as to whether that time was taken within the ambit of contract obligation unless the clear proposition is framed and submitted to PPRA, PPRA is unable to give its clear verdict. However, the procuring agency in view of the force majeure clause of the contract if exist and fall within the time line as mentioned above is advised to determine and decide the quantum accordingly. PPRA is also of the view 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 Lahore High Court in a case has held "When a bid is accepted, valid contract comes into existence between the parties and they are bound by the terms and conditions of the same" (PLJ 2005. LAH 314 (DB)). The procuring agency is required to affirm if the clause pertaining to force majeure was part of the contract bidding document then parties to the contract are provided exception from fulfilling their obligations, under unavoidable events as it could not be reasonably anticipated at the time of signing the contract and later the after effects and impact of the same were beyond the control of the parties. As a settled principle of law, "The intention of the parties has to be gathered not only from the words used in the contract by the parties but also from the circumstances, their beliefs, knowledge and intention as expressed in their correspondence" (PLJ 1978 Kar. 471 (DB)).

4. Allowing for the above, the procuring agency is advised to seek guidance as discussed above & proceed further allowing for the aforementioned mandamus melding with law of equity and spirit of pro-bono publico.

(Sajid Hussain)
Managing Director
PPRA S&GAD



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No. L&M(PPRA)1-17(G)(1)-AD/2019
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 04th January, 2021

SSP/Admin,
For Addl. Inspector General of Police,
C.T.D Punjab, Lahore.

Subject: **APPROVAL TO INVOKE RULE-13 OF PUNJAB PROCUREMENT**

I am directed to refer to your letter No. 39919/CED/DEV dated 02/12/2020 in response to this office letter of even No. dated 09-01-2020 whereby observation raised by this office has been responded and advice has been sought to invoke rule-13 of Punjab Procurement Rules 2014 (PPR-14).

2. Contents of the subject letter reveal that procuring agency intends to purchase the sensitive / state of the art equipment to counter the conventional and unconventional attacks by terrorists and apprehends that procurement through open tender / advertisement might compromise the security / secrecy of CTD plans and national security and as such approached PPRA requesting to grant prior approval for invoking rule 13 of PPR-14 to dispense with the advertisement process.

3. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that principal method of procurement is open competitive bidding process as provided in rule 22 & 23 of PPR-14 which envisages that;

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

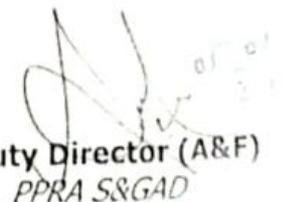
Since a query was raised in PPRA earlier letter of even No. dated 09-01-2020 that if the procuring agency intends to invoke the provision of rule 13 of PPR-14 (which would only provide dispensation to the extent of advertisement) then **how the rest of the bidding process as per requirement of rule 23 of PPR-14 would be conducted for**, under rule 13 of PPR-14 only the requirement of advertisement can be dispensed with and not the competitive bidding process. The procuring agency

has apprised PPRA in response to aforementioned query that after invoking the provisions of rule 13 rest of procurement would be ensured through competition and amongst quality and reputable firms rather than middlemen / brokers / vendors etc. for this purpose well reputed International companies will be invited to compete bid and true spirit of PPRA rules will also be ensured. The modus operandi provided by the procuring agency seems appropriate but the procuring agency must also ensure that at least **reasonable No.** of firms (not less than three) must participate in order to ensure healthy competition amongst the bidders and no discriminatory condition is laid in the bidding documents which could curtail the competition. The procuring agency must also adhere to the principle of procurement as envisaged under rule 04 read with "**value for money**" as defined under rule 2 (ae) 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. Since in terms of rule 13 of PPR-14 power to grant such exemption lies with the "Authority" therefore, the procuring agency may seek exemption under rule 13 of PPR-14 (for dispensation of advertisement requirement under rule 12 of PPR-14) after getting prior approval of the "**Authority**" i.e. PPRA Board of Management. and for this purpose the procuring agency is advised to move a Note for Chairman PPRA / Chief Secretary Punjab so that the instant case may be placed as an agenda item in upcoming meeting of PPRA Board of Management.


Deputy Director (A&F)
PPRA S&GAD

Cc:

1. AIG/Logistics, for Provincial Police Officer/IGP Punjab in response to their letter No. 1535/C-II dated 13/03/2020.



NO. L&P(PPRA)1-17(S)(I)-AD/2012/CSM/
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Road, Lahore.

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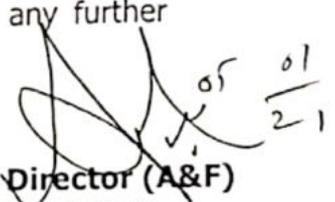
Dated Lahore, 04th January, 2021

The SSP/Admn,
For Addl. Inspector General of Police,
Counter Terrorism Department,
Lahore.

Subject: **CONSTRUCTION OF INFRASTRUCTURE OF COUNTER
TERRORISM (CTD) PUNJAB: EXTENSION IN CONTRACT
PERIOD.**

I am directed to refer to your letter bearing No.40911/CTD/Dev dated 01.12.2019 on the subject cited above and to state that this office has already rendered its clear cut opinion vide its letter of even No. dated 04-04-2019 (copy enclosed) which is self-explanatory.

The procuring agency has misunderstood / misperceived the intonation of the above said letter. The procuring agency is advised to visit this office through any authorized representative in order to have clear cut understanding of the advice tendered by this office in order to avoid any further negative repercussion.


Deputy Director (A&F)
PPRA S&GAD

No. L&M(PPRA) 1-15(SOC)(AB)(LHR)(4)/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 04th January, 2021

Medical Superintendent,
Lahore General Hospital,
Lahore.

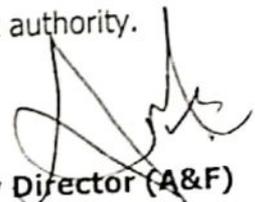
Subject: **IMPOSED LATE DELIVERY CHARGES.**

I am directed to refer to your letter No. 61545-50/LGH dated 03-12-2020 on the subject in response to this office letter of even No. dated 02-11-2020 whereby a detail advice on the subject matter was rendered to the procuring agency regarding the imposition of late delivery charges.

Procuring agency instead of complying PPRA instructions issued vide this office letter of even number dated 02-11-2020 has issued instruction to the firm of total negation to PPRA instruction / advice directing the firm to deposit Rs. 1518727/- as late delivery charges. PPRA is of the view that the procuring agency should have responded back the instruction of PPRA if needed so instead of issuing the mentioned letter to the firm.

In view of the above, procuring agency must apprise PPRA about the reason for demanding the late delivery charges despite issuance of clear-cut instructions on the subject issue. The requisite information must reach to this office within (7) days positively. The direction issued to the firm vide your letter No. 61545-50/LGH dated 03-12-2020 shall remain suspended unless the quandary so created by the action of procuring agency stands resolved.

This is being issued with the approval of competent authority.


Deputy Director (A&F)
PPRA S&GAD



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No. L&M(PPRA) 1-15(SOC)/2020/P2/ / 0
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 05th January, 2021

Director General Health Services,
Punjab,
16-Cooper Road Lahore.

Subject: **VALIDITY OF PRE-QUALIFICATION IN CASE OF LESS THAN THREE PRE-QUALIFIED FIRMS.**

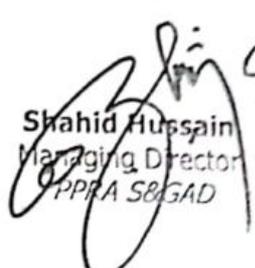
Please refer to your letter No. 38-40/PC dated. 04-01-2021 on the subject whereby further advice on this office letter of even dated 23-12-2020 has been sought with regard to the terms "due diligence" and "discriminatory condition". PPRA has also been requested to guide as to whether the procuring agency can issue Request for Proposal (RFP) to single prequalified bidder in compliance with the decision of Hon'ble Lahore High Court Lahore in ICA No. 66488/2019 titled as M/s Asian Fiber Vs Govt. of Punjab where only one prequalified bidder exist what plausible discourse should procuring agency adopt to proceed further.

2. The term 'due diligence' and 'discriminatory condition' are self-explanatory however since clarification has been sought from PPRA therefore, for the convenience of the procuring agency it is clarified that where after conducting due prequalification process less than three suppliers / firms become available for the required procurement the procuring agency must ensure that due process for wide circulation of inviting the request for prequalification was properly conducted and no such condition was introduced which could curtail the process and the evaluation was conducted in a transparent and fair play manners.

3. As regard to the availability of only one bidder after conducting due competitive process for prequalification is concerned, PPRA is of the concerted view that the procuring agency must ensure that the criteria so fixed and prescribed for prequalification process was not firm/person specific only and was such which could attract healthy competition and despite this, if, only one bidder get prequalified then the verdict issued by the Hon'ble Lahore High Court In ICA No. 66488/2019 titled as

M/s Aslan Fiber Vs Govt. of Punjab shall apply and in that case RFP can be issued to single prequalified bidder.

4. In the wake of above, the procuring agency (DGHS) may proceed further.

5/1/2021

Shahid Hussain
Managing Director
PPRA SBGAD



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

Dated Lahore, 05th January, 2021

The Deputy Director,
Punjab Forensic Science Agency,
Home Department
Thokar Niaz Baig,
Lahore.

Subject: **CLARIFICATION REGARDING PUBLICATION OF CONTRACT AWARDED UNDER RULES 59-C OF PPRA RULES, 2014.**

I am directed to refer to your letter No. A.D(PUR)/PFSA/L.C/2-255/2019 dated 30-12-2020, regarding clarification of publication of contract awarded as a result of direct contracting on the website of Punjab Procurement Regulatory Authority (PPRA).

2 Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Rule 66 of PPR-14 requires that that all the procurement documents including evaluation report and contract agreement to be public. PPRA website is a central portal for publication of all documents relating to public procurement. Since after completion of procurement process contract emerges, may it be through competition or as a result of direct contracting under rule 59 (c) & (d) of PPR-14.

3. In the wake of legal requirement as provided under rule 66 of PPR-14 which envisages that;

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

4. The procuring agency is advised to public all the documents (evaluation report, contract agreement etc.) on PPRA website and its own website if it exists. It is further added for the information convenience of the procuring agency that in terms of section 33(b) of NAB Ordinance 1999 all-contracts exceeding Rs. 50 million and above are also required to be provided to NAB as well.

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


Deputy Director
(A&F)
PPRA S&GAD



**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, 29th January, 2021

The Principal,
Workers Welfare Higher Secondary School (Boys),
Nishtar Colony Lahore.

Subject: **REQUEST FOR ADVICE / OPINION FOR CANCELLATION OF
TENDER OF PURCHASE OF STATIONERY.**

I am directed to refer to your letter No. W.WHSS/LHR/2021/53 dated 18/01/2021 whereby an advice has been sought regarding re-tendering process.

Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14) PPRA is of the view that 36 of PPR-14 is very much clear in the instant proposition which 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.

The procuring agency may invoke the provision of rule ibid and initiate its procurement process afresh and proceed further strictly in accordance with PPR-14 after fulfilling all other legal and codal formalities.

Assistant Director (L&M)
PPRA S&GAD



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**No. L&M(PPRA)1-15(SOC)/2020/P3
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.**

Dated Lahore, 29th January, 2021

**Program Director,
IRMNCH & Nutrition Program,
5-Montgomery Road, Lahore.**

subject:

**REQUEST FOR GUIDANCE REGARDING PROCUREMENT OF 844
SECURITY GUARDS TO ENSURE SECURITY / SAFETY OF
PUBLIC PREMISES / PROPERTY AND PERSONNEL AT 24/7
BHUS FUNCTIONAL UNDER IRMNCH & NUTRITION PROGRAM
PUNJAB DURING FY 2020-21.**

I am directed to refer to your letter bearing No. PB/PPIU-
15-01-2021/LOG dated 15-01-2021 on the subject cited above.

Rule 67 (3) of PPR-14 is very much clear in the instant proposition
which stipulates that;

67. Redressal of grievances by the procuring agency

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

In the instant case since the grievance redressal committee (GRC) has decided the
matter hence it is the procuring agency who has to award the contract in
conformance with GRC decision.

Assistant Director (L&M)
PPRA S&GAD

Not L&M(PPRA) 1-53(G)2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 01st February, 2021

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Muhammad Ahsan Arshad,
Assistant Director (Coord), IW-III,
NAB, Lahore.

Subject: PROVISION OF INFORMATION / RECORD U/S 19 OF NAO 1999 INVESTIGATION AGAINST ISRAR SAEED ULLAH, EX-CHIEF ENGINEER, LDA, CONTRACTOR ZAHIR KHAN OF M/S ZAHIR KHAN & BROTHERS, CONTRACTOR WASEEM AFZAL OF M/S RELIABLE ENGINEERING SERVICES AND OTHERS REGARDING DUALIZATION OF ROAD ALONG CANTT, DRAIN FROM LOS FEROPUR ROAD TO MULTAN ROAD LAHORE AND CONSTRUCTION OF ELEVATED EXPRESS WAY FROM FEROPUR ROAD TO MULTAN ROAD, LAHORE.

I am directed to refer to your letter bearing No. 1(61)HQ/1021/NAB-L dated 22.12.2020 on the subject whereby opinion has been sought on certain points/queries.

I am further directed to state that to clarify the proposition please depute a well conversant officer of your office (not below the rank of BS-17) along with record to attend the office of Punjab Procurement Regulatory Authority at any convenient time (Please contact Mr. Ghulam Mustafa Khan at 042-99204572 & 03027515709, for coordination).


Assistant Director (L&M)
PPRA S&GAD

No. L&M(PPRA) 1-16(SOC)(II)-AB/2026
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 03rd February, 2021

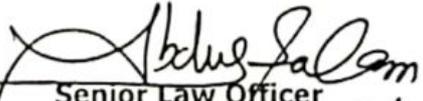
Deputy Director (Purchase),
University of Education Lahore,
Lahore.

SUBJECT: ENLISTMENT OF CONTRACTORS FOR CIVIL WORKS.

I am directed to refer to your letter No. UE/DD(PS)/2020/6891 dated 24-12-2020, whereby an advice has been sought regarding enlistment of contractors.

Case has been examined in the light of Punjab Procurement Rules 2014 (PR-14). It is apprised that PPRA has already issued clear-cut instructions in this regard vide circular No. L&M(PPRA) 10-01/2015 dated 04-10-2019 (copy enclosed).

The Procuring agency is hereby advised to seek guidance from aforementioned circular and proceed further strictly in accordance with PPR-14 after fulfilling all other legal and codal formalities.


Senior Law Officer
PPRA S&GAD

3/2/21

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



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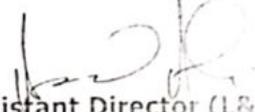
Dated Lahore, 01st February, 2021

SSP/Admin,
For Addl. Inspector General of Police,
C.T.D Punjab, Lahore.

Subject: **APPROVAL TO INVOKE RULE-13 OF PUNJAB PROCUREMENT**

I am directed to refer to your letter No. 2539/CTD/DEV dated 20/01/2020 in response to this office letter of even No. dated 04-01-2020 wherein PPRA has requested to move a Note for Chairman PPRA / Chief Secretary Punjab to invoke the provisions of rule 13 of PPRA Rules 2014.

2. I am further directed to state that to clarify the proposition please depute a well conversant officer of your office (not below the rank of BS-17) along with record to attend the office of Punjab Procurement Regulatory Authority at any convenient time.


Assistant Director (L&M)
PPRA S&GAD

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



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No. L&M(PPRA) 1-30(G)(I)-AB/15/KW
**PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD**
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 03rd February, 2021

Ata Ur Rehman,
Director (Dev. & Proc).
PITB, 11th Floor, Arfa Software Technology Board Lahore.

Subject: **GUIDANCE FOR NEGOTIATED TENDERING PROCEDURE.**

I am directed to refer to your letter No. NO.PITB/PROC/193 dated 14/1/2021 on the subject and draw your kind attention towards rule 22 of Punjab Procurement Rules 20144 (PPR-14) that states principle method of procurement is open competitive bidding process. However, a procuring agency may also invoke **alternative methods of procurement** as envisaged under rule 59 of the rules ibid if conditions mentioned therein are fulfilled. It is however upon the procuring agency to fulfill all the other legal and codal formalities in order to invoke the provisions of alternative method of procurement at its own level.

Abdul Salam
Senior Law Officer
PPRA S&GAD 4/2/2021



Tel: 042-99204572
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No. L&M(PPRA) 1-15(SOC)(AB)(LHR)(5)/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 03rd February, 2021

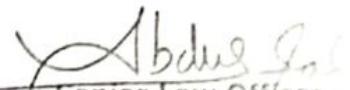
Chief Operation Officer,
Mayo Hospital,
Lahore.

Subject: **OPINION REGARDING BID**

I am directed to refer to your letter No. PC/77066/MH dated 17.12.2020 on the subject whereby advice has been sought regarding correction of clerical mistake.

2. Rule 33 (2) of Punjab Procurement Rules 2014 (PPR-14) is very much clear in the instant proposition 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.


Senior Law Officer
PPRA S&GAD

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



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No. L&M(PPRA)1-18(W)(I)-AB/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore

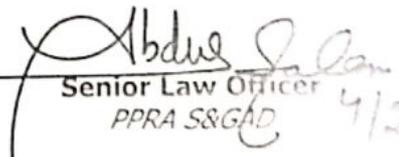
Dated Lahore, 03rd February, 2021

Engr. Abdul Razzaq,
Chief Engineer, LDA,
Lahore.

Subject: **REQUEST FOR ADVICE ON PRE-QUALIFICATION OF LDA PROJECTS.**

I am directed to refer to your letter No. CE/LDA/78 dated 12/01/2021 whereby an advice has been sought regarding prequalification process.

2. I am further directed to state that to clarify the proposition please depute a well conversant officer of your office (not below the rank of BS-17) along with record to attend the office of Punjab Procurement Regulatory Authority at any convenient time.


Senior Law Officer
PPRA S&GAD 4/2/21



Tel: 042-99204572
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No. L&M(PPRA) 1-15(SOC)2020/P1
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 29th January, 2021

Assistant Director (Internal Audit),
Primary & Secondary Healthcare Department,
Lahore.

Subject: **REGULARIZATION OF EXPENDITURE DRAFT PARA AUDIT
YEAR 2017-18.**

I am directed to refer to your letter No. AD*IAW)4-27-18/2020 dated 09-12-2020, whereby the procuring agency has sought an advice 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 space 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 issue settled through relevant forums i.e. SDAC/ PAC etc.


Assistant Director (L&M)
PPRA S&GAD



Tel. 042-99204572
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No. L&M(PPRA) 1-15(SOC)(AB)(LHR)16/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 29th January, 2021

Medical Superintendent,
Govt. Teaching Hospital shahdara,
Lahore.

Subject: **REQUEST FOR CLARIFICATION REGARDING AUDIT**
OBSERVATION OFFERING DIFFERENT PRICES BY FIRMS OF
ONE ITEM SUPPLIED TO DIFFERENT PROCURING AGENCIES.

I am directed to refer to your letter No. 251 dated 12-01-2021, whereby the procuring agency has sought an advice 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 space 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 issue settled through relevant forums i.e. SDAC/ PAC etc.


Assistant Director (L&M)
PPRA S&GAD



Tel: 042-99204572
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No. L&M(PPRA)1-27(W)(I)-Co/2015
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

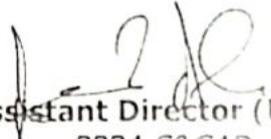
Dated Lahore, 01st February, 2021

General Manager (P & C),
Lahore Waste Management Company,
4th & 7th floor, Shaheen complex, Egerton Road,
Lahore.

Subject: **REQUEST FOR GUIDANCE / OPINION ON PROCUREMENT OF FUEL CARD SERVICES.**

I am directed to refer to your letter No. LWMC/P&C/41 dated 13/01/2021 whereby an advice has been sought as to whether procuring agency can extend the contract for further period of one year with Pakistan State Oil (PSO) for the procurement of fuel and supplementary fuel card services.

2. I am further directed to state that to clarify the proposition please depute a well conversant officer of your office (not below the rank of BS-17) along with record to attend the office of Punjab Procurement Regulatory Authority at any convenient time.


Assistant Director (L&M)
PPRA S&GAD

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



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No. L&M(PPRA) 1-15(SOC)-AB(LHR(01)/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

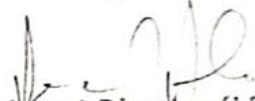
Dated Lahore, 29th January, 2021

Medical Superintendent,
Jinnah Hospital,
Lahore.

Subject: **CLARIFICATION REGARDING DIFFERENT RATES IN
DIFFERENT PROCURING AGENCIES BY SAME FIRM, IN SAME
FINANCIAL YEAR.**

I am directed to refer to your letter No. 801/AO/DP/JHL dated 07-01-2021, whereby the procuring agency has sought an advice 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 space 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 issue settled through relevant forums i.e. SDAC/ PAC etc.


Assistant Director (L&M)
PPRA S&GAD



Tel: 042-99204572
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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, 29th January, 2021

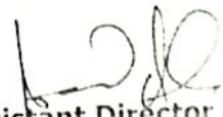
Medical Superintendent,
Sir Ganga Ram Hospital,
Lahore.

Subject: **REQUEST FOR CLARIFICATION / ADVICE REGARDING**
MINIMUM WAGE RATE POLICY REGARDING ANNUAL TENDER
OF JANITORIAL SERVICES 2020-21.

I am directed to refer to your letter bearing No. 11348//GR dated 22-12-2020 whereby an advice has been sought regarding adoption of minimum wage rate policy issued by Govt. of the Punjab Finance Department's Notification No. Ro(Tech) FD2-2/2018 dated 20-09-2019 in case of procurement of janitorial services.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA has already issued clear-cut instructions in this regard vide circular No. L&M(PPRA) 10-01/2011 dated 03-12-2018 (copy enclosed). Furthermore, imposition and deduction of taxes pertain to financial modality and should be taken up with the Punjab Revenue Authority (PRA) for better guidance being the quarter concerned. To ascertain which type of taxes, duties would be required to be deducted / imposed may better be guided by the PRA being the line department PPRA purview since ambit procurement intensive modalities, hence it would might not be a plausible discourse to intervene in other department / Government agencies area of functioning.

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


Assistant Director (L&M)
PPRA S&GAD



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No. L&M(PPRA) 1-15(SOC)2020/P2
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

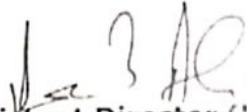
Dated Lahore, 29th January, 2021

Assistant Director (A&A),
Primary & Secondary Healthcare Department,
Lahore.

Subject: **ADVICE REGARDING NOT PREQUALIFIED ITEMS OF DRUGS /
MEDICINES, MEDICAL DEVICES AND SURGICAL DRESSINGS
FOR FINANCIAL YEAR 2020-21.**

I am directed to refer to your letter No. AD(FMC)1-81/2021 dated 07-01-2021, whereby an advice has been sought regarding prequalification process initiated by Director General Health Services Punjab.

2 PPRA has already rendered its conclusive advice on the subject matter vide letters of even No. dated 23-12-2020 & 05-01-2021 (**Copy enclosed**).


Assistant Director (L&M)
PPRA S&GAD



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No. L&M(PPRA) 1-15(SOC)/2020/P2
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 23rd December, 2020

Director General Health Services,
Punjab,
16-Cooper Road Lahore.

Subject: VALIDITY OF PRE-QUALIFICATION IN CASE OF LESS THAN THREE PRE-QUALIFIED FIRMS.

I am directed to refer to your letter No. 11965-67/PC dated 22/12/2020 on the subject whereby an advice has been sought regarding prequalification process.

2. Contents of the subject letter reveal that Directorate General Health Services (DGHS) initiated a central prequalification process (procurement cost is PKR 100 million or above) for the procurement of medicines / medical devices for FY 2020-21 under rule 16 & 17 of PPRA Rules 2014. In the category of drugs/medicine total 280 number of items were advertised out of which only 126 number of items were prequalified with three or above firms (In compliance of PPRA circular No. L&M(PPRA)10-01/2011 dated 10-02-2020) and for rest of the other items (154 items) prequalification process has not been finalized due to less than three number firms for each item. Similarly, in the category of medical devices / surgical dressings total 77 number of items were advertised out of which only 14 number of items were prequalified with three or above firms and for rest of the other items (63) prequalification process has not been finalized due to the want of less number of firms for each item. In such a scenario DGHS has approached PPRA for seeking advice as to what can be one of the most appropriate discourse from the following;

- I. Proceed with single/two prequalified firms in the light of points stated above and PPRA circular may be relaxed for specific procurement of DRAP regulated drugs/medical devices as in case of single complying bid in open competitive bidding (OCB) as per rule 55-A of PPR-14, OR.
- II. Proceed for open competitive bidding immediately after first cycle of single / two prequalified firms in the light of facts depicted and the PPRA circular may be relaxed to the extent of specific procurement of DRAP regulated drugs / medical devices but again it also contradicts with rule 16(2) of PPR-14 where

Page 1 of 3

Abdul Salam
23/12/20

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in case of goods of value more than PKR 1000 million prequalification is mandatory OR.

III. The requirement of prequalification may be dispensed with for procurement of medicines / medical devices in relaxation of the condition linked with the procurement cost of PKR 100 million or above.

3. 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** 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.**

4. PPRA is of the concerted view that in case of procurement of PKR 100 million and above the requirement of prequalification as also explained by PPRA through circular No. L&M(PPRA)10-01/2011 dated 10-02-2020 cannot be dispensed with. Furthermore, in the instant case since a quandary has been created regarding the availability of required (three) number of firms for prequalification in more than 50% items therefore, PPRA is of the view that in case where after conducting due prequalification process less than three supplier / firms are available for the required procurement, the procuring agency **after due diligence** may proceed with them for further bidding process but the procuring agency must ensure that no discriminatory and difficult condition has been introduced which curtailed the healthy competition amongst the firms participated for prequalification. Rule 34 of PPR-14 is also very much clear in this regard which stipulates that;

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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.

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"

It is further added here that in case where only a single firm is available for the required procurement the procuring agency may also invoke alternative method of procurement as provided under rule 59 of PPR-14 if the conditions mentioned therein are fulfilled keeping in view the **"principles of procurement"** as enunciated by rule 4 read with **"value for money"** as defined under rule 2(ae) of PPR-14.

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

M. Usman
Senior Law Officer 23/12/20
PPRA S&AD

o/c

Chittan
23/12/2020

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No. L&M(PPRA) 1-15(SOC)/2020/P2/10
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

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Dated Lahore, 05th January, 2021

Director General Health Services,
Punjab,
16-Cooper Road Lahore.

Subject: VALIDITY OF PRE-QUALIFICATION IN CASE OF LESS THAN
THREE PRE-QUALIFIED FIRMS. *at Page 116/c*

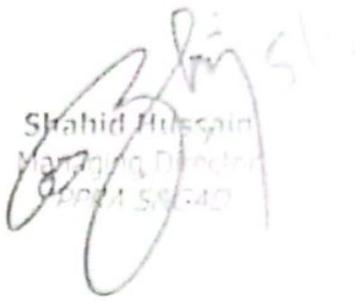
Please refer to your letter No. 38-40/PC dated. 04-01-2021 on the subject whereby further advice on this office letter of even dated 23-12-2020 has been sought with regard to the terms "due diligence" and "discriminatory condition". PPRA has also been requested to guide as to whether the procuring agency can issue Request for Proposal (RFP) to single prequalified bidder in compliance with the decision of Hon'ble Lahore High Court Lahore in ICA No. 66488/2019 titled as M/s Asian Fiber Vs Govt. of Punjab where only one prequalified bidder exist what plausible discourse should procuring agency adopt to proceed further.

2. The term 'due diligence' and 'discriminatory condition' are self-explanatory however since clarification has been sought from PPRA therefore, for the convenience of the procuring agency it is clarified that where after conducting due prequalification process less than three suppliers / firms become available for the required procurement the procuring agency must ensure that due process for wide circulation of inviting the request for prequalification was properly conducted and no such condition was introduced which could curtail the process and the evaluation was conducted in a transparent and fair play manners.

3. As regard to the availability of only one bidder after conducting due competitive process for prequalification is concerned, PPRA is of the concerted view that the procuring agency must ensure that the criteria so fixed and prescribed for prequalification process was not firm/person specific only and was such which could attract healthy competition and despite this, if, only one bidder get prequalified then the verdict issued by the Hon'ble Lahore High Court in ICA No. 66488/2019 titled as

M/s Asian Fiber Vs Govt. of Punjab shall apply and in that case RFP can be issued to single prequalified bidder.

4. In the wake of above, the procuring agency (DGHS) may proceed further.


Shahid Hussain
Managing Director
PPRA S&AD





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**No. L&M(PPRA) 1-15(SOC)/2019
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.**

Dated Lahore, 29th January, 2021

Prof. Asad Aslam Khan,
College of Ophthalmology & Allied Vision Science,
King Edward Medical University Lahore.

Subject: **CLARIFICATION OF TENDER FOR HIRING OF SERVICES OF SECURITY GUARD AT COLLEGE OF OPHTHALMOLOGY & ALLIED VISION SCIENCES (2020-2021).**

I am directed to refer to your letter No.COAVS/ACC/102/20 dated 15-12-2020 on the subject whereby advice has been sought regarding the deduction of taxes.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA has already issued clear-cut instructions in this regard vide circular No. L&M(PPRA) 10-01/2011 dated 03-12-2018 (**copy enclosed**). Furthermore, imposition and deduction of taxes pertain to financial modality and should be taken up with the Punjab Revenue Authority (PRA) for better guidance being the quarter concerned. To ascertain which type of taxes, duties would be required to be deducted / imposed may better be guided by the PRA being the line department PPRA purview since ambit procurement intensive modalities, hence it would might not be a plausible discourse to intervene in other department / Government agencies area of functioning.

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


Assistant Director (L&M)
PPRA S&GAD



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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, 29th January, 2021

Engr. Muhammad Arshad,
DGM (Contracts),
Faisalabad Industrial Estate Development & Management Company,
1st Floor, FCCI Complex, Canal Park, East Canal Road, Faisalabad.

Subject: CIRCULAR DATED 29-07-2020.

I am directed to refer to your letter No. 03/03/PPRA/2020/649 dated 11-12-2020, whereby an advice has been sought regarding on the subject cited above.

PPRA has already rendered its conclusive advice on the subject matter vide letter of even No. dated 01-01-2021 (Copy enclosed).


Assistant Director (L&M)
PPRA S&GAD



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

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Dated Lahore, 01st January, 2021

Engr. Muhammad Arshad,
DGM (Contracts)
Faisalabad Industrial Estate Development & Management Company,
1st Floor, FCCI Complex, Canal Park, East Canal Road,
Faisalabad.

Subject: **CIRCULAR DATED 29-07-2020.**

I am directed to refer to your letter no. 03/03/PPRA/2020/649 dated 11-12-2020 on the subject whereby an advice has been sought on the following points;

1. Whether PPRA circular No. L&M (PPRA) 10-1/2011 dated 29-07-2020 will be applicable on the contracts signed before its issuance.
11. Whether procuring agency can change / replace the performance security from bank guarantee to insurance bond issued by AA rating company as per provision of PEC standard bidding document or otherwise.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14) Rule 2 (w) of PPR-14 are very much clear regarding instant proposition which envisages 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.

The circulars are being issued by PPRA to clarify the true connotation of the law / Rule involved and remove the ambiguities and quandaries about its interpretation. Since circular is just an explanation of the law / Rule which already exist hence it would apply ipso facto to all transaction taken up immediately after the promulgation of the instant law / Rule. As regard to change of bank guarantee to insurance bond, this stands fully clarified through the circular under reference and in the proceeding paras of the letter. As regard to the PEC standard, since PPRA is a devolved subject and in terms of Article 142 (c) of the Constitution of Pakistan 1973, Provinces are at liberty to formulate their own law / Rules and policies or adopt federal law / Rules / PEC hence in the presence of PPRA law / Rules which is an

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independent enactment, PEC standards cannot over rule the Provincial framework or policies. The Lahore High Court Lahore while deciding the Provincial Autonomy in ICA No. 530/2014 titled as M. Yousaf Vs Secretary, Government of Punjab has given the following verdict to settle the quandary once for all. The decision taken states;

"After omission of concurrent list from the 4th schedule of the Constitution of Pakistan 1973 post 18th amendment, now Provinces have exclusive domain of legislative competence to legislate and regulate all those matters which are included in part of that list".

4. In the wake of above, PPRA is of the view that expression "other form of security" includes bank guarantee, bank draft, pay order, call deposit order (CDR) and cashier's cheque **but does not include insurance bond** from any **insurance organization** as encashment modalities are involved. Here performance security is always acquired to secure the interest of the procuring agency which bank guarantee also secure with equal effectiveness. The true connotation of the aforementioned para / circular is that the procuring agency should always **prefer** bank guarantee upon CDR for obtaining the bid security performance guarantee and it does not adumbrate that the CDR is not acceptable.

5. In view of the above, the procuring agency is advised to seek quotes as discussed above and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / codal formalities.

Deputy Director (AB&P)
PPRA S&RA

9/11/21
D
06/11/21



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NO. LDA/PPRA/1-10/W/1780/13/RW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 03rd February, 2021

Chief Metropolitan Planner,
Metropolitan Planning Wing (LDA),
467 D-II, M.A Johar Town, Lahore.

Subject: **HIRING OF CONSULTANT FOR PREPARATION OF MASTER
PLAN OF LAHORE DIVISION 2050.**

I am directed to refer to your letter No. LDA/CMP/323 dated 31/12/2020 on the subject whereby an advice has been sought regarding selection process of consultant.

2. PPRA has already issued clear cut instruction in this regard vide circular No. L&M (PPRA) 10-01/2011 dated 10-02-2020 (**copy enclosed**) according to which **at least three prequalified bidders** must be available for further bidding process, in the instant case three number of firms got prequalified and RFP was also issued to these three firms, therefore, the procuring agency has adhered the provisions of ibid circular. Furtherance rule 55A of PPR-14 is very much clear in the instant case which stipulates that;

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

However, the procuring agency must also consider its budgetary constraints, price reasonability as compared to market rates and ensure that the conditions / criteria is not discriminatory to favour a single bidder, in order to invoke the provisions of rule ibid.

Abdul Salam
Senior Law Officer
PPRA S&GAD

4/2/21



No. L&M(PPRA) 1-18(W)(I)-AB/10/KW
**PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD**
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 01st February, 2021

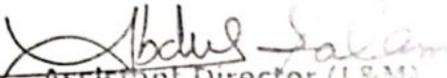
Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

Director Administration,
For Managing Director,
WASA, Pani Wali Tanki, Shah Jamal, Ichra, Lahore.

Subject: **ADVICE REGARDING CHANGE IN SCOPE OF SERVICES.**

I am directed to refer to your letter No. ADMN/DDA-I/AD(W)/02 dated 05/01/2021 on the subject.

2. I am further directed to state that to clarify the proposition please depute a well conversant officer of your office (not below the rank of BS-17) along with record to attend the office of Punjab Procurement Regulatory Authority at any convenient time.


Assistant Director (L&M)
PPRA S&GAD



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, 09th February, 2021

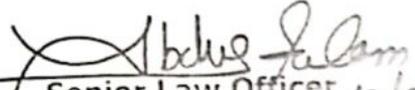
Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

Umar Saeed,
Director, University of Agriculture Faisalabad.

Subject: **PURCHASE OF BOOKS.**

I am directed to refer to your letter No. DPIC/107 dated 13/01/2021 on the subject whereby an advice has been sought whether procurement of books are exempted from calling tenders or otherwise.

2. PPRA has already rendered its conclusive advice on the subject matter vide this office letter No. 1-16(SOC)(II)-AB/2019 dated 12-06-2020 (**Copy enclosed**)
The procuring agency is advised to seek guidance from the aforementioned letter.


Senior Law Officer
PPRA S&GAD 10/2/21



No. L&M(PPRA) 1-44(G)/2019
**PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD**
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 09th February, 2021

Sarjeel Mowahid,
Partner, Head of Corporate & Commercial,
ABS & Co, 9 Fane road, Lahore.

Subject: **CLARIFICATION REGARDING HIRING OF LEGAL COUNSELS
FOR COURT CASES.**

I am directed to refer to your letter No. Nil dated 13/01/2021 on the subject.

2. Contents of the subject letter have been examined in the light of PPR-14 and it has observed that contents of subject letter not clear as they do not adumbrate any proposition / question on which advice of PPRA is being sought. 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) and depute a well conversant officer of your office along with record to attend the office of Punjab Procurement Regulatory Authority at any convenient time.

Abdul Salam
Senior Law Officer
PPRA S&GAD 10/2/21



Tel. 042-99204572
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No. L&M(PPRA) 1-39(G)/2020
**PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD**
3rd Floor, Al-Falah Building, The Mall Lahore.

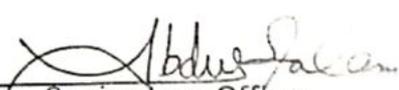
Dated Lahore, 09th February, 2021

Section Officer (G),
Transport Department,
Lahore.

Subject: **INTERPRETATION OF RULE 38 (1) & (2) OF PPRA RULES.**

I am directed to refer to your letter No. SO(G)E&A/4-4/2020 dated 15/01/2021 on the subject.

2. Contents of the subject letter have been examined in the light of PPR-14 and it has observed that contents of subject letter not clear as they do not adumbrate any proposition / question on which advice of PPRA is being sought. Since, the proposition/s referred for advice should be very explicitly formulated therefore, procuring agency is requested 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). The procuring agency is also requested to depute a well conversant officer (not below the rank of BS-17) along with record to attend the office of Punjab Procurement Regulatory Authority at any convenient date & time.


Senior Law Officer
PPRA S&GAD



Tel: 042-99204572
Ex: 042-36284774
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No. L&M(PPRA) 3-36/15/KW
**PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD**
3rd Floor, Al-Falah Building, The Mall Lahore

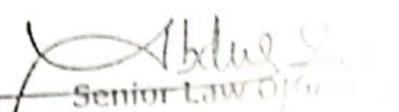
Dated Lahore, 15th February, 2021

**The Medical Superintendent,
DHQ Hospital Muzaffargarh.**

Subject: **REQUEST FOR THE GUIDANCE REGARDING NON ACCEPTANCE
OF AAT BY VENDOR IN TENDER FOR THE PROCUREMENT OF
GENERAL STORE & MISCELLANEOUS ITEMS, DHQ HOSPITAL
MUZAFFARGARH.**

I am directed to refer to your letter No. PO-98/DHQ dated 15.02.2021 on the subject whereby an advice has been sought regarding non-acceptance in advance acceptance of tender (AAT) by the bidder.

2. The bidder after submitting bids voluntarily, cannot withdraw the bids after opening of bids. Once evaluation has been completed and letter of award has been issued to the lowest evaluated bidder it cannot be declined by the bidder. In case the bidder fails / refuses to complete the assignment then the procuring agency may follow the terms & conditions set forth in the bidding document. Provisions of rule 20 & 21 of Punjab Procurement Rules 2014 may also be applied (if needed so).


Senior Law Officer
PPRA, S&GAD



Tel: 042-99204572
Ex: 042-36284774
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No. L&M(PPRA) 1-5(W)/2016
**PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD**
3rd Floor, Al-Falah Building, The Mall Lahore

Dated Lahore, 15th February, 2016

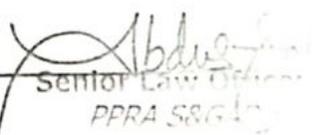
Executive Engineer,
Highway M&R Division No. 1,
Faisalabad.

Subject: **ADVICE REGARDING TENDERS.**

I am directed to refer to your letter No. 1719 dated 18/1/2016 on the subject and invite your attention toward rules 12 & 69 of Punjab Procurement Regulations 2014 (PPR-14) which are necessary to be followed in its true letter and spirit.

"12. Method of advertisement. (2) Subject to rule 13, any procurement exceeding two 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."

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


Senior Law Officer
PPRA S&GAD



Tel: 042-99204572
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No. L&M(PPRA) 3-36/15/KW
**PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD**
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 15th February, 2021

Chief Operation Officer,
Mayo Hospital,
Lahore.

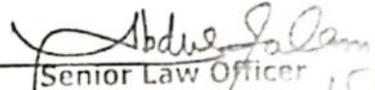
Subject: **OPINION REGARDING BID.**

I am directed to refer to your letter No. PC/283 dated 01/01/2020 on the subject whereby an advice has been sought regarding correction of bid.

2. Subject propositions has been clearly addressed under rule 33 of Punjab Procurement Rules 2014 that is being reproduced for your guidance;

"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 bid.

(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.


Senior Law Officer
PPRA S&GAD 15/2/21



Tel: 042-99204572
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No. L&M(PPRA) 1-18(W)(1)-Ab/2016
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

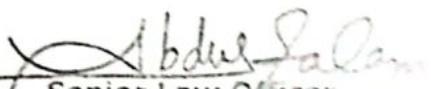
Dated Lahore, 15th February, 2021

Deputy Director Procurement,
Lahore Development Authority,
Urban Development Wing, Directorate of C&I,
Lahore.

Subject: CLARIFICATION REGARDING HIRING OF SERVICES OF TELECOMMUNICATION COMPANY FOR LDA.

I am directed to refer to your letter No. LDA/DC&I/DDP/973 dated 17/12/2020 on the subject cited above.

2. Contents of the subject letter have been examined in the light of PPR-14 and it has observed that contents of subject letter are very vague and sketchy as they do not adumbrate any proposition / question on which advice of PPRA is being sought. Since, the proposition/s referred for advice should be very explicitly formulated therefore, procuring agency is directed to formulate the propositions 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).


Senior Law Officer
PPRA S&GAD 15/2/21



Tel: 042-99204572
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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, 15th February, 2021

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

Subject: **ADOPTATION OF AWARD OF ATTACHED INSTITUTION OF
ALLAMA IQBAL MEDICAL COLLEGE LAHORE.**

I am directed to refer to your letter No. 550/PRINCIPAL/AIMC-JHL dated 11/1/2021 on the subject.

2. Contents of the subject letter have been examined in the light of PPR-14 and it has observed that contents of subject letter not clear as they do not adumbrate any proposition / question on which advice of PPRA is being sought. 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) and depute a well conversant officer of your office (not below the rank of BS-17) along with record to attend the office of Punjab Procurement Regulatory Authority at any convenient


Senior Law Officer 15/2/21
PPRA S&GAD



Tel: 042-99204572
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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, 15th February, 2021

Assistant Secretary Stores,
for Secretary Board of Intermediate and Secondary Education,
Lahore.

Subject: **ADVICE/OPINION REGARDING TENDER FOR THE
PROCUREMENT OF WHITE PRINTING PAPER AND OFFSET
PAPER IMPORTED UPLOADED ON PPRA WEBSITE DATED
25.01.2021.**

I am directed to refer to your letter No. LDA/CMP/323 dated 31/12/2020 on the subject whereby an advice has been sought regarding single complying bid.

2. Case has been examined in the light of Punjab Procurement Rules-2014 (PPR-14), rule 55A of PPR-14 is very much clear in the instant case which stipulates that;

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

3. The procuring agency should ensure that all the bidding procedure including proper advertisement has been carried out in accordance with PPR-14. The procuring agency, however, must also consider its budgetary constraints, price reasonability as compared to the market rates and ensure that the conditions / criteria (formulated for the evaluation of bids) is not discriminatory as to favour a single bidder in order to invoke the provisions of rule ibid.


Senior Law Officer
PPRA S&GAD 15/2/21.



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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, ¹⁷~~25~~th February, 2021

Saima Dar,
Section Officer (B&D),
Population Welfare Department,
Lahore.

Subject: NATIONAL BIDDING FOR POOL PROCUREMENT OF CONTRACEPTIVES.

I am directed to refer to your letter No. PWD/SO(B)6-3/2017 dated 15-02-2021 whereby an advice has been sought regarding procurement of contraceptive at National level in order to achieve the economies of scale.

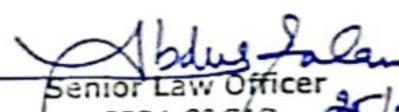
2. Contents of the subject letter reveal that Federal Task Force has recommended that pooled procurement of contraceptives by the Federal Government should also be adopted by the Provincial Government (subject to their consent) and opinion of concerned Provincial Procurement Regulatory Authority.

3. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14), since 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.

PPRA is therefore of the view that drawing inference from the rule ibid subject proposition may be covered under PPR-14 and if Provincial Government consents for the adoption of pooled procurement by the Federal Government in order to achieve the economies of scale it may go for that in the light of inference drawn from rule ibid.

4. The procuring agency is advised to proceed accordingly.

Master File Record 
Senior Law Officer
PPRA S&GAD 25/2/21



Dated Lahore, 17th February, 2021

General Manager (P & C),
Lahore Waste Management Company,
4th & 7th floor, Shaheen complex, Egerton Road,
Lahore.

Subject: **REQUEST FOR GUIDANCE / OPINION ON PROCUREMENT OF FUEL CARD SERVICES.**

I am directed to refer to your letter No. LWMC/P&C/AT/13/01/2021 whereby an advice has been sought as to whether procuring agency should extend the contract for further period of one year with Pakistan State Oil (PSO) for the procurement of fuel and supplementary fuel card services.

2. PPRA has already rendered its conclusive advice on the subject matter vide this office letter No. L&M(PPRA)1-21(W)(I)(AD)/2018 dated 01-12-2020 (copy enclosed). The procuring agency (Lahore Waste Management Company) is advised to seek guidance from the aforementioned letter.

Abdul Qadir
Senior Law Officer
PPRA S&GAD



Tel: 42-99204572
 Fax: 42-36284774
 Cell: 42-36284776

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

Dated Lahore, 01st December, 2020

To: The Executive Engineer (OP),
 For Chief Engineer, Irrigation,
 Development Zone,
 Lahore.

Subject: REQUEST FOR CLARIFICATION REGARDING EXEMPTION OF
 BID SECURITY.

I am directed to refer to your letter No. Works/2020/5819/18/76 dated 10-11-2020 on the subject whereby an advice has been sought regarding exemption of bid security.

2. Contents of the subject letter reveal that procuring agency initiated a process for the procurement of "Diesel" and "Lubricants". Bid security Rs. 26.50 million & Rs. 5.00 million was required simultaneously from the prospective bidders as enunciated under Rule 27 of PPRA Rules 2014. Pakistan State Oil (PSO) participated in the subject procurement process without submitting the bid security and PSO submitted an exemption certificate issued by the Ministry of Commerce Government of Pakistan vide No. S.R.O 827(1)/2001, dated 03-12-2001 whereby it has been clarified that "in case of participation of public sector manufactures the requirements of furnishing earnest money or tender guarantee, security deposit, etc. shall be waived". Now, the procuring agency has approached PPRA for seeking advice in such a situation as to whether an exemption from the receipt of bid security may be granted to PSO bid under I bid S.R.O or otherwise.

3. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that 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. It is an established principle of law that when parallel legislation is available in respect of any specific

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matter, then provisions of special law prevail. Inference to the above said fact can also be drawn from Finance Department letter No. FD(FR) 11-2/FR dated 20/12/2012. A deviation from legal requirement since leads to mis-procurement and legal complication hence directions of Ministry of Commerce, being compliant to the legal requirement is not tenable. Moreover, the Supreme Court in ICA No. 530/2014 titled as M. Yousaf Vs Secretary Finance which on the moot question on Provincial Autonomy has held "After omission of certain list from the 4th schedule of the Constitution of Pakistan 1973 post 10th amendment now Provinces have exclusive domain and legislative competence to legislate and regulate upon all those matters which were earlier part of that list". In view of the ibid letter of Ministry of Commerce cannot be enforced on Provinces when they adopt it.

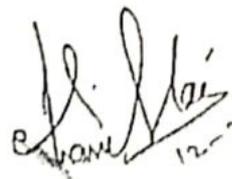
4. Furthermore, principle method of procurement is open competitive bidding process as provided in rule 22 & 23 of PPR-14. However, rule 59 of PPR-14 has also introduced alternative methods of procurement under special circumstances as mentioned therein to address different kinds of situations including direct contracting where prices of the goods, services and works have been fixed by the Government under rule 59(c)(vi) of PPR-14. The rule ibid stipulates that:

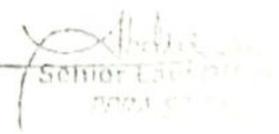
59.(c) direct contracting; a procuring agency shall only engage in direct contracting if any of the following conditions exist:

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

5. In view of the above, PPRA is of the concerted view that prices of "Diesel" are fixed by the Government and therefore its procurement falls under the purview of above ibid rule irrespective of the total cost of Diesel to be procured. As for as the procurement of "Lubricants" is concerned it may be procured through open competitive bidding process as enunciated under rule 22 & 23 of PPR-14.

6. The procuring agency is advised to seek guidance as discussed above and proceed further strictly in accordance with PPR-14 after fulfilment of all legal / codal formalities.


M. Yousaf
12-2-2012


Senior Liaison Officer
PPRA

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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, 25th February, 2021

Accounts Officer,
Directorate General Monitoring & Evaluation,
Planning & Development Board,
Lahore

Subject: **REQUEST FOR PROVISION OF CLARIFICATION / ADVICE
REGARDING OBTAINING OF 5% PERFORMANCE GUARANTEE
FROM CONSULTANTS.**

I am directed to refer to your letter No. DGM&E/AC/191 dated 28-01-2021, whereby the procuring agency has sought an advice regarding settlement of audit paras.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14), as there is no express provision available in PPR-14 regarding settlement of audit paras, therefore, it is the procuring agency which has to get issue settled through relevant forums i.e. SDAC/ PAC etc.

3. It is further apprised for the information convenience of the procuring agency that it is upon the procuring agency to decide the receipt of performance guarantee from the successful bidder at the rate of 1 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. 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.

Master file

Abdul Salam
Senior Law Officer
PPRA S&GAD 25/2/21

No. L&M(PPRA) 1-17(G)(1)-AD/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 01st March, 2021

AIG/Finance,
For Provincial Police Officer,
Punjab, Lahore.

Subject: COMPETENCY TO DECLARE URGENCY.

I am directed to refer to your letter No. DA/ADVICE/25/3831 dated 29/12/2020 on the subject and invite your kind attention toward rules 2(ad) & 59(d)(iii) of Punjab Procurement Rules 2014 which deal with the subject query which is being reproduced hereunder;

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)(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 therefore upon the procuring agency to decide the same at its own level keeping in view the specific circumstances and after fulfillment of all conditions as mentioned therein.

Abdus Salam
Senior Law Officer
PPRA S&GAD

4/3/21

Director General
Procurement Regulatory
Authority, LGAD
2nd Floor, 1st Phase Building, The Mall Lahore.

Lahore, 01 April, 2021

AIG / PROCUREMENT,
For Inspector General
Lahore.

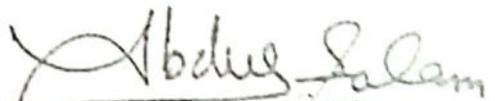
Subject: **SINGLE_COMPLYING_BID**

I am directed to refer to your letter No. 255/SP/PI dated 26/02/2021 whereby an advice has been sought regarding single complying bid.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14) rule 55A of PPR-14 is very much clear in the instant case which stipulates that:

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 should ensure that all the bidding procedure including proper advertisement has been carried out in accordance with PPR-14. The procuring agency, however, must also consider its budgetary constraints, price reasonability as compared to the market rate and ensure that the conditions / criteria (formulated for the evaluation of bids) is not discriminatory as to favour a single bidder in order to invoke the provisions of rule 55A.


Director General
PPR-14/2021-AB/2021
4/3/21

No. L&M(PPRA)1-18(W)(I)-AB/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Date: Lahore, 01 March, 2021

Engr. Abdul Razzaq,
Chief Engineer, LDA,
Lahore.

CLARIFICATION

I am directed to refer to your letter No. CE.LDA/300 dated 18/02/2021
in which a query has been sought regarding bidding procedure.

Case has been examined in the light of Punjab Procurement Rules
2014 (PPR-14), definition of public procurement has been provided under section
2(n) of PPRA Act 2009 which includes procurement of goods, works & services for
public use.

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.

Detailed bidding procedures of procurement have been provided under
rule 4 of the said rules which also includes single stage two envelopes bidding procedure.
The said rule is strict bar on the adoption of any specific method for
procurement of works. The procuring agency has to decide at its own level to act
in accordance with the procedure as per true requirements of any project.
It is further added that procuring agency should not anticipate any
condition of evaluation criteria and procurement should be
conducted in view the principles of procurement as provided under rule 4 of
the said rules.

4. Principles of procurements.- A procuring agency
shall ensure that the procurement is made in a fair and transparent manner and
that the value for money is obtained for the public use.

Hafiz Saleem
Senior Officer
4/3/21

No. L&M(PPRA)1-18(W)(I)-AB/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 01st March, 2021

Engr. Abdul Razzaq,
Chief Engineer, LDA,
Lahore.

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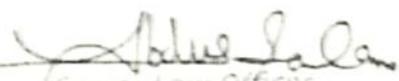
I am directed to refer to your letter No. CE/LDA/300 dated 18/02/2021 whereby a confirmation has been sought regarding bidding procedure.

Case has been examined in the light of Punjab Procurement Rules 2019. Definition of public procurement has been provided under section 2(1) of PPRA Act 2019 which includes procurement of goods, works & services rule 4 of regulation that

Public procurement means procurement of **goods, works or services** by a procuring agency wholly or partly out of the Provincial Consolidated Fund or the Provincial Fund of the Province or funds of a procuring agency.

Detailed bidding procedures of procurement have been provided under rule 23 of PPRA which also includes single stage two envelopes bidding procedure. There is no restriction on the adoption of any specific method for the procurement of works. The procuring agency has to decide at its own level to opt for any specific bidding procedure as per true requirements of any specific procurement. It is further noted that procuring agency should not introduce any condition or any condition in evaluation criteria and procurement should be carried out keeping in view the principles of procurement as provided under rule 4 of regulation.

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


Senior Law Officer
S&GAD
4/3/21

(Date) Date: 01 March, 2021

Engr. Abdul Razzaq,
Chief Engineer, LDA.

REQUEST FOR ADVICE ON PRE-QUALIFICATION OF LDA
PROJECTS.

- i. CONSTRUCTION OF FLYOVER AT SHERANWALA GATE,
LAHORE.
- ii. CONSTRUCTION OF FLYOVER AND AT GRADE WORKS AT
SHAHKAM CHOWK LAHORE.
- iii. CONSTRUCTION OF UNDERPASS AT GULAB DEVI
HOSPITAL, LAHORE.
- iv. CONSTRUCTION OF FLYOVER AND UNDERPASS AT
KARIM BLOCK ALLAMA IQBAL TOWN LAHORE.

I am directed to refer to your letter No. CE/LDA/78 dated 12/01/2021
and letter of even No. dated 03-02-2021 whereby an advice has been
received regarding prequalification process.

It has been examined in the light of Punjab Procurement Rules
(1997-14), rules 16 & 17 of PPR-14 deal with the pre-qualification process.
The Standing Committee of Cabinet on Finance and Development (SCCFD) has
approved the inclusion subject schemes in ADP 2020-21 hence there is a reflection
of the Government for the initiation of subject schemes and
the procuring agency may start the prequalification process. The procuring
agency should ensure that prior to initiation of bidding process amongst the
qualified bidders and award of contract, there must be requisite administrative
approval, technical sanction and specific allocation / availability of funds against
the schemes and the whole procurement process should be strictly compliant to
the law.

It is however further added that the scope of prequalification should
depend on the administrative approval by the Provincial Department Working
Party (DW) decision. Furthermore, all the bidding process should also be carried
out in accordance with the scope of prequalification and administrative approval from
the DW. No extension / variation / extension in the scope of work in any manner
whatsoever should be made otherwise than in accordance with the law / rules.

Abdul Salam
Senior Law Officer
PPRA SSCAD

Dated Lahore, 03rd March, 2021

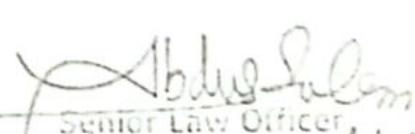
Procurement Unit,
Punjab Safe Cities Authority,
Lahore.

Subject: CONTRACTING THE SERVICES FOR OPERATION & MAINTENANCE (O&M) OF PPIC3 LAHORE PROJECT.

I am directed to refer to your letter No. 1164/PROC/PSCA/2021 dated 26/02/2021 on the subject whereby an advice has been sought regarding the award of contract.

The proposition has been examined in the light of Punjab Procurement Rules 2014 (PPR-14), all quoted rates by bidders flow within the ambit of estimated cost which is the budgeted allocation demanded by the procuring agency and approved by the Government. As a result of competitive process if the quoted rates are within the approved range of estimated cost, than it is upto the procuring agency to accept it or not, keeping in view the rationality of the quoted rates. The procuring agency therefore should decide the instant matter at its own level either to award the contract or to cancel the procurement process specifically keeping in view the type of procurement as envisaged under rule 04 read with "value for money" as defined under rule 2 (ae) of PPR-14; 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.


Senior Law Officer

PPRA SSGU

4/3/21



Tel: 042-89204572
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-15(SOC)/2020/P2
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

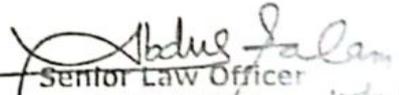
Dated Lahore, 05th March, 2021

**Medical Superintendent,
THQ Hospital Chichawatni,**

Subject: **DIALYSIS TENDER 2020-2021 MATTER OF BICARBONATE
SOLUTION PART A + B (4L)**

1. I am directed to refer to your letter No. 1627/THQ/HOSP/CCW dated 10-02-2021, whereby an advice has been sought on the subject cited above.

2. Contents of the subject letter have been examined in the light of PPR-14 and it has observed that contents of subject letter are very vague and sketchy as they do not adumbrate any proposition / question on which advice of PPRA is being sought. 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).


Senior Law Officer
PPRA SSGAD 10/3/21



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

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

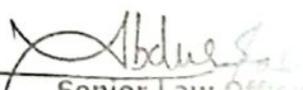
Dated Lahore, 03rd March, 2021

Assistant Director,
Literacy & Non-formal Basic Education,
Lahore.

Subject: **PROCUREMENT OF MOBILE PHONES OF PROJECT TITLED NON-FORMAL EDUCATION MONITORING & EVALUATION UNIT PHASE-II.**

I am directed to refer to your letter No. 17.TENDER (IT)/M&E/2021 dated 26/02/2021 on the subject whereby an advice has been sought regarding award of contract.

2. The proposition has been examined in the light of Punjab Procurement Rules 2014 (PPR-14), all quoted rates by bidders flow within the ambit of estimated cost which is the budgeted allocation demanded by the procuring agency and approved by the Government. As a result of competitive process if the quoted rates are within the approved range of estimated cost, than it is upto the procuring agency to accept it or not, keeping in view the rationality of the quoted rates and comparison with market rates. The procuring agency therefore should decide the instant matter at its own level keeping in view the principle of procurement envisaged under rule 04 read with "value for money" as defined under rule 2 of PPR-14. It may however further be added that "quantity always leads to cost".


Senior Law Officer
PPRA S&GAD

No. L&M(PPRA)1-35(SOC)/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 05th March, 2021

Chief Executive Officer (DEA),
District Education Authority,
Sialkot.

Subject: GUIDANCE REGARDING REPLACEMENT OF BRAND FOR
SUPPLY ORDER FOR PROCUREMENT OF MISC ITEMS LOT NO.
01 ELECTRICAL ITEM (CEILING / EXHAUST FAN) FOR
INFRASTRUCTURE DEVELOPMENT AND REHABILITATION OF
10 MODEL SCHOOLS DISTRICT SIALKOT.

I am directed to refer to your letter No. 514/B-1 dated 30/01/2021
whereby an advice has been sought on the subject cited above.

PPRA has already rendered its conclusive advice on the subject matter
vide this office letter No. L&M(PPRA)1-30(G)(I)-AB/2015 dated 15-06-2020 (Copy
enclosed). The procuring agency (Chief Executive Officer DEA Sialkot) is also
requested to seek guidance from the aforementioned letter.

Abdul Jalal
Senior Law Officer
PPRA S&GAD

10/3/21

Date: Lahore, 15th June, 2023

Senior Project Manager,
Government of Punjab,
Government Information Technology Board,
Lahore.

Subject: APPROVAL REQUIRED FOR THE CHANGE OF BRAND DUE TO OBSOLESCENCE.

You are directed to refer to your letter No. PPR/afsal/189 dated 27.05.2023 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 IT equipment with higher / equal specs of different brand instead of quoted specification, brand or otherwise.

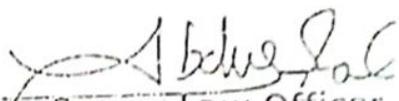
The contents of the subject letter reveal that procuring agency has awarded the contract to its bidder for the procurement of software, hardware. The lowest evaluated bidder has approached the procuring agency with a request that they can provide the same store with higher specification on the hardware because the required specifications items are not available in the market. Now, the procuring agency intends to seek guidance from PPA as to whether scope of the tender may be accepted subject the terms and conditions of the bidding document or otherwise.

The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Though procurement legal framework does not specifically and expressly deal with any such proposition and the technical responsiveness of the product proposed to be procured. However, PPA is of the opinion that the procuring agency keeping in view the principle of procurement as envisaged under rule 4 of PPR-14 may proceed and accept the offered product if it falls and respond to the required evaluation criteria and does not disturb the evaluation grading made by the procuring agency. Perusal of the comparison of rates adumbrate that to the extent of Queue Management System and Desktop computer the available brand is higher in market price and the contractor is also willing to provide on the previous quoted rate which are lower as compared to rate of existing brand, therefore to that extent the procuring agency may accept the offer of the contractor as it would

As the public exchequer and fall within the provision of rule 04 of PPR-14. However, in case of item namely "Scanner" the available brand is cheaper in rate and the contractor has quoted higher price for its quoted brand which may not be accepted as it would be against the spirit of value for money.

As observed by the Supreme Court "The intention of the parties has to be ascertained not only from the words used in the contract by the parties but also from the circumstances, their belief, knowledge and intention as expressed in their correspondence (Reliance PLI 1978 Kar. 47 KDV). In another case the Supreme Court of Pakistan has observed everything that law does not forbid is permitted (1997 SC 253).

The procuring agency is advised to seek guidance from above said provisions.


Senior Law Officer
PPRA S&CAD

Cc:

1. Web Developer / Data Administrator, to do the needful as per directions of competent authority.




17/06/2020


17-6-2020



Tel: 042-99204572
Ex: 042-36204774
Fax: 042-36204776

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

Dated Lahore, 10th March, 2021

- **Medical Superintendent,**
Jinnah Hospital
Lahore.

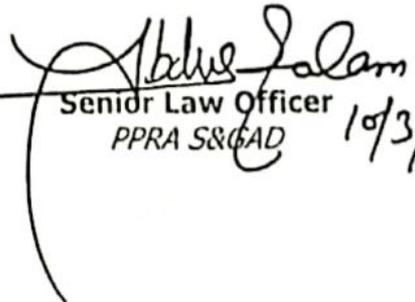
Subject: **SEEKING ADVICE REGARDING FINANCIAL MATTER.**

1. I am directed to refer to your letter No. 4425/Admn/JHL dated 06/02/2021 on the subject whereby an advice has been sought regarding payment of pending bills.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14), the procuring agency has received the whole supply which were declared of standard quality and same has also been **consumed by the procuring agency**. Rule 62 of PPR-14 is very much clear in this regard 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.

3. PPRA has already rendered its conclusive advice on the similar matter vide this office letter No. 1-11/SPI(III)-SPI/2012 dated 15-12-2020 (**Copy enclosed**) which is enclosed for information and guidance.


Senior Law Officer
PPRA S&GAD

10/3/21



PPRA
11-11/SP1(III)-SP1/2012/1643

HO. 1&14(PPRA) 1-11/SP1(III)-SP1/2012/1643
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 15th December, 2020

Accounts Officer,
Accountant General Punjab,
A.G. Complex, Turner Road, Lahore

Subject: CLARIFICATION OF THE OBJECTION REGARDING UPLOADING OF TENDER NOTICE AT PPRA WEBSITE.

I am directed to refer to your letter No. PR-12/HM-559 dated 08.12.2020 on the subject whereby an advice has been sought regarding failure to upload the tender notice on PPRA website.

2. Contents of the subject letter reveal that Directorate of Food Department (the procuring agency) advertised tender notice in Daily Nation and Daily Dunya newspapers on 28.08.2020 for the procurement of transport services. The procuring agency deposited uploading fee but tender notice could not be uploaded on the website of PPRA due to account blockage (issued by PPRA for uploading of procurement related activities). The procuring agency has submitted bills to Accountant General Punjab (AG) for making outstanding payment to contractor and in such a situation AG Punjab has approached PPRA to seek guidance as to whether AG office may proceed further for making payments in the absence of uploading of tender on the website of PPRA or otherwise.

3. PPRA is of the view that the 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 but in case of procurement exceeding three million rupees shall be advertised on the website of authority along with at least two national daily newspaper, the rule 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.

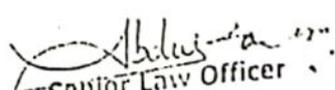
4. However, the procuring agency must investigate the matter in the light of above said rule that why the advertisement for subject procurement was not uploaded on the website of the PPRA and fix the responsibility in order to proceed against delinquents under the law. As for as the matter of payment 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. In a case Supreme Court of Pakistan has held "In matters of public procurement, public officials are bound to exercise the duty with care that is expected of a prudent manager because State agencies stand in a fiduciary relationship to the people who are beneficial owners of the publically owned assets" (PLD 2014 Supreme Court 47 CC The "Lakhra Power Plant Case"). 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. The Lahore High Court in a case has held; "When a bid is accepted, valid contract comes into existence between the parties and they are bound by the terms and conditions of the same" (PLJ 2005. LAH 314 (DB)). In another case the Superior Court has held "The intention of the parties has to be gathered not only from the words used in the contract by the parties but also from the circumstances, their belief, knowledge and intention as express in their correspondence (PLJ 1978 Kar. 47 KDB)". Furthermore, a procuring agency is required to make prompt payments to the contractor under rule 62 of PPR-14 which stipulates that;

Abdus Salam
16/12/18

62. On account payments. A procuring agency shall make prompt payments to the contractor within the maximum remaining bill on date for any performance within the time specified in the conditions of the contract which shall not exceed 30 days. PPRA Rules are very explicit and in detail explain the legal requirement. It is advised that procuring agency should consult the respective rule and in case of any clarification they consult PPRA for advice.

5. Allowing for the dicta laid down by the highest court in the report of "PLG 1978 KAR 47 KDIR" since in the instant case the procuring agency made an effort to upload tender on PPRA website which being blocked by PPRA on account of violation of PPRA uploading policy though the procuring agency had deposited tender upload fee hence the intention of the procuring agency ex-facie appears to be correct per PPRA rules requirement and as mentioned above in the ibid authority "the intention of the parties has to be gathered not only from the words used in the contract by the parties but also from the circumstances, their beliefs, knowledge and intention as expressed in their correspondence", therefore, the procuring agency's violation of PPRA rule appears to be mitigated. The laxity on the part of procuring agency not to probe into the reason for not uploading the tender on PPRA website cannot be made semblance to put an embargo on payment of contractor who has satisfactorily performed its duty.

6. In the wake of above, AG office Punjab is advised to proceed if there is no other legal hitch except the one discussed above, payment made to the contractor would be very much legal. The AG office Punjab is advised to proceed accordingly.


Senior Law Officer
PPRA SNGAD



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, 15th March, 2021

To,

Mr. Shahbaz Akmal Jandran
Advocate High Court
7-C, Kpoorthala House lake road near old Anarkali
Lahore.

Subject: APPEAL (COMPLAINT) REGARDING NON-PROVISION OF PUBLIC INFORMATION UNDER THE PUNJAB TRANSPARENCY AND RIGHT TO INFORMATION ACT 2013.

I am directed to refer Punjab Information Commission letter/order bearing No. 1-44-2/2020 dated 15.02.2021 and 28.02.2021 whereby subject complaint bearing No. PPRA/RULES/VIOAT/PCTIS 2021 dated 21.01.2021 (having certain queries) has been referred to this office with the observation that Public Information Officer of this office has failed to perform his mandatory function.

2. Matter has been examined and observed that as per available record subject letter/complaint has never been received in this office. It is therefore, requested to provide receiving of said letter so that the matter may be inquired and responsibility may be fixed. However, response of the queries raised in your complaint is as under:-

Sr. No.	Queries	Reply of PPRA
1.	Whether PPRA Rules 2014 allows a single work to two different contractors/firms by splitting the work? Please provide copy of relevant Rule.	PPRA is of the view that the contents of the query are very vague and sketchy as they do not adumbrate any proposition / question on which advice of PPRA is being solicited, which is not an appropriate discourse. Since, the proposition referred for advice should be very explicitly formulated therefore, the complaint is directed to formulate the proposition accordingly while incorporating all the necessary information required to evaluate the issue in the light of Punjab Procurement

Signature
17/3/21

		Rules 2014 (PPR-14).
2.	That, recently Punjab Curriculum & Textbooks Board has awarded work of procurement of paper jointly from two lowest bidders, whether PPRA Rules allowed PCTB through its BOG to approve such award of work by splitting?	<p>Rule-9 of PPR-14 is very much clear in regard, rule ibid stipulates that:-</p> <p>"9. Limitation on splitting procurement.— Save as otherwise provided and subject to the rules, a procuring agency shall announce in appropriate manner all procurements for each financial year shall proceed accordingly without splitting or regrouping of procurements so planned.</p> <p>(2) The procuring agency shall in advance annual requirements procurement on the website of Authority as well as on its website.</p> <p>However, complainant is directed to provide the details of specific transactions along with documentary evidence in conclusive view point may be taken in this regard.</p>
3.	PCTB awarded the procurement of 48 Hundred Thousands KG 4,800,000 kg) paper under PPRA Rules 2014. Whether PPRA Rules allows such procurement by splitting the work?	Same as above under Sr. No. 2.
4.	What is the law against the violation of PPRA Rules-2014?	<p>Rule-69 of PPR-14 provides that violation of PPR-14 shall be treated as mis-procurement, rule ibid stipulates that:-</p> <p>"69. Mis-procurement.— Any violation of these rules shall be treated as mis-procurement."</p>
5.	Whether concerned departments are bound to send details about procurement to PPRA?	<p>Rule-12 of PPR-14 provides that procuring agency shall announce procurement notices on the website of authority, rule ibid stipulates that:-</p> <p>"[12. Method of advertisement] (1) Save as otherwise provided in these rules, a procuring agency</p>

		<p>advertise procurement of more than one hundred thousand rupees up to the limit of two million rupees on the website of the Authority in the language and format specified by regulation. If deemed in public interest, the procuring agency may also advertise the procurement in at least one national daily newspaper].</p> <p>(2) Subject to rule 17, procurement exceeding two 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.</p> <p>(4) A procuring agency shall ensure that the information posted on its website is complete for purchase of goods which it has been posted, and such information shall remain available on that website until the closing of the submission of bids."</p>
6.	Whether PCTB has sent/shared any details about above said paper procurement?	Same as above at Sr. No. 5. The complainant is also directed to provide some detail of the specific transaction order to proceed further.

Senior Law Officer
P.P.R.A. S.W.

Cc:-

1. Chief Information Commissioner, Punjab Information Commission for reference to letter bearing No. 1-44-2/2020 dated 15.02.2021. 25.02.2021.

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

Dated Lahore, 15th March, 2021

Chief Executive Officer,
Punjab Health Facilities Management Company,
35-A GOR-II, Bahawalpur House, Ferozepur Road Lahore.

CLARIFICATION ON THE APPLICABILITY OF RULE 59 (C)(III).

I am directed to refer to your letter No. PHFMC(CEO)/2505/2020-21
02/2021 whereby an advice has been sought on the subject cited above.

Case has been examined in the light of Punjab Procurement Rules
(PPR-14) PPRA is of the concerted opinion 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
situations including direct contracting under rule 59(c)(iii) of PPR-14 the
rule stipulates that;

59.(c)(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.

However, the procuring agency has to decide the same at its own
discretion keeping in view the circumstances and after fulfilment of all conditions
mentioned therein.

Abdul Salam
Senior Law Officer
PPRA S&GAD

17/3/21

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

Dated Lahore, 17th March, 2021

Assistant Secretary Stores,
BISE Lahore.

REFER MEETINGS OF BULK PURCHASE COMMITTEE DATED 12-10-2020, 13-10-2020 & 17-10-2020.

I am directed to refer to your letter No. 205-STORES dated 10-02-2021 whereby the procuring agency has sought an advice regarding settlement of

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 audit paras. Moreover, PPR-14 also does not have any space for the regularization of irregularities / regularization of a process once carried out in violation of PPR-14. Therefore, it is the procuring agency which has to get issue settled in relevant forums i.e. SDAC/ PAC etc.

It is further apprised for the information convenience of the procuring agency that to award the contract under rule 55 of PPR-14 (to the lowest evaluated) determination of price reasonability (keeping in view the prevailing market inflation rate, fluctuation in the dollar price, all applicable taxes / duties and imposition of new taxes) and estimated cost of any procurement is has to be decided by the procuring agency at its own level.

Abdul Salam
Senior Law Officer
PPRA S&GAD 17/3/21



Dated Lahore 16th March, 2021

Muhammad Mahmood,
SVP/CIO,
Punjab Provincial Co-Operative Bank Ltd,
Head Office, Bank Square, Shahrah-e-Quaid-e-Azam, Lahore.

Subject: **GUIDANCE ON REP DOCUMENT FOR PPCBL DATA CENTER TENDER.**

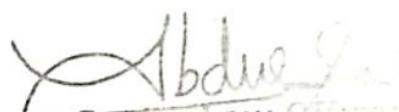
I am directed to refer to your letter No. 772 dated 19/02/2021 on the subject whereby an advice has been sought regarding technical evaluation.

2. The case has been examined in the light of Punjab Procurement Regulation 2014 (PPR-14), bidding documents is the vital part of the procurement process which includes the 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. Furthermore, a procuring agency is bound to evaluate the bids in accordance with evaluation criteria set forth in the bidding documents as required under rule 32(1) of PPR-14.

3. However, rule 45(3)(c) of PPR-14 provides that the financial proposals of only those technically responsive bidders shall be opened who obtained minimum sixty five percent marks, the rules ibid stipulate that;

45(3)(c) Quality and Cost Based Selection: the financial proposals of only those technically responsive bidders who obtained minimum sixty five percent marks shall be opened;

4. The procuring agency is advised to proceed further in accordance with rule 45(3)(c) of PPR-14 after fulfilment of all other legal/codal formalities.


Senior Law Officer
PPRA S&GAD



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

No. L&M(PPRA) 1-18(W)(I)-AB/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 29th March, 2021

The Deputy Director (P&D),
Punjab Housing & Town Planning Agency,
Lahore.

Subject: **ADVICE ON THE SINGLE EXPRESSION OF INTEREST RECEIVED FOR THE PROJECT NAMED "PROVISION OF SOFT LOANS FOR LOW COST HOUSING".**

I am directed to refer to your letter No. DG-PHATA/W-1/29/2019/128 dated 11.03.2021 on the subject whereby an advice has been sought regarding Expression of Interest process.

2. Case has been examined in the light of Punjab Procurement Rules-2014 (PPR-14), PPRA is of the concerted view that in case of procurement of PKR 100 million and above the requirement of prequalification (as also explained by PPRA through circular No. L&M(PPRA)10-01/2011 dated 10-02-2020) is mandatory 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. Rule-55A of the PPR-14 provides that if single bid is received, the procuring agency may award the contract. The procuring agency however must also consider the market based rate analysis after properly advertising the procurement under rule 12 of PPR-14. Furthermore, no discriminatory & difficult conditions should be introduced which discriminate between the bidders or which is difficult to meet by the bidders as required under rule-34 of PPR-14, rules ibid 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 above the procuring agency may decide the subject issue at its own level keeping in view the "**principles of procurement**" as enunciated under rule 4 read with "**value for money**" as defined under rule 2(ae) 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

Abdus Salam
Senior Law Officer

PPRA S&GAD 29/3/21



(dated Lahore, 28th March 2021)

Tel: 042-99204173
 Ex: 042-36284778
 Fax: 042-36284776

Mr. Tahir Hussain Ghazi,
 District Officer,
 (Special Education), Lahore.

Subject: **CLARIFICATION.**

Please refer to your letter No. DEO(Spl Edu)/LHP/2/21/761 dated 20.03.2021 on the subject whereby an advice has been sought regarding evaluation of the bid.

2. The case has been examined in the light of Punjab Procurement Regulation 2014 (PPR-14), bidding documents is the vital part of the procurement mechanism which includes the 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 of PPR-14 requires to formulate unambiguous evaluation criteria and under rule 32(1) all the bids shall be evaluated accordingly. Rule 32 (3) of PPR-14 further provides that a bid shall be subject to those rules and regulation set forth at the time of issuance of notice for invitation of bids, 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.

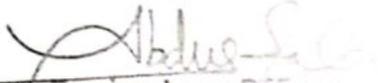
32. Evaluation of bids.— (1) All bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set forth in the prescribed bidding document.

(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.

3. In the light of above mentioned rules, if the procuring agency has invited the tender package wise than bids shall be evaluated on package wise basis and vice-versa. It is further added here that procuring agency has to decide (at its own level) and conduct the procurement / bidding procedure (either package wise

giving due consideration to the compatibility issue or item wise) to attain best value for money as defined under rule 2(ae) read with principles of procurement as enunciated under rule 4 of PPR-14, 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.


Senior Law Officer
PPRA S&EAD



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

No. L&M(PPRA)1-39(G)(ii)-AB/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 24th March, 2021

To,

General Manager (Operations),
Punjab Masstransit Authority,
5th Floor, Arfa Software Technology Park,
3-16-B, Ferozpur Road, Lahore.

Subject: **ADVICE ON EXTENSION OF THE TENDER VALIDITY PERIOD.**

Kindly refer to your letter No. PMA-TND-SEC/01 dated 18.03.2021 on the captioned subject whereby an advice has been sought regarding extension of the bid validity period.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14), rule 28(3), (4) & (5) is very much clear in this regards which provides that bid validity period may be extended but such extension should not be for more than the original period of bid validity or 180 days whichever is more, the rules ibid stipulates that:-

28. Bid validity.- (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."

(4) A bidder who:

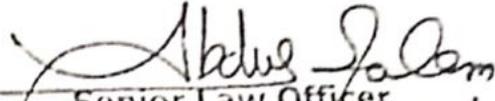
- (a) agrees to the extension of the bid validity period shall also extend the validity of the bid bond or security for the extended period of the bid validity;
- (b) agrees to the procuring agency's request for extension of bid validity period shall not be permitted to change the substance of the bid; 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

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shall be the board, syndicate or any other apex body of the procuring agency.

3. The procuring agency may proceed for the extension of bid validity period in the light of above ibid rule.


Senior Law Officer
PPRA S&GAD

26/3/21

No. L&M(PPRA)1-20(OJ)/CO/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 31st March, 2021

Lt. Col. (R) Muhammad Ibrahim
Estate Engineer,
Sundar Industrial Estate,
Gate No. 2 Sundar, Rawind Road,
Lahore

Subject: OPINION REQUIRED FOR SUPPLY OF CEMENT AT SUNDAR INDUSTRIAL ESTATE.

Please refer to your letter No. BOM/SIE/ED/6213 dated 03/02/2021 whereby an advice has been sought on the subject cited above.

Contents of the subject letter have been examined in the light of PPR-14 and it has observed that contents of subject letter are very vague and sketchy as they do not adumbrate any proposition / question on which advice of PPRA is being sought. 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) and depute a well conversant officer of your office (not below the rank of BS-17) along with record to attend the office of Punjab Procurement Regulatory Authority at any convenient time.

Abdul Salam
Senior Law Officer

PPRA S&GAD 31/3/21



Tel: 042-99204572
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Fax: 042-36284776

No. L&M(PPRA)1-10(SOL)(II)-AD/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 24th March, 2021

Dr. Sana Aslam,
Incharge ORIC,
Government College Women University,
Faisalabad.

Subject: QUERY RELATED TO THE PROCUREMENT OF SCIENTIFIC EQUIPMENTS WITHOUT TENDERING.

Please refer to your letter No.-GCWUF/ORIC/21 dated 22.02.2021 on the captioned subject whereby an advice has been sought.

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 to address different kinds of situations including direct contracting under rule 59(d)(i) of PPR-14 where supplies involve pertain to support a specific piece of research, experiment, study or development, rule ibid stipulates that;

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

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

3. 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 and adhering to the principle of procurement as envisaged under rule 4 of PPR-14 which 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

Sana Aslam
Senior Law Officer,
PPRA S&GAD 26/3/21



Tel: 042-99204572
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Dated Lahore, 24th March, 2021

Muhammad Akram Sabir,
Principal,
Govt. Training College For the Teachers of Blind,
31-Sher Shah Block, New Garden Town Lahore.

Subject: PURCHASE OF DIFFERENT ITEMS (BLIND CURTAINS, SOUND SYSTEM, LAPTOP) ON QUOTATION UNDER SCHEME TITLED "STRENGTHENING OF GOVT. TRAINING COLLEGE FOR THE TEACHERS OF BLIND, LAHORE (GS 132 OF ADP 2020-21)"

Kindly refer to your letter No. GTCTB/3170 dated 25-02-2021 on the subject whereby an advice has been sought regarding subject procurement through quotations.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14), rule 12 (1) of PPR-14 is very much clear in the instant proposition which requires that procurement of **more than two hundred thousand rupees** shall be advertised therefore subject procurement through quotation is not an appropriate discourse, rule 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

However, procuring agency must also ensure that no discriminatory and difficult condition has been introduced which curtailed the participation of firms/contractors in the subject procurement process, 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.

3. The procuring agency may proceed in the light of ibid rules.

(Signature)
Senior Law Officer
PPRA S&GAD 20/3/21

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Dated Lahore, 24th March, 2021

General Manager (P&C),
 Lahore Waste Management Company,
 4th & 7th Floor, Shaheen Complex, Egerton Road,
 Lahore.

Subject: REQUEST FOR GUIDANCE / OPINION ON URGENCY PROCUREMENT PROCESS FOLLOWED BY LWMC REGARDING "URGENCY PROCUREMENT OF CONTRACTORS FOR PRIMARY & SECONDARY WASTE COLLECTION AND TRANSPORTATION TO DUMP SITE (FOR TWO MONTHS)"

Kindly refer to your letter No. LWMC-P&C-272 dated 25-02-2020 on the subject whereby an advice has been sought regarding procurement process.

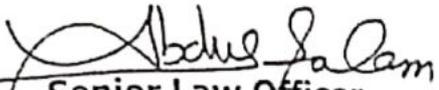
2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14), PPRA is of the view that principle method of procurement is open competitive bidding process as envisages under rule 22 & 23 of PPR-14. However, rule 59 of PPR-14 has also introduces alternative methods of procurement under specific circumstances as mentioned therein to address different kinds of situations which also includes urgency under rule 59 (d)(iii) of PPR-14 whereby it has been clearly mentioned that the procuring agency may engage in negotiated tendering with or without prior publication of a procurement notification, rule ibid stipulates that:-

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

(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 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 and adhering to the principle of procurement as envisaged under rule 4 of PPR-14 which 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



Senior Law Officer

PPRA S&GAD

26/3/21



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No. L&M(PPRA)3-22/2011
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 24th March, 2021

Ahmad Khawar Shahzad,
Director Development & Finance,
Sahiwal Division Sahiwal.

Subject: ADVICE REGARDING NEGOTIATED TENDERING OWING TO ARTISTIC REASONS CONCERNING INDUS VALLEY CIVILIZATION AT HARAPPA IN DISTRICT SAHIWAL.

Kindly refer to your letter No. E-4/DIR(D&F)COMM(SWL)/54 dated 22/02/2021 whereby an 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 concerted opinion 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;

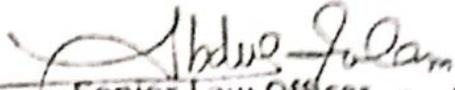
59(d) negotiated tendering: a procuring agency may engage in negotiated tendering with one or more contractors with or without prior publication of a procurement notification but this procedure shall only be used when:

(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

3. 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 and adhering to the principle of procurement as envisaged under rule 4 of PPR-14 which 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


Senior Law Officer
PPRA S&GAD 26/3/21



Dated Lahore, 24th March, 2021

Assistant Treasurer (Procurement),
University of the Punjab,
2nd Floor Admin Block, Quaid-e-Azam Campus, Lahore.

Subject: REQUEST FOR GUIDANCE REGARDING THE REJECTION OF COMPLETE BID OR PARTIAL BID FOR MENTIONING PRICE IN THE TECHNICAL BID IN A TENDER FOLLOWING THE PROCEDURE OF SINGLE STAGE TWO ENVELOPE BASIS.

Please refer to your letter no. 201/PW dated 23/02/2021 on the subject whereby an advice has been sought regarding technical evaluation.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14), bidding documents is the vital part of the procurement mechanism which includes the 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 of PPR-14 requires to formulate unambiguous evaluation criteria and under rule 32(1) all the bids shall be evaluated accordingly. Rule 32 (3) of PPR-14 further provides that a bid shall be subject to those rules and regulation set forth at the time of issuance of notice for invitation of bids, 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.

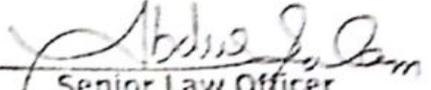
32. Evaluation of bids.– (1) All bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set forth in the prescribed bidding document.

(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.

3. If the procuring agency has invited the tender item wise than bids shall be evaluated on item wise basis and vice-versa. It is further added here that procuring agency has to decide (at its own level) and conduct the procurement /

bidding procedure (either package wise giving due consideration to the compatibility issue or item wise) to attain best value for money as defined under rule 2(ae) read with principles of procurement as enunciated under rule 4 of PPR-14, 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


Senior Law Officer

PPRA SBGAD 26/3/21



Tel: 042-99204572
E: 042-36264174
Fax: 042-36264176

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, 2nd November, 2020

Secretary,
Board of Intermediate and Secondary Education,
Rawalpindi.

Subject: DEMAND OF BANK GUARANTEE INSTEAD OF CDR / BANKER
CHEQUE WITH BIDDING DOCUMENTS AS DEFINED IN RULE
2(H) OF PPRA RULES 2014.

I am directed to refer to your letter no. PASY(7)21/20 dated *of page 96/c* 06/10/2020 on the subject whereby an advice has been sought regarding accepting of bid security in shape CDR.

2. Contents of subject letter reveal that procuring agency floated a tender requiring the bidders to submit 5% bid security in the shape of bank guarantee. During scrutiny of documents it has been observed that most of the bidders have submitted their bid security in the form of CDR instead of bank guarantee. The bidders are of the view that it is difficult for them to prepare bank guarantee as it will take time of two (2) to three (3) weeks and hectic formalities are also required by the bank for the purpose. Now, the procuring agency has approached PPRA for seeking advice as to whether submission of bid security in shape of CDR may be accepted in the light of PPRA circular No. L&M(PPRA)10-01/2011 dated 29-07-2020.

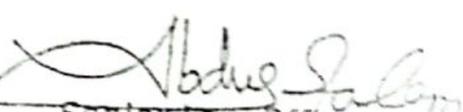
3. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Rule 2(h) of PPR-14 is very much clear regarding instant proposition which envisages that;

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

4. 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, bid security is always acquired to secure the interest of the procuring agency which bank guarantee also secure with equal effectiveness.

5. Furthermore, at para 6 of the aforementioned circular all procuring agencies are advised to always demand bank guarantee instead of CDR / banker's cheque and better refrain depositing and encashing the securities and utilizing amount of securities through their accounts. The true connotation of the aforementioned para / circular is that the procuring agency should always prefer bank guarantee upon CDR for obtaining the bid security and it does not adumbrate that the CDR is not acceptable.

6. In view of the above, the procuring agency may demand / accept any of the aforementioned forms as bid security in accordance with rule 27 of PPR-14. In the instant case submission of bid security in the form of CDR by the bidder can also be accepted by the procuring agency. The procuring agency is advised to seek guidance from above said discussion and proceed in accordance with PPR-14 after fulfillment of all other legal / codal formalities.


Senior Law Officer

PPRA SSGAD 2/11/21

Cc:

1. Web Developer / Data Administrator, to do the needful as per directions of competent authority



Tel: 042 36284772
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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, 24th March, 2021

Muhammad Tahir Rafique,
 Additional Treasurer,
 University of the Punjab.

Subject: **ADVICE REQUIRED REGARDING WAIVER IN RENT OF SHOPS
 WHICH WERE CLOSED DURING COVID-19 LOCKDOWN.**

Kindly refer to your letter no. D-117-BUDGET dated 17/02/2021 on the subject whereby an advice has been sought regarding waiver in rent of shops.

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. The proposition referred does not fall within the definition of public procurement and hence ambit of PPRA as well, therefore, the procuring agency should decide the instant matter at its own level keeping in view the relevant law/rules.

Abdul Salam
 Senior Law Officer
 PPRA S&GAD 26/3/21

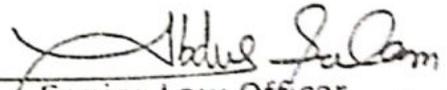
Dated Lahore, 31st March, 2021

Engr. Muhammad Arshad,
DGM (Contracts),
Faisalabad Industrial Estate Development and Management Company,
1st Floor, FCCI Complex, Canal Park, East Canal Road,
Faisalabad.

BID SECURITY IN THE FORM OF BANK GUARANTEE CIRCULAR
DATED 29-07-2020.

Please refer to your letter No. 03/03/PPRA/2021/085 dated 04/02/2021
whereby an advice has been sought on the subject cited above.

It is apprised that PPRA has already rendered its conclusive advice on
the subject matter vide this office circular No. L&M (PPRA) 10-01/2011 dated 29-07-
2020 (Copy enclosed) which was further clarified vide this office letter No.
L&M(PPRA)1-16(SOC)(I)-AB/2014/KW dated 02-11-2020 (Copy enclosed). The
procuring agency (Faisalabad Industrial Estate Development & Management
Company) is also advised to seek guidance from the aforementioned circular and
letter.


Senior Law Officer
PPRA S&GAD 31/3/21

No. L&M(PPRA) 1-13(G)(ii)-AD/2012
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 02nd April, 2021

Muhammad Anwar Maan,
Director,
Lahore Zoo,
Lahore.

Subject: PROCUREMENT OF ZOO EXHIBITS FOR LAHORE ZOO.

Kindly refer to your letter No. 2152/ZOO/A/2021 dated 22.03.2021 on the captioned subject whereby an advice has been sought regarding extension in supply order.

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 on the similar issue vide this office letter No. L&M(PPRA) 1-38(SOC)/2011 dated 14-07-2020 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter and decide the same at its own level.

Abdul Salam
Senior Law Officer

PPRA S&GAD 2/4/21



Dated Lahore, 14th July, 2020

Mr. Tahir Hussain Ghazi,
District Officer,
Special Education,
Lahore

Subject: ADVICE REGARDING RELAXATION IN SUPPLY OF BUSES TO THE INSTITUTIONS OF SPECIAL EDUCATION.

I am directed to refer to your letter No. DEO(SPL-EDU)LHR/2020/1013 dated 10-06-2020 on the subject whereby an advice has been sought regarding the extension in delivery time.

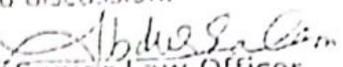
2. Contents of the subject letter reveal that procuring agency awarded the contract to M/s Fuso Master Motors for the provision of three mini buses within 90 days after issuance of work order under ADP scheme "Provision of the transport to Special Students / Centers of Special Education Punjab G.S No 283 of ADP 2019-2020". The contractor has failed to supply the same within stipulated time period i.e. 11-06-2020 owing to the reason that due to Covid-19 lock down the motor manufacturing units became nonfunctional. The contractor has approached the procuring agency with the request to extend the delivery time and procuring agency intends to seek guidance as to whether extension in delivery period can be granted under PPR-14 or otherwise.

3. Case has been examined in the light of Punjab Procurement Rules 2011 (PPR-14). PPRA is of the view 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 1972, the obligations of the parties to the contract are to be discharged according to the contents of signed contract. The Lahore High Court in a case has held "When a bid is accepted, valid contract comes into existence between the parties and they are bound by the terms and conditions of the same" (PLJ 2005. LAH 314 (DB))".

4. The procuring agency is required to affirm if the clause pertaining to force majeure was part of the contract. The clause of force majeure if was part of the contract then parties to the contract are provided relief from fulfilling their

exceptions, under unavoidable events such as Covid-19 as it could not be reasonably anticipated at the time of signing the contract and later the after effects and impact of the same were beyond the control of the parties. As a settled principle of law, "The intention of the parties has to be gathered not only from the words used in the contract by the parties but also from the circumstances, their best knowledge and intention as expressed in their correspondence" (PLJ 1979 Kar 471 (DB)).

4. Allowing for the above, if the aforesaid clause exist in the contract the extension in the delivery may be extended and if not then the procuring agency is advised to proceed after seeking guidance from the above said discussion.


Senior Law Officer

PPRA S&GD 14/7/20

Cc:
1. Web Developer / Data Administrator, to do the needful as per directions of competent authority.

No. L&M(PPRA) 1-15(SOC)/2020/P-2
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 29th March, 2021

Legal Expert / Litigation Officer,
Procurement Cell, Primary and Secondary Healthcare Department,
Lahore.

SUBJECT: REPEAT ORDER FOR ESTABLISHMENT OF CT SCANNING
FACILITIES AT 03 HEALTH FACILITIES IN PROVINCE OF
PUNJAB.

Kindly refer to your letter No. SO(P-I)1-8/2016 dated 03.03.2021 on
the captioned subject whereby an advice has been sought regarding repeat order.

The case has been examined in the light of Punjab Procurement Rules
2016. PPRA is of the view that the proposition referred vide
aforesaid 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 Salam
Senior Law Officer
PPRA S&GAD 29/3/21

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, 02nd April, 2021

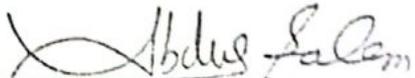
Director Agricultural Information,
Agriculture House 3rd Floor,
21, Sir Agha Khan Soyam Road Lahore.

Subject: TENDER PROCUREMENT FOR PRINTING OF FORTNIGHTLY
ZIRAAT NAMA DURING THE YEAR 2020-21.

Kindly refer to your letter No. DAI-2020/ACCTTS/3988 dated
23.12.2020 on the subject whereby an advice has been sought regarding "repeat
order".

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


Senior Law Officer
PPRA S&GAD

5/4/21

Dated Lahore, 02nd April, 2021

Managing Director,
WASA
Multan

Subject: REQUEST FOR ADVICE REGARDING PROCUREMENT OF SECURITY SERVICES.

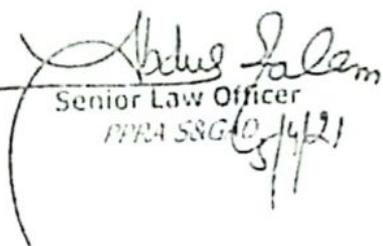
Kindly refer to your letter No. 121/ADMIN/WASA dated 20-02-2021 on the subject whereby advice has been sought regarding the deduction of taxes.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA has already issued clear-cut instructions in this regard vide circular No. L&M(PPRA) 10-01/2011 dated 03-12-2018 (copy enclosed) whereby it has also been clarified that while budgeting the expenditure (for all such services involving minimum wages) and evaluating the bids the procuring agency must consider the fact that the rates quoted by the bidders include the base line of minimum wages along with other applicable taxes.

3. Rule-55 of PPR-14 clearly states that it is the responsibility of the procuring agency to adhere all the state laws during the any procurement process rule 55 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.

To ascertain which type of taxes, duties would be required to be deducted / imposed may better be guided by the concerned relevant department and the procuring agency must seek guidance from the quarter concerned.


Senior Law Officer
PPRA S&GAD
5/4/21

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

Dated Lahore, 07th April, 2021

Khalid Amir Guliana Malik,
By: Director Education (Acad),
Labour & Human Resource Department,
F-7/1, Cyber Block, Allama Iqbal Town, Lahore.

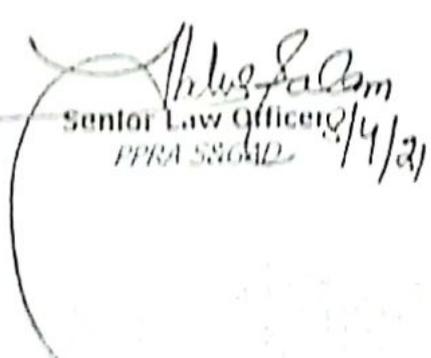
Subject: PROCUREMENT OF FURNITURE ITEMS (STUDENTS & TEACHER) OF WORKERS WELFARE SCHOOLS IN PUNJAB.

Kindly refer to your letter No. VW/EDU-21(33)/2019-9226 dated 19/02/2021 on the captioned subject whereby a request has been made for vetting the draft pre-qualification documents.

2. The draft pre-qualification document (PQD) has been examined in the light of Punjab Procurement Rules 2014 (PPR-14), the draft PQD is generally in line with PPR-14. However, the procuring agency must formulate the pre-qualification criteria keeping in view its requirement and must ensure that no discriminatory and difficult condition has been introduced as required under rule 34 of PPR-14 rule ibid 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.

3. It is further appraised that pre-qualification process is governed under rule 16 & 17 of PPR-14, the procuring agency is also advised to minutely review the pre-qualification documents in order to bring it in conformity with PPR-14.


Senior Law Officer
PPRA S&GAD 07/4/21

NO. FPR/PROC/01-15(SOC)/2020-21
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th April, 2021

Import Specialist,
Government Cell,
Ministry of Health & Family Welfare Department,
Lahore.

Subject: GUIDANCE REGARDING CHANGE OF SIGNED CONTRACTS
FROM COST & FREIGHT (CFR) MODE TO DELIVERED DUTY
PAID (DDP) MODE.

I kindly refer to your letter No. PMU/PROC/01-15/2020-21 dated 18.12.2020 on the subject whereby an advice has been sought on the subject cited above.

The subject matter has been examined in the light of Punjab Procurement Rules 2004 (PPR-14). It is apprised that rule 32 (1) & (3) of Punjab Procurement Rules 2004 are applicable in this regard regarding the instant proposition and the procuring agency may exercise discretion from the above said rule and decide the same at own level, rule 32 stipulates 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.

Abdul Salam
Senior Law Officer S/4/21
FPR-S&GAD

U
http://ppra.punjab.gov.pk



Tel: 042-99701572
Fax: 042-36284776

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

Dated Lahore, 08th April, 2021

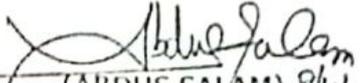
To,

Mr. Haroon Ali Sethi,
Technical Director,
PRISM-SNG Project, Unit 12, 123 E-1 Hali Road, Gulberg 3,
Lahore.

Subject: REQUEST TO CONVENE MEETING REGARDING EMBEDDING
E-PROCUREMENT SOFTWARE IN ADMINISTRATION ROUTINE.

Please refer to the subject captioned above.

2. It is apprised that as per your request vide letter bearing No. 1-1/2021 dated 07.04.2021 on the subject, a meeting has been convened on **09.04.2021 (Friday) at 10:00 AM** in the committee room of Punjab Procurement Regulatory Authority 3rd Floor Al-falah Building The Mall Road, Lahore.
3. It is therefore, requested to make it convenient for all the concerned to attend the meeting on above said date time and venue.


(ABDUS SALAM) 8/4/21
Senior Law Officer, PPRA

PPRA 1-13(SOC)(AB)(LNR)(5)/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th April, 2021

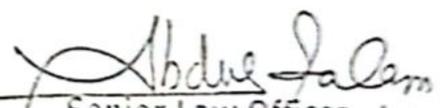
Tel: 347-8200000
Fax: 347-8200000
347-8200000

Medical Superintendent,
Mayo Hospital,
Lahore

Subject: ADVICE REGARDING ANNUAL FRAMEWORK OF CONTRACT
FOR THE FINANCIAL YEAR 2021-22.

Kindly refer to your letter No. 16593/MH dated 16.03.2021 on the captioned subject whereby an advice has been sought regarding framework 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 undersigned in order to clarify the proposition referred above.


Senior Law Officer
PPRA S&GAD 8/4/21

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

Lahore, 1st April, 2021

Dr. Obaid Ur Rehman,
Agricultural Chemist (SF),
Soil & Water Testing Laboratory For Research,
Nata Gali, Road, Murree Road, Rawalpindi.

REQUEST FOR ADVISE FOR REPAIR OF LAB INSTRUMENT.

Kindly refer to your letter No. 1785/4-4 dated 26/03/2021 on the subject matter, regarding the best sought regarding direct contracting.

The case has been examined in the light of PPR-14. PPPA is of the view that principle method of procurement is open competitive bidding process as provided in rule 21 & 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 direct contracting under rule 59(c)(i) of PPR-14 which stipulates that;

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

The procuring agency while making the procurement by invoking the relevant provisions of Rule 59 of PPR-14 must also first determine whether the procurement falls within the ambit of the rule *ibid* and should adhere to all other required modified of the rule *ibid* as discussed above. The procuring agency may however decide to invoke the rule *ibid* at own level if the provision mentioned therein are fulfilled keeping in view the principle of procurement as envisaged under rule 04 "value for money" as defined under rule 2 (3e) of PPR-14. The rule *ibid* stipulate that;

2-(3e) "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.

Abdul Salam
Senior Law Officer 9/4/21
PPRA S&CAD

o/c
9-4-21

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, 07th April, 2021

Dr. Muhammad Rizwan Yousuf,
Project Director,
University of Veterinary and Animal Sciences, Lahore.

Subject: REQUEST FOR ADVICE REGARDING CONSTRAINTS IN HIRING OF CONSULTANCY SERVICES UNDER THE PROJECT TITLED "FEASIBILITY STUDY FOR THE ESTABLISHMENT OF CENTRE FOR ADVANCED REPRODUCTIVE TECHNOLOGY IN LIVESTOCK."

Kindly refer to your letter No. PD/CART/33 dated 26.02.2021 on the captioned subject whereby an advice has been sought regarding expression of interest.

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.

Abdus Salam
Senior Law Officer

PPRA S&GAD, 8/4/21

- Cc:
1. Additional Secretary (Planning), L&DD Department.
 - II. Secretary to Vice Chancellor, UVAS, Lahore

o/c
9-4-21

No. L&M(PPRA) 1-15(SOC)/2020/P2
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th April, 2021

Medical Superintendent,
THQ Hospital Jalal Pur Pir Wala,

Subject: DELAY IN AWARDING OF CONTRACT / TENDER OF L.P OF
MEDICINE FOR THE FINANCIAL YEAR 2020-21.

Kindly refer to your letter No. 37/ITS&P/THQ-JPPW dated 23/01/2021 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 undersigned in order to clarify the proposition referred above.

Abdul Jalal
Senior Law Officer
PPRA S&GAD 8/4/21

No. L&M(PPRA) 1-15(SOC)/2020/P2
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th April, 2021

Ref. No. 15/2020/P2
Tel: 042-35284274
Fax: 042-35284226

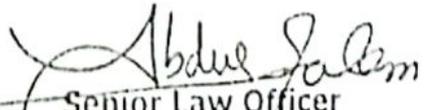
Assistant Director (Admin),
Specialized Healthcare & Medical Education Department (SHC&ME),
Internal Audit wing,
Lahore.

Subject: REPORT OF THE AUDITOR GENERAL OF PAKISTAN ON
ACCOUNT OF SHC & ME DEPARTMENT FOR THE FINANCIAL
YEAR 2018-19.

Kindly refer to your letter No. 1-1261/2020(DP-28.4.35.146) dated 25-02-2021, 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 space 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 issue settled through relevant forums i.e. SDAC/ PAC etc.

3. It is further apprised for the information convenience of the procuring agency that PPRA has already clarified the similar proposition vide this office circular No. L&M(PPRA)WD/2018/(i) dated 28-11-2019 (Copy enclosed).


Senior Law Officer
PPRA S&GAD

NO. LCRP(PPRA) 3-10/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th April, 2021

Chief Officer,
Tehsil Council,
Kallurkot,
Bhakkar,

Subject: CLARIFICATION REGARDING RATE OF PERFORMANCE
GUARANTEE / BID SECURITY / ADDITIONAL PERFORMANCE
SECURITY AGAINST BELOW RATES TENDERED BY PROCURING
AGENCIES.

Kindly refer to your letter No. 70/TC/K.KOT dated 08.03.2021 on the captioned 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), PPRA is of the view that the contents of the subject letter are very vague and ambiguous as it does not adumbrate any proposition / question on which advice of PPRA is being solicited, as a result PPRA is constrained to tender any explicit advice
3. Since, the proposition referred for advice should be clearly formulated therefore, the procuring agency is required to formulate the proposition accordingly while incorporating all the necessary information required to evaluate the issue in the light of Punjab Procurement Rules 2014 (PPR-14).

o/c
9-04-21


Senior Law Officer
PPRA S&GAD
9/4/21

Dated Lahore, 07th April, 2021

Tel: 372-363147/72
Fax: 372-362817/41
Fax: 372-362847/6

Accounts Officer / DDO,
Punjab Institute of Management and Professional Development,
Upper mall scheme, Lahore.

Subject: FRAMEWORK OF RATE CONTRACT.

Kindly refer to your letter No. PIMPD(B7A)19-1/2020 dated 17.03.2021 on the captioned subject whereby an advice has been sought regarding framework 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 undersigned in order to clarify the proposition referred above.

Abdul Faleem
Senior Law Officer
PPRA S&GAD 8/4/21

g-4-21
g/c

NO. LCP/PPRA/12(0)/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th April, 2021

TEL: 042-3620457
FX: 042-3620471
FAX: 042-3620470

Assistant Director Admn (I),
Director Finance Auqaf, Punjab,
Lahore.

Subject: CLARIFICATION REGARDING GRIEVANCE REDRESSAL.

Kindly refer to your letter No. AD(A)17(181)AUQAF/2017 dated 29.03.2021 on the captioned subject whereby an advice has been sought regarding grievance redressal.

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 Salam
Senior Law Officer
PPRA S&GAD 8/4/21

o/c
9-4-21

No. L&M(PPRA) 1-15(SOC)/2020/P3
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th April, 2021

PPRA (Punjab) Rules, 2014
Section 14(1)(b)
Section 14(1)(c)

**Medical Superintendent,
Teaching Hospital D.G Khan.**

Subject: **CLARIFICATION REGARDING PPRA RULE NO. 27.**

Kindly refer to your letter No. 11800/TEACH:HOSP dated 22.02.2021 on the captioned subject whereby an advice has been sought regarding estimated cost.

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 Salam
Senior Law Officer
PPRA S&GAD 8/4/21

No. L&M(PPRA) 1-15(SOC)/2020/P3
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
2nd Floor, Al-Falah Building, The Mall Lahore.

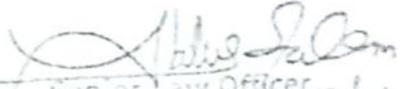
Dated Lahore, 07th April, 2021

Director Outsourcing,
Government of Punjab, Punjab Government
Procurement Department

CLARIFICATION REGARDING MINIMUM BASELINE RATE OF
SECURITY GUARD REGARDING RFP FOR PROVISION OF
SECURITY SERVICES.

Reference is made to your letter No. PMU/P&SHD/OS/SEC/2021 dated 02/04/2021 on the above subject whereby an advice has been sought regarding the minimum baseline rate of security guard.

The matter has been examined in the light of Punjab Procurement Rules 2019. It is noted that PPRA has already rendered its opinion on the subject vide letter No. L&M(PPRA) 1-16(SOC)(II)-AB/2019 dated 08-04-2020 (Copy enclosed). The procuring agency is advised to seek guidance from the procuring agency and do the same at its own level.


Senior Law Officer
PPRA S&GAD 8/4/21

Dated Lahore, 08th October, 2020

Muhammad Asif,
Registrar / Resident Officer,
University of Engineering & Technology Lahore.

CLARIFICATION REGARDING TAX DEDUCTION AND
CALCULATION OF MINIMUM WAGE ON BEHALF OF COMPANY
/ FIRM / CONTRACTOR.

Reference is invited to your letter No. UNIV/EO1/2020/745 dated 17-09-2020 on the subject whereby advice has been sought regarding the deduction of

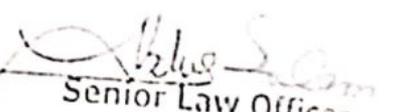
Contents of the subject letter reveal that procuring agency initiated procurement process for hiring janitorial services and a bidder quoted the rates on per month basis for services of 75 janitors as well as per janitor along with all applicable taxes. The procuring agency has approached PPRA for seeking advice as to which applicable taxes would be deducted from quoted rates.

Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that in case of services (janitorial / security guard etc.) where minimum wages are required to be considered, 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 because rule 55 of PPR-14 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

However, imposition and deduction of taxes pertain to financial modality and should be taken up with the Punjab Revenue Authority (PRA) for better guidance being the quarter concerned. To ascertain which type of taxes, duties would be required to be deducted / imposed may better be guided by the PRA being the line department PPRA purview since ambit procurement intensive modalities, hence it would might

not be a plausible discourse to intervene in a third department, by agreement as an area of functional
allowing for the above procuring agency is advised to proceed accordingly.


Senior Law Officer
PPRA SAC/10 9/1/20

- Cc:
1. Web Developer / Data Administrator, to do the needful as per directions of competent authority.


15/10/2020

Dated Lahore, 11 April, 2021

Chief Executive Officer,
Punjab Power Utilities Management Company,
15-K, P.O. 2, Ferozshahi House,
Lahore.

SUBJECT: IRREGULAR HIRING OF LEGAL ADVISORS,

Reference is made to your letter No. PHPMC/CEO/2511/2021 dated 11-02-2021 and subject whereby an advice has been sought on the subject cited above.

The case has been examined in the light of Punjab Procurement Regulations 2014 (PPR-14) and Punjab Procurement Rules 2014 (PPR-14). Short consultancy has been defined under rule 2 (ab) of PPR-14 as follows:

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.

It is further provided that rule 46 of PPR-14 clearly provides the method and procedure for selection of an individual consultant, rule ibid stipulates as follows:

46. Selection process of individual consultant.- The selection shall be the selection process of individual consultant as provided in rule 45.

(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

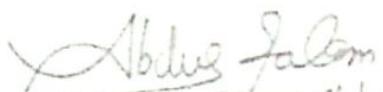
- (c) individual consultant shall serve the agency on the basis of qualifications and experience appropriate to the relevant qualifications and the assignment to be undertaken by the procuring agency shall be that of an individual who is fully capable of carrying out the assignment;
- (d) individual consultant may be selected on a short list basis (with due justification) in exceptional cases such as an emergency situation resulting from a natural calamity, where the individual is the only person capable of carrying out the assignment;
- (e) for key assignments, interviews may be conducted if required.

3. In view of the above any procuring agency may select individual consultants under the rule ibid after fulfilment of all other rules, conditions and strictly adhering to the principles of procurement as enshrined under rule 3 of PPR-14 which 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.

4. However, before any conclusive advice is tendered by the procuring agency must apprise PPRA on the following points:

- i) Whether 3 No. of Individual Legal Consultants were hired on the basis of uniform TOR's/criteria etc. for similar purpose or otherwise.
- ii) Whether the services of consultant were tendered on the basis of otherwise.


 Senior Law Officer
 11/4/21

No. L&M(PPRA) 1-5(W)/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

(dated Lahore, 14th April, 2021)

The Section Officer (B-II),

Public Works Department

WHY PETITION NO. 4896/2021 TITLED AS "M/S. 786 CONSTRUCTION COMPANY ETC. VS. PROVINCIAL PUNJAB ETC."

Please refer to your letter No. SOB-II(C&W)1-5/2017-18(P) dated 24.03.2021 on the captioned subject whereby an advice has been sought regarding issuance of work order/tender acceptance.

The case has been examined in the light of Punjab Procurement Rules 2014. The bidding documents is the vital part of the procurement mechanism which includes the 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 of PPR-14 requires to formulate unambiguous evaluation criteria and under rule 32(1) all the bids shall be evaluated accordingly. Rule 32 (3) of PPR-14 further provides that a bid shall be subject to those rules and regulation set forth at the time of issuance of notice for invitation of bids. the rules ibid stipulate that;

31. Evaluation criteria.— (1) A procuring agency shall formulate an appropriate evaluation criterion listing all the risks & information against which a bid is to be evaluated and the 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. It is a fair adject here to it use a long period, and it is in the best of its own level in the light of above said discussion. It is to get the best value for money as defined under rule 2(ac) read with principles of procurement as enunciated under rule 4 of PPA, 19, rule 10, and latest 10.

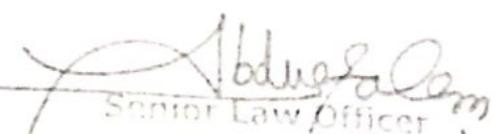
2.(ac) "value for money" means the best returns for every rupee spent in terms of quality, timeliness, reliability, after sales service, up-grade ability, price, source and the combination of whole-life cost and quality to meet the procuring agency's requirements

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

Abdus Salam
Senior Law Officer
PPRA SKEAD 14/4/21

the procuring agency to decide the same at its own level after determining whether a rebidding process would be more appropriate or moving forward with the current bid shall more precisely and appropriately full fill the requirements of Rule 4 of Public Rules 2014 as discussed above.

4. The procuring agency is advised to file with the court the proposed order and proceed strictly in accordance with PPR-14 after the same has been approved by the court following the usual codal formalities.


Senior Law Officer
PPR-14 20/4/21



Tel: 042-99204572
Fax: 042-36784774
E-mail: info@ppra.gov.pk

No. L&M(PPRA) 1-11(SPL)(V)/SPI/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 15th April, 2021

Muhammad Mahmood,
SVP/CIO,
Punjab Provincial Co-Operative Bank Ltd,
Head Office, Bank Square, Shahrah-e-Quaid-e-Azam, Lahore.

Subject: GUIDANCE ON RFP DOCUMENT FOR PPCBL DATA CENTER SLA TENDER.

I am directed to refer to your letter No. 796 dated 06/04/2021 on the subject whereby an advice has been sought regarding technical evaluation.

2. PPRA has already rendered its conclusive advice on the subject matter vide this office letter of even No. dated 16-03-2021 (**Copy enclosed**). The procuring agency is advised to seek guidance from the aforementioned letter.


Senior Law Officer

PPRA S&GAD, 21/4/21

No. L&M(PPRA) 3-18/2011
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falahi Building, The Mall Lahore.

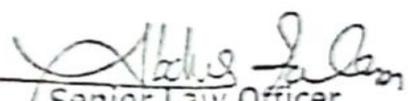
Dated Lahore, 20th April, 2021

Chief Executive Officer,
Procuring Agency Authority
PPRA/S&GAD

Subject: REQUEST FOR SEEKING ADVICE REGARDING PROCUREMENT OF PERKIN BRAILLE MACHINE ON HIGHER RATES AGAINST THE ESTIMATED RATES.

Please refer to your letter No. 2004, dated 31.03.2021 on the subject whereby an advice has been sought regarding award of contract.

It is opined for the information convenience of the procuring agency that PPRA has already clarified the similar proposition vide this office letter No. L&M(PPRA) 3-18(SOC) 2020/P3 dated 04-01-2021 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter and decide the same at its own level.


Senior Law Officer

PPRA S&GAD

26/4/21

No. L&M(PPRA) 1-15(SOC)/2020/P3
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 04th January, 2021

Director,
Drug Testing Laboratory,
Lahore.

Subject: REQUEST FOR GUIDELINES REGARDING ESTIMATED PRICE.

Please refer to your letter No. 600/PC/DTL/FSD dated 16/12/2020 on the subject whereby an advice has been sought regarding the award of contract.

Contents of subject letter reveal that procuring agency determined estimated cost for laboratory equipment i.e. "atomic absorption spectrophotometer" by calling three quotations from open market whereby the procuring agency received Rs. 11.1 million, 9.5 million and 9.0 million. The market rate estimation committee of the procuring agency evaluated three quotations and fixed the estimated cost of the equipment as Rs. 7.5 million which was based on the analogy of previous procurement process and three quotations. The procuring agency issued RFP to the prequalified firms for the ibid equipment after due evaluation process, the lowest evaluated bidder quoted Rs. 8.79 million which is higher than the estimated price of the procuring agency. The procuring agency in such a scenario has approached PPRA for seeking advice as to what course of action should be taken to proceed further in this matter.

The proposition has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the concerted opinion that to award the contract under rule 55 of PPR-14 (to the lowest evaluated bidder) determination of price reasonability (keeping in view the 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 prerogative of the procuring agency. Hence, PPRA intervention in these matter is uncalled for. It is further added here that the procuring agency may also invoke the provision of rule 35 (1) of PPR-14 which clearly authorize a procuring agency to reject all bids or proposals at any time prior to the acceptance of a bid or proposal if the quoted rates are considered unreasonable and unreasonable.

4. In view of the above said discussion, Board is of the opinion that the procuring agency should decide the instant matter as to whether to award the contract or to cancel the procurement process specifically keeping in view the "principles of procurement" as envisaged under rule-04 read with "Value for money" as defined under rule 2 (a) of PPR-14. The rules and stipulations are as follows:-

2.(a) "value for money" means the best return for each rupee spent in terms of quality, timeliness, economy after sales service, up-grade ability, price, sources, 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. It may not be out of place to mention that all quoted rates should flow within the ambit of estimated cost which is the budgeted allocation determined by the procuring agency and approved by the Government. As a result of competitive process if the quoted rates are within the approved range of estimated cost, then it is upto the discretion of the procuring agency to accept it or not keeping in view the rationality of the quoted rates and if in excess to the approved cost which falls beyond the buying capacity of the procuring agency it is upto the procuring agency to decide as to go on with the conducted process or otherwise. The procuring agency however shall justify the action what so ever keeping in view the spirit of Rule 4 of PPR-14.

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

(Shahid Hussain)
Managing Director
PARA S&G10

Cc:

1. Web Developer / Data Administrator, to do the needful as per directions of competent authority

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

Dated Lahore, 20th April, 2021

Khalid Amir Gumiana Sial,
P.V. Director Education (Acad),
Labour & Human Resource Department,
F/A 1, Khyber Block, Allama Iqbal Town,
Lahore.

Subject: ESTABLISHMENT OF COMPUTER / I.T. LABS. ON TERNKEY
BASIS IN WORKERS WELFARE SCHOLLS IN PUNJAB.

Please refer to your letter No. WW.EDU-18(477)/17/9364 dated
04-03/2021 on the subject whereby a request has been made for vetting the draft
bidding documents.

2. The draft bidding documents has been examined in the light of Punjab
Procurement Rules 2014 (PPR-14). PPRA is of the view that the draft bidding
documents 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.

Abdul Jaleel
Senior Law Officer
PPRA S&GAD 23/4

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

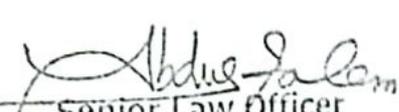
Dated Lahore, 20th April, 2021

Section Officer (Planning),
Livestock and Dairy Development Department,
Lahore.

Subject: DRAFT AGREEMENT BETWEEN PUNJAB INFORMATION TECHNOLOGY BOARD (PITB) AND L7DD DEPARTMENT, GOVERNMENT OF PUNJAB REGARDING REACTIVATION OF ICT BASED SPMS 9211 SYSTEM.

Please refer to your letter No. 5-137/SO(P)/L&DD/2021 dated 01/04/2021 on the subject whereby a request has been made for vetting the draft bidding documents.

2. The draft bidding documents has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the draft bidding documents 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 23/4/21

No. L&M(PPRA) 1-20(G)(i)/SPI/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 20th April, 2021

The Principal,
West College of Technology,
Railway Road, Lahore.

SUBJECT: ADVISE APPLICABILITY OF FEDERAL GST ON THE SECURITY SERVICES COMPANY IN THE PROVINCE OF PUNJAB.

Kindly refer to your letter No. GST/LHR/2021/6946 dated 01/04/2021 on the captioned subject whereby an advice has been sought regarding applicability of federal GST.

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.

Abdus Salam
Senior Law Officer
PPRA S&GAD 23/4/21

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

Dated Lahore, 26th April, 2021

Attention: Director (Monitoring II),
Punjab Procurement Regulatory Authority,
S&GAD & Assessment Unit.

VOLUNTARY DISCOUNT OFFERED BY THE LOWEST EVALUATED BIDDER.

Reference is made to the letter from the Tenderer (IT/M&E/2020) dated 17.04.2021 regarding the subject matter. An advice has been sought regarding voluntary discount offered by the lowest evaluated bidder.

In view of the interest for the information convenience of the procuring agency, the tenderer is hereby advised the relevant proposition vide this office letter No. L&M(PPRA) 1-25(G)/2021 dated 03-04-2021 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter and decide the same at their own risk.

Abul Hasan
Senior Law Officer
PPRA S&GAD 26/4/21

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

Dated Lahore, 26th April, 2021

Tel: 042-35784772
Ex: 042-35784774
Fax: 042-35784775

Assistant Director (Monitoring-II),
Directorate General of Literacy & NFBE,
Monitoring & Assessment Unit.

Subject: VOLUNTARY DISCOUNT OFFERED BY THE LOWEST EVALUATED
BIDDER.

Please refer to your letter No. 17.Tender(IT)MBE/2020 dated
30/03/2021 on the subject whereby an advice has been sought regarding voluntary
discount offered by the lowest evaluated bidder.

2. It is apprised for the information convenience of the procuring agency
that PPRA has already clarified the similar proposition vide this office letter No.
L&M(PPRA)1-25(G)/2018 dated 03-04-2019 (Copy enclosed). The procuring agency
is advised to seek guidance from the aforementioned letter and decide the same at
its own level.

Abdul Saleem
Senior Law Officer

PPRA S&GAD 26/4/21



Dated Lahore, 03rd April, 2019

To,

The Director,
soil Fertility, Punjab,
Thokar Naz Beg, Lahore.

Subject:

ADVICE REGARDING VOLUNTARILY DISCOUNT ON THE
PROCUREMENT OF GENERATORS (SKVA)

I am directed to refer to your letter No. 2413 dated 22/03/2019 on the subject whereby an advice has been sought as to whether procuring agency may accept the voluntary reduced / discount rate from the lowest evaluated bidder or otherwise.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). 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 bidder / seller if intends to reduce the price / offer he may, as until and unless the contract is executed the product / services remains the property of the bidder / supplier who may sell it as deem fit.

3. In view of the above the procuring agency is advised to decide the subject matter at its own level 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.

Handwritten signature and date: 03/4/19

Senior Law Officer
PPRA S&GAD

Dated Lahore, 20th April, 2021

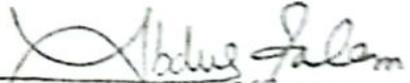
No. PPRA/21-630
Dated 26/03/21
125 Alw Bakar Block New Garden Town Lahore.

Muhammad Hashim Hussain Shah,
Pakistan Population Innovation Fund,
125 Alw Bakar Block New Garden Town Lahore.

Subject: GUIDANCE REGARDING PROCUREMENT PROCESS FOR
FAMILY PLANNING SERVICES.

Please refer to your letter No.PPIF/PPRA/21-630 dated 26-03-2021 on the subject whereby advice has been sought regarding the procurement process for family planning services.

The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the contents of the subject letter are very vague and ambiguous as it does not adumbrate any proposition / question on which advice of PPRA is being solicited, as a result PPRA is constrained to tender any explicit advice. 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 SSG/2

26/4/21

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

Dated Lahore, 26th April, 2021

Superintending Engineer,
Public Health Engg: Circle,
Faisalabad.

Subject: CLARIFICATION REGARDING RELEASE OF EARNEST MONEY.

Please refer to your letter No. 1184 dated 17/04/2021 on the subject whereby an advice has been sought regarding return of bid security.

2. It is apprised for the information convenience of the procuring agency that PPRA has already clarified the similar proposition vide this office letter No. L&M(PPRA)1-18(W)/2014 dated 31-07-2019 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter and decide the same at its own level.

Abdus Salam
Senior Law Officer
PPRA S&GAD 26/4



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

No. L&M(PPRA) 1-29(G)(i)-AD/2012
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th April, 2021

Mr. Riaz Ahmed Ch.,
Mines Labour Welfare commissioner,
95-A, New Muslim Town Anwer Ali Road,
Lahore.

Subject: ADVICE TO RELEASE THE BID SECURITY.

Please refer to your letters No. MLW/W-08/2020/1676 dated 01/03/2021 on the subject whereby an advice has been sought regarding return of bid security.

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 Salam
Senior Law Officer
PPRA S&GAD

7/4/21

02000000000000000000



02000000000000000000

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

Dated Lahore, 27th May, 2021

To,

Mr. Muhammad Aslam Nadeem,
Section Officer (Companies),
Government of the Punjab,
Local Government & Community Development Department.

Subject:

REQUEST FOR NOMINATION OF REPRESENTATIVE AS
MEMBER OF SPECIAL INSPECTIONS TEAM FOR SPECIAL
INSPECTIONS OF WASTE MANAGEMENT COMPANIES.

I am directed to refer to your letter bearing No. SO(Companies)LT9-37018P/Transparency dated 18.03.2021 on the subject captioned above whereby it has been requested to nominate any senior officer of PPRA as member of the subject special inspection team.

2. It is apprised that the following officer of PPRA is nominated to proceed further in the matter, the detail of his particulars is as under:-

Sr. No.	Name	Designation	Phone No.	
			Office	Mobile
1.	Mr. Abdus Salam	Senior Law Officer	042-99204572	0300-6540795

(M. Arstan Warris)
Deputy Director (A&F), PPRA

Cc:-

1. PA to MD, PPRA.

No. L&M(PPRA) 1-36(G)/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 26th April, 2021

Tel: 343 3624572
Fax: 343 3624774
Fax: 343 3624774

Nadeem Ikram,
Liaison Officer (Clearance),
S&GAD,
Lahore.

Subject: ADVICE REGARDING PREQUALIFICATION OF PUNJAB GOVERNMENT'S PRIVATE CLEARING AGENT FOR THE YEAR 2021-22.

Please refer to your letter No. LO/S&GAD/PCA/2021-22/TENDER/FILE/940 dated 19-04-2021, whereby an advice has been sought regarding prequalification process.

2. It is apprised for the information convenience of the procuring agency that PPRA has already clarified the similar proposition vide this office letter No. L&M(PPRA)1-1-18(W)(i)-AB/2021 dated 29-03-2021 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter and decide the same at its own level.

Abdus Salam
Senior Law Officer
PPRA S&GAD 30/4/21

No. L&M(PPRA)1-15(SOC)/2019/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 26th April, 2021

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

**Subject: GUIDANCE REGARDING DIRECT CONTRACTING WITH TEVTA
WOOD WORKING SERVICE CENTER GUJRAT.**

Please refer to your letter No. 1479 dated 15/04/2021 on the subject whereby an advice has been sought regarding direct contracting with TEVTA wood working service center Gujrat.

2 It is apprised for the information convenience of the procuring agency that PPRA has already clarified the similar proposition vide this office letter No. L&M(PPRA)1-17(G)(i)-AD/2019 dated 13-06-2021 (**Copy enclosed**). The procuring agency is advised to seek guidance from the aforementioned letter of PPRA.

Abdus Salam
Senior Law Officer,
PPRA S&GAD 26/4/21



No. L&M(PPRA) 1-17(G)(I)-AD/2019
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 13th June, 2019

To,

The AIG / Procurement,
For Provincial Police Officer/IGP,
Punjab, Lahore.

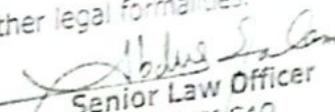
Subject: **PURCHASE OF BULLET PROOF HELMET DURING CURRENT FINANCIAL YEAR 2018-2019**

I am directed to refer to your letter No. 4293/SPO dated 10.06.2019 on the subject whereby an advice has been sought regarding the right of Heavy Industries Texila (HIT) as a public sector manufacturing unit to match the lowest evaluated bidder within three working days under rule 61 of Punjab Procurement Rules 2014 (PPR-14) through right of first refusal.

2. The case has been examined in the light of PPR-14. The rule ibid requires a public sector manufacturing unit, along with other requirements as mentioned therein, to be enlisted with the Punjab Procurement Regulatory Authority and be on the PPRA website as a registered firm to avail the benefit of the rule ibid. As per available record HIT so far neither stand enlisted with PPRA as a public sector manufacturing unit nor as such is available on PPRA website.

3. It may further be added for the information convenience that Rule 61 (2)&(3) of PPR-14 has been set aside by the Hon'ble Lahore High Court Lahore vide its order dated 05-12-2018 delivered on 06-02-2019 in writ petition No.208662/2018 against which PPRA has filed an Intra Court Appeal No.25833/19 which is lying pending with the Hon'ble Lahore High Court Lahore. Therefore, PPRA is of the view that in the wake of court's order the provision of Rule 61(2)&(3) cannot be attracted at this point in time.

4. In view of the above, as far as the subject transaction is concerned, the procuring agency is advised to proceed as per PPRA rule's requirement which favour lowest evaluated bidder subject to fulfillment of other legal formalities.


Senior Law Officer
PPRA S&GAD


14/6/19

7c

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

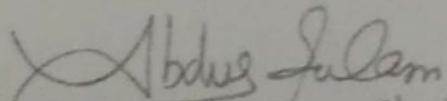
Dated Lahore, 03rd May, 2021

Deputy Director (Tech),
For Chief Engineer (South) Punjab,
Public Health Engineering Department,
Lahore.

Subject: REQUEST FOR GUIDANCE PERTAINING TO AWARD THE WORK TO THE 2ND LOWEST IN THE LIGHT OF PPRA. W.P NO. 2003-21/BWP TITLED AS M/S VIGOUR ASSOCIATES VS. G.O.P, ETC.

Kindly refer to your letter No. 604 dated 29/03/2021 on the captioned subject whereby an advice has been sought regarding award of contract to second lowest bidder.

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 issue vide this office letter No. L&M(PPRA) 1-38(SOC)/2011 dated 31-08-2020 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter and decide the same at its own level.


Senior Law Officer
PPRA S&GAD 5/5/21.

No. L&M(PPRA) 1-5(W)(I)-AD/2015
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 28th April, 2021

Executive Engineer,
Highway Division,
Narowal.

Subject:

CLARIFICATION OF ALLOTMENT OF WORK TO 3RD LOWEST
BIDDER.

Kindly refer to your letter No. 390/CB dated 05.04.2021 on the
captioned subject whereby an advice has been sought regarding third lowest bidder.

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 issue vide this office letter No. L&M(PPRA) 1-38(SOC)/2011 dated 31-08-2020
(Copy enclosed). The procuring agency is advised to seek guidance from the
aforementioned letter and decide the same at its own level.

Abdul Salam
Senior Law Officer

PPRA S&GAD 30/4/21

http://www.pprareg.gov.pk



Tel: 042-36284774
Fax: 042-36284774

No. L&M(PPRA) 1-15(SOC)/2020/P2
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 26th April, 2021

The Principal / Director General,
College of Ophthalmology & Allied Vision Science,
Lahore.

Subject: ADVICE ON OPENING OF FINANCIAL BID FOR THE TENDER OF THE SECURITY SERVICES.

Kindly to your letter No.COAVS/ACC/268/2021 dated 17-03-2021 on the subject whereby advice has been sought regarding the deduction of taxes.

It is apprised for the information convenience of the procuring agency that PPRA has already clarified the similar proposition vide this office letter No. L&M(PPRA)1-16(SOC)(II)-AB/2019 dated 08-10-2020 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter and decide the same at its own level.

Abdul Salam
Senior Law Officer
PPRA S&GAD 30/4/21

No. L&M(PPRA) 3-24/2014/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 25th April, 2021

Medical Superintendent,
T.H.Q Hospital Shujabad.

NEED GUIDELINE RELATED TO FRAMEWORK CONTRACT
EXTENSION.

NEED GUIDELINE RELATED TO PROCUREMENT COMMITTEES.

Please refer to your letters No.370 & 372/THQ dated 02-04-2021
whereby advice has been sought on the subjects.

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 letters are not clear and need 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 Salam
Senior Law Officer
PPRA S&GAD 30/4/21

No. L&M(PPRA) 1-36(G)/2015/KW
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

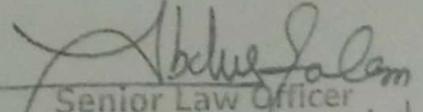
Dated Lahore, 03rd May, 2021

Tel: 992-99201572
Tel: 992-35294724
Fax: 992-35294776

Ushna Tahir,
Section Officer (Welfare-II),
Services and General Administration,
Lahore.

Subject: ANNOTATED REPLIES REGARDINGS SPECIAL STUDY REPORT
ON EFFECTIVE IMPLEMENTATION OF PUNJAB PROCUREMENT
RULES.

Please refer to your letter No. SOW-II(S&GAD)5-2/2019 dated 13/04/2021 on the captioned subject whereby annotated replies of the special study report by Director General Audit Punjab has been sought from this office. It is apprised that PPRA has already submitted the requisite annotated reply to the aforementioned special study vide this office letter of even No. dated 16-05-2019 (Copy enclosed).


Senior Law Officer
PPRA S&GAD 5/5/21

Dated Lahore, 04th May, 2021

Assistant Director Admn (1),
Director Finance Auqaf, Punjab,
Lahore.

CLARIFICATION REGARDING GRIEVANCE REDRESSAL.

Kindly refer to your letter No. AD(A)17(181)AUQAF/2017 dated 28/03/2021 on the captioned subject whereby an advice has been sought regarding grievance redressal.

The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14), PPRA is of the view that after settlement of the grievance petition by GRE duly notified under rule 67 of PPR-14, if a bidder has been declared responsive and also emerged as lowest evaluated bidder then there is no bar on the procuring agency under PPR-14 to award the contract to that bidder. Furthermore, it is the prerogative of the procuring agency to award the same after completion of open competitive bidding process in accordance with PPR-14, rule 55 of PPR-14 clearly addresses the subject proposition; 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.

Furthermore, PPRA has also issued a circular No. L&M(PPRA)10-011/2011 dated 07-12-2011 (copy enclosed) under which all the procuring agencies have been directed 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 and evaluate the bids considering the fact that rates quoted by the bidders include the base line of minimum wages along with other applicable taxes"

3. The procuring agency may proceed further in the light of GRC decision after fulfilment of all other legal and codal formalities as required under PPR-14.

Abdul Salam
Senior Law Officer
PPRA S&GAD 4/5/21

Dated Lahore, 05th May, 2021

Assistant Manager (Central),
Punjab Vocational Training Council,
134-Industrial Estate, Kot Lakhpat Lahore.

QUERY REGARDING TENDER ON REALLOCATION.

Please refer to your letter No. PVTC/RMC/20/312 dated 16/03/2021 on the subject whereby an advice has been sought regarding repair & maintenance of official vehicles.

2. Contents of the subject letter reveal that procuring has received a sum of Rs. 99,000/- as original allocation for the repair and maintenance of official vehicles and consumed Rs. 11,320/- with the balance amount of Rs. 87,680/- Meanwhile, the procuring agency got reallocation of Rs. 80,000/- and total amount of the head of account becomes Rs. 167,680/- where after the procuring agency repaired the same official vehicle (engine overhauling) with the total cost of Rs. 95,750/-. Finance Department of the procuring agency has raised the objection that the instant procedure should have been advertised under rule 12 of the PPRA Rules 2014. In such a scenario the procuring agency has approached this office for seeking advice as to whether the above said procedure falls under the rule ibid or otherwise.

3. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14), before any conclusive advice is tendered the procuring agency must apprise PPRA on the following points;

- I. Please apprise as to whether whole the repair work was based on a single transaction or was in tranches, if yes then please provide detail.
- II. What was the total expenditure involved in the transaction during the whole financial year please provide detail.

R. Kaur

~~MA~~

Ranjan Kumar Ald.

Abdus Salam
Senior Law Officer
PPRA SINGRO

5/5/21

No. L&M(PPRA) 1-20(6)(1) CO/2015
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore

Dated Lahore, 05th May, 2021

Sh. Muhammad Javed Ilyas,
Punjab Industrial Estates Development and Management Company,
Commercial Area (North) Sundar Industrial estate,
Sundar Raiwind Road, Lahore.

Subject: CLARIFICATION REGARDING VARIATION ORDER ABOVE 15 %.

Please refer to your letter No. PIE/P&C/PPRA/15/04 dated 31/03/2021 on the captioned subject whereby an advice has been sought regarding variation order above 15%.

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 issues vide this office letter of even No. dated 17-04-2019 & L&M(PPRA)1-5(W)/2016 dated 18-06-2019 (**Copies enclosed**). The procuring agency is advised to seek guidance from the aforementioned letter and decide the same at its own level.

Abdul Salam
Senior Law Officer
PPRA S&GAD 5/5/21

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

Dated Lahore, 26th April, 2021

Executive Engineer,
Public Health Engg: Division,
Mianwali.

Subject: CLARIFICATION REGARDING PROCEDURES FOR SELECTION OF CONTRACTORS.

Kindly refer to your letter No. 15/ST/MWI dated 22/03/2021 on the captioned subject whereby an advice has been sought regarding procurement procedure.

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 issue vide this office letter of No. L&M(PPRA) 1-18(W)(1)-AB/2021 dated 01-03-2021 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter and decide the same at its own level.

Abdul Salam
Senior Law Officer

PPRA S&GAD 30/4/21

NO. L&M(PPRA) 1-18(W)/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

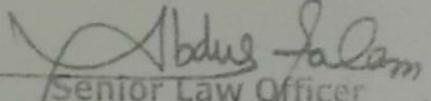
Dated Lahore, 26th April, 2021

Executive Engineer,
Public Health Engg: Division,
Mianwali.

Subject: CLARIFICATION REGARDING PROCEDURES FOR SELECTION OF CONTRACTORS.

Kindly refer to your letter No. 15/ST/MWI dated 22/03/2021 on the captioned subject whereby an advice has been sought regarding procurement procedure.

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 on the similar issue vide this office letter of No. L&M(PPRA) 1-18(W)(I)-AB/2021 dated 01-03-2021 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter and decide the same at its own level.


Senior Law Officer
PPRA S&GAD 30/4/21



Tel: 042-37402656
Fax: 042-37402654

No. L&M(PPRA)1-15(SOC)(I)-AD/12/KW
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD

3rd Floor Alfalah Building The Mall Road Lahore
Dated Lahore, the 03rd June, 2021

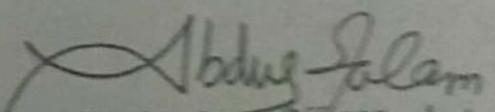
To: **The Principal,**
College of Nursing,
King Edward Medical University,
Lahore.

Subject: **ADVICE**

I am directed to refer to your letter bearing No. CON/2364/KEMU dated 20.05.2021 on the subject cited above whereby advice has been sought on the queries raised by the purchase committee.

2. The case has been examined in the light of Punjab Procurement Rules-2014 (PPR-14), PPRA agrees with the response/remarks/explanation given by other committee members in response to the observations raised by one of the committee member Dr. Suhail Ahmed APMO/Senior Purchase Officer, KEMU Lahore.

3. The procuring agency may decide the matter at its own level keeping in view the remarks given in response to the observations in order to proceed strictly in accordance with PPR-14 after fulfillment of all other legal/codal formalities.


Senior Law Officer
PPRA S&GAD 8/6/21



Dated Lahore, 15th June, 2021

Manager MIS (HISDU),
Health Information and Service Delivery Unit (HISDU)
Primary & Secondary Healthcare Department,
Lahore.

Subject:

**REQUEST FOR ADVICE REGARDING PROCUREMENT FOR THE
ESTABLISHMENT AND SMOOTH FUNCTIONING OF COVID-19
VACCINATION CENTRES (ON EMERGENCY BASIS).**

I am directed to refer to your letter No. HISDU(P&SHD)PROC/COVID/7-01/2020 dated 03/06/2021 on the subject whereby an advice has been sought for emergency procurement due to pandemic of corona virus.

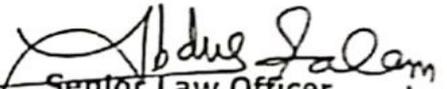
2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that principle method of procurement is open competitive bidding process as provided in rule 22 & 23 of PPR-14. However, rule 59 of PPR-14 has also introduced alternative methods of procurement under specific circumstances as mentioned therein to address different kinds of situations including **emergency** under rule 2(q) read with rule 59(c)(v), keeping in view the capacity of the firm, market rates and value for money aspects. The emergency related clauses are as under:

2(Q). "emergency" means natural calamity, disaster, accident, war and operational emergency which may give rise to abnormal situation requiring prompt and immediate action to limit or avoid damage to person, property or the environment.

59(c)(v). Alternative methods of procurements:- in case of an emergency but the procuring agency shall specify appropriate fora vested with necessary authority to declare an emergency.

3. Before any conclusive advice is tendered PPRA may be apprised on the following points:

- I. Clarification may be obtained from the fora that vested such power, if any, whether the establishment of corona vaccination centers (CVCs) was the responsibility of Deputy Commissioners; which is most likely the case, due to their proximity with the said CVCs and their ability to run them or it was the joint responsibility of HISDU and the Deputy Commissioners. And, if joint responsibility then the task assigned to them may be clearly delineated separately. This is not very clear from the plain reading of the minutes of the cabinet meeting.
 - II. Secondly, exact observation of Accountant General Office Punjab may be communicated in order to furnish any proper response as per rules.
4. However, PPRA is of the opinion that the matter seems to be a case of soliciting ex-post facto advice which, it is afraid, may not come in the ambit of PPRA.


Senior Law Officer
PPRA S&GAD

15/6/21



Dated Lahore, 07th June, 2021

Executive Director,
Punjab Institute of Mental Health,
Lahore.

Subject: **CLARIFICATION REGARDING ADVERTISEMENT OF TENDER
FOR THE F.Y 2021-22.**

Kindly refer to your letter No. 10770/PIMH dated 26-04-2021, whereby an advice has been sought regarding tender advertisement.

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 7/6/21



Dated Lahore, 07th June, 2021

Director Outsourcing,
Project Management Unit,
Primary & Secondary Healthcare Department,
Lahore.

Subject: **CLARIFICATION ON M/S HITACHI'S DEBARMENT FROM PARTICIPATION IN PUBLIC PROCUREMENT PROCESS.**

Kindly refer to your letter No. PMU/P&SHD/OS-CTSCAN/2021/054 dated 19/05/2021 on the captioned subject whereby an advice has been sought regarding debarment of contractor.

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 Salam
Senior Law Officer
PPRA S&GAD 7/6/21



Tel: 042-99204577
Ex: 042-36284774
Fax: 042-36284776

No. L&M(PPRA) 1-15(SOC)/2020/P3
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th June, 2021

**Director Outsourcing,
Project Management Unit,
Primary & Secondary Healthcare Department,
Lahore.**

Subject: **CLARIFICATION ON M/S HITACHI'S DEBARMENT FROM
PARTICIPATION IN PUBLIC PROCUREMENT PROCESS.**

Kindly refer to your letter No. PMU/P&SHD/OS-CTSCAH/2021/054 dated 19/05/2021 on the captioned subject whereby an advice has been sought regarding debarment of contractor.

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

Abdus Salam
Senior Law Officer
PPRA S&GAD 7/6/21



Dated Lahore, 07th June, 2021

Deputy Director-II,
For Chief Engineer North,
Punjab Highway Department,
2-Lake Road, Lahore.

Subject: CONSTRUCTION OF DUAL CARRIAGEWAY ROAD FROM KINGRA TO SIALKOT LENGTH 20.08 KM "SEEKING ADVICE FROM PPRA REGARDING EXECUTION OF ADDITIONAL WORK OF 2.2 KM LENGTH (24.25%) ON OLD RATES".

Kindly refer to your letter No. planning/2020-21/537/plg dated 05/05/2021 on the captioned subject whereby an advice has been sought regarding scope of work.

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 on the similar issue vide this office letter of No. L&M(PPRA) 1-5(W)/2016 dated 18-06-2019 (**Copy enclosed**). The procuring agency is advised to seek guidance from the aforementioned letter and decide the same at its own level.

Abdul Salam
Senior Law Officer

PPRA S&GAD

7/6/21



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

No. L&M(PPRA) 3-35/2011
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th June, 2021

The Medical Superintendent,
DHQ Hospital Okara,
Okara.

Subject: **GUIDANCE REGARDING THE PPRA RULE NO 59 (C)(VI).**

Kindly refer to your letter No. 6346-48/DHQ dated 17-05-2021, 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). It is apprised that PPRA has already rendered its opinion on the similar issue vide this office letter of No. L&M(PPRA) 1-15(SOC)/2019 dated 12-12-2019 (**Copy enclosed**). The procuring agency is advised to seek guidance from the aforementioned letter and decide the same at its own level.

Abdus Salam
Senior Law Officer
PPRA S&GAD 7/6/21

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



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

No. L&M(PPRA) 3-35/2011
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th June, 2021

Chief Executive Officer,
District Health Authority,
Okara.

Subject: GUIDELINES FOR THE PURCHASE OF MEDICINE / MEDICAL
DEVICES / SURGICAL DRESSINGS FOR THE FINANCIAL YEAR
2020-2021.

Kindly refer to your letter No. 7546/CEO(DHA)/OK dated 30-04-2021,
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). It is apprised that PPRA has already rendered its opinion on the
similar issue vide this office letter of No. L&M(PPRA) 1-15(SOC/2020/P3 dated 04-
01-2021 **(Copy enclosed)**. The procuring agency is advised to seek guidance from
the aforementioned letter and decide the same at its own level.

Abdus Salam
Senior Law Officer
PPRA S&GAD 7/6/21

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



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

No. L&M(PPRA) 1-38(SOC)/2011
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

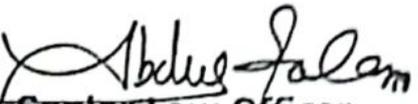
Dated Lahore, 07th June, 2021

Mohammad Shahid Mukhtar,
District Officer (SPL-EDU),
Sargodha.

Subject: **REQUEST FOR SEEKING ADVICE REGARDING PROCUREMENT OF PERKIN BRAILLE MACHINE ON HIGHER RATES AGAINST THE ESTIMATED RATES.**

Kindly refer to your letter No. DO(SPL.EDU)/SGD/21/503 dated 28-04-2021, 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). It is apprised that PPRA has already rendered its opinion on the similar issue vide this office letter of No. L&M(PPRA) 1-15(SOC/2020/P3 dated 04-01-2021 (**Copy enclosed**). The procuring agency is advised to seek guidance from the aforementioned letter and decide the same at its own level.


Senior Law Officer
PPRA S&GAD 7/6/21



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

No. L&M(PPRA) 1-39(G)/2011
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th June, 2021

Manager Admin,
Lahore Parking Company,
Lahore.

Subject: SEEKING OF OPINION REGARDING OFFICE SHIFTING OF
LAHORE PARKING COMPANY.

Kindly refer to your letter No. NIL dated 27-04-2021, whereby an advice has been sought regarding office accommodation on rental basis.

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 on the similar issue vide this office letter of No. L&M(PPRA) 1-27(W)(I)-CO/2015 dated 12-03-2020 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter and decide the same at its own level.

Abdus Salam
Senior Law Officer
PPRA S&GAD 7/6/21



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

No. L&M(PPRA) 1-18(W)/2020/P1
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

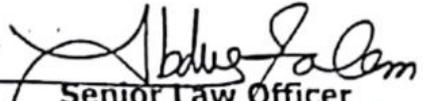
Dated Lahore, 07th June, 2021

Executive Engineer,
Public Health Engg. Division,
Jhang.

Subject: **GUIDANCE FOR APPROVAL OF TENDERS.**

Kindly refer to your letter No. 1601 dated 24-05-2021, 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). It is apprised that PPRA has already rendered its opinion on the similar issue vide this office letter of No. L&M(PPRA) W.P 28006/2019 dated 02-12-2019 (**Copy enclosed**). The procuring agency is advised to seek guidance from the aforementioned letter and decide the same at its own level.


Senior Law Officer
PPRA S&GAD 7/6/21

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



Tel: 042-37402656

Fax: 042-37402654

No. L&M(PPRA)Private/2020
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD

3rd Floor Alfalah Building The Mall Road Lahore

Dated Lahore, the 03rd June, 2021

To,

Engineer Syed Ashfaq Hussain,
Chairman, Constructors Association of Pakistan,
Office No. 3, 1st Floor, Al-Malik Complex, Jinnah Avenue
Blue Aread, Near ABL Islamabad.

Subject:

**DEMAND OF BANK GUARANTEE INSTEAD OF CDR/BANKER'S
CHEQUE BY PPRA AS BID SECURITY.**

I am directed to refer to your letter bearing No. CAP/ISB/PPRA/Bid/2021/89 dated 04.05.2021 on the subject cited above whereby an advice has been sought regarding demand of bank guarantee instead of CDR/Banker's Cheque.

2. The case has been examined in the light of Punjab Procurement Rules-2014 (PPR-14), PPRA has already issued an advice on a similar issue vide this office letter No. L&M(PPRA)1-16(SOC)(i)-AB/.2014/KW dated 02.12.2020 (copy enclosed).

Abdul Salam
Senior Law Officer
PPRA S&GAD 7/6/21



Tel: 042-37402656
Fax: 042-37402654

No. L&M(PPRA)Private/2020
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor Alfalah Building The Mall Road Lahore
Dated Lahore, the 03rd June, 2021

To,

Rana Arslan Haider,
Manager Institution,
ONCOLINK Pharma Distributors,
216-A New Muslim Town,
Lahore.

Subject: **REQUEST FOR CLARIFICATION OF THE PARA# 6 OF THE CIRCULAR NO. L&M(PPRA)10-1/2011.**

I am directed to refer to your letter bearing No. Nil dated 03.05.2021 on the subject cited above whereby an advice has been sought regarding circular for demand of performance guarantee in shape of bank guarantee instead of CDR/Banker's Cheque.

2. The case has been examined in the light of Punjab Procurement Rules-2014 (PPR-14), PPRA has already issued an advice on a similar issue vide this office letter No. L&M(PPRA)1-16(SOC)(i)-AB/.2014/KW dated 02.12.2020 (copy enclosed).


Senior Law Officer
PPRA S&GAD

7/6/21



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 June, 2021

Director (Purchase),
Punjab Employees Social Security Institution (Head Office),
3/A, Gulberg-V, Lahore.

Subject: **ADVICE REGARDING ACCEPTANCE OF BID SECURITY IN THE SHAPE OF CDR.**

Kindly refer to your letter No. ssp(331)/2020/6143 dated 06-05-2021, whereby an advice has been sought regarding acceptance of bid security in shape of CDR.

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 on the similar issue vide this office letter of No. L&M(PPRA) 1-16(SOC)(i)-AB/2014/KW dated 02-12-2019 (**Copy enclosed**). The procuring agency is advised to seek guidance from the aforementioned letter and decide the same at its own level.

Abdul Salam
Senior Law Officer

PPRA S&GAD

8/6/21



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 June, 2021

Deputy Director (P&D),
For Director General Punjab Housing & Town Planning Agency,
Lahore.

Subject: **ADVICE ON THE TENDER OF THE WORK OF CONSTRUCTION OF ROADS / STREETS, WATER SUPPLY SYSTEM AND SEWERAGE SYSTEM IN ADS-II (EXTENSION) LAYYAH PHASE III AMOUNT OF TENDER RS. 8,81,20,422/70.**

Kindly refer to your letter No. DG-PHATA/W-I/12/2019/180 dated 15/04/2021 on the captioned subject whereby an advice has been sought regarding acceptance of CDR.

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

Abdus Salam
Senior Law Officer
PPRA S&GAD 7/6/21

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



Tel. 042-37402656
Fax 042-37402654

No. L&M(PPRA)1-17(G)(i)-AD/2019
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD

3rd Floor Alfalah Building The Mall Road Lahore

Dated Lahore, the 07th June, 2021

To,

The Superintendent,
Central Jail,
Mianwali.

Subject: **EXEMPTION FROM PPRA RULES.**

I am directed to refer to your letter bearing No. MW/2021/13851 dated 28.05.2021 on the subject cited above whereby an exemption has been requested by the procuring agency from publication of the tender notice on PPRA website.

2. The case has been examined in the light of Punjab Procurement Rules-2014 (PPR-14), PPRA has already issued an advice on a similar issue vide this office letter No. L&M(PPRA)1-11/SPI(III)-SPI/2012 dated 15.12.2020 (copy enclosed).


Senior Law Officer
PPRA S&GAD 8/6/21



No. L&M(PPRA)3-2/2011
**GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD**

3rd Floor Alfalah Building The Mall Road Lahore

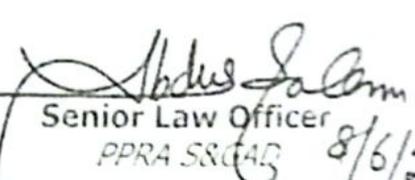
Dated Lahore, the 03rd June, 2021

The Superintendent,
District Jail,
Kasur.

Subject: **EXEMPTION FROM PUBLICATION OF THE TENDER NOTICE ON
PPRA WEBSITE.**

I am directed to refer to your letter bearing No. 4503 dated 31.05.2021 on the subject cited above whereby an exemption has been requested by the procuring agency from publication of the tender notice on PPRA website.

2. The case has been examined in the light of Punjab Procurement Rules-2014 (PPR-14), PPRA has already issued an advice on a similar issue vide this office letter No. L&M(PPRA)1-11/SPI(III)-SPI/2012 dated 15.12.2020 (**copy enclosed**).


Senior Law Officer
PPRA S&GAD 8/6/21

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

Dated Lahore, 26th April, 2021

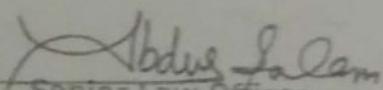
137-111-112240/12
137-111-45284/274
Fax: 992-3124775

Deputy Director (P&D),
For Director General Punjab Housing & Town Planning Agency,
Lahore.

Subject: ADVICE ON THE TENDER OF THE WORK OF CONSTRUCTION OF ROADS / STREETS, WATER SUPPLY SYSTEM AND SEWERAGE SYSTEM IN ADS-II (EXTENSION) LAYYAH PHASE III AMOUNT OF TENDER RS. 8,81,20,422/70.

Kindly refer to your letter No. DG-PHATA/W-1/12/2019/180 dated 15/04/2021 on the captioned subject whereby an advice has been sought regarding acceptance of COR.

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 30/4/21

http://ppra.punjab.gov.pk



Tel: 042-37402656
Fax: 042-37402654

No. L&M(PPRA)1-36(G)/2014
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor Alfalah Building The Mall Road Lahore
Dated Lahore, the 04th June, 2021

To,

Administrative Officer (B.F)
Punjab Government Servants Benevolent Fund
S&GAD Alfalah Building the Mall Road,
Lahore.

Subject:

ALLOTMENT OF ROOM NO. 313-314 AT 3RD FLOOR ALFALAH
BUILDING, THE MALL ROAD, LAHORE.

I am directed to refer to your letter bearing No. AF-(3)313-314 dated 02.06.2021 on the subject cited above whereby an advice has been sought regarding auction process/lease out the subject rooms.

2. The case has been examined in the light of Punjab Procurement Rules-2014 (PPR-14), PPRA has already issued an advice on a similar issue vide this office letter No. L&M(PPRA)1-27(W)(I)-CO/2015 dated 12.03.2020 (copy enclosed).

Abdul Salam
Senior Law Officer
PPRA S&GAD 7/6/21



Tel: 042-99204572
Fax: 042-35284776

No. L&M(PPRA) 1-27(W)(1)-CO/2015
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.
Dated Lahore: 12th March, 2020

Senior Manager (Procurement & Contracts),
Lahore Waste Management Company,
4th & 7th Floor, Snaheen Complex, Egerton Road,
Lahore.

Subject:

**PROCEDURE FOR HIRING OF RENTAL OFFICE FOR PUBLIC
SECTOR COMPANY.**

I am directed to refer to your letter LWMCO P&C/515 dated 24.02.2020 on the captioned subject whereby an advice has been sought in respect of hiring of Building for official use on Rental basis.

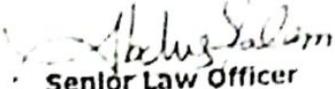
2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). As per Section 2(n) of PPRA Act-09 envisages that;

"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; enclosures

3. PPRA is of the view that the hiring of building for official use does not fall within the meaning of public procurement. The same proposition has also been clarified by Law & Parliamentary Affairs department vide its Letter No. No.OP:15-14/2010/1397 dated 02.03.2017 wherein it has been provided that the hiring of a building does not fall within the purview of the procurement of goods, services or works (copy enclosed).

4. The procuring agency, however, must fulfil the following conditions before hiring the building on rental basis for official use:

- I. To obtain "Non availability Certificate" of any Govt. building for the purpose from Building Department.
- II. To ensure the reasonability of rent keeping in view the prevailing rents of similar buildings in the same area after obtaining "reasonability of rent certificate" from Excise & Taxation Department


Senior Law Officer
PPRA S&GAD

Cc:

1. Web Developer / Data Administrator, to do the needful as per directions of competent authority



Dated Lahore, 14th June, 2021

Chief Executive Officer,
District Health Authority,
Rajampur.

Subject: **REQUEST FOR ISSUANCE OF GUIDELINES REGARDING
EXTENSION OF BID VALIDITY PERIOD.**

I am directed to refer to your letter No. 6651/CEO(DHA)RAJANPUR dated 08.06.2021 on the captioned subject whereby an advice has been sought regarding extension of the bid validity period.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14), rule 28(3), (4) & (5) is very much clear in this regards which provides that bid validity period may be extended but such extension should not be for more than the original period of bid validity or 180 days whichever is more, the rules ibid stipulates that:-

28. Bid validity.- (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."

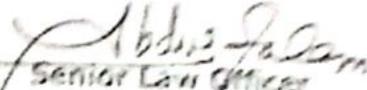
(4) A bidder who:

- (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.

3. The procuring agency may proceed for the extension of bid validity
period in the light of above ibid rule.


Senior Law Officer
PPRA SO/50 12/6/21



Tel: 042-99204572
Ex: 042-36264774
Fax: 042-36264776

No. L&M(PPRA) 1-23(SOC)(i)-AB/2014/KW/571
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th June, 2021

Director (Purchase),
Punjab Employees Social Security Institution (Head Office),
3/A, Gulberg-V, Lahore.

Subject: ADVICE REGARDING ACCEPTANCE OF BID SECURITY IN THE SHAPE OF CDR.

Kindly refer to your letter No. ssp(331)/2020/6143 dated 06-05-2021, whereby an advice has been sought regarding acceptance of bid security in shape of CDR.

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 on the similar issue vide this office letter of No. L&M(PPRA) 1-16(SOC)(i)-AB/2014/KW dated 02-11-2020 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter and decide the same at its own level.

Abul Hasan
Senior Law Officer
PPRA S&GAD 8/6/21



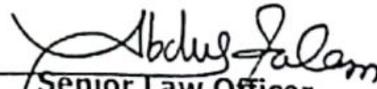
Dated Lahore, 07th June, 2021

Dr. Zill-i-Huma Nazli,
Registrar,
Govt. College Women University,
Faisalabad

Subject: **APPROVAL FOR REGULARIZATION OF TENDER OF
CONSTRUCTION OF WAITING SHED AND IMPROVEMENT OF
EXISTING SHED-GCWUF.**

Please refer to your letter No. GCWUF/REG/ESTT./21/6808 dated 22/04/2021 on the subject whereby an advice has been sought regarding regularization of tender.

2. Since vide letter No. GCWUF/REG/ESTT./21/4149 dated 31/05/2021 it has been apprised that the tender advertisement has been duly published in the National newspapers as per requirement of rule 12 of PPR-14 therefore, advice on the subject issue has been infructuous.


Senior Law Officer
PPRA S&GAD 7/6/21



Tel: 042-99204572
Ext: 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 June, 2021

Deputy Director (P&D),
For Director General Punjab Housing & Town Planning Agency,
Lahore.

Subject: ADVICE ON THE TENDER OF THE WORK OF CONSTRUCTION OF ROADS / STREETS, WATER SUPPLY SYSTEM AND SEWERAGE SYSTEM IN ADS-II (EXTENSION) LAYYAH PHASE III AMOUNT OF TENDER RS. 8,81,20,422/70.

Kindly refer to your letter No. DG-PHATA/W-I/12/2019/224 dated 20/05/2021 on the captioned subject whereby an advice has been sought regarding acceptance of CDR.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It is apprised that PPRA has already requested to depute an officer (not below the rank of BS-17) to clarify the proposition vide this office letter No. L&M(PPRA) 1-18(W)/2020 dated 26-04-2021 (Copy enclosed). It is therefore once again requested to depute an officer to attend the office of PPRA at the earliest.

Abdul Salam
Senior Law Officer,
PPRA S&GAD 7/6/21



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

Dated Lahore, 23rd June, 2021

Section Officer (UD),
HUD & PHE Department,
Lahore.

Subject: VETTING OF PUBLIC PROCUREMENT REGULATIONS OF
LAHORE CENTRAL BUSINESS DISTRICT DEVELOPMENT
AUTHORITY TO ENSURE ITS SMOOTH FUNCTIONING.

I am directed to refer to your letter No. SO(UD)1-27/2021 dated 16/06/2021 on the subject whereby a request has been made for vetting the draft procurement regulations.

2. The draft procurement regulations has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the draft procurement regulations 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 24/6/21

Cc:

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



No. L&M(PPRA)1-33(G)(i)-AD/2012
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 25th June, 2021

Procurement Specialist,
Project Implementation Unit DRIP & FERP,
Provincial Disaster Management Authority,
19-Aibak Block, New Garden Town, Lahore.

Subject: REQUEST FOR ADVICE ON PROCUREMENT FOR ACOUSTIC LISTENING DEVICES AND FIBER OPTIC CAMERA WITH COMMUNICATION DEVICE UNDER PIU PDMA.

I am directed to refer to your letter No. 777-2021/1757/PIU-PDMA dated 15.06.2021 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 concerted opinion 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.

Abdus Salam
Senior Law Officer

PPRA S&GAD 25/6/21

Cc:

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

NO. L&M(PPRA) 6-1/2011
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 22nd June, 2021

TEL: 042-36204572
FAX: 042-36204774
FAX: 042-36204776

The Managing Director,
Public Procurement Regulatory Authority,
Federal Bank for Cooperatives Building,
1st Floor, Ataturk Ave,
Islamabad.

Subject: QUERIES REGARDING TENDER FOR HIRING OF CONTRACTOR
FOR CONSTRUCTION OWRKS.

I am directed to refer to the subject cited above and to append herewith the letter No. LGCC/PRO/3755 dated 17-06-2021 received from "Lahore Garment City Company, Government of Pakistan" for necessary action & information please.

Abdul Falam
Senior Law Officer
PPRA S&GAD 25/6/21

Cc:

Cc:

1. PSO to Chairman PPRA / Chief Secretary Punjab.
2. PA to MD PPRA.
3. Lahore Garment City Company, Plot No. 143-146 & 151-155, Sundar Industrial Estate, Raiwind Lahore.



No. L&M(PPRA) 1-27(W)(I)-AB/2012
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 25th June, 2021

Zahid Karim,
Chief Engineer (North),
Punjab Local Govt. Board,
Lahore.

Subject: **VERIFICATION REGARDING PROCUREMENT PROCEDURE AS PER RULE 14(1)(2) RESPONSE TIME.**

I am directed to refer to your letter No. CE(NORTH)PLGB(910)/2021 dated 04-06-2021 whereby an advice has been sought regarding tender response time in case of public holidays.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that rule 30(1) of PPR-14 is very much clear in this regard which is as under:

30. Opening of bids.— (1) The date for opening of bids and the last date for the submission of bids shall be the same; and, **bids shall be opened at the time specified in the bidding documents** which shall not be less than thirty minutes after the closing time for the submission of the bids.

Further, this type of clause may be included in the bidding documents as a general principal as some times it becomes unpredictable for the procuring agency to ascertain future gazetted holidays especially on religious ceremonies (Eid holidays etc.), however, the procuring agency may counter this situation while deciding such a date for opening / closing which does not creates such uncertain situations.

3. Contents of the subject letter are very vague and sketchy as to how the bidding procedure was disturbed. The proposition referred relates to a past transaction. Therefore, before tendering any conclusive advice, the procuring agency must provide the following detail:-

- I. Copy of the advertisement both in newspaper and PPRA website.
- II. Closing date
- III. Terms & Condition of the bidding documents.
- IV. Bid validity period.

Abdul Jabbar
Senior Law Officer

PPRA S&GAD

25/6/21

Cc:

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



Tel: 042-99204572
Ex: 042-36284774
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, 24th June, 2021

Superintendent,
District Jail,
Faisalabad.

Subject: **REQUEST FOR EXEMPTION OF LIMIT 03 MILLION AS A SPECIAL CASE.**

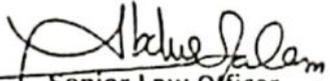
I am directed to refer to your letter No. 5569 dated 04.06.2021 on the subject whereby a request has been made regarding exemption of PPRA Rules.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that under rule 12 of PPR-14 procurement of more than two hundred thousand rupees and up to the limit of three million rupees shall be advertised on the website of authority however, advertisement in newspaper is optional. 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 rule ibid stipulates that:

59 (c)(iv) Alternative methods of procurements:-
repeat orders not exceeding fifteen percent of the original procurement;

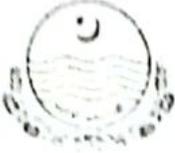
Since contents of the subject letter are very vague and sketchy therefore, before tendering any conclusive advice the procuring agency must provide the following detail:-

- I. What was the exact estimated cost?
- II. What was the contract amount?
- III. How much excess quantity was ordered to the contractor in addition to the original contracted quantity?


Senior Law Officer
PPRA S&GAD

Cc:

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



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

Dated Lahore, 23rd June, 2021

Principal,
Sheikh Zayed Medical College / Hospital,
Rahim Yar Khan.

Subject: IRREGULAR PURCHASE OF MEDICINE THROUGH LOCAL PURCHASE AT HIGHER RATES, RECOVERY OF RS 2,622,166/- PDP NO. 5321 YEAR 2012-13.

I am directed to refer to your letter No. 2181/SZMC/SZH dated 18-06-2021, 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 space 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 clarified that to award the 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 prerogative of the procuring agency. Hence, PPRA intervention in these matter is uncalled for.

Abdul Salam
Senior Law Officer
PPRA S&GAD 25/6/21

Cc:

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



Dated Lahore, 25th June, 2021

Assistant Manager (Central),
Punjab Vocational Training Council,
134-Industrial Estate, Kot Lakhpat Lahore.

Subject: QUERY REGARDING TENDER ON REALLOCATION.

I am directed to refer to your letter No. PVTC/RMC/21/578 dated 07/06/2021 in response to this office letter of even No. dated 05-05-2021 whereby certain queries raised by PPRA have been responded by the procuring agency and advice has been sought regarding repair & maintenance of official vehicles.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Since according to bill dated 07-10-2019 the total cost involved in the subject repair was Rs. 95,750 which falls under rule 59.(b) of PPR-14 (operative at that point of time) which is as under:

59.(b) petty purchases through quotation: a procuring agency may provide for petty purchases through at least three quotations where the cost of the procurement is more than fifty thousand rupees but less than one 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;

3. The procuring agency is advised to proceed as per prevalent rule at that time.

Abul Salam
Senior Law Officer
PPRA S&GAD 25/6/21

Cc:

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



Dated Lahore, 25th June, 2021

**Medical Superintendent,
Benazir Bhutto Hospital,
Rawalpindi.**

Subject: **ADVICE REGARDING SECURITY CONTRACT.**

I am directed to refer to your letter No. F.ACCTTS/BBH/2020-21/17510-15 dated 07/06/2021 on the subject whereby an advice has been sought regarding blacklisting procedure.

2. Case has been examined in the light of Punjab Procurement Regulatory Authority Act 2009 and Rules 2014 (PPR-14). PPRA is of the view that submission of forged documents to the procuring agency clearly falls under the definition of "corrupt practice" under section 2(d)(iv) of PPR Act 2009 which envisages that;

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

Furthermore, corrupt & fraudulent practice is also included in the scheduled offences under Pakistan Penal Code 1860 therefore, the procuring agency (in addition to the disqualification of contractor from subject procurement process) may also initiate blacklisting proceeding against such bidder or contractor under rule 21 (1)(d) read with schedule providing blacklisting process or mechanism appended with PPR-14 if sufficient incriminating evidence is available. The rule ibid stipulates that:

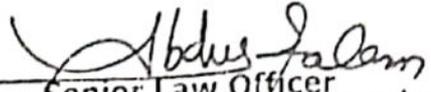
21. Blacklisting.—(1) A procuring agency may, for a specified period, debar a bidder or contractor from participating in any public procurement process of the procuring agency, if the bidder or contractor has:

- (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

(d) indulged in any corrupt practice.

3. The procuring agency is advised to proceed as per factual position strictly in accordance with PPR-14 after fulfilment of all other legal / codal formalities.


Senior Law Officer
PPRA S&GAD 25/6/21

Cc:

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



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, 25th June, 2021

Executive Engineer (OP),
Irrigation Potohar Zone,
Rawalpindi. 051-9255749

Subject: **CIRCULAR L&M(PPRA)10-1/2011 REGARDING THE FORMAT OF BID SECURITY / PERFORMANCE GUARANTEE.**

I am directed to refer to your letter no. CE/PTR/IRRI/2021/2686 dated 11/06/2021 on the subject whereby an advice has been sought regarding acceptance of bid security / performance guarantee in shape of CDR.

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

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

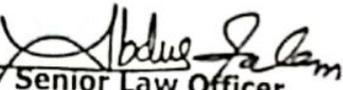
2. (w) "performance guarantee" means the bank guarantee or **other form of security** submitted by the contractor to secure obligations under the contract in accordance with the requirement in the bidding document;

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, bid security is always acquired to secure the interest of the procuring agency which bank guarantee also secure with equal effectiveness.

4. Furthermore, all procuring agencies better refrain from enchasing the securities and utilizing amount of securities through their accounts. The procuring agency may **prefer** bank guarantee upon CDR for obtaining the bid security and it does not mean that the CDR is not acceptable. The most important thing is

authenticity and validity of the guarantees which must be verified properly so that no bank may back out from the assurance / guarantees given earlier.

5. In view of the above, the procuring agency may demand / accept any of the aforementioned forms as bid security and performance guarantee in accordance with rules 27 and 56 of PPR-14. The procuring agency is advised to seek guidance from above said discussion and proceed in accordance with PPR-14 after fulfilling of all other legal / codal formalities.


Senior Law Officer
PPRA S&CAD 29/6/21



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

No. L&M(PPRA)1-15(SOC)(AB)(LHR)(2)/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 25th June, 2021

Medical Superintendent,
Lady Aitchison Hospital,
Lahore.

Subject: DEMAND BANK GUARANTEE INSTEAD OF CDR / BANKER,S
CHEQUE.

I am directed to refer to your letter no. 412423/LAH dated 16/06/2021 on the subject whereby an advice has been sought regarding acceptance of bid security / performance guarantee in shape of CDR.

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

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

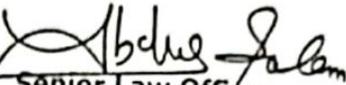
2. (w) "performance guarantee" means the bank guarantee or **other form of security** submitted by the contractor to secure obligations under the contract in accordance with the requirement in the bidding document;

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, bid security is always acquired to secure the interest of the procuring agency which bank guarantee also secure with equal effectiveness.

4. Furthermore, all procuring agencies better refrain from encashing the securities and utilizing amount of securities through their accounts. The procuring agency may **prefer** bank guarantee upon CDR for obtaining the bid security and it does not mean that the CDR is not acceptable. The most important thing is

authenticity and validity of the guarantees which must be verified properly so that no bank may back out from the assurance / guarantees given earlier.

5. In view of the above, the procuring agency may demand / accept any of the aforementioned forms as bid security and performance guarantee in accordance with rules 27 and 56 of PPR-14. The procuring agency is advised to seek guidance from above said discussion and proceed in accordance with PPR-14 after fulfilling of all other legal / codal formalities.


Senior Law Officer
PPRA S&GAD 29/6/24



Dated Lahore, 25th June, 2021

Chief Executive Officer,
Gujranwala Waste Management Company,
2nd Floor, Gujranwala Chamber of Commerce & Industry,
Chamber Plaza, Awan-e-Tijarat Road,
Gujranwala

Subject: CLASSIFICATION REGARDING PARTICIPATION OF JOINT VENTURE / CONSORTIA FOR PROVISION OF NON-TECHNICAL LABOUR.

I am directed to refer to your letter No. GWMC/MD/2078 dated 28-05-2021, whereby an advice has been sought regarding joint venture.

2. The case has been examined in the light of Punjab Procurement Rules-2014 (PPR-14). PPRA is of the view that as per rule 24 (2) of PPR-14 a procuring agency is under an obligation to provide a clear and unambiguous method for the submission of bid. The rule ibid stipulates that:

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.

Furthermore rule 32(1) & (3) of PPR-14 provide 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

In the instant case the procuring agency has not provided any information as to whether (according to the terms & conditions contained in bidding documents) firms were allowed to participate in the bidding process as JV or otherwise. Therefore,

before any conclusive advice is tendered in this regard, the procuring agency must apprise PPRA on following points:

- I. Whether JV was allowed and if yes then under which terms & conditions?
- II. What was the evaluation criteria for such JV?

Abdul Salam
Senior Law Officer
PPRA S&GAD 29/6/21

Cc:

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



Dated Lahore, 24th June, 2021

Chief Executive Officer,
Gujranwala Waste Management Company,
2nd Floor, Gujranwala Chamber of Commerce & Industry,
Chamber Plaza, Alwan-e-Tijarat Road,
Gujranwala

Subject: **CLARIFICATION REGARDING PREQUALIFICATION OF BIDDERS FOR TENDER FOR PROVISION OF LABOR.**

I am directed to refer to your letter No. GWMC/MD/3021 dated 02-06-2021, whereby an advice has been sought regarding prequalification.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It has been observed that procuring agency has not provided the complete information regarding subject procurement process. Amount of services involved is more than one hundred million rupees. Therefore, before any conclusive advice is tendered, the procuring agency must apprise PPRA on following points:

- I. Please provide complete detail of subject procurement along with documentary evidence.
- II. Whether any audit observation / para has been raised on the subject procurement process, if yes, please provide copy.

Abul Falam
Senior Law Officer
PPRA S&GAD

29/6/21

Cc:

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



Dated Lahore, 25th June, 2021

Zohaib Mumtaz Gondal,
Section Officer (Welfare-I),
Services & General Administration Department,
Lahore.

Subject: **ADVICE FOR EXTENSION OF THE DAY CARE CENTRE SERVICES CONTRACT FOR TWO MONTHS.**

I am directed to refer to your letter No. SO(W-I)S&GAD/28-4/95/DDC(V-III) dated 18/06/2021 on the subject whereby an advice has been sought regarding the extension of the service contract for the Day Care Centre of Punjab Civil Secretariat.

2. The case has been examined in light of Punjab Procurement Rules 2014, PPRA is of the view that procurement of said services for the operation of Day Care Centre is a recurring phenomenon and such contracts should be on yearly basis keeping in view the annual procurement plan uploaded on the website of the Authority by the procuring agency. The process of such kind of services should be vigilantly planned and taken up timely at the start of each financial year.

3. 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 rule ibid stipulates that:

59 (c)(iv) Alternative methods of procurements:-
repeat orders not exceeding fifteen percent of the original procurement;

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.


Senior Law Officer
PPRA S&GAD 29/6/21

Cc:

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



Dated Lahore, 25th May, 2021

Assistant Director (Admn-II),
Directorate General of Literacy & NFBE,
Monitoring & Assessment Unit.

Subject: ADVICE TO AWARD PURCHASE ORDER & VOLUNTARY
DISCOUNT OFFERED BY THE LOWEST EVALUATED BIDDER.

Please refer to your letter No. DIR(OPS)/24/2021 dated 04/05/2021 on the subject whereby an advice has been sought regarding award of purchase order.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14), instant proposition pertains to financial modality which is dealt by Finance Department. However PPRA is of the view that there should be specific allocation of funds for the initiation of any procurement process. Therefore, the procuring agency should decide the same at its own level in order to proceed further strictly in accordance with PPR-14 after fulfilment of all other legal / codal formalities.

Abdul Salam
Senior Law Officer
PPRA S&GAD 25/5/21



Dated Lahore, 14th July, 2021

Director Production,
Punjab Curriculum & Textbook Board,
21/E-II, Gulberg-III, Lahore.

Subject: PROVISION OF ADVICE REGARDING MAKING OF PAPER PACKAGES.

I am directed to refer to your letter No. 2304-Dir (P) dated 17/05/2021 on the subject whereby advice has been sought regarding package wise procurement of papers.

2. The procuring agency has stated that any single prequalified bidder cannot optimally and economically provide the required paper single handedly. Therefore, the procuring agency intends to call the bids from prequalified bidders in package wise modality. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that keeping in view the principle of procurement as enunciated under rule 04 of PPR-14, the procuring agency may adopt the package wise modality for the procurement of papers within required time constraints. Rule ibid stipulate that:

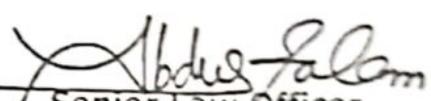
4. Principles of procurements.— A procuring agency, while making any procurement, shall ensure that the procurement is made in a fair and transparent manner, the object of procurement brings value for money to the procuring agency and the procurement process is efficient and economical.

3. Furthermore, in terms of section 5(f) & (g) of PPRA Act 2009, read with rule 55 of PPR-14, PPRA is of the opinion that the **lowest evaluated bidder** shall be awarded the procurement contract. Rule ibid stipulate 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

Therefore, the rate of 1st lowest evaluated bidder (emerged in any of the package) should be applied on all other bidders (of all the packages) to match the lowest rate offered by the successful bidder (1st lowest evaluated bidder). In case, any bidder (lowest in any other package) declines to match, the offer will go to next bidder who would be required to match the lowest rate offered by the successful bidder so that the task could be accomplished within the constraints of time. This mechanism is being suggested in the light of principles of procurement as envisaged under Rule 4 of PPR-14 read with rule 55 of PPR-14 in the interest of public exchequer. **However, the procuring agency must ensure that quantity, quality, specifications and terms & conditions of all such packages are absolutely same.**

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


Senior Law Officer

PPRA SSGAD 14/7/21

Cc:

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

19/07/2021 10:00:00



Tel: 042-35294577
Fax: 042-35294771
E-mail: pp@ppra.gov.pk

General Manager (Procurement & Contracts),
Infrastructure Development Authority of Punjab,
Lahore.

Subject: **CLARIFICATION REGARDING NOTIFICATION OF AMENDMENT
NO. SO(CAB-1)2-9/2015 DATED MARCH 10, 2021.**

I am directed to refer to your letter No. J/GM(PPC)/I/DAP/2021/11979 dated 23-06-2021, whereby an advice has been sought regarding hiring of consultancy firm through direct contracting modality.

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, recently, rule-59(e) of PPR-14 has been inserted vide Notification bearing No. SO(CAB-1)2-9/2015 dated 10.03.2021 which provides 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, 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.

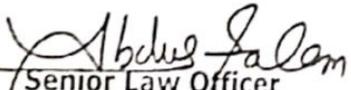
(ii) Government organization engaged for the procurement shall accomplish the task exclusively through its own resources without involving private sector as a partner or in the form of a joint venture or as a sub-contractor.

- (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."

The provisions of rule 45 (5) of PPR-14 are limited only to the extent of hiring of consultancy services. It is further added here that procuring agency may opt open competitive bidding process or invoke the provisions of above rule keeping in view its requirements. Therefore, the procuring agency must adhere to all the prerequisites provided by the rule ibid vigilantly and carefully in order to invoke the provisions of the rule ibid keeping in view the principle of procurement as provided under rule 4 of PPR-14. 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.

3. In view of the above, the procuring agency is advised to seek guidance as discussed above and proceed strictly in accordance with PPR-14 after fulfilment of all other legal and codal formalities.


Senior Law Officer
PPRA S&GAD 16/7/21

Cc:

1. Secretary Implementation & Coordination (I&C) S&GAD.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Dated Lahore, 14th July, 2021

Shahman Haider Farooqi,
Director MRD,
Punjab Employees Social Security Institution,
3-A, Gulberg-V, Lahore.

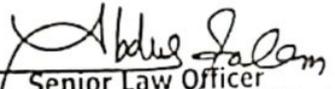
Subject: ADVICE REGARDING ACCEPTANCE OF CLARIFICATION
AGAINST FINANCIAL BID.

I am directed to refer to your letter No. SS.IT(83)/2021/7735 dated 22/06/2021 on the subject whereby an advice has been sought regarding the award of contract.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Main point on which advice of PPRA has been sought is "what would be the modus operandi to proceed further if there is a conflict between unit price and total price". Bidding documents is the vital part of the procurement mechanism which includes the 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 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

3. The Procuring agency is advised to seek guidance from the rule ibid and proceed strictly in accordance with PPR-14 after fulfilment of all other legal / codal formalities.


Senior Law Officer
PPRA S&GAD 16/7/21

Cc:

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



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

CS (PPRA) 1527 (w) (i) - (0/2015)
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 14th July, 2021

Chief Executive Officer,
Gujranwala Waste Management Company,
2nd Floor, Gujranwala Chamber of Commerce & Industry,
Chamber Plaza, Aiwan-e-Tijarat Road,
Gujranwala

Subject: **CLARIFICATION REGARDING PARTICIPATION OF JOINT VENTURE / CONSORTIA FOR PROVISION OF NON-TECHNICAL LABOR.**

I am directed to refer to your letter No. GWMC/MD/86 dated 05-07-2021, in response to this office letter of even No. dated 25-06-2021 whereby certain queries raised by PPRA have been responded by the procuring agency.

2. The case has been examined in the light of Punjab Procurement Rules-2014 (PPR-14). PPRA is of the view that as per rule 24 (2) of PPR-14 a procuring agency is under an obligation to provide a clear and unambiguous method for the submission of bid. The rule ibid stipulates that:

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.

Furthermore rule 32(1) & (3) of PPR-14 provide 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

The procuring agency should proceed as per terms & conditions of the bidding documents. It has also been observed that procuring agency has not provided any

separate criteria for the evaluation of bids submitted in JV mode which it was supposed to provide.

3. The procuring agency is therefore advised to seek guidance as discussed above and proceed strictly in accordance with PPR-14 after fulfilment of all other legal and codal formalities.

Abdus Salam
Senior Law Officer
PPRA S&GAD 16/7/21

Cc:

1. Secretary Govt. of the Punjab, Local Government & Community Development Department.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.

No. L&M(PPRA) 3-2/2011
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 04th August, 2021



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

Deputy Commissioner Kasur,
Kasur.

Subject: CLARITY ON PURCHASE OF EXCAVATOR MACHINE NOT
ORIGINALLY MANUFACTURED AT LOCAL LEVEL.

I am directed to refer to your letter No. DD(DEVOKSR/1-16/PPRA/2021/384 dated 08-07-2021, whereby an advice has been sought on the subject cited above.

2. Contents of the subject letter have been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It has observed that contents of subject letter are very vague and sketchy as they do not adumbrate any proposition / question on which advice of PPRA is being sought. 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).

Abdus Salam
Senior Law Officer
PPRA S&GAD 6/8/21

Cc:

1. Secretary to the Government of the Punjab, LG&CD Department Lahore.
2. Commissioner Lahore Division Lahore.
3. PSO to Chairman PPRA / Chief Secretary Punjab.
4. PS to MD PPRA



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

Dated Lahore, 04th August, 2021

To,
Engr. Asad Masood,
The Project Director,
University of Engineering and Technology,
Lahore.

Subject: **CLARIFICATION ON EXPRESSION OF INTEREST**

I am directed to refer to your letter bearing No. B&W/PD/46 dated 23.07.2021 on the subject cited above whereby advice/clarification has been required on the following points:-

- i) UET is seeking your advice whether we can float the new RFP among the already pre-qualified bidder in 2019.
- ii) Secondly, please clarify whether there is any concern in extending the date of submission multiple times.

2. The case has been examined in the light of Punjab Procurement Rules-2014 (PPR-14). Mechanism / method of prequalification has been elaborated under rule 16 & 17 of PPR-14. Under rule 16 (2) of PPR-14, Prequalification is mandatory when the procurement of 100 Million and above and large consultancy is involved. The rule ibid stipulate 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. PPRA is of the view that prequalification is always job specific and for a certain period. It continues till the specific period as may be mentioned by the procuring agency in the prequalification documents (PQD) keeping in view the nature and specification of the procurement. As soon as, **the scope or job** has been accomplished (as the case maybe) prequalification will cease to exist.

4. In view of above, since the prequalification process was conducted in financial year 2019-20 for the supply of 1 MW electricity at main campus. Therefore, the procuring agency must go for fresh process for the supply of electricity at other campuses of the University.

Abdul Salam
Senior Law Officer
PPRA S&GAD 6/8/21

CC:-

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



Dated Lahore, 06th August, 2021

Deputy Director (P&D),
For Director General,
Punjab Housing & Town Planning Agency.

Subject: PROPOSAL FOR E-TENDERING OF DEVELOPMENT PROJECTS.

I am directed to refer to your letter No. DG-PHATA/W-IV/MISC/2021/361-62 dated 13/07/2021 on the subject whereby a requested has been made to provide standard SOPs for E-Tendering procurement process.

2. Steps taken, and advised to be taken, towards implementation of e-procurement are as follows:

1. Draft e-procurement rules have been formulated by PPRA and got vetted from Law & Parliamentary Affairs Department. These rules are now underway for approval from the Cabinet. No other public entity has taken this initiative so far in the whole of country.
2. PPRA Board of Management has issued a Circular regarding uploading of important documents pertaining to e-tendering. It will be a big leap forward towards implementation of e-procurement system (**copy enclosed**).
3. PC-1 for the implementation of e-procurement as a pilot project has been got approved from DDSC.
4. E-advertisement facility is already available on PPRA website which is being used by all the procuring agencies of Punjab as a mandatory requirement of rule 12 of PPR-14.
5. Local Government & Community Development Department, Specialized Healthcare & Medical Education Department (in Mayo Hospital Lahore),

Irrigation Department have also developed e-procurement system which can be consulted in order to proceed further.

6. No law / rules forbid the use of Information Technology (IT) for convenience of procuring agency and automation of processes. A dashboard may be prepared by Commissioners offices, Deputy Commissioners offices, Administrative Departments to monitor progress against development and non-development initiatives.
7. SMDP links from P&D and Local Government Department may be obtained by the office of the Commissioner and a set up may be established for integration of information regarding the ongoing projects etc.
8. PIFRA system may be used to gauge real time progress.
9. "Pooling" may be avoided and more competition may be ensured by uploading bidding documents on website and free downloading by all / anybody without incurring any cost. This will reduce the complaints regarding non-issuance of bidding documents.
10. PPRA, under the guidance and supervision of the Chief Secretary, has taken concrete steps to ensure e-tendering, however, end to end, e-procurement may take some time to materialize.


Senior Law Officer
PPRA S&GAD 6/8/21

Cc:

1. Secretary to the Govt. of the Punjab Communication & Works Department Lahore.
2. Secretary to the Govt. of the Punjab, LG&CD Department Lahore.
3. Secretary to the Govt. of the Punjab, HUD&PHE Department Lahore.
4. Commissioner Lahore Zone, Lahore.
5. PSO to Chairman PPRA / Chief Secretary Punjab.
6. PS to MD PPRA.

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



Tel: 042-99204572
Fax: 042-36284776

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

Dated Lahore, 05th August, 2021

To,

Section Officer (I&C-I),
Services & General Administration Department,
(Implementation & Coordination Wing)
Lahore.

Subject: **PROVISION OF DETAILS REGARDING PENDING LEGISLATION.**

I am directed to refer to your letter bearing No. SO(I&C-I)5-16/2021 dated 27.07.2021 on the subject cited above whereby information regarding pending proposals / bills for legislation is required as per enclosed proforma.

2. I am further directed to enclose herewith requisite information regarding pending proposals/bills for legislation of this office as per attached proforma.

CC:-

1. The Secretary (I&C), S&GAD, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.

Abdul Salam
Senior Law Officer
PPRA S&GAD

6/8/21

Subject:- PROVISION OF DETAILS REGARDING PENDING LEGISLATION

Sr. No.	Department	Subject	Proposed/Bill initiated on	Current Status	Reasons of pendency	Remarks
1	Punjab Procurement Regulatory Authority, S&GAD	Amendment in Section-6 of PPRA Act-2009.	Proposal/Summary initiated by PPRA on 07.08.2020. Law department Vetted draft bill on summary 02.09.2020 (Annex-A)	Referred to Law department for inclusion in the upcoming session of Provincial Assembly of Punjab by PPRA on 21.09.2020. Law department has observed that pursuant to the approval of the Chief Minister vide para-17/ante, the draft bill has been included in the available business of the upcoming session of Provincial Assembly of the Punjab for introduction (Annex-B).	Nil	Nil





Dated Lahore, 04th August, 2021

Chief Executive Officer,
Multan Waste Management Company,
Building No. 275/RB, Shamsabad Colony, Near Chungi No. 9, Multan.

Subject: **CLARIFICATION REGARDING CONDUCT OF PROCESS OF
PROCUREMENTS BY THE PROCUREMENT COMMITTEE OF THE
BOARD AND BOARD OF DIRECTORS UNDER PPR-2014.**

I am directed to refer to your letter No. 110/P&C/MWMC/2021. dated 24/06/2021 on the subject cited above.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14) and following has been observed:

- I. The proposition referred is vague and sketchy as the procuring agency has provided incomplete and insufficient information.
- II. The procuring agency must also adhere Articles of Association in this regard along with relevant provisions of Companies Act 2016 and Rules.

However, rules 2(r) & 11 of PPR-14 are also relevant in the instant case which are as under:

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

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

3. The procuring agency is advised to proceed as per PPRA Act 2009 and Rules 2014 after fulfilment of all other legal / codal formalities.

Abdus Salam
Senior Law Officer
PPRA S&CD 6/8/21

Cc:

1. Secretary to the Govt. of the Punjab Local Government & Community Development Department.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA



Dated Lahore, 04th August, 2021

Superintendent,
District jail Sargodha.

Subject: **EXEMPTION FROM PPRA RULES.**

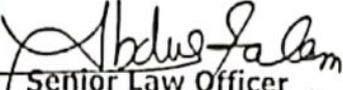
I am directed to refer to your letter No. 15997 dated 07-07-2021 on the subject cited above whereby an exemption has been requested by the procuring agency from publication of the tender notice in newspaper.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the procuring agency shall advertise procurement of more than two hundred thousand rupees and upto the limit of three million rupees on the website of the Authority but in case of procurement exceeding three million rupees shall be advertised on the website of authority **along with at least two national daily newspaper.** Rule 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. In view of aforementioned rule, it is intimated that PPRA cannot grant exemption from the requirement of publication of tender notice in the newspaper.


Senior Law Officer
PPRA S&CAD 6/8/21

Cc:

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



Dated Lahore, 04th August, 2021

General Manager (Engg),
Punjab Daanish Schools & Centres of Excellence Authority,
Japanese Cell Building, Research Station,
Near Punjab University New Campus, Canal Bank,
Lahore.

Subject: **RELEASE OF BID SECURITY ON RECEIPT OF PERFORMANCE BANK GUARANTEE (5%) OR PROVISION OF BANK GUARANTEE AS EARNEST MONEY (2%) INSTEAD OF CDR.**

I am directed to refer to your letter bearing No. GM(E)/06/021/3057 dated 30-06-2021 on the subject whereby an advice has been sought the subject cited above.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). The Punjab Daanish Schools & Centres of Excellence Authority Lahore, Lahore has sought opinion of PPRA on a number of issues. Response / opinion of PPRA against each query is as follows:

No.	QUERY	PPRA OBSERVATION / ADVICE
I.	Whether CDR can be returned after receipt of performance bank guarantee as per recommendations of Pakistan Engineering Council Islamabad quoted in para 1/ante.	The terms bid security and performance guarantee are two different modalities as both are separately defined under Punjab Procurement Rules 2014. After finalization of the bid process (which culminates to the selection of lowest evaluated bidder), the bid security is substituted with performance guarantee . Therefore, 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. The rules ibid stipulate that: 2.(h) "bid security" means the bank guarantee or other form of security submitted by a bidder

together with a bid to secure the obligations of the bidder participating in a bidding proceedings;

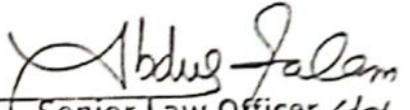
2.(w) "performance guarantee" means the bank guarantee or other form of security submitted by the contractor to secure obligations under the contract in accordance with the requirement in the bidding document;

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.

II. Whether CDR can be replaced by a bank guarantee anticipating the same amount of CDR.	The contents of the query are vague / ambiguous. 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.
III. Whether PPRA Rules prevails against contract documents of Finance Department, Govt. of Punjab in case of any discrepancy between PPRA Rules & Contract Document.	PPRA is of the concerted view that if there is a conflict between PPRA Rules & contract / tender / bidding document then Punjab Procurement Regulatory Authority Act 2009 and Punjab Procurement Rules 2014 shall prevail being a special enactment. 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) whereby Finance Department has 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 procurement have to be compliant to this special dispensation. Hence, provisions of Punjab Procurement Rules, 2014 have an overriding effect on the provisions of Delegation of Financial Powers Rules and PFR Vol-I regulating procurement"*. Therefore, instruction of Finance Department vide aforementioned letter dated 06-12-2012 should be followed.

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


Senior Law Officer 6/3/21
PPRA S&GAD

Cc:

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

No. FD/FR/11-2/12
GOVERNMENT OF THE PUNJAB
FINANCE DEPARTMENT
Dated Lahore, the 6th December, 2012

27643
08 DEC 2012
S&GAD

1. All Administrative Secretaries to Government of the Punjab.
2. All Heads of Attached Departments, Government of the Punjab.
3. The Chairman, PSC, 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 (E.D.O.) 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 Event:

- 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 (Comptroller) Audit, Punjab, Lahore.
 5. The Director General DERA (SAR) Audit, Punjab, Lahore.
 6. The Director General (Works), Accounts, Punjab, Lahore.
 7. The Director General (District Governments) Audit (South), Punjab, 364-F, Shah Rukhan-e-Adam 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, P&D 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 Event:

- 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

This is an important circulation. Keep a copy. Policy decision must be in a separate file. Get me a copy.

Secretary Services	
Dyna	38/31
Des	14/4
DS (Services)	
DS (Ent)	
Ann	

MD/PRA



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

No. L&M(PPRA) 1-15(SOC)(AB)(LHR)(7)/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

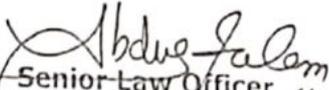
Dated Lahore, 04th August, 2021

Administrator,
Shaikh Zayed Hospital,
Lahore.

Subject: REQUEST FOR ADVICE ON SINGLE TENDER.

I am directed to refer to your letter No. SZH/FIN21/406 dated 30-06-2021, 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). 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 undersigned in order to clarify the proposition referred above


Senior Law Officer
PPRA S&GAD 6/8/21

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.



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

No. L&M(PPRA) 1-15(SOC)/2020/P2
**PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD**
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 04th August, 2021

Section Officer (Purchase-III),
Specialized Healthcare & Medical Education Department,
11-A Lawrence Road, Lahore.

Subject: **ADVICE REGARDING PROCUREMENT UNDER EMERGENCY.**

I am directed to refer to your letter No. SO(P-III)1-2/2021 (PPRA) dated 14/06/2021 on the subject cited above whereby an advice has been sought on the subject cited above.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14), the Specialized Healthcare & Medical Education Department has sought opinion of PPRA on a number of issues, response / opinion of PPRA against each query is as follow:

No.	QUERY	PPRA OBSERVATION / ADVICE
I.	Who is competent to declare an emergency?	Rule 2(q) read with 59 (c)(v) of PPR-14 is very much clear that the procuring agency shall specify appropriate fora to declare an emergency. Rule ibid stipulates that: 2.(q) "emergency" means natural calamity, disaster, accident, war and operational emergency which may give rise to abnormal situation requiring prompt and immediate action to limit or avoid damage to person, property or the environment; 59. (c)(v) in case of an emergency but the procuring agency shall specify appropriate fora vested with necessary authority to declare an emergency;

II.	If the procuring agency is autonomous institute governed by BOM, then who is competent to declare emergency?	The procuring agency may proceed as per the provisions of its Act / Rules / Regulations of the statutory body in order to declare an emergency as required by rule quoted above. However, Principal Accounting Officer cannot absolve himself / herself from the responsibilities as provided under other law / rules.
III.	If the procuring agency is Medical Superintendent of the Hospital (not autonomous but independent procuring agency), then who will declare the emergency?	Please proceed as per reply to query I. However, Principal Accounting Officer cannot absolve himself / herself from the responsibilities as provided under other law / rules.

3. The procuring agency is advised to seek guidance as discussed above and proceed strictly in accordance with PPR-14 after fulfilment of all other legal and codal formalities.

Abdul Salam
Senior Law Officer
PPRA S&GAD 6/8/21

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



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

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, 04th August, 2021

Dr. Muhammad Qasim Manzoor,
Director (P&D),
University of Engineering and Technology, Lahore.

Subject: MISCELLANEOUS QUERIES OF UET, LAHORE AND REMEDIAL MEASURES REGARDING PROCUREMENT OF HI-TECH EQUIPMENT (NANO-INDENTER AND XRD),

I am directed to refer to your letter No. UNIV/P&D/574 dated 11/06/2021 on the subject cited above whereby an advice has been sought on the subject cited above.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). The University of Engineering and Technology, Lahore has sought opinion of PPRA on a number of issues. Response / opinion of PPRA against each query is as follows:

No.	QUERY	PPRA OBSERVATION / ADVICE
1.	Vide circular dated 29-07-2020, PPRA has elaborated that Bank Guarantee is the preferred form of Bid Security and performance guarantee. In the light of this circular, is it justified and legal for procuring agency to insist on CDR and deny the offer of Bank Guarantee because bidding documents require CDR only? Conversely, would it be a violation of PPRA rules if procuring agency accepts Bank Guarantee later on despite the fact that bidding documents require CDR only?	PPRA has rendered its conclusive advice vide this office letter No. 1-23(SOC)(i)-AB/2014/KW dated 14-07-2021 (copy enclosed). Therefore, the procuring agency may seek guidance from the aforementioned letter

<p>II. Vide PPRA Rule 67 (3), the grievance committee shall investigate and decide upon the complaint within fifteen days of the receipt of the complaint. If the procuring agency fails to decide on the grievance within fifteen days due to certain unavoidable circumstances (e.g. lengthy administrative procedure and covid 19 etc.) then is it necessary to seek a delay condoned from PPRA or entire bidding process has to be scrapped due to such violation of PPRA Rules? The aggrieved bidder has not raised objections to the decision of the grievance committee after even more than two months.</p>	<p>Under rule 67 of PPR-14 the procuring agency is required to decide the grievance petition within fifteen days of the receipt of grievance petition. Therefore, the procuring agency must ensure that grievance petition is decided within stipulated time period so that the procurement process should not delay. However, if the procuring agency fails to decide the grievance petition within stipulated time, the decision of GRC cannot be declared invalid merely due to the fact that it has not been decided within fifteen days. However, the procuring agency must decide the grievance petition within stipulated time period keeping in view the fact that the contract is awarded within bid validity period original or extended; as the case may be.</p>
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3. The procuring agency is advised to seek guidance as discussed above and proceed strictly in accordance with PPR-14 after fulfilment of all other legal and codal formalities.

Abdul Salam
 Senior Law Officer
 PPRA S&GAD 6/8/21

- Cc:
1. Secretary to the Govt. of the Punjab Higher Education Department
 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, 09th August, 2021

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

Matloob Ahmad,
Assistant Director (M-I),
Directorate General Literacy & Non Formal Basic Education, Lahore.

Subject: **GUIDANCE ON HIRING OF TESTING SERVICES FOR RECRUITMENT.**

I am directed to refer to your letter No. 20(R)PM/M&A/2020-21 dated 02/07/2021 on the subject whereby an advice has been sought regarding hiring of testing services for recruitment.

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. Since, matter pertains to recruitment, hence opinion of S&GAD (regulation wing) may be obtained firstly and may be proceeded further under rule quoted above.

Abdul Salam
Senior Law Officer
PPRA S&GAD 10/8/21

Cc:

1. Secretary to the Govt. of the Punjab Literacy & Non Formal Basic Education.
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)1-25(G)/2011
**PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD**
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 09th August, 2021

Assistant Director (Monitoring-II),
Directorate General Literacy & Non Formal Basic Education, Lahore.

Subject: **VOLUNTARY DISCOUNT OFFERED BY THE LOWEST EVALUATED
BIDDER.**

I am directed to refer to your letter no. M&A/17/3/TENDER(PNT)/2021 dated 06/07/2021 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 reduce the price further he may do so, as unless and until the contract is executed, the product / services remains the property of the bidder / supplier who may sell it as deem fit.

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.

Abdul Salam
Senior Law Officer
PPRA S&GAD 10/8/21

CC:

1. Secretary to the Govt. of the Punjab Literacy & Non Formal Basic Education
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/2016
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 12th August, 2021

Dr. Zill-i-Huma Nazli,
Registrar,
Govt. College Women University Faisalabad.

Subject: **PROVISION OF EXEMPTION IN RENTAL DUES FROM MARCH 2020 TO NOVEMBER 2020 IN CONNECTION TO UNIVERSITY MESS CONTRACTOR.**

I am directed to refer to your letter no. GCWUF/REG/ESTT./21/6878 dated 26/05/2021 on the subject whereby an advice has been sought regarding exemption in rental dues.

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".

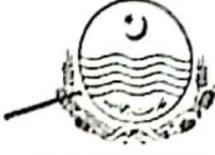
3. The proposition referred does not fall within the definition of public procurement and hence ambit of PPRA as well, therefore, the procuring agency should decide the instant matter at its own level keeping in view the relevant law/rules.


Senior Law Officer 12/8/21
PPRA S&GAD

Cc:

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

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No. L&M(PPRA) 1-16(SOC)(II)-AB/2016
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 12th August, 2021

Engr. Muhammad Zubair Ikram,
Chief Engineer,
University of Education, College Road Township, Lahore.

Subject: **ENLISTMENT OF CONTRACTORS FOR CIVIL WORKS.**

I am directed to refer to your letter No. UE/DD(PS)/2020/69 dated 25-05-2021 in response to this office letter of even No. dated 03-02-2021, whereby an advice has been sought regarding enlistment of contractors.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). 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**). Therefore, plausible discourse for the procuring agency may be to wait for the final decision / judgment of the Hon'ble Lahore High Court, Lahore.

Abdul Salam
Senior Law Officer
PPRA S&GAD 12/8/21

Cc:

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



Tel: 042-99204572
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No. L&M(PPRA) 1-16(SOC)(II)-AB/2016
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 12th August, 2021

Secretary CPC / Assistant Treasurer (P),

University of Sargodha,
Sargodha.

Subject: **CLARIFICATION REGARDING PURCHASE THROUGH SINGLE
STAGE ONE ENVELOPE.**

I am directed to refer to your letter No. SU/PO/316-21 dated 26-05-2021 whereby an advice has been sought regarding procurement procedure.

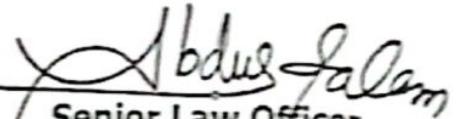
2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that "single stage one envelope" procurement procedure is ordinarily used for procurement of works and standard goods as provided under rule 38 (1) of PPR-14 which stipulates that:

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

Detailed bidding procedures of procurement have been provided under rule 38 of PPR-14 which also includes single stage two envelopes bidding procedure. Since there is no express bar on the adoption of any specific method for the procurement of paper reams, furniture articles, cora latha, printing material etc. The procuring agency has to decide at its own level to opt any of the suitable bidding procedure as per true requirements of any specific procurement, keeping in view the responsibility of the procuring agency to ensure quality, reasonability of cost and capacity of the bidder / supplier to deliver optimally. It is further added that procuring agency should not introduce any discriminatory or difficult condition in evaluation criteria and procurement should be carried out keeping in view the principles of procurement as provided under rule 4 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

3. The procuring agency is advised to seek guidance as discussed above and proceed strictly in accordance with PPR-14 after fulfilment of all other legal and codal formalities.


Senior Law Officer
PPRA S&GAD, 12/2/21

Cc:

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



Tel: 042-99204572
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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, 12th August, 2021

Assistant Secretary (Stores),
Board of Intermediate and Secondary Education,
Lahore.

Subject: **PROCUREMENT OF CLOTH FOR UNIFORM**

I am directed to refer to your letter No. 362-STORES dated 06.08.2021 on the subject whereby an advice has been sought regarding the right of M/s Pakistan Knitwear Training Institute (PKTI) as a public sector manufacturing unit to match the lowest evaluated bidder within three working days under rule 61 of Punjab Procurement Rules 2014 (PPR-14) through right of first refusal.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). The rule ibid requires a public sector manufacturing unit, along with other requirements as mentioned therein, to be enlisted with the Punjab Procurement Regulatory Authority and be on the PPRA website as a registered firm to avail the benefit of the rule ibid. As per available record M/s Pakistan Knitwear Training Institute (PKTI) is enlisted with PPRA as a public sector manufacturing unit. Hence, they may be given first right of refusal as per Rules.

3. It is, however, further added for the information that Rule 61 (2)&(3) of PPR-14 was set aside by the Hon'ble Lahore High Court, Lahore vide its order dated 05-12-2018 delivered on 06-02-2019 in writ petition No.208662/2018. PPRA has filed an Intra Court Appeal No.25833/19 which is pending in the Hon'ble Lahore High Court Lahore. The present position of latest court order may be checked before proceeding further.

Abdul Saleem
Senior Law Officer 12/8/21
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
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**PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD**
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 16th August, 2021

Zonal Administrator,
Auqaf Lahore Zone Lahore.

Subject: **GUIDANCE REGARDING SECURITY TENDER.**

I am directed to refer to your letter No. ACZ/A/AUQAF/8446 dated 26-07-2021 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). Vide circular No. L&M(PPRA) 10-01/2011 dated 03-12-2018 (copy enclosed) PPRA has clarified that in case of services (janitorial / security services etc.) where minimum wages are required to be considered, 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 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.

Hence, while evaluating the bids, a procuring agency should also consider the fact that it offers at least equal to or more than 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 obviate the state law / rules which cannot be permitted.

3. PPRA is of the opinion that 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 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.

4. Therefore, 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.

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

Abdul Salam
Senior Law Officer
PPRA S&GAD 16/8/21
o/c.

No. & Date even.

1. Zonal Administrator Auqaf, Pakpattan Zone, with reference to letter No. ZAPA-I/Auqaf/2021/5453 dated 14-06-2021.
2. Zonal Administrator Auqaf, Pakpattan Zone, with reference to letter No. ZAPA-I/Auqaf/2021/5455 dated 14-06-2021.
3. Zonal Administrator Auqaf, Pakpattan Zone, with reference to letter No. ZAPA-I/Auqaf/2021/5365 dated 03-06-2021.
4. Zonal Administrator Auqaf, Multan Zone, with reference to letter No. ZAM/AUQAF/2021/4690 dated 25-06-2021.
5. Zonal Administrator Auqaf, Multan Zone, with reference to letter No. ZAM/AUQAF/2021/4498 dated 14-06-2021.

Abdul Salam
Senior Law Officer
PPRA S&GAD 16/8/21
o/c.

Cc:

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

AZ
16/8/21



Tel: 042-99204572
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PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 16th August, 2021

Dr. Zainab Jehan,
Add. Registrar,
Fatima Jinnah Women University,
The Mall, Rawalpindi.

Subject: RELAXATION IN MONTHLY RENT FOR SHOPS / CAFATERIA.

I am directed to refer to your letter No. FJWU/REG/2021/885 dated 10/08/2021 on the subject whereby an advice has been sought regarding exemption in rental dues.

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. The proposition referred does not fall within the definition of public procurement and hence ambit of PPRA as well, therefore, the procuring agency should decide the instant matter at its own level keeping in view the relevant law/rules.

Abdul Falam
Senior Law Officer 17/8/21
PPRA S&GAD

Cc:

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



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

PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
4th Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 16th August, 2021

Administrator,
Tehsil Council Jahanian.

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. 35/TOISS/TC dated 30-06-2021, whereby an advice has been sought on the subject cited above.

2. Contents of the subject letter have been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It has observed that contents of subject letter are very vague and sketchy as they do not adumbrate any proposition / question on which advice of PPRA is being sought. 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).

Abdus Salam
Senior Law Officer
PPRA S&GAD 17/8/21

Cc:

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

20 AUG 2021



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

Dated Lahore, 16th August, 2021

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

Director,
Institute of Blood Transfusion Service,
Lahore.

Subject: DECLARATION OF PROPRIETARY ITEM.

I am directed to refer to your letter No. BTS/STORE/CLIA/8409 dated 28-07-2021, whereby an advice has been sought on the subject cited above.

2. 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 including direct contracting under rule 59(c)(ii) of PPR-14 which stipulates 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

The provisions of rule ibid can only be invoked when the required services are not available from the alternative sources. Furthermore, formulation of appropriate fora is the responsibility of principal accounting officer / head of the department.


Senior Law Officer 17/8/21
PPRA S&GAD

Cc:

1. Secretary to the Government of the Punjab, Specialized Healthcare & Medical Education 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, 16th August, 2021

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

Accounts Officer,
Audit Para / Co-ord,
University of Agriculture Faisalabad.

Subject: MIS-PROCUREMENT OF HVAC RS. 37,587,460/- RECOVERY OF TAXES RS. 3,846,085/- (PDP32092/16-18 AP-70).

I am directed to refer to your letter No. Co-ord/PDP-32092/16-18/740-1 dated 29-07-2021, 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 space 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.


Senior Law Officer
PPRA S&GAD 17/8/21

Cc:

1. Secretary to the Govt. of the Punjab, Higher Education Department.
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, 16th August, 2021

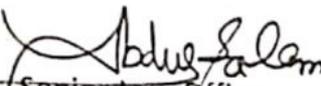
Tel: 042-99204572
Ex: 042-36284774
Fax: 042-36284776

Accounts Officer,
Audit Para / Co-ord,
University of Agriculture Faisalabad.

Subject: NON-PROCUREMENT OF VOUCHERED ACCOUNT FOR PURCHASE OF SPECIFIC UTILITY CHEMICALS RS. 840,692/- RECOVERY OF INCOME TAX RS. 73,647/- CDR AMOUNT RS. 15,173 RECOVERY OF STAMP DUTY RS. 2,046/-

I am directed to refer to your letter No. Co-ord/PDP-32092/16-18/765 dated 02-08-2021, 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 space 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.


Senior Law Officer
PPRA S&GAD 17/8/21

Cc:

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



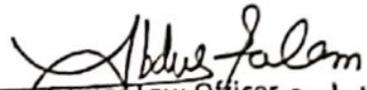
Dated Lahore, 17th August, 2021

Medical Superintendent,
Holy Family Hospital,
Rawalpindi.

Subject: ELABORATION OF PPRA RULE.

I am directed to refer to your letter No. BMD/HFH/1502-1504 dated 27-07-2021, whereby an advice has been sought on the subject cited above.

2. Contents of the subject letter have been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It has been observed that contents of subject letter are very vague and sketchy as they do not adumbrate any proposition / question on which advice of PPRA is being sought. 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).


Senior Law Officer
PPRA S&GAD 20/8/21

Cc:

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



Tel: 042-88704572
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No. L&M(PPRA)1-13(G)(I)-AD/2012
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 17th August, 2021

Director,
Lahore Zoo,
Lahore.

Subject: CLARIFICATION OF SINGLE COMPLYING BID.

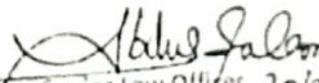
I am directed to refer to your letter No. 41/200/A/2021 dated 06/07/2021 whereby an advice has been sought regarding acceptance of single complying bid

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It is upon to procuring agency to ensure that all the bidding procedure including proper advertisement has been carried out in accordance with PPR-14. The procuring agency, however, must also consider its budgetary constraints, price reasonability as compared to the market rates along with capacity of bidder to deliver optimally. It should also be ensured that the conditions / criteria (formulated for the evaluation of bids) is not discriminatory as to favour a single bidder in order to invoke the provisions of rule ibid. Rule 55A of PPR-14 is very much clear in the instant case which stipulates that:

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

3. It is further clarified that to award the contract to the lowest evaluated bidder under rule 55 of PPR-14, 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. Hence, PPRA intervention in the matter regarding acceptance of rates higher than estimated cost is uncalled for.

4. The Procuring agency is advised to seek guidance from aforementioned observation and proceed further strictly in accordance with PPR-14 after fulfilling of all other legal and codal requirements.


Senior Law Officer 20/8/21
PPRA S&GAD

Cc:

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



Tel: 042-99204572
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No. L&M(PPRA)1-16(SOC)2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 23th August, 2021

Usman Ibrahim,
Section Officer, Development Male,
Higher Education Department, Lahore.

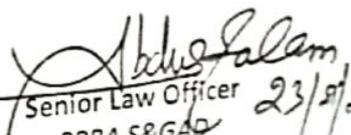
Subject: CLARIFICATION REGARDING WRIT PETITION NO. 5777/2021 TITLED AS MUHAMMAD AMIR VS SECRETARY HIGHER EDUCATION ETC.

I am directed to refer to your letter no. SO(DEV-M)MISC/2021 dated 09/08/2021 on the subject whereby an advice has been sought regarding auction of college canteen.

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 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 should accomplish auction of college canteen etc. as per requirement of relevant Law/Rules. In terms of Article 4, 18 & 25 of the Constitution of Islamic Republic of Pakistan 1973 the procedure to be adopted, however, for the competition of assignment must be open, fair and transparent which provides equal opportunity to all the stake holders.


Senior Law Officer
PPRA S&GAD 23/8/21

Cc:

1. Secretary to the Govt. of the Punjab Higher Education Department
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) 1-5(W)/2016
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 24th August, 2021

Technical Officer,
For Chief Engineer,
Punjab Buildings Department,
North Zone, Lahore.

Subject: PREQUALIFICATION OF CONTRACTORS / FIRMS FOR THE ADP SCHEMES 2021-22.

I am directed to refer to your letter No. CEBNZ/3712/E dated 20-08-2021, whereby an advice has been sought on the subject cited above.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Rule 16 & 17 of PPR-14 deal with the prequalification. However, PPR-14 are silent in the instant proposition. It is observed that if category of contractor is not changed the procuring agency may proceed further if no other law / rule / regulation / policy prohibits it to do so. It is also understood that as per rule 16 (2) of PPR-14, the procuring agency may opt for open competitive bidding process by allowing all contractors in the relevant category to participate in the bidding process after recording reason. The rule ibid stipulate 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. The procuring agency is advised to seek guidance from the above said discussion / rule ibid and decide the issue strictly as per law / rules and proceed after fulfilment of all other legal / codal requirements.

M. J. Alam
Senior Law Officer
PPRA S&GAD 25/8/21

Cc:

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



Tel: 042-99204572
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PUNJAB PROCUREMENT REGULATORY
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 26th August, 2021

Medical Superintendent,
Punjab Institute of Cardiology,
Lahore.

Subject: ADVICE REGARDING DECLARATION OF FIRST LOWEST BIDDER FOR THE PURCHASE OF INJ. CONTRAST MEDIA NON-IONIC, 100 ML, FOR THE YEAR 2021-2022 AT PIC, LAHORE.

I am directed to refer to your letter No. PIC/2021-2022/23940-42 dated 17-08-2021, whereby an advice has been sought regarding declaration of lowest evaluated bidder.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that it is the duty of the procuring agency to evaluate the bids as per tender documents, which should be very clear. The lowest evaluated bidder has been defined under rule 2(V) of PPR-14 which stipulates that:

2. Definitions. (V) lowest evaluated bid means:

- (i) a bid most closely conforming to evaluation criteria and other conditions specified in the bidding document; and
- (ii) having lowest evaluated cost;

3. In the instant proposition procuring agency may also seek guidance from rules Rule 24(2), 25(1), 31(1) & (2), 32(1) and 35 of PPR-14. Rules ibid stipulate that:

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.

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

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.

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.

4. The procuring agency is advised to seek guidance from the above said discussion / rules ibid and decide the issue strictly as per law / rules and provisions of bidding documents.

Abdus Salam
Senior Law Officer

PPRA S&GAD

26/8/21

Cc:

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



Tel: 042-99204572
Ex: 042-36284774
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PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 26th August, 2021

Muhammad Mazhar Javed,
Additional Director (Staff),
NAB, Lahore.

Subject:

PROVISION OF INFORMATION / RECORD U/S 19 OF NAO 1999
INVESTIGATION AGAINST ISRAR SAEED ULLAH, EX-CHIEF ENGINEER, LDA,
CONTRACTOR ZAHIR KHAN OF M/S ZAHIR KHAN & BROTHERS,
CONTRACTOR WASEEM AFZAL OF M/S RELIABLE ENGINEERING SERVICES
AND OTHERS REGARDING DUALIZATION OF ROAD ALONG CANTT. DRAIN
FROM LOS FEROPUR ROAD TO MULTAN ROAD LAHORE AND
CONSTRUCTION OF ELEVATED EXPRESS WAY FROM FEROPUR ROAD TO
MULTAN ROAD, LAHORE.

I am directed to refer to your letter bearing No. 1(61)HQ/1021/NAB-L dated 30.07.2021 on the subject whereby opinion has been sought on the following point:

1. Was it justified to invite tenders for work titled "Dualization of road along Cantt. Drain from LOS Ferozpur road to Multan road, Lahore" from the firms which were prequalified for another work titled "Improvement / carpeting of roads in LDA housing schemes, Lahore"

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Rule 16 & 17 of PPR-14 deal with the prequalification. PPRA is of the view that prequalification is always **job specific** and for a certain period and continues till the specific period as may be mentioned by the procuring agency in prequalification document (PQD) keeping in view the nature of the procurement. As soon as the scope or job has been accomplished (as the case may be) prequalification will cease to exist. PPRA is of the view that **prequalification conducted for a specific project cannot be utilized for another project unless requirement of rule 16 (11) of PPR-14 is fulfilled which stipulates that:**

16.(11) Notwithstanding anything contained in these rules, the Government, on the recommendations of the Authority, may by notification direct that the organizations pre-qualified by an administrative department for the procurement mentioned in the notification, may be espoused by a procuring agency under the

administrative control of that department or by such other department or procuring agency as mentioned in the notification.

However, the record of procuring agency will reveal whether the any scheme may be included in the original work or otherwise.


Senior Law Officer
PPRA S&GAD

26/8/21

Cc:

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



Dated Lahore, 26th August, 2021

Chief Engineer,
Punjab Buildings Department,
North Zone, Lahore.

Subject: CLARIFICATION REGARDING PREQUALIFICATION OF CONTRACTORS FOR UN-APPROVED SCHEMES DEPICTED IN ADP 2021-22

I am directed to refer to your letter No. CENZ/3115 dated 05-07-2021, whereby an advice has been sought on the subject cited above.

2. Contents of the subject letter have been examined in the light of Punjab Procurement Rules 2014 (PPR-14). According to Rule 8 of PPR-14 procurement planning after allocation is a clear indication of availability of funds. Allocation in ADP may be construed as the quantum of available resources to a procuring agency. Therefore, the procuring agency may start the initial procurement process. However the actual bidding / tendering process should commence after issuance of administrative approval and technical sanction by the competent authority.


Senior Law Officer
PPRA S&GAD, 26/8/21

Cc:

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



Tel. 042-99204572
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Fax: 042-36284776

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

Dated Lahore, 30th August, 2021

Syed Husnain Hader, PSP,
SSP/Admn, for Addl. Inspector General of Police,
Counter Terrorism Department, Lahore.

Subject: APPROVAL OF NEW BIDDING DOCUMENTS OF CTD PUNJAB

I am directed to refer to your letter No. 34428/CTD/L&P dated 17/08/2021 on the subject whereby a request has been made for vetting the draft procurement regulations.

2. The draft bidding documents has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the draft bidding documents 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.

Abdul Salam
Senior Law Officer
PPRA S&GAD 30/8/21

Cc:

1. PSO to Chairman PPRA / Chief Secretary Punjab.
2. PA 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, 26th August, 2021

Assistant Director (MLW),
Mines Labour Welfare commissioner,
95-A, New Muslim Town Anwer Ali Road,
Lahore.

Subject: ADVICE TO RELEASE THE BID SECURITY.

Please refer to your letters No. MLW/W-08/2020/6503 dated 23/08/2021 on the subject whereby an advice has been sought regarding return of bid security.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14) and clause 19 of the bidding documents which requires that testing charges of sample / samples will be borne by the tenderers / contractor irrespective the result of the samples. PPRA is of the view that rule 32 (3) of PPR-14 is very much in the instant case which stipulates that:

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.

The procuring agency is advised to decide the instant issue at its own level keeping in view the relevant law / rules / regulations / policies and terms & conditions set forth in the bidding documents.

Abdus Salam
Senior Law Officer
PPRA S&GAD 30/8/21

Cc:

1. Secretary to the Govt. of the Punjab, Mines & Minerals 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)/SPI/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 30th August, 2021

Project Director,
TEVTA Wood Working Service Centre,
Rawalpindi.
Subject: REQUEST FOR CLARIFICATION / GUIDELINE.

I am directed to refer to your letter No. TEVTA/WWSC-RWP/177 dated 17-08-2021, whereby an advice has been sought on the subject cited above.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Mechanism / method of prequalification has been elaborated under rule 16 & 17 of PPR-14. PPRA is of the view that under rule 16 (2) of PPR-14 prequalification is mandatory in case of procurement of PKR 100 million & above. However, 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.

PPRA has further clarified vide circular No. L&M(PPRA)10-01/2011 dated 10-02-2020 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".

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


Senior Law Officer
PPRA S&GAD 31/8/21

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
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No. L&M(PPRA) 1-20(G)(I)/SPI/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 30th August, 2021

Additional Director General,
Procurement,
TEVTA Head Officer,
96-H, Gulberg-II, Lahore.

Subject: ADVICE REGARDING PREQUALIFICATION PROCESS.

I am directed to refer to your letter No. TEVTA/ADVICE-PPRA/2021 dated 23/08/2021 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). 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 for the information convenience of the procuring agency that Rule 55A of PPR-14 is very much clear in the instant case which stipulates that:

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 consider its budgetary constraints, price reasonability as compared to the market rates along with capacity of bidder to deliver optimally and principles of procurement, given in 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 provided under rule 34 of PPR-14 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 Procuring agency is advised to seek guidance from aforementioned provision of PPR-14 / discussion.


Senior Law Officer
PPRA S&GAD 31/8/21

- 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.

http://ppra

Tel. Of
Ex. Of
Fax



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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, 26th August, 2021

Assistant Director (MLW),
Mines Labour Welfare commissioner,
95-A, New Muslim Town Anwer Ali Road,
Lahore.

Subject: ADVICE TO RELEASE THE BID SECURITY.

Please refer to your letters No. MLW/W-08/2020/6503 dated 23/08/2021 on the subject whereby an advice has been sought regarding return of bid security.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14) and clause 19 of the bidding documents which requires that testing charges of sample / samples will be borne by the tenderers / contractor irrespective the result of the samples. PPRA is of the view that rule 32 (3) of PPR-14 is very much in the instant case which stipulates that:

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.

The procuring agency is advised to decide the instant issue at its own level keeping in view the relevant law / rules / regulations / policies and terms & conditions set forth in the bidding documents.

Abdus Salam
Senior Law Officer
PPRA S&GAD 30/8/21

Cc:

1. Secretary to the Govt. of the Punjab, Mines & Minerals 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) BD/Vet
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

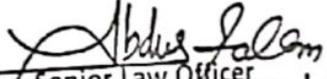
Dated Lahore, 30th August, 2021

Syed Husnain Hader, PSP,
SSP/Admn, for Addl. Inspector General of Police,
Counter Terrorism Department, Lahore.

Subject: APPROVAL OF NEW BIDDING DOCUMENTS OF CTD PUNJAB

I am directed to refer to your letter No. 34428/CTD/L&P dated 17/08/2021 on the subject whereby a request has been made for vetting the draft procurement regulations.

2. The draft bidding documents has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the draft bidding documents 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 30/8/21

Cc:

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



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

No. L&M(PPRA) 1-38(SOC)/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 30th August, 2021

Principal,
Govt. Degree College of Special Education,
Johar Town, Lahore.

Subject: REQUEST FOR ISSUANCE OF ADVICE REGARDING PROCESSING OF FOOD /
UNIFORM TENDER FOR THE FINANCIAL YEAR 2021-2022.

I am directed to refer to your letter No. GDCSE/2021/465 dated 16-08-2021
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). Since the procuring agency has itself apprised that the subject matter is pending
adjudication before the Hon'ble Lahore High Court Lahore in writ petition No. 50261/2021
titled as **M/s Pakistan Knitwear Training Institute Vs Govt. of Punjab**. Therefore, advice of
PPRA in this regard is uncalled for. The procuring agency should proceed as per the direction
of Hon'ble Court, and must make arrangement to apprise the Hon'ble Court regarding the
factual position, most immediately.


Senior Law Officer
PPRA S&GAD 11/9/21

Cc:

1. Secretary to the Govt. of the Punjab, Special 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)1-15(SOC)(1)/2021
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 30th August, 2021

Medical Superintendent,
Sahiwal Medical College,
Medical College Road,
Sahiwal.

Subject: ADVICE REGARDING ALREADY FINALIZED PROCESS OF PREQUALIFICATION OF CENTRAL MEDICAL GASES UNDER THE ADP SCHEME IN FINANCIAL YEAR 2020-21.

I am directed to refer to your letter bearing No. 3914/SLMC/EST/SWL dated 17.08.2021 on the subject cited above whereby advice/clarification has been sought on the subject cited above.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Mechanism / method of prequalification has been elaborated under rule 16 & 17 of PPR-14. PPRA is of the view that prequalification is always **job specific** and for a certain period and continues till the specific period as may be mentioned by the procuring agency in prequalification document (PQD) keeping in view the nature of the procurement. As soon as, the scope or job has been accomplished (as the case may be) prequalification will cease to exist. Under rule 16 (2) of PPR-14, Prequalification is mandatory when the procurement of 100 million and above and large consultancy is involved. However, the 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. In view of above, since the prequalification process was conducted in financial year 2020-21, therefore, the procuring agency may either initiate fresh process for the current financial year i.e. 2021-22 or may opt for open bidding after recording reason as discussed above, without further loss of time.


Senior Law Officer
PPRA S&GAD 31/8/21

CC:-

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



Dated Lahore, 30th August, 2021

Medical Superintendent,
Jinnah Hospital,
Lahore.

Subject: SERVICE, REPAIR & MAINTENANCE CONTRACT OF CT SCAN MX-16 THROUGH 59(C)(I) CLAUSE OF PPRA RULES 2014.

I am directed to refer to your letter bearing No. 5038/JHL dated 21.08.2021 on the subject cited above whereby an advice has been sought regarding direct contracting.

2. 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 direct contracting under rule 59(c)(i)&(ii) of PPR-14 when only one supplier exist in the market. The Rules 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)(i) the procurement concerns the acquisition of spare parts or supplementary services from original manufacturer or supplier when the same are not available from alternative sources;

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

The provisions of rule ibid can only be invoked when the required services are not available from any of the alternative sources or only one supplier exist. However, cost of requisite services, similar in nature, in market, must also be compared. Moreover, it is not clear that what exit strategy or sustainability mechanism was envisaged after initial five (5) years; which is an inappropriate and injudicious act whereby principle of value for money has not been taken care of.

3. 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 31/8/21

CC:-

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



Tel: 042-99204572
Fax: 042-36284776

No. L&M(PPRA)1-10(0)/2021
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 30th August, 2021

Muhammad Nadeem Ali Qaisar,
Section Officer (E&M),
Excise, Taxation & Narcotics Control Department,
Lahore.

Subject: PROJECT EXTENSION OF MOTOR VEHICLES REGISTRATION DOCUMENTS
SCANNING SERVICES UNDER PPRA RULES.

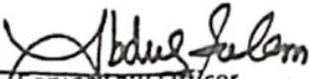
I am directed to refer to your letter No. SO(E&M)1-344/2019 dated 10.08.2021 on the subject cited above whereby an advice has been sought regarding repeat order.

2. 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. However, it is not clear why procuring agency failed to complete fresh bidding process before expiry of contract period. Moreover, principles of procurement, value for money, reasonability of prices must also be taken care of. The procuring agency is advised to seek guidance from the aforementioned provision of PPR-14 / 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 31/8/21

CC:-

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

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No. L&M(PPRA) 1-53(G)2019
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 06th September, 2021

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 / HOSPITAL"

I am directed to refer to your letter bearing No. 4(1)/PC/PREV/A&P//NAB-M/06 dated 25.08.2021 whereby it has been desired to depute a procurement expert for the subject purpose.

2 It is apprised that PPRA Punjab is literally being run by only one officer along with Managing Director who has recently been posted. The officer has to attend Courts, tender advices, dispose off routine complaints and undertake other multifarious tasks. The service regulations of PPRA has been got approved from PPRA Board of Management so that vacant posts of the officers may be filled. Hence it is not possible for PPRA to spare an officer for Multan. Moreover, there is ban on indoor / outdoor gathering also due to Covid-19. Worthy MD PPRA also discussed the matter telephonically with the concerned officer of NAB Multan. Hence, if deem appropriate the Senior Law Officer may attend through zoom link.

3. This issues with the approval of competent authority.

Muhammad Salam
Senior Law Officer
PPRA S&GAD 7/9/21

Cc:

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



Dated Lahore, 06th September, 2021

Zohalb Mumtaz Gondal,
Section Officer (Welfare-I),
Services & General Administration Department,
Lahore.

Subject:

ADVICE REGARDING TENDER FOR HIRING OF SERVICES FOR DAY CARE
CENTRE AT PUNJAB CIVIL SECRETARIAT.

I am directed to refer to your letter No. SO(W-I)S&GAD/28-4/95/DDC(V-III) dated 24/08/2021 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 bidding documents is the vital part of the procurement mechanism which includes the 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. In the instant proposition procuring agency may also seek guidance from rules Rule 25(1), 31(1) & (2), 32(1), 35 and 36 of PPR-14. Rules ibid stipulate that:

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

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.

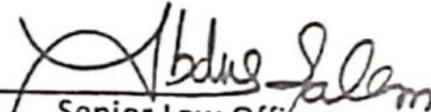
35. Rejection of bids – (1) The procuring agency may reject all bids or proposals at any time prior to the acceptance of a bid or proposal.

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.

In addition, the term "supplier" has been defined under rule 2(ac) of PPR-14. The rule ibid stipulates that:

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

3. The procuring agency is advised to seek guidance from the aforementioned provisions of PPR-14 / discussion to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements. I have also been directed that welfare wing being the administrative department of PPRA may contact undersigned in case of any assistance is required in this regard.


Senior Law Officer
PPRA S&GAD

7/9/21

Cc:

1. PSO ACS S&GAD Department Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Dated Lahore, 06th September, 2021

Mr. Ali Mansoor,
Additional Commissioner (HQ),
Punjab Revenue Authority, Finance Department,
Lahore.

Subject: ADVICE REGARDING CONTRACT FOR PITB'S DATA CENTER SERVICES-PRA.

I am directed to refer to your letter No. PRA.IT/2021/228 dated 25.08.2021 on the subject cited above whereby an advice has been sought regarding direct contracting.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PRA 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 direct contracting under rule 59(c)(vi) & 59(e) of PPR-14 which stipulate that;

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

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

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


Senior Law Officer
PPRA S&GAD 7/9/21

CC:-

1. Secretary to the Govt. of the Punjab, Finance 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)/SPI/2015
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 06th September, 2021

Executive Director,
Punjab Institute of Mental Health,
Lahore.

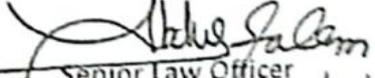
Subject: REQUEST FOR ADVICE ON PPRA RULE 16 PREQUALIFICATION IN CASE OF PROCUREMENT OF DIETARY ITEMS FOR PUNJAB INSTITUTE OF MENTAL HEALTH, LAHORE.

I am directed to refer to your letter No. 20593/PIMH dated 31-08-2021, whereby an advice has been sought on the subject cited above.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Mechanism / method of prequalification has been elaborated under rule 16 & 17 of PPR-14. PPRA is of the view that under rule 16 (2) of PPR-14 prequalification is mandatory in case of procurement of PKR 100 million & above. However, 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. The procuring agency either initiate prequalification process for dietary items or may opt for open competitive bidding process after recording reason as discussed above. The procuring agency is advised to seek guidance from the aforementioned provision of PPR-14 / 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 7/9/21

CC:-

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

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Tel: 042-99204572
Ex: 042-36284774
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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 September, 2021

Jawad Ahmad Qureshi,
Chief Executive officer,
Punjab Population Innovation Fund,
125 Abu Bakar Block New Garden Town Lahore.

Subject: PRODUCTION AND ON AIRING OF DRAMA SERIAL ON FAMILY PLANNING.

I am directed to refer to your letter bearing No. PPIF/716 dated 23.08.2021 whereby an advice has been sought on the subject cited above.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Rule 16 & 17 of PPR-14 deal with the prequalification. Prequalification is always job specific and for a certain period and continues till the specific period as may be mentioned by the procuring agency in prequalification document (PQD) keeping in view the nature of the procurement. As soon as the scope or job has been accomplished (as the case may be) prequalification will cease to exist. PPRA is of the view that prequalification conducted for a specific project cannot be utilized for another project unless requirement of rule 16 (11) of PPR-14 is fulfilled which stipulates that:

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

3. However, the aforementioned procedure is a time taking process, therefore, before tendering any conclusive advice the procuring agency must apprise PPRA as to whether the nature of assignment for which, Population Welfare Department and Director General Public Relation (DGPR) have prequalified the firms, are similar to that of procuring agency or otherwise.

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.


Senior Law Officer
PPRA S&GAD 7/9/21



Dated Lahore, 06th September, 2021

Deputy Director,
Director General Accounts Works Lahore,
5th Floor, AG Office Complex, Turner Road Lahore.

Subject: IMPLEMENTATION OF PUBLIC PROCUREMENT RULES 2014.

I am directed to refer to your letter No. DGAW/WM.A/CS/ADVICE/2020-21 dated 02/08/2021 whereby an advice has been sought on the subject cited above.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). The Director General Accounts Works Lahore has sought opinion of PPRA on a number of issues. Response / opinion of PPRA against each query is as follows:

No.	QUERY	PPRA OBSERVATION / ADVICE
I.	Acceptance of Tenders Excess over T.S estimates.	Query does not pertain to Punjab Procurement Rules 2014.
II.	Acceptance of Tenders below the T.S estimates.	Query does not pertain to Punjab Procurement Rules 2014.
III.	Enhancement of scope / Additional work in quantities.	PPRA is of the view that rule 59 (c)(iv) of PPR-14 is relevant in the instant proposition. 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;
IV.	Time limit Extension.	Time extension for the completion of project shall be governed by the terms and conditions of the bidding documents / contract agreement.

3. The Director General Accounts Works Lahore is advised to seek guidance as discussed above and proceed strictly in accordance with PPR-14 after fulfilment of all other legal and codal formalities.


Senior Law Officer
PPRA S&GAD 7/9/21

Cc:

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



Dated Lahore, 06th September, 2021

Deputy Director,
Director General Accounts Works Lahore,
5th Floor, AG Office Complex, Turner Road Lahore.

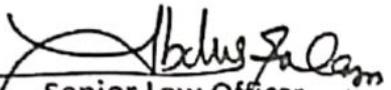
Subject: IMPLEMENTATION OF PUBLIC PROCUREMENT RULES 2014.

I am directed to refer to your letter No. DGAW/WM.A/CS/ADVICE/2020-21 dated 02/08/2021 whereby an advice has been sought on the subject cited above.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). The Director General Accounts Works Lahore has sought opinion of PPRA on a number of issues. Response / opinion of PPRA against each query is as follows:

No.	QUERY	PPRA OBSERVATION / ADVICE
I.	Acceptance of Tenders Excess over T.S estimates.	Query does not pertain to Punjab Procurement Rules 2014.
II.	Acceptance of Tenders below the T.S estimates.	Query does not pertain to Punjab Procurement Rules 2014.
III.	Enhancement of scope / Additional work in quantities.	PPRA is of the view that rule 59 (c)(iv) of PPR-14 is relevant in the instant proposition. 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;
IV.	Time limit Extension.	Time extension for the completion of project shall be governed by the terms and conditions of the bidding documents / contract agreement.

3. The Director General Accounts Works Lahore is advised to seek guidance as discussed above and proceed strictly in accordance with PPR-14 after fulfilment of all other legal and codal formalities.


Senior Law Officer
PPRA S&GAD 7/9/21

- 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)1-15(SOC)/21
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 13th September, 2021

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

Subject: ADVICE REGARDING PROCUREMENT OF INSECTICIDES THROUGH PREQUALIFICATION/OPEN COMPETITIVE BIDDING METHOD DURING THE CURRENT FINANCIAL YEAR 2021-22.

I am directed to refer to your letter No. 6295/PC dated 09-09-2021, whereby an advice has been sought on the subject cited above.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Mechanism / method of prequalification has been elaborated under rule 16 & 17 of PPR-14. PPRA is of the view that under rule 16 (2) of PPR-14 prequalification is mandatory in case of procurement of PKR 100 million & above. However, 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. The procuring agency either initiate prequalification process for procurement of insecticides or may opt for open competitive bidding process after recording reason as discussed above. The procuring agency is advised to seek guidance from the aforementioned provision of PPR-14 / discussion 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 14/9/21

CC:-

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

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

Dated Lahore, 16th August, 2021

Hospital Director,
Mayo Hospital Lahore.

Subject: ADVICE REGARDING FOR MINIMUM WAGES LABOUR RATE OF SECURITY GUARD.

I am directed to refer to your letter No. PC/46427/MH dated 26-07-2021 whereby an advice has been sought on the subject cited above. Annotated

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Vide circular No. L&M(PPRA) 10-01/2011 dated 03-12-2018 (copy enclosed) PPRA has clarified that in case of services (janitorial / security services etc.) where minimum wages are required to be considered, 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 rule 55 of PPR-14 also requires that the lowest evaluated bid must be compliant to the other state laws, the rule ibid stiliates 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.

Hence, while evaluating the bids, a procuring agency should also consider the fact that it offers at least equal to or more than 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 obviate the state law / rules which cannot be permitted.

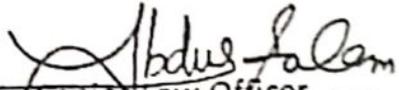
3. PPRA is of the opinion that it has come to the knowledge of PPRA, that certain applicable taxes have already been fixed by the relevant departments which are as follows:

Department Name	Punjab Employees Social Security Institute (PESSI)	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.

4. Therefore, 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.

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


Senior Law Officer
PPRA S&GAD 16/8/21

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.



Dated Lahore, 20th September, 2021

Hospital Director,
Mayo Hospital Lahore.

Subject: QUERY REGARDING PERFORMANCE GUARANTEE.

I am directed to refer to your letter No. PC/57884/MH dated 16-09-2021 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). Performance guarantee is required from the successful bidder which shall not exceed ten percent of the contract amount. Rule 56 of PPR-14 is very much clear in the instant proposition 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.

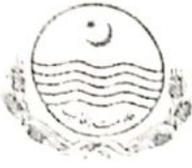
PPRA is of the view that in the light of above ibid rule demanding of performance guarantee at prequalification stage may not be an appropriate discourse.

3. 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 20/9/21

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

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

Dated Lahore, 20th September, 2021

Ahmad Usman,
Assistant Director (Coord),
For Director IW-II,
NAB, Lahore.

Subject: PROVISION OF INFORMATION U/S 19 OF NAO, 1999 INQUIRY AGAINST OFFICERS / OFFICIALS OF TEPA / LDA AND OTHERS.

I am directed to refer to your letter bearing No. 1(9)HQ/2225/NAB-L dated 30.08.2021 whereby it has been requested to provide certified copies of all advertisements published in newspaper regarding all projects / schemes / contracts etc. initiated by TEPA / LDA from 01-01-2017 to 31-08-2017.

2 It is apprised that advertisements published in the newspaper can be obtained from Director General Public Relation (DGPR) being relevant quarter. However, certified copies of advertisements uploaded on the PPRA website for the aforementioned period are appended here with for your information please.

3. This issues with the approval of competent authority.


Senior Law Officer
PPRA S&GAD 21/9/21

Cc:

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



Tel: 042-99204572
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No. L&M(PPRA) 1-39(G)/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

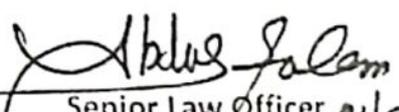
Dated Lahore, 20th September, 2021

Section Officer (TR-II),
Transport Department,
Lahore.

Subject: MINUTES OF THE SPECIAL DEPARTMENTAL ACCOUNTS COMMITTEE MEETING HELD ON 18-06-2020, 01-07-2020 AND 23-07-2020 FOR SPECIAL STUDY REPORT OF METRO BUS MULTAN UPTO FEBRUARY, 2019 (AUDIT PARA NO.36).

I am directed to refer to your letter No. SO(TR-II)6-13/19/PMA/MULTAN dated 14/09/2021 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). 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.


Senior Law Officer
PPRA S&GAD 21/9/21

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.



Tel: 042-99204572
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Fax: 042-36284776

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

Dated Lahore, 20th September, 2021

Anila Chohan,
Principal,
Govt. Shadab Training Institute for Mentally Challenged,
Bahawalpur.

Subject:

**ADVICE REGARDING MINIMUM WAGES IN CASE OF SERVICES OF SECURITY
GUARD..**

I am directed to refer to your letter No. GSTIMC/141 dated 06-09-2021 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.

Hence, while evaluating the bids, a procuring agency should also consider the fact that it offers at least equal to or more than 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 obviate the state law / rules which cannot be permitted.

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 Employees Social Security Institute (PESSI)	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.

4. Therefore, 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.

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


Senior Law Officer

PPRA S&GAD

23/9/21

CC:-

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



Dy. Director EDU (ACAD),
Punjab Worker Welfare Fund,
Labour & Human Resource Department,
F-A/1, Khyber Block, Allama Iqbal Town, Lahore.

Subject: REPORT REGARDING HIRING OF TRANSPORT FACILITY FOR THE WORKERS
STUDENTS OF W.W. SCHOOLS IN PUNJAB.

I am directed to refer to your letter No. WW.EDU-6(203)/2020/(P)/1862 dated 28/09/2021 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 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 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. As reported, the procuring agency has failed three times to complete the procurement transaction through open competitive bidding process. Therefore, the procuring agency must also investigate as to whether any difficult or discriminatory condition was introduced in the evaluation criteria. Since Rule 34 of PPR-14 requires a procuring agency not to introduce any condition, which discriminates between bidders or which is difficult to meet. The rule ibid 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 decision to invoke the urgency has to be taken by the procuring agency, therefore, it may decide to invoke the aforementioned provisions if the conditions mentioned therein are fulfilled. The procuring agency is advised to seek guidance from the above said discussion / rules ibid to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements. Furthermore, the procuring agency must give due consideration to the rates prevalent in the market and must also adhere 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.

Abdul Salam
Senior Law Officer
PPRA S&GAD

29/9/21

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

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

Dated Lahore, 30th September, 2021

Executive Engineer,
Public Health Engineering Division,
Mianwali.

Subject: CLARIFICATION REGARDING RETURN OF EARNEST MONEY.

I am directed to refer to your letter No. 3868/MWI dated 08.09.2021 on the captioned 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). Rule 28 & 55 of PPR-14 are relevant in this regard Rules ibid stipulate 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."

(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;

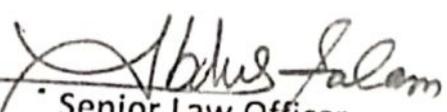
(b) agrees to the procuring agency's request for extension of bid validity period shall not be permitted to change the substance of the bid; and

(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.

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 ibid rules in order to decide the issue and proceed strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.


Senior Law Officer
PPRA S&GAD 1/10/21

CC:-

1. Secretary to the Govt. of the Punjab, Public Health Engineering, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



Tel: 042-99204572
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NO. L&VI(PPRA) 1-31(G)(I)-AD(2012)
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 30th September, 2021

Jawad Ahmad Qureshi,
Chief Executive officer,
Punjab Population Innovation Fund,
125 Abu Bakar Block New Garden Town Lahore.

Subject: PRODUCTION AND ON AIRING OF DRAMA SERIAL ON FAMILY PLANNING.

I am directed to refer to your letter bearing No. PPIF/735 dated 13.09.2021 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 procuring agency has not addressed the observation raised vide this office letter of even No. dated 06-09-2021. The proposition referred vide aforementioned letter is also not clear and needs clarification.

3. 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.

Abdus Salam
Senior Law Officer
PPRA S&GAD 1/10/21

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 95204572
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No. L&MP/Proc/2021/1021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 01st November, 2021

Legal Expert / Litigation Officer,
Procurement Cell, Primary and Secondary Healthcare Department,
Lahore.

Subject: REPEAT ORDER FOR ESTABLISHMENT OF CT SCANNING FACILITIES AT 03 HEALTH FACILITIES IN PROVINCIE OF PUNJAB.

I am directed to refer to your letters No. SO(P-I)1-8/2016 dated 07.09.2021 on the captioned subject whereby an advice has been sought regarding repeat order.

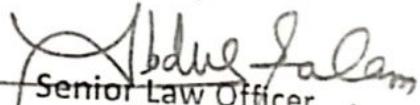
2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). The contents of the letter No. PSHD-So(P-I)1-8/2016 dated 03-03-2020 do not clearly / reflect complete picture. The representative sent by the department also failed to provide the requisite details. However, a plain reading of the said letter reveals that the procuring agency intends to change the terms & conditions of the contract. The relevant portion of the said letter is as follows:

"After accepting of AAT by M/s EMTS, an amendment to original contracts for repeat order was shared with the firm. In response the firm requested for changes in the original terms of the contracts. These changes in original terms for issued AAT include increase in per scan rate assessed by the firm, increase in the mobilization advance and 15% annual increase in rate of scanning services, etc. It is important to write here that all these requests are in contrast to the already signed contracts and amendments."

3. The proposal of aforementioned amendment by the procuring agency cannot be allowed as per rule 32 (3) of PPR-14. The rule ibid stipulates that:

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.

4. Having given its opinion, It is observed that the contents of subject letter are very vague and sketchy as they do not adumbrate any proposition / question on which advice of PPRA is being sought. The proposition/s referred for advice should be very explicitly formulated. PPRA is of the view that it is a sorry state of affairs that a matter is pending for such a long period without any action on the part of the department. The procuring agency is advised to always formulate the proposition / 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). Moreover, serious flaws / irregularities in the procurement process need to be rectified through capacity building, robust monitoring and strict accountability.


Senior Law Officer
PPRA S&GAB 11/10/21

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. PA/Dir. (L&M)/2021
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 30th September, 2021

To,

The Section Officer (Welfare-II),
Services & General Administration Department,
(Welfare Wing)
Lahore.

Subject: PROVISION OF DETAILS REGARDING PENDING LEGISLATION.

I am directed to refer to your letter bearing No. SOW-II(S&GAD)Misc/2021 dated 26.08.2021 on the subject cited above whereby information regarding pending proposals / bills for legislation is required as per enclosed proforma.

2. I am further directed to intimate that the requisite information has already been sent to Section Officer (I&C-I) I&C Wing S&GAD vide this office letter of even number dated 05.08.2021 (Annex-A). It is pertinent to mention here that Punjab Procurement Regulatory Authority [amendment Bill 2020] was introduced in the Provincial Assembly of the Punjab on 12.10.2020 which was also published for general information under rule-93(1) of the Rules of Procedure of the Provincial Assembly of the Punjab 1997 (Annex-B). On its introduction, the bill was referred to special committee No. 12 of the Assembly for submission of report. The-said committee has not formulated its report as yet. Proforma containing latest status of the Bill is attached herewith (Annex-C).

CC:-

1. The Section Officer (Welfare-III), S&GAD, Lahore.
2. The Section Officer (I&C-I), S&GAD, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
- PS to MD, PPRA.

[Handwritten signature]
04/10/21

[Handwritten initials]

[Handwritten signature: Abdul Salam]
Senior Law Officer
PPRA S&GAD 11/10/21



Tel: 042-99204572
Fax: 042-36284776

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, 11th October, 2020

Kashif Akram,
Project Director / Convener,
University of Agriculture Faisalabad,
Faisalabad.

Subject: CLARIFICATION REQUIRED ABOUT CHANGE OF GENERATOR MAKE / MODEL AGAINST TENDER NO. 77/2021.

I am directed to refer to your letter No. ICT/GENSET/D-6082 dated 30/09/2021 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 generator.

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 steer 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.

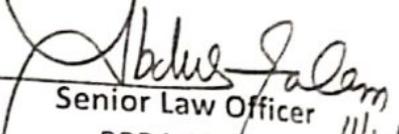
(3) A bid once opened in accordance with the prescribed procedure shall be subject to only those rules, regulations and policies that are in force at the time of issue of notice for invitation of bids.

3. The procuring agency must always ensure that the quality and specification of the product offered vis-à-vis brand is same as given in bidding documents. The quality, reliability, upgradability and after sales service must also be always considered.

4. The procuring agency is advised to seek guidance from the above discussion and to proceed in accordance with the terms and conditions of the bidding document and decide the same keeping in view the **"value for money"** as enunciated under rule 2(ae) read with **"principles of procurement"** as defined 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
PPRA S&GAD 11/10/21

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
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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, 11th October, 2021

District Education Officer,
Literacy, Faisalabad.

Subject: REQUEST SEEKING ADVICE / GUIDANCE FOR DECISION DUE TO RECEIPT OF
SAME RATES FROM TWO FIRMS FOR THE PURCHASE OF 1 ITEM OUT OF 10.

I am directed to refer to your letter No. 811/ct dated 27/09/2021 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). Since there is no express provision available / rule in PPR-14 with respect to the proposition referred. Therefore, the procuring agency should decide the instant matter at its own level keeping in view the "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

3. The procuring agency is advised to seek guidance from the above said rule / discussion to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements. However, if there is absolutely no difference in the submitted bids, then the procuring agency may consider deciding the matter by a toss (tossing a coin in the air in the presence of the representatives of the bidders); in order to save time wasted in re-bidding.

Abdul Salam
Senior Law Officer
PPRA S&GAD 11/10/21

Cc:

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



Tel: 042-99204572
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PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 13th October, 2021

Rashid Mahmood,
Accounts Officer,
Punjab Public Service Commission, Lahore.

Subject: CLARIFICATION / ADVICE REGARDING PPRA RULES 59(C)(III)&(IV) FOR RENEWAL OF AGREEMENT FOURTH TIME, SINCE INITIAL PROCUREMENT.

I am directed to refer to your letter No. AO-PPSC/MISC./2021/312 dated 06/09/2021 whereby an advice has been sought on the subject cited above.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). The process of such kind of services should be vigilantly planned and taken up timely at the start of each financial year. Rule 8 & 9 of PPR-14 are very much clear in this regard. These rules 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.

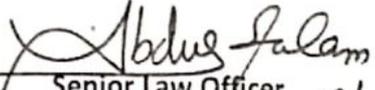
9. Limitation on splitting of procurement.— Save as otherwise provided and subject to the regulations, a procuring agency shall announce in an appropriate manner all proposed procurements for each financial year and shall proceed accordingly without any splitting or regrouping of the procurements so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

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

3. PPRA is of the concerted opinion 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(c)(iii) & (iv) of PPR-14. However, before any conclusive advice is tendered the procuring agency must apprise PPRA on the following point:

- I. Whether the said services are available from other source or not please provide detail.
- II. If yes, then what kind of incompatibility issue procuring agency would face.


Senior Law Officer
PPRA S&GAD

13/10/21

CC:-

1. PSO to Chief Secretary Punjab/Chairman PPRA.
2. PSO to ACS S&GAD, Lahore
3. PS to MD, PPRA.



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

No. L&M/2021/06
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 13th October, 2021

Muhammad Tahir,
Director Administration,
Secretary of the Committee,
Directorate General Public Relations (DGPR),
Lahore.

Subject: REQUEST FOR REVIEW THE PROPOSAL (RFP) FOR OUTSOURCING THE
DIGITAL MEDIA & PERCEPTION MNGEMENT SERVICES.

I am directed to refer to your letter No. DGPR(B&A)/2021/06 dated 06/10/2021 on the subject whereby a request has been made for vetting the draft request for proposal(RFP).

2. The draft request for proposal has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the draft request for proposal 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.

Abdus Salam
Senior Law Officer
PPRA S&GAD

13/10/21

Cc:

1. Secretary to the Govt. of the Punjab, Information, Culture and Youth Affairs 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)1-11(SPL)/2014
GOVERNMENT OF THE PUNJAB
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 13th October, 2021

Mr. Ali Mansoor,
Additional Commissioner (HQ),
Punjab Revenue Authority, Finance Department,
Lahore.

Subject: ADVICE REGARDING CONTRACT FOR PITB'S DATA CENTER SERVICES-PRA.

I am directed to refer to your letter No. PRA.IT/2021/2006 dated 30.09.2021 on the subject cited above 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). It is apprised that PPRA has already rendered its opinion vide this office letter of even No. dated 06-09-2021 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter.

Abdul Salam
Senior Law Officer 13/10/21
PPRA S&GAD

CC:-

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



09

Dated Lahore, 06th September, 2021

Mr. Ali Mansoor,
Additional Commissioner (HQ),
Punjab Revenue Authority, Finance Department,
Lahore.

Subject: ADVICE REGARDING CONTRACT FOR PITB'S DATA CENTER SERVICES-PRA.

I am directed to refer to your letter No. PRA.IT/2021/228 dated 25.08.2021 on the subject cited above whereby an advice has been sought regarding direct contracting.

2. 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 direct contracting under rule 59(c)(vi) & 59(e) of PPR-14 which stipulate that;

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

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

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

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


Senior Law Officer
PPRA S&GAD 7/9/21

CC:-

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


08/09/2021

O/C

8/9/21

Dated Lahore, 13th October, 2021



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

The Secretary,
Law & Parliamentary Affairs Department,
Lahore.

Subject:

**CLARIFICATION REGARDING PROCUREMENT OF MOVEABLE MACHINERY
AS PER RULE 59 (C)(VII) OF PUNJAB PROCUREMENT RULES, 2014.**

I am directed to refer to WASA Faisalabad (The procuring agency) letter No. 151/DMD(WEST)/WASA/2021 dated 11-09-2019 (copy enclosed) on the subject. The procuring agency has sought an advice from Punjab Procurement Regulatory Authority regarding procurement of tractors through direct contract under rule 59(c)(VII) of PPR-14.

2. It is apprised 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 vehicle 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. Alternative methods of procurements.— A procuring agency may utilize the following alternative methods of procurement of goods, services and works:

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

3. PPRA is 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.
- II. The motor vehicles should have been originally manufactured at local level.
- III. It should be purchased at manufactures price.

4. Since the definition of motor vehicle has not been provided under PPR-14. It is therefore, requested to please tender advice in this regard as to whether definition of motor vehicle should be considered under section 2(23) of motor vehicle ordinance 1965 or otherwise. The section ibid 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;

5. An early response in this regard shall be highly obliged.


Senior Law Officer
PPRA S&GAD 13/10/21

CC:-

1. Secretary to the Govt. of the Punjab, Public Health Engineering, Lahore.
2. Deputy Managing Director (West), WASA Faisalabad.
3. PSO to Chief Secretary Punjab/Chairman PPRA.
4. PS to MD, PPRA.



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, 22nd October, 2021

Zonal Administrator,
Auqaf Pakpattan Zone Pakpattan.

Subject: GUIDANCE REGARDING SECURITY TENDER.

I am directed to refer to your letter No. ZAP/A-I/AUQAF/2021/785 dated 22-09-2021 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 rendered its view point on the similar issue / proposition vide this office letter No. L&M((PPRA)1-2(G)/2020/Com/P2 dated 27-09-2021 (copy enclosed).

3. 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 steer the evaluation process. Rule 32 (3) is very much clear in this regard which stipulate that:

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.

It is further added here that if there is no such mechanism provided in the bidding document regarding the updation of minimum wage (if revised by the Labour Department) during the continuation of service contract then the procuring agency may initiate the procurement process afresh by invoking the provisions of rule 35 & 36 of PPR-14 in order to adhere to the requirement of minimum wage rate.

4. The procuring agency is advised to seek guidance from the above rule / letter 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 22/10/21

Cc:

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



Dated Lahore, the 27th September, 2021

To,

The Zonal Administrator,
Auqaf Lahore Zone,
Lahore.

Subject: GRIEVANCE REGARDING TENDER OF SECURITY SERVICES FOR (PUNJAB AUQAF ORGANIZATION LAHORE ZONE, LAHORE) (PROVISION OF SECURITY GUARDS SERVICES CONTRACT).

I am directed to refer the subject and to append herewith the letter No. FSMS/2160/2021 dated: 07.09.2021 received from "M/s FAST Security & Management Services (Pvt) Ltd."

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA has repeatedly clarified that in case of services (Janitorial / security services etc.) where minimum wages are required to be considered, the procuring agency must evaluate the same 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 Employees Social Security Institute (PESSI)	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.

4. 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 at its own level strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.

Abdul Salam
Senior Law Officer
PPRA S&CAD 27/9/21

Cc:

1. The Secretary, Govt. of the Punjab, Auqaf Department, Punjab, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.
4. M/s FAST Security & Management Services (Pvt) Ltd, office No. 1, 3rd floor, Babar Plaza, 657/G-1, Market Johar Town, Lahore.

AS
27/9/21

AS
30 SEP 2021

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

Dated Lahore, 22nd October, 2021

Tel: 042 99204572
Ex: 042 36204774
Fax: 042 36204776

Subject: Zonal Administrator,
Auqaf Multan Zone, Multan.
GUIDANCE REGARDING SECURITY TENDER.

I am directed to refer to your letter No. ZAM/AUOAF/959 dated 21-09-2021 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 rendered its view point on the similar issue / proposition vide this office letter No. L&M((PPRA)1-2(G)/2020/Com/P2 dated 27-09-2021 (copy enclosed).

3. 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 steer the evaluation process. Rule 32 (3) is very much clear in this regard which stipulate that:

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.

It is further added here that if there is no such mechanism provided in the bidding document regarding the updation of minimum wage (if revised by the Labour Department) during the continuation of service contract then the procuring agency may initiate the procurement process afresh by invoking the provisions of rule 35 & 36 of PPR-14 in order to adhere to the requirement of minimum wage rate.

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

Cc:

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


Senior Law Officer
PPRA S&GAD 22/10/21

1/21



To,

The Zonal Administrator,
Auqaf Lahore Zone,
Lahore.

Subject:

GRIEVANCE REGARDING TENDER OF SECURITY SERVICES FOR (PUNJAB AUQAF ORGANIZATION LAHORE ZONE, LAHORE) (PROVISION OF SECURITY GUARDS SERVICES CONTRACT).

I am directed to refer the subject and to append herewith the letter No. FSMS/2160/2021 dated: 07.09.2021 received from "M/s FAST Security & Management Services (Pvt) Ltd."

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA has repeatedly clarified that in case of services (Janitorial / security services etc.) where minimum wages are required to be considered, the procuring agency must evaluate the same 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 Employees Social Security Institute (PESSI)	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.

4. 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 at its own level strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.

Abdus Salam
Senior Law Officer
PPRA S&GAD 27/9/21

Cc:

1. The Secretary, Govt. of the Punjab, Auqaf Department, Punjab, Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.
4. M/s FAST Security & Management Services (Pvt) Ltd, office No. 1, 3rd floor, Babar Plaza, 657/G-1, Market Johar Town, Lahore.

30 SEP 2021

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Tel: 042-99204572
Fax: 042-36284776

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

Dated Lahore, 22nd October, 2021

Medical Superintendent,
Govt. Kot Khawaja Saeed Teaching Hospital,
Lahore.

Subject: GRIEVANCE REGARDING ANNUAL TENDER FOR CONTRACT OF JANITORIAL SERVICES (FY 2021-22) ON HEALTH DEPARTMENT & PPRA PUNJAB WEBSITE.

I am directed to refer to your letter No. 24163/ADMIN dated 08.10.2021 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 concerted opinion 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.


Senior Law Officer 22/10/21
PPRA S&GAD

CC:-

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



Tel. 042-99204572
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PUNJAB WATER AND POWER DEVELOPMENT
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 22nd October, 2021

Principal,
Govt. College of Technology Women,
Bahawalpur.
Subject: REQUEST FOR ADVICE REGARDING HIRING OF SECURITY SERVICES
(SECURITY GUARDS).

I am directed to refer to your letter No. GCT(W)/BWP/21/4863 dated 16-09-2021 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 Employees Social Security Institute (PESSI)	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.

4. 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 22/1/21

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

Dated Lahore, 22th October, 2021

Mr. Mohsin Rafique Ch.,
Deputy Inspector General of Prisons,
Multan Region, Multan.

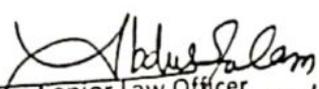
Subject: ANNUAL CONTRACT OF DIETARY ARTICLES OF LOT NO. II & III FOR THE YEAR 2021-22 FOR THE JAILS OF MULTAN AND D.G KHAN REGION.

I am directed to refer to your letter No. ADMN/2021/10735 dated 01-10-2021 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 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.

3. PPRA is of the view that Director General Public Relation (DGPR) is responsible to publish tender notice as per requirement of ibid rule upon the request of the procuring agency with proper timeline and instructions. Since, as reported, DGPR has published tender notice in three Urdu Newspapers only, therefore, apparently it is the DGPR which has not fulfilled the legal requirement and procuring agencies may not be held responsible for such kind of error of law/rules.


Senior Law Officer
PPRA S&GAD 22/10/21

Cc:

1. Secretary to Government of Punjab, Information & Culture Department for necessary action as per PPR-14.
2. Inspector General of Prisons, Lahore.
3. PSO to Chairman PPRA / Chief Secretary Punjab.



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

No. L&M(PPRA) 1-17(G)(I)-AD/2019
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 22nd October, 2021

Superintendent of District Jail,
Shahpur.

Subject: RECTIFICATION IN PPRA ADVERTISEMENT.

I am directed to refer to your letter No. 11413 dated 04-10-2021 on the subject cited above whereby an advice has been sought regarding obtaining of bid security.

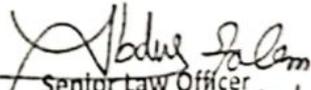
2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Rule 27 of PPR-14 is very much clear in the instant proposition which requires that a procuring agency may require the bidders to furnish a bid security. The word "may" reflects that the condition to obtain bid security is optional, but to avoid participation of non-serious bidders the procuring agencies usually require bid security through inclusion of a clause regarding the receipt of bid security in the bidding documents. 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.

3. The procuring agency is advised to seek guidance from the aforementioned rule and proceed after the fulfilment of all other legal / codal requirements

Cc.

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


Senior Law Officer
PPRA S&GAD 22/10/21



Tel: 042-99204572
Fax: 042-36284776

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

25/10
Dated Lahore, 22nd October, 2021

Executive Director,
Jinnah Burn & Reconstructive Surgery Centre,
Allama Iqbal Medical College,
Lahore.

Subject: CLARIFICATION OF SERVICE LEVEL AGREEMENT OF MEDICAL EQUIPMENT FOR JINNAH BURN & RECONSTRUCTIVE SURGERY CENTRE, AIMC, LAHORE.

I am directed to refer to your letter bearing No. 12793/ED/JB&RSC dated 08.10.2021 on the subject cited above whereby an advice has been sought regarding currency conversion rate.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It has been observed that contents of subject letter are very vague and sketchy as they do not adumbrate any proposition / question on which advice of PPRA is being sought. 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 25/10/21

CC:-

1. Secretary to the Govt. of the Punjab, Specialized Healthcare & Medical Education 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)1-16(SOC)(II)-AB/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, ^{25th} ~~22nd~~ October, 2021

Purchase Officer,
Information Technology University,
6th floor, Arfa Software Technology Park, 346-B,
Ferozpur Road, Lahore.

Subject: **CLARIFICATION REGARDING RULE 64A.**

I am directed to refer to your letter No. ITU/PROC/21/113 dated 02/09/2021 on the subject whereby an advice has been sought on the interpretation of rule 64A of PPRA Rules 2014.

2. 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 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 aforementioned rule / observation and proceed further strictly in accordance with PPR-14 after fulfilling of all other legal and codal requirements.

Abdus Salam
Senior Law Officer
PPRA S&GAD
25/10/21

Cc:

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



Tel: 042-99204572
Ex: 042-35284774
Fax: 042-35284775

No. L&M(PPRA) 1-10(G)/2011
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 25th October, 2021

Muhammad Nadeem Ali Qaiser,
Section Officer (E&M),
Excise, Taxation & Narcotics Control Department,
Lahore.

Subject: ADVICE REGARDING EXTENDING OF CONTRACT WITH NRTC BY THE
COMPETENT AUTHORITY.

I am directed to refer to your letter No. SO(E&M)1-7/2011(P-X)(P-IV) dated

18-10-2021, 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). As intimated by Excise & Taxation Department, the case pertains to extension in contract to M/s NRTC, a Government owned agency under Ministry of Defense Production. PPRA is of the view that under section 23 of Punjab Procurement Regulatory Authority Act 2009 (the Act) the Government, on the recommendation of PPRA BOM, may exempt application of any rule or regulation made under the Act in any public procurement by specifying alternate mode of the public procurement. PPRA Board of Management (in its 41st meeting held on 17-02-2020) approved the procuring agency's (Excise, Taxation & Narcotics Control Department) proposal while stipulating that the contract thus executed with M/s NRTC shall have a currency of not more than a calendar year (12 months) and will be extendable for two years on satisfactory performance.

3. It is further added here that as per record provided by the procuring agency, The Government i.e. Provincial Cabinet in its 27th meeting held on 12-03-2020 has approved the award of contract to NRTC for one year, extendable for two years on the satisfactory performance of the contractor.

4. In view of above, the procuring agency is advised to decide the issue at its own level as per the decision of Provincial Cabinet and after the fulfilment of all other legal / codal requirements if the performance of M/s NRTC is satisfactory and it fulfils the criteria of "value for money", specially keeping in view the per unit cost prevalent in the market.


Senior Law Officer

PPRA S&GAD

25/x/21

Cc:

1. Secretary to the Government of the Punjab, Excise, Taxation & Narcotics control Department Lahore.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPR

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Dated Lahore, 26th October, 2021

Lt. Col (R) Jawad Ahmad Malik,
Manager (Admin / HR & Coord),
Punjab Daanish Schools & Centres of Excellence Authority,
Japanes Cell Building, Research Station, Near Punjab University New Campus,
Canal Bank, Lahore.

Subject: **ADVICE ON RULE 25 CLAUSE (3) OF PPRA 2014.**

I am directed to refer to your letter No. M(ADMIN/HR&COORD)/10/2021/2680 dated 11.10.2021 on the subject whereby an advice has been sought regarding change in specification.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Rule 25(3) deals with the expression "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.

However, where "any change" in the procurement process becomes essential it can only be made in a similar manner to that of the original advertisement as per rule 25(4) of PPR-14. The rule ibid stipulates that:

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

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

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.

Jawad Ahmad Malik
Senior Law Officer
PPRA S&GAD 26/10/21



Tel: 042-99204572
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Fax: 042-36284776

NO. LA/PR/REG/1-2010/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 25th October, 2021

Aftab Ahmad,
Additional Director (Staff),
For Director General,
NAB, Lahore.

Subject: PROVISION OF ASSISTANCE / INFORMATION U/S 27 OF NATIONAL ACCOUNTABILITY ORDINANCE, 1999.

I am directed to refer to your letter bearing No. 1(9)HQ/MI/5468/21/AB-AD/NAB-L dated 07.10.2021 whereby it has been requested to provide guidance regarding earnest money.

2 Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that Rule 2(h) of PPR-14 is very much clear regarding the instant proposition. The rule ibid stipulates that:

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

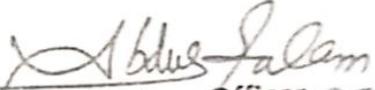
3. PPRA is of the view that expression "other form of security" includes bank guarantee, bank draft, pay order, call deposit receipt (CDR) and cashier's cheque but does not include insurance bond from any insurance organization as encashment modalities are involved. Any procuring agency may demand / accept any of the aforementioned forms as bid security in accordance with rule 27 of PPR-14. Moreover, bid security is always acquired to secure the interest of the procuring agency which bank guarantee also secures with equal effectiveness.

4. It is further apprised that the bidding documents is the vital part of the procurement mechanism which includes the 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) of PPR-14 is very much clear which stipulates 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.

Therefore, it is the prerogative of the procuring agency to formulate evaluation criteria however, the procuring agency must also ensure that the conditions / criteria (formulated for the evaluation of bids) is not discriminatory as to favour a single bidder as provided under rule 34 of PPR-14; 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.


Senior Law Officer
PPRA S&GAD 25/x/21

Cc:

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

Dated Lahore, 25th October, 2021

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

Aftab Ahmad,
Additional Director (Staff),
For Director General,
NAB, Lahore.

Subject: PROVISION OF ASSISTANCE / INFORMATION U/S 27 OF NATIONAL
ACCOUNTABILITY ORDINANCE, 1999.

I am directed to refer to your letter bearing No. 1(9)HQ/MI/5468/21/AB-AD/NAB-L dated 07.10.2021 whereby it has been requested to provide guidance regarding earnest money.

2 Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that Rule 2(h) of PPR-14 is very much clear regarding the instant proposition. The rule ibid stipulates that:

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

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. Any procuring agency may demand / accept any of the aforementioned forms as bid security in accordance with rule 27 of PPR-14. Moreover, bid security is always acquired to secure the interest of the procuring agency which bank guarantee also secures with equal effectiveness.

4. It is further apprised that the bidding documents is the vital part of the procurement mechanism which includes the 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) of PPR-14 is very much clear which stipulates that:

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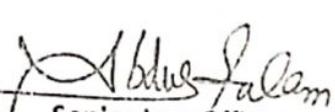
31. Evaluation criteria.— (1) A procuring agency shall formulate an appropriate evaluation criterion listing all the relevant information against which a bid is to be evaluated and such evaluation criteria shall form an integral part of the bidding documents.

Therefore, it is the prerogative of the procuring agency to formulate evaluation criteria however, the procuring agency must also ensure that the conditions / criteria (formulated for the evaluation of bids) is not discriminatory as to favour a single bidder as provided under rule 34 of PPR-14; 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.

Cc:

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


Senior Law Officer
PPRA S&GAD 25/x/15



Tel: 042-99204572
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No. L&M(PPRA) 1-16(SOC)(II)-AIV/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 25th October, 2021

The Treasurer,
University of the Punjab,
Lahore.

Subject:

RECOMMENDATIONS OF THE COMMITTEE OUTSTANDING BILLS OF CIVIL WORKS EXECUTED IN UNIVERSITY OF THE PUNJAB, NEW CAMPUS LAHORE.

I am directed to refer to your letter No. D-336 dated 01/10/2021 on the subject whereby an advice has been sought with respect to outstanding payments.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). At the outset it is intimated that PPR-14 do not specifically talk about old executed works. However, considering the contents of your letter referred above, Rule 59 elaborates the circumstances, emergency or urgency, which allow negotiated tendering or direct contracting. It is the responsibility of the procuring agency to decide whether such circumstances prevail as per rules or otherwise. Moreover, Rule 62 of PPR rules 2014 requires a procuring agency to make payments to the bidder / firm not later than 30 days of the submission of a bill; provided work is satisfactory, in accordance with the conditions of the 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. The procuring agency is advised to seek guidance from the aforementioned rule and proceed after the fulfilment of all other legal / codal requirements. The procuring agency should also consider the satisfactory completion and rectification of the work done as per terms & conditions and market rates prevalent / scheduled rates duly verified by the certified Engineers and decide the matter at its own level.


Senior Law Officer
PPRA S&GAD 25/10/21

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
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NO. L&M(PPRA) 1-36(JUL) 2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 28th October, 2021

Section Officer (B&D),
Special Education Department,
Lahore. -

Subject: DEVELOPMENT PROJECT FEASIBILITY STUDY FOR THE ESTABLISHMENT OF SPECIAL CHILDREN VILAGE AT SHARQPUR DISTRICT SHEIKHUPURA.

I am directed to refer to your letter No. SO(B&D)3-55/2021 dated 07-10-2021, whereby an advice has been sought as to whether two separate consultants / consultancy firms may be hired for the feasibility study for establishment of special children vilage at Shraqpur.

2. The Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). Short consultancy has been clearly defined under rule 2(ab) of PPR-14. Rule ibid stipulates that:

2. Definitions.(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;

Methodology of hiring the service of individual consultant / consultancy firm under short term consultancy has been provided under rule 46 & 46A of PPR-14 which stipulates that:

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.



3. It is further added that large consultancy has been defined under rule 2(u) of PPR-14 and methodology for hiring the service of individual consultant / consultancy firm under large consultancy has been provided under Chapter VII (Procurement of Consultancy Services). The definition of large consultancy is as under:

2. Definitions. (u) large consultancy means a consultancy where the cost of consultancy exceeds two million rupees for individual consultant and five million rupees for consulting firms and the duration of large consultancy for an individual consultant shall not exceed twelve months

4. However, the question regarding numbers of consultancy services to be hired do not pertain to Punjab Procurement Regulatory Authority and the procuring agency should better decide the same at its own level after due consultation with Planning & Development Department (if required). Though, it is not clearly in the ambit of PPRA but due to earnest request of the department for an appropriate advice it is observed that a pre-feasibility exercise should have been done through the Buildings Department to ascertain whether the subject land is feasible for constructing buildings or otherwise. And, a consultancy firm could have been then tasked for the following deliverables, inter alia, as given in PC-II:

- I. Inception Report.
- II. Surveys: topographical survey / hydrological survey etc. to help frame the structural designs and locations of the infrastructure.
- III. Feasibility Reports including sustainability aspects.
- IV. PC-I
- V. Bidding Documents.
- VI. Drawings / Design / BOQs etc.
- VII. And, if the funding is secured then, selection of consultants; and,
- VIII. Top supervision to remove defects in design during execution please.

5. It is also advised that the PC-II may be got corrected if there are any ambiguities, and if P&D thinks it is required, please. The above course is only suggestive in nature and final authority regarding PC-II, is P&D Board.


Senior Law Officer
PPRA S&GAD

28/1/21

Cc:

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



Tel: 042-99204572
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PUNJAB PROCUREMENT REGULATORY
No. L2M (PPRA) 1-18 (W) 17 AB 2016
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

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.

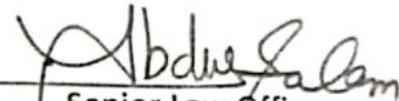
3. It has come to the knowledge of PPRA, that certain applicable taxes have already been fixed by the relevant departments which are as follows:

Department Name	Punjab Social Security Institute (PESSI)	Employees 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.

4. 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
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PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 31st November, 2021

Section Officer (Tech),
HUD & PHE Department,
Lahore.

Subject: ADVICE / CLARIFICATION REGARDING APPLICABILITY OF RULE 38 (SINGLE STAGE TWO ENVELOPE PROCESS FOR PROCUREMENT OF CIVIL WORKS).

I am directed to refer to your letter No. SO(TECH)1/2021/(MISC) dated 14/10/2021 whereby an advice has been sought regarding adoption of bidding procedure in civil works.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that detailed bidding procedures of procurement have been provided under rule 38 of PPR-14 which also includes single stage two envelopes bidding procedure. Since there is no express bar on the adoption of any specific method for the procurement of works, therefore, the procuring agency has to decide at its own level to opt any of the suitable bidding procedure as per true requirements of any specific procurement. It is further added that procuring agency should not introduce any discriminatory or difficult condition in evaluation criteria as required under rule 34 of PPR-14 and procurement should be carried out keeping in view the principles of procurement as provided under Rule 4 of PPR-14 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.

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.

Abdul Salam
Senior Law Officer
PPRA S&GAD 3/11/21

Cc:

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



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

Dated Lahore, 03rd November, 2021

Administrator,
Tehsil Council Jahanian.

Subject:

ADVICE REGARDING AWARDED 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. 133/MD/SS/MC dated 24-09-2021, 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 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 steer 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.

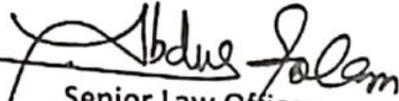
It is further added here that in case any bidder has committed any corrupt and fraudulent practice, the procuring agency may proceed against such bidder under the terms & conditions of the bidding documents read with relevant provisions of PPR-14. Moreover, PPR-14 do not bound any procuring agency to 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 would be more appropriate or moving towards 2nd lowest bidder shall more precisely and appropriately fulfill the requirements of Rule 4 of PPRA Rules 2014 as discussed above provided bid validity period has not been exhausted as per rule 28 of PPR-14.

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3. The procuring agency is advised to seek guidance from the above discussion and to proceed in accordance with the terms and conditions of the bidding document and decide the same keeping in view the "value for money" as enunciated under rule 2(ae) read with "principles of procurement" as defined 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
PPRA S&GAD 3/11/21

Cc:

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



Tel: 042-99204572
Ex: 042-36284774
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No. L&M(PPRA)1-18(W)(I)-AD/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 03rd November, 2021

The Additional Secretary (Welfare),
Service & General Administration Department,
Lahore.*

Subject: CLARIFICATION REGARDING PROCUREMENT OF MOVEABLE MACHINERY
AS PER RULE 59 (C)(VII) OF PUNJAB PROCUREMENT RULES, 2014.

I am directed to refer to WASA Faisalabad (The procuring agency) letter No. 151/DMD(WEST)/WASA/2021 dated 11-09-2019 (copy enclosed) on the subject. The procuring agency has sought an advice from Punjab Procurement Regulatory Authority regarding procurement of tractors through direct contract under rule 59(c)(VII) of PPR-14.

2. It is apprised 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 vehicle 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. Alternative methods of procurements.— A procuring agency may utilize the following alternative methods of procurement of goods, services and works:

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

3. PPRA is 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. -
- II. The motor vehicles should have been originally manufactured at local level.
- III. It should be purchased at manufactures price.

4. Since the definition of motor vehicle has not been provided under PPR-14. The matter was therefore referred to Law & Parliamentary Affairs Department to tender advice in this regard as to whether definition of motor vehicle should be considered under section 2(23) of motor vehicle ordinance 1965 or otherwise. The section ibid 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;

5. Law & Parliamentary Affairs Department advised to forward the subject case for guidance / advice through administrative department in compliance of rule 47(3) of the Punjab Government Rules of Business 2011. Service & General Administration Department (welfare wing) being administrative department is therefore, requested to please forward the letter to Law & Parliamentary Affairs Department for advice on the subject issue.

Abdul Salam
Senior Law Officer

PPRA S&GAD

3/11/21

CC:-

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

Senior Law Officer,
 Punjab Procurement Regulatory Authority
 Government of the Punjab, Lahore.

Subject: CLARIFICATION REGARDING PROCUREMENT OF MOVEABLE MACHINERY AS PER RULE 59(C)(VII) OF PUNJAB PROCUREMENT RULES, 2014.

It is stated that machinery has to be purchased for WASA Faisalabad under CM's Development Package for Water Supply and Sewerage Faisalabad in which truck mounted structures are to be procured. In this regard, detailed scrutiny of rates and following specifications of available truck chassis in the market has been carried out on following criteria:-

- 1 Engine Horse Power
- 2 Displacement
- 3 Emission Standard
- 4 PTO Compatibility
- 5 Chassis Length
- 6 Chassis Width
- 7 3S dealership in Pakistan
- 8 Origin

After careful analysis of technical terms and price, it was decided to purchase truck chassis through direct contracting as per PPRA Rules (2014) 59-C(7) from Mitsubishi, Pakistan considering following advantages over other manufacturers:

- Offering lowest rate in market against required specifications of WASA-FSD.
- WASA-F is already using Mitsubishi trucks (suction and jetting machines) since 2013 for their services in the city and their repair & maintenance and operational wellbeing is found reasonable as per O&M staff

In view of above, it may kindly be advised, in the light of PPRA Rules 2014 if procurement of Mitsubishi brand is allowed through direct contracting as per clause 59-C(vii) of the said rules.

CC to the
 1. Managing Director, WASA, Faisalabad.

(Signature)
 17/9/14

M. Ullah
 Deputy Managing Director (West)
 Water and Sanitation Agency
 Faisalabad



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

No. L&M(PPRA)1-18(W)(I)-AD/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 03rd November, 2021

The Additional Secretary (Welfare),
Service & General Administration Department,
Lahore.

Subject: CLARIFICATION REGARDING PROCUREMENT OF MOVEABLE MACHINERY
AS PER RULE 59 (C)(VII) OF PUNJAB PROCUREMENT RULES, 2014.

I am directed to refer to WASA Faisalabad (The procuring agency) letter No. 151/DMD(WEST)/WASA/2021 dated 11-09-2019 (copy enclosed) on the subject. The procuring agency has sought an advice from Punjab Procurement Regulatory Authority regarding procurement of tractors through direct contract under rule 59(c)(VII) of PPR-14.

2. It is apprised 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 vehicle 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. Alternative methods of procurements.— A procuring agency may utilize the following alternative methods of procurement of goods, services and works:

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

3. PPRA is 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.
- II. The motor vehicles should have been originally manufactured at local level.
- III. It should be purchased at manufactures price.

4. Since the definition of motor vehicle has not been provided under PPR-14. The matter was therefore referred to Law & Parliamentary Affairs Department to tender advice in this regard as to whether definition of motor vehicle should be considered under section 2(23) of motor vehicle ordinance 1965 or otherwise. The section ibid 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;

5. Law & Parliamentary Affairs Department advised to forward the subject case for guidance / advice through administrative department in compliance of rule 47(3) of the Punjab Government Rules of Business 2011. Service & General Administration Department (welfare wing) being administrative department is therefore, requested to please forward the letter to Law & Parliamentary Affairs Department for advice on the subject issue.

Abdus Salam
Senior Law Officer
PPRA S&GAD 3/11/21

CC:-

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



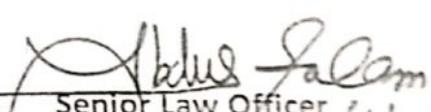
Dated Lahore, 04th November, 2021

Medical Superintendent,
Services Hospital,
Lahore.

Subject: REQUEST FOR THE PROVISION OF SIGNED PPRA RULES COPY.

I am directed to refer to your letter No. 33713/SH dated 28-10-2021, whereby a request has been made to provide signed copy of PPRA Rules 2014.

2. PPRA website provides a detailed / authentic information relating to public procurement and PPRA legal framework. Punjab Procurement Regulatory Authority Act 2009 & Rules 2014 (amended up to date) are uploaded on PPRA website. Hence it is advised to utilize the PPRA website as authentic source of information provided by PPRA. The website link of PPRA i.e. https://ppra.punjab.gov.pk/legal_framework is being provided whereby anyone can access, download and utilized the amended PPRA Act 2009 & Rules 2014.


Senior Law Officer
PPRA S&GAD 4/11/21

Cc:

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



NO. LXI/PPRA/1-20(0)/1/31/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 04th November, 2021

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

Principal,
Govt. Vocational Training Institute (w),
Khanewal.

Subject: REQUEST FOR GUIDANCE ON RULE 12 (I) & RULE 59 (B) OF PPRA.

I am directed to refer to your letter No. GVTIW/KWL/21/493 dated 01-09-2021 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). Rule 12 (1) of PPR-14 requires that a procuring agency shall advertise procurement of more than two hundred thousand rupees and upto the limit of three million rupees on the website of the authority. The rule 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.

Since, in the instant process, the procurement of two hundred thousand rupees is involved therefore, the procuring agency shall process the instant procurement by invoking rule 59 (b) of PPR-14. Rule ibid stipulates that:

59. (b) petty purchases through quotation: a procuring agency may provide for 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;

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

Abdul Salam
Senior Law Officer

PPRA S&GAD 4/11/21

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) 1-17(G)(I)-AD/2019
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 5th November, 2021

Superintendent of District Jail,
Faisalabad.

Subject: GUIDANCE / EXPERT OPINION / CLARIFICATION ABOUT PROCUREMENT UNDER PPRA RULES.

I am directed to refer to your letter No. 9374 dated 09-10-2021 on the subject cited above whereby an advice has been sought on the following points:

- I. Either bidding document is necessary for purchase upto 03 million or vendor can submit their quotations in sealed envelope?
- II. Is 02% or 05% bid security is mandatory or advertisement authority can exempt it?
As in rule 27 of PPRA the word may require has been used.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). AS to query I, PPRA is of the view that rule 25 (1) requires a procuring agency to formulate precise and unambiguous bidding documents which shall be made available to the bidders immediately after the publication of advertisement. The rule ibid stipulates that:

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

3. As to query II, Rule 27 of PPR-14 is very much clear in the instant proposition which requires that a procuring agency may require the bidders to furnish a bid security. The word "may" reflects that the condition to obtain bid security is optional, but to avoid participation of non-serious bidders the procuring agencies usually require bid security through inclusion a clause regarding the receipt of bid security in the bidding documents. 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.

4. The procuring agency is advised to seek guidance from the aforementioned rules and proceed after the fulfilment of all other legal / codal requirements

Abdul Salam
Senior Law Officer
PPRA S&GAD

5/11/21

Cc:

1. Inspector General of Prisons, 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) 1-53(G)2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 05th November, 2021

Aftab Ahmad,
Additional Director (Staff),
For Director General,
NAB, Lahore.

Subject: PROVISION OF ASSISTANCE / INFORMATION U/S 27 OF NATIONAL ACCOUNTABILITY ORDINANCE, 1999.

I am directed to refer to your letter bearing No. 1(9)HQ/CV/2443/21/NH-DD/NAB-L dated 28.09.2021 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 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.

4. It is further added here that administrative approval and technical sanctions of any development scheme from the concerned forum is not privy to PPRA and it is prerogative of the procuring agency to proceed as per relevant law / rule. Prima facie, the matter seems to be a procedural issue unless there is marked difference in rates to favour big contractors. The matter may be referred to administrative department concerned for necessary action if embezzlement or malafide is not proved, please.

5. NAB Lahore may seek guidance from the above discussion / ibid rules in order to proceed further.


Senior Law Officer
PPRA S&GAD 5/11/21

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) 1-11(SPL)(III)-SPI/2015
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 08th November, 2021

Muhammad Mansoor Khan,
Head Centralized Procurement,
Bank of Punjab,
Centralized Procurement Division, 1st Floor, BOP Tower,
Main Boulevard Gulberg, Lahore.

Subject: GUIDELINES FOR ADVERTISEMENT.

I am directed to refer to your letter bearing No. 1CPD/2021/933 dated 13.10.2021 whereby an advice has been sought regarding publication of tender advertisement.

2 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 regarding the instant proposition. The rule ibid stipulates that:

12. Method of advertisement.— (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.

The true connotation of the rule ibid is that the procuring agency shall advertised tender notice in at least two newspapers on in English and one in Urdu. PPRA is of the view that object and connotation of the rule requires that the transcript of the advertisement should also be similar to the language of newspaper either it is English or Urdu.

4. The procuring agency is advised to seek guidance from the aforementioned rules and proceed after the fulfilment of all other legal / codal requirements.

Abdul Faleem
Senior Law Officer
PPRA S&GAD 8/11/21

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)W.P. 67062/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 08th November, 2021

Director Purchase,
Hafiz Hayat University of Gujrat,
Gujrat.

Subject: PROVISION OF ANNOTATED REPLY IN WRIT PETITION NO. 67062/2021
TITLED AS PLANT TECHNOLOGIES VERSUS VICE CHANCELLOR ETC.

I am directed to refer the subject and to enclose herewith order dated 28-10-2021 passed by the Hon'ble High Court Lahore in writ petition No. 67062/2021 titled as "Plant Technologies Vs CHANCELLOR ETC". The Hon'ble Court has directed Punjab Procurement Regulatory Authority (Respondent No.3) 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, respondent No. 2 (Director Purchase, Hafiz Hayat University of Gujrat) is requested to provide annotated reply / parawise comments on the subject petition; within three (03) days from the receipt of this letter.

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&GAD 9/11/21

- Cc:
1. Secretary to the Govt. of Punjab, Higher Education Department, Lahore.
 2. Vice Chancellor Hafiz Hayat University of Gujrat.
 3. Registrar Lahore High court, Lahore.
 4. PSO to Chairman PPRA / Chief Secretary Punjab
 5. Planet Technologies private limited, 211 Ahmed Garden, New Garden Town, Lahore.
 6. PS to MD PPRA



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

No. L&M(PPRA) 1-36(G)/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 09th November, 2021

Section Officer (Accounts-I),
Service & General Administration Department,
Lahore.

Subject: ADVICE REGARDING RE-TENDERING.

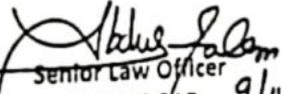
I am directed to refer to your letter No. SO(ACCOUNTS-1)S&GAD/TENDER2021, dated 04/11/2020 on the subject whereby an advice has been sought regarding retendering.

2. 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 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
PPRA S&GAD 9/11/21

Cc:

1. Additional Secretary (Accounts) to the Govt. of Punjab, S&GAD 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)1-39(G)(II)-AB/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 09th November, 2021

Manager Operations (Technical),
Pakistan Metrobus System,
Punjab Mass Transit Authority.

Subject: SEEKING CLARIFICATION ON PPRA RULE 38(B) I.E. TWO STAGE
PROCUREMENT PROCESS.

I am directed to refer to your letter No. PMA-PMBS-OPS/186 dated 01/11/2021 whereby an advice has been sought on the subject issue.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that detailed bidding procedures of procurement have been provided under rule 38 of PPR-14 which also includes two stage bidding procedure. The procuring agency has to decide at its own level to opt any of the suitable bidding procedure as per true requirements of any specific procurement.

3. Furthermore, rule 55A of PPR-14 provides that a procuring agency may award the contract to single complying proposal. However, it must also consider its budgetary constraints, price reasonability as compared to the market rates along with capacity of bidder to deliver optimally keeping in view the principle 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 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.

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 9/11/21

Cc:

1. Secretary to the Govt. of Punjab, Transport 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)(AB)(LHR)(7)/2014
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

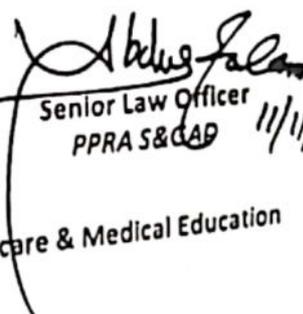
Dated Lahore, 11th November, 2021

Administrator,
Shaikh Zayed Hospital,
Lahore.
Subject: REQUEST FOR ADVICE ON SINGLE TENDER.

I am directed to refer to your letter No. SZH/FIN21/406 dated 30-06-2021, 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). Following queries may be responded before proceeding further:

- I. What was the procurement procedure adopted by the procuring agency either it was prequalification mode or open competitive bidding process?
- II. Whether the procuring agency obtained the comparison of prevailing market rates or otherwise?


Senior Law Officer
PPRA S&GAD 11/11/21

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.

Scanned with CamScanner



Dated Lahore, 11th November, 2021

Dr. Kashif Bashir,
Section Officer (Planning),
Agriculture Department
Lahore.

Subject: EXTENSION WITH 15% COST ESCALATION IN TIME-BASED CONTRACT FOR CONSULTANCY SERVICES ON LUMP-SUM COST BASIS "CONDUCTING OF BASELINE SURVEY, MONITORING & EVALUATION OF VCTAT AND IMPACT ASSESSMENT FOR PROJECT OF ESTABLISHMENT OF MODEL FARMS LINKED WITH IMPROVED SUPPLY CHAIN AND VALUE ADDITION"

I am directed to refer to your letter No. SOA(P)3-20/2016 dated 26.10.2021

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

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

Abbas Salam
Senior CSW Officer
PPRA S&GAD 11/11/21

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) 1-15(SOC)(AB)(LHR)(14)/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 11th November, 2021

Medical Superintendent,
Punjab Institute of Neurosciences,
Lahore.

Subject: CLARIFICATION.

I am directed to refer to your letter No. 20437/PINS dated 26-10-2021, whereby an advice has been sought regarding submission of bid.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It has been observed that contents of the subject letter are very vague and sketchy as they do not adumbrate any proposition / question on which advice of PPRA is being sought. Since, the proposition/s referred for advice should be very explicitly formulated, therefore, procuring agency is advised 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).


Senior Law Officer
PPRA S&GAD 11/11/21

Cc:

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



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

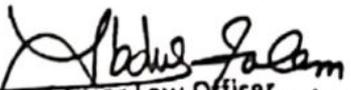
Dated Lahore, 11th November, 2021

The Secretary,
Housing Urban Development, Public Health Engineering (HUD&PHE),
Lahore.

Subject: APPLICATION FOR CANCELLATION OF TENDER.

I am directed to refer the subject and to append herewith the letter dated 29.09.2021 received from Mr. Din Muhammad Rehmani, Bahawalpur (The complainant) regarding tender process and enlistment of contractors at different PHE divisions.

2. I am further directed to request that the procuring agency has to decide under the overall supervision of the head of department (Principal Accounting Officer) regarding the methods of procurement and other issues; as per rules. Therefore, further necessary action may be taken as per law / rules and matter may be decided within ten (10) days of receipt of this letter, under intimation to this office.


Senior Law Officer
PPRA S&GAD 11/11/21

CC:-

1. PSO to Chief Secretary Punjab/Chairman PPRA.
2. PS to MD, PPRA.
3. Mr. Din Muhammad Rehmani, 1988/1, Peoples Colony, Model Town, B-Block-II, Near Madina Masjid Bahawalpur.



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

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, 12th November, 2021

To,

1. The Managing Director,
Public Procurement Regulatory Authority,
Federal Bank for Cooperatives Building,
1st Floor, Ataturk Ave,
Islamabad.
2. The Secretary,
Govt. of the Punjab,
Higher Education Department,
Lahore.
3. The Director General,
National History and Literary Division,
Sharah-e-Jamhoriyat,
G-5 Islamabad.

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 the meeting of the Special Committee No. 9 held on 05-11-2021 at 02:00pm in the Committee room "A" at Punjab Assembly on the captioned subject. During the meeting it was observed by the Chair that expert opinion of relevant departments may be sought on the subject issue raised through subject adjournment motion.

2. Brief Facts of the case are that Mr. Nazir Ahmad (the complainant) lodged a complaint against University of the Punjab (procuring agency) regarding procurement of books without invoking the open competitive bidding process (Annex-A). He pointed out that certain other libraries are following open competitive bidding process for the procurement of books; whereas, University of Punjab was resorting to Direct Contracting utterly violating procurement Rules. PPRA sought report from the procuring agency vide letter dated 03-11-2020 (Annex-B). The procuring agency submitted its stance vide letter dated 23-11-2020 (Annex-C) whereby it was submitted that library material is purchased through direct contracting as per letter issued by Govt. of Pakistan, National History and Literary Division, Islamabad vide No. F.. 5-3/2020-P&R dated 13-10-2020. In response to the

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reply of the procuring agency PPRA, vide letter No. L&M(PPRA)1-16(SOC)(7)AB/2017/Com/P1 dated 23-12-2020 (Annex-D), issued certain instructions to the procuring agency for the effective implementation of Punjab Procurement Rules 2014 (PPR-14) viz a viz procurement of books.

3. The moot point of the proposition laid down before PPRA was "whether the library books may be procured directly from the publisher on fixed rate as per instruction of aforementioned letter or otherwise". PPRA has clearly advised 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 provided alternative method of procurement including rule 59 (d)(ii) (similar to rule 42(d)(ii) of Public Procurement Regulatory Authority (Federal) 2004 as mentioned in subject adjournment motion) which stipulates that:

59(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"

PPRA is of the opinion that if there is a sole dealership / sole distributor / sole supplier available in the market for the specific books then provisions of above ibid rule may be used and in all other cases where alternative suppliers / bookshops are available, the procuring agency under rule 4, 22 & 23 of PPR-14 read with Article 18 & 25 of the CIRP 1973 should go for open competitive bidding process for the procurement of subject books.

4. PPRA is of the concerted opinion that after the promulgation of 18th amendment in the CIRP 1973, subject of the procurement has been devolved by becoming the prerogative of the Provincial Govt. To adopt or proceed as per procurement laws formulated by the Provinces, therefore, said Federal notification or any rule of Federal. It is apprised that Article-142 & 143 of Constitution of Islamic Republic of Pakistan (CIRP) 1973 clearly authorizes the provincial assembly and restricts Majlis-e-Shoora (Parliament) to make laws with respect to any matter not included in the Federal Legislative list provided by Fourth Schedule of CIRP 1973 where subject of "Procurement" has not been included and therefore same being devolved subject has to be dealt in accordance with the legal framework formulated by the respective provincial legislatures. Text of Article 142 (c) is being reproduced for ready reference;

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Article-142(c) of CIRP 1973:

"Subject to paragraph (b), a Provincial Assembly shall and Majlis-e-Shoora (Parliament) shall not, have power to make laws with respect to any matter not enumerated in the Federal Legislative List."

Article-143 of CIRP 1973 provides precedence to the Act of Majlis-e-Shoora (Parliament) over the Act of Provincial Assembly on the same subject only if Majlis-e-Shoora (Parliament) has competence to enact the same, while as per fourth schedule of CIRP 1973 the subject of "Procurement" does not fall under the competence of Majlis-e-Shoora (Parliament) to legislate. This argument is fully established when Article 142 (b) & (c) and 143 are read with Fourth Schedule of CIRP 1973.

5. Furthermore, under Article 18 of CIRP 1973 i.e. Freedom to carry out a lawful trade or business read with Article 4 & 25 of CIRP 1973 i.e. equality before law and equal protection of law require fair competition and elimination of discrimination. The said provisions of CIRP 1973 collectively provide the requisite constitutional underpinning to maintain level playing field, in all public sectors at all times. It is settled principle of law that provision of any Act / Legislation takes precedence over Rules, Regulation etc. and Rules / Regulations (formulated under any Act) take precedence over. Instructions / Notification and Orders issued by any executive authority.

6. PPRA is, therefore, of the conclusive view that the Notifications mentioned in subject adjournment motion cannot take precedence over PPRA Act 2009 and PPRA Rules 2014 as far as procurement of books in the Province of Punjab is concerned. However, during the meeting of the Special Committee No. 9 dated 05-11-2021 held at Provincial Punjab Assembly, it was observed by the Chair that the expert opinion of relevant departments may be sought on the following points:

- I. Whether Notification No. 4.5-5/2019-Org-III dated 09-10-2019 for the constitution of Library Rates Committees & Notification no. F.5-3/2021-P&R dated 04-05-2021 (Annex-E & E1) is backed by any Law / Rules or otherwise? This will help ascertain legal position of the applicability of rule 59 (c)(vi) of PPR-14 (analogous to rule 42 (c)(vi) of Federal Public Procurement Rules 2004) in this regard.
- II. If both the Notifications have been issued under any Law / Rules then, whether in the light of 18th amendment these are applicable on the procurement of books for the province of Punjab or otherwise.

7. In view of forgoing facts, It is requested to tender your valuable advice on the aforementioned legal points raised in para 6 above, so that members of Hon'ble Committee may be apprised in order to reach a definite legal conclusion.


Senior Law Officer
PPRA S&GAD 12/11/21

Cc:

1. Director General, Provincial Assembly of the Punjab, Lahore.
2. Director General, Libraries, Library Road, The Mall Road Lahore.
3. Additional Secretary (Welfare) S&GAD, with the request to forward the matter to Law & Parliamentary Affairs Department for advice in terms of rule 47(3) of the Punjab Government Rules Business 2011.
4. PSO to Chief Secretary Punjab/Chairman PPRA.
5. Director (DPIC) University of Agriculture Faisalabad with reference to letter No./DPIC4359 dated 04-10-2021.
6. Dr. Khalid Mushtaq, Principal Officer (Library), University of Agriculture, Department of Library, Faisalabad with respect to letter No. UAF/LIB/2021/631/303 dated 30-08-2021.
7. Assistant Secretary Committees, Provincial Assembly of the Punjab.
8. PS to MD, PPRA.



Tel. 042-99205593

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

Dated Lahore, the 12th November, 2021

To,

The Deputy Project Director,
Project Management Unit,
Primary & Secondary Healthcare Department,
Govt. of the Punjab,
Lahore.

Subject: NOMINATION OF DEPARTMENT / OFFICE'S REPRESENTATIVE TO INVESTIGATE THE INVOLVEMENT OF FIRMS WITH RESPECT TO THE CONTACTS FOR "PROVISION OF OPERATION & MAINTENANCE OF LAUNDRY SERVICES IN DHQ/THQ HOSPITALS OF PUNJAB".

I am directed to refer to your letter number P&SHD/PMU/OS/LAUNDRY/2020-21/1446 dated 04.11.2021 on the subject whereby a request for the nomination of a suitable officer, keeping in view the Terms Of References (TORs) as notified vide notification No.SO(G)/PSHD/1-22/2016 dated 22.10.2021, approved by Secretary Primary & Secondary Healthcare Department (P&SHD), has been made.

2. Matter has been examined and observations of Punjab Procurement Regulatory Authority (PPRA) are as follows:

- i) Since PPRA is a regulatory and appellate body, therefore, any officer from PPRA should not be the part of any investigating committee / body tasked to prepare grounds for blacklisting of the firm. Because, as a result of findings of the committee, if any action (which may include blacklisting) is proposed/taken, then representation against such action lies before PPRA. In such a scenario, it would be a clear cut case of conflict of interest.
- ii) As observed by competent authority, a Fact Finding Committee has already probed the matter in detail and has presented clear cut findings/recommendations in this regard. In the light of said findings a regular inquiry (with specific charges) against the accused officers is already being conducted by a very senior officer. Therefore, any action against the firms may also be taken in the light of above said findings/recommendations.

- iii) It is further observed here that if the subject Committee re-investigates the issue and there is a difference of opinion between the findings of the committee and the Enquiry Officer, the accused officer/firm may try to exploit that difference in his/its favour.
- iv) The method and mechanism for taking action against the firms has been clearly provided under section-17A of PPRA Act-2009, Rule-21 of PPR-14 read with Schedule providing blacklisting mechanism or process appended to PPR-14. As per Rules ibid, the procuring agency (PMU P&SHD) is responsible for taking action regarding blacklisting process. The procuring agency (PMU) may take action in the light of findings of the Fact Finding Committee, coupled with factual position as per available documents, without any further delay.
- v) If any legal assistance regarding observance/implementation of Punjab Procurement Rules-2014 (PPR-14) is required, PPRA will provide the same as and when required by P&SHD or the procuring agency provided the relevant certified record is provided alongwith specific queries.

3. In view of the foregoing, it is suggested that the procuring agency (PMU, P&SHD) may proceed further in the light of above observations. Moreover, the blacklisting process may be initiated as per Rules; and the matter may be referred to Investigating agencies in the light of findings/recommendations already made by the Fact Finding Committee, to initiate criminal proceedings as per Law/Rules/Facts. As per Financial Rules, the Principal Accounting Officer (PAO) needs to ensure due diligence and supervise the proceedings as matter relates to alleged loss to the exchequer.


SENIOR LAW OFFICER,
PPRA S&GAD

Cc:

1. Secretary to Chief Minister (Coordination), Punjab.
2. Secretary (Services) S&GAD, Punjab.
3. PSO to Chief Secretary Punjab /Chairman PPRA.
4. PSO to Secretary, P&SH department.
5. PA to Special Secretary, P&SH department.
6. PS to MD, PPRA

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

No. L&M(PPRA) 1-11(SPL)(III)-SPI/2015
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 15th November, 2021

Muhammad Mansoor Khan,
Head Centralized Procurement,
Bank of Punjab,
Centralized Procurement Division, 1st Floor, BOP Tower,
Main Boulevard Gulberg, Lahore.

Subject: **CLARIFICATION ON PPRA RULES.**

I am directed to refer to your letter bearing No. CPD/2021/1013 dated 21.10.2021 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 Rule 33 of PPR-14 is very much clear in the instant proposition 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.– (1) No bidder shall be allowed to alter or modify his bid after the closing time for the submission of the bid.

(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. The procuring agency is advised to seek guidance from the aforementioned rule and proceed after the fulfilment of all other legal / codal requirements.


Senior Law Officer
PPRA S&GAD 16/11/21

Cc:

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



Dated Lahore, 16th November, 2021

Director,
Directorate of Livestock,
Production Research Institute,
Bahadurnagar, Okara.

Subject: CLARIFICATION ABOUT PROCUREMENT.

I am directed to refer to your letter No. 591/AGRI dated 01.11.2020 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.

In the instant case M/s. Mater Asia Pvt. Ltd. has participated through two different principals i.e. M/s Horizon Traders & M/s Al-Noor Traders, in the same procurement process, therefore, PPRA is of the concerted opinion that provisions of Rule-36A of PPR-14 are very much attracted in referred scenario.

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

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.

Abdul Salam
Senior Law Officer
PPRA S&GAD, 16/11/21



Dated Lahore, 16th November, 2021

Zubair Azhar,
DGM Admin,
Faisalabad Industrial Estate Development & Management Company,
1st Floor, FCCI Complex, East Canal Road, Canal Park,
Faisalabad.

Subject: OPINION ON AWARD OF SECURITY AT HIGHER RATES.

I am directed to refer to your letter No. ADMIN/PPRA/GUIDANCE/01 dated 03/11/2021 on the subject whereby an advice has been sought regarding settlement of audit paras.

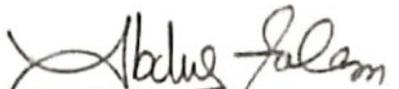
2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). There is no express provision available in PPR-14 regarding settlement of audit paras. Moreover, PPR-14 also does not have any mandate for the condonation of irregularities / regularization of a process once carried 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 clarified that to 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. Hence, PPRA intervention in this matter is uncalled for. Furthermore, under rule 57 of PPR-14 procuring agency cannot negotiate with any of the bidder. Rules ibid stipulate 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.

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

4. 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 16/11/21

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.



Dated Lahore, 16th November, 2021

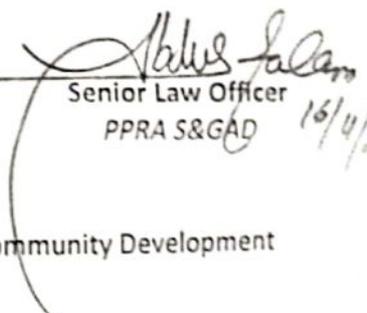
Chief Executive Officer,
Gujranwala Waste Management Company (GWMC),
2nd Floor, Gujranwala Chamber of Commerce & Industry,
Chamber Plaza, Aiwan-e-Tijarat Road, Gujranwala.

Subject: PROVISION OF ANNOTATED REPLY IN WRIT PETITION NO. 67739/2021
TITLED AS ANSAR ALI VERSUS GUJRWALA WASTE MANAGEMENT
COMAPANY ETC.

I am directed to refer the subject and to enclose herewith order dated 01-11-2021 passed by the Hon'ble High Court Lahore in writ petition No. 67739/2021 titled as "Ansar Ali Vs Gujranwala Waste Management Company 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, respondent No. 3 (Chief Executive Officer, GWMC) is requested to provide annotated reply / parawise comments (through a special messenger not below the rank of BS-17) on the subject petition; within three (03) days from the receipt of this letter.

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&GAD 16/11/21

Cc:

1. Secretary to the Govt. of Punjab, Local Government & Community Development (LG&CD), Lahore.
2. Registrar Lahore High court, Lahore.
3. PSO to Chairman PPRA / Chief Secretary Punjab
4. PS to MD PPRA.
5. Ansar Ali son of Arshad Ali, resident of Baghdadi House, Kot Hayat, Chung Post Office Khas, Tehsil and District Lahore Sole proprietor of Ansar Brothers Kot Hayat Manowal Multan Road, Lahore.
6. Hafiz M. Irfan Razzaq Sulehri, (Advocate of the petition), Chamber No. 110, New Judicial Complex, Lahore. 0303-0646400.



Gujranwala waste Management Company
Company Established under Section 42 of companies Act 2017



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Dated: 27th July, 2020

Ref # GWMC/2020/164

M/s Ansar Brothers
Kot Hayat, Manowal,
Multan Road, Lahore
Tel: 0301-4492719

Subject: FINANCIAL BID OPENING FOR TENDER "PROCUREMENT OF SANDY SOIL (CLAY) FOR GWMC DUMPING SITE (2020-21)"

With reference to subject cited above;

Gujranwala Waste Management Company (GWMC), is pleased to inform you that the technical evaluation for the subjected tender has been completed as per Technical Evaluation Criteria laid down in the bidding documents in line with PPRA Rules 2014. Your firm has been **Technically Qualified** for the tender "PROCUREMENT OF SANDY SOIL (CLAY) FOR GWMC DUMPING SITE (2020-21)" and invited for Financial Bid Opening on Wednesday, July 29, 2020 at 03:30 PM in the committee Room of GWMC.

You may send your representative with Authority Letter and original CNIC for the Financial Bid Opening.

Regards,

Manager Procurement & Contracts
Gujranwala Waste Management Company

A copy for information to;

1. Chief Executive Officer, GWMC
2. Sr. Manager Operations/Sr. Manager Procurement & Contracts
3. Office Copy

2nd Floor, Gujranwala Chamber of Commerce & Industry, Chamber Plaza, Aitwan-e-Tijarat Road Gujranwala, Tel 055-9200890-92.
Email: info@gwmc.com.pk, Website: www.gwmc.com.pk



Gujranwala waste Management Company

Company Established under Section 42 of companies Ordinance 1984

Dated: 10 Aug, 2020.

Ref # GWMC/2020/325

M/s Ansar Brothers
Kot Hayat, Manowal,
Multan Road, Lahore
Tel: 0301-4492719

Subject: LETTER OF ACCEPTANCE FOR "PROCUREMENT OF CONSTRUCTION AND DEMOLITION (C&D) WASTE (MALBAA)-BRICK BATS FOR GWMC DUMPSITE 2020-2021"

In response to your bid for "Procurement Of Construction And Demolition (C&D) Waste (Malbaa)-Brick Bats For Gwmc Dumpsite 2020-2021" Gujranwala Waste Management Company is pleased to inform you that your firm is found technically qualified and lowest evaluated for the supply of C&D Waste, at the total price of Rs. 2,682,000/- (Inclusive of all applicable taxes) as per following details:

Sr.	Item Name	Qty	In PKR inclusive of all applicable taxes	
			Unit Rate	Total value
1	Construction and Demolition Waste (Malbaa) Brick Bats for GWMC Dumpsite	180,000 CFT	14.90 CFT	2,682,000/-
Total Amount in PKR (Inclusive of all applicable taxes).				2,682,000/-

You are therefore required to arrange Performance Security equivalent to 05% of the above-mentioned tender value (which is Rs. 134,100/-), in the form of CDR within Seven (07) days of the receipt of LOA.

Manager (Procurement & Contracts)
Gujranwala Waste Management Company

CC:

1. Chief Executive Officer, GWMC.
2. Sr. Manager Operations/Sr. Manager Procurement & Contracts
3. Manager Landfill, GWMC
4. Manager Business Development, GWMC
5. Office Copy.

2nd Floor, Gujranwala Chamber of Commerce & Industry, Chamber Plaza, Awan-e-Tijarat Road Gujranwala; Tel 055-9200890-92.

Email: info@gwmc.com.pk; Website: www.gwmc.com.pk



Gujranwala Waste Management Company

Company Established under Section 42 of Companies Ordinance 1984

Ref # GWMC/2021/1305

Dated: 20th January, 2021.

M/s Ansar Brothers
Kot Hayat, Manowal,
Multan Road, Lahore
Tel: 0301-4492719

SUBJECT: REVALIDATION/RENEWAL OF PERFORMANCE SECURITY ISSUED IN FAVOR OF M/S GUJRANWALA WASTE MANAGEMENT COMPANY ON BEHALF OF M/S ANSAR BROTHERS

This is with reference to subject cited above;

Gujranwala Waste Management Company (GWMC) awarded contract for "Procurement of Sandy Soil (Clay) For GWMC Dumping Site (2020-21). M/s Ansar Brothers submitted a performance security of Rs. 101,000 in the shape of CDR/Demand Draft/Pay Order #06383522 dated: 12-08-2020 issued from The Bank of Punjab.

The validity period of CDR/Demand Draft/Pay Order is six months from the date of issuance. The above mentioned CDR/Demand Draft/ Pay Order is going to expire soon.

You are therefore required to either get it revalidated from the concerned bank till the expiry date of the contract or provide a new CDR/Demand Draft/ Pay Order of same amount before the date of expiry. The copy of the same is enclosed for reference.


Sr. Manager Procurement & Contracts
Gujranwala Waste Management Company

A copy for information to:

1. Chief Executive Officer, GWMC
2. Chief Financial Officer, GWMC
3. Office Copy



Gujranwala Waste Management Co

Company established under Section 42 of Companies Ord.

Ref# GWMC/2021/1676

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Dated: March 12, 2021

The Managing Director,
Punjab Procurement Regulatory Authority,
3rd Floor, Al-Falah Building, The Mall Road, Lahore,
Govt. of the Punjab,
Lahore.

12/11
15-2-21
Handwritten notes and stamps on the right side of the page.

**SUBJECT: BLACKLISTING/DEBARRING ORDER M/S ANSAR BROTHERS
KOT HAYAT, MANOWAL, MULTAN ROAD, LAHORE NTN#
7260307-7**

This is with reference to the framework contract signed between M/s GWMC & M/s Ansar Brothers for "Procurement of Construction & Demolition (C&D) Waste (MALBAA) Brick Bats For GWMC Dumpsite 2020-21(Proc# 382) & Procurement of sandy soil (Proc# 379) dated: 12th Aug, 2020

2 (a) The first Purchase Order for Proc# 382 bearing Ref# GWMC/2020/913 amounting to Rs. 223,500/- dated: 21st Aug, 2020 having quantity of 15,000 CFT was issued to M/s Ansar Brothers which was received by them dated: 23rd Aug, 2020. The delivery time was 10 days after receipt of Purchase Order. The delivery was done 31 days late as per time frame of the Purchase Order and an amount of Rs.80,460/- was charged as liquidity damages.

(b) The first Purchase Order Proc# 379 bearing Ref# GWMC/2020/928 amounting to Rs. 149,200/- dated: 4th Sep, 2020 having quantity of 10,000 CFT was issued to M/s Ansar Brothers which was received by them dated: 5th Sep, 2020. The delivery time was 10 days after receipt of Purchase Order. The delivery was done 9 days late as per time frame of the Purchase Order and an amount of Rs.18,173/- was charged as liquidity damages.

3 (a) The second Purchase Order Proc# 382 bearing Ref# GWMC/2020/934 amounting to Rs. 298,000/- dated: 25th Sep, 2020 having quantity of 15,000 CFT was issued to the contractor which was received by them dated: 27th Sep, 2020. The delivery time was within 10 days after receipt of Purchase Order. The Delivery was done 15 days late as per time frame of the Purchase Order and an amount of Rs.43, 448/- was charged as liquidity damages.

(b) The second Purchase Order Proc# 379 bearing Ref# GWMC/2020/952 amounting to Rs. 149,200/- dated: 2nd Nov, 2020 having quantity of 10,000 CFT was issued to the contractor which was received by them dated: 27th Sep, 2020. The delivery time was within 10 days after receipt of Purchase Order but the delivery not made till date.

4 The third Purchase Order Proc# 382 bearing Ref # GWMC/2021/981 dated: 12th Jan, 2021 having quantity of 20,000 CFT for the Procurement of C&D waste was received on dated: 16th Jan, 2020 through TCS Ref# 1260529558. The delivery time was 15 days after receipt of Purchase Order but delivery was not made and the last date of delivery completion was 30th Jan, 2021 and many telephonic reminder were given to contractor during the time but we didn't get any response.

2nd Floor, Gujranwala Chamber of Commerce & Industry, Chamber Plaza, Alwan-e-Tijarat Road Gujranwala; Tel 055-9200890-92.

Email: info@gwmc.com.pk; Website: www.gwmc.com.pk

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Gujranwala waste Management Company

Company Established under Section 42 of companies Ordinance 1984



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26

5 (a) The GWMC wrote a letter against Proc# 382 bearing Ref# GWMC/2020/702 dated 29th Sep, 2020 against contract and they were required to make compliance of terms and conditions of the contract Purchase order but no response was received from their side. Despite of many telephonic calls no positive response was received from their side and it was observed that they ignored the importance of the calls and letters and GWMC suffered a lot in the Landfill site operations.

(b) The GWMC wrote a letter against Proc# 379 bearing Ref# GWMC/2020/1076 dated 20th Nov, 2020 against contract and they were required to make compliance of terms and conditions of the contract Purchase order but no response was received from their side. Despite of many telephonic calls no positive response was received from their side and it was observed that they ignored the importance of the calls and letters and GWMC suffered a lot in the Landfill site operations.

6 (a) The contractor was issued a show notice against Proc# 382 for termination of contract, forfeiture of performance security with a warning to blacklist/debar the bidder from participating in the bid through GWMC Ref# GWMC/2021/1344 dated: 28th Jan, 2021 which was delivered to their firm through TCS#1260551071 dated: 29th Jan, 2021 and they were asked to submit a written reply of the letter within three days.

(b) The contractor was issued a show notice against Proc# 379 for termination of contract, forfeiture of performance security with a warning to blacklist/debar the bidder from participating in the bid through GWMC Ref# GWMC/2021/1343 dated: 28th Jan, 2021 which was delivered to their firm through TCS#1260551071 dated: 29th Jan, 2021 and they were asked to submit a written reply of the letter within three days.

7 (a) A reminder for Proc # 382 through GWMC Ref# GWMC/2021/1396 dated: 2nd Feb, 2021 through TCS # 1260562555 was also sent to their firm and they were required to submit reply of the show notice within 4 days and they were failed to do so.

(b) A reminder for Proc # 379 through GWMC Ref# GWMC/2021/1395 dated: 2nd Feb, 2021 through TCS # 1260562555 was also sent to their firm and they were required to submit reply of the show notice within 4 days and they were failed to do so.

8 (a) The contract for Proc#382 was terminated through letter # GWMC/2021/1450 dated: 15 Feb, 2021 and the performance security submitted against the contract was forfeited. Moreover the contractor was show caused to reply the same letter in writing within 07 days of the receipt of letter but the contractor failed to do so.

(b) The contract for Proc#379 was terminated through letter # GWMC/2021/1451 dated: 15 Feb, 2021 and the performance security submitted against the contract was forfeited. Moreover, the contractor was show caused to reply the same letter in writing within 07 days of the receipt of letter but the contractor failed to do so.

9 (a) A notice for personal hearing against Proc# 382 letter# GWMC/2021/1538 dated: 24 Feb, 2021 was delivered to the said contractor through TCS# 1260706970 dated: 25th Feb, 2021 and the

2nd Floor, Gujranwala Chamber of Commerce & Industry, Chamber Plaza, Aiwana-e-Tijarat Road Gujranwala; Tel 055-9200890-92.

Email: info@pwmc.com.pk; Website: www.gwmc.com.pk

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Gujranwala waste Management Company

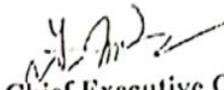
Company Established under Section 42 of companies Ordinance 1984

27
270

contractor was asked to appear before competent authority on 3rd March, 2021 but nobody attended the personal hearing meeting.

(b) A notice for personal hearing against Proc # 379 letter# GWMC/2021/1539 dated: 24 Feb, 2021 was delivered to the said contractor through TCS# 1260706970 dated: 25th Feb, 2021 and the contractor was asked to appear before competent authority on 3rd March, 2021 but nobody attended the personal hearing meeting.

10 In the view of above, the said contractor M/S Ansar Brothers Kot Hayat, Manowal, Multan Road, Lahore NTN # 7260307-7, has been blacklisted/debarred form participating in the procurement of GWMC for three years i.e. 12.3.2021 to 11.03.2024. The blacklisting order may be uploaded on PPRA website.


Chief Executive Officer

Gujranwala Waste Management Company

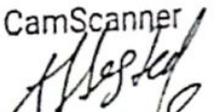
A copy for information to:

1. M/s Ansar Brothers Lahore.
2. Office Copy

2nd Floor, Gujranwala Chamber of Commerce & Industry, Chamber Plaza, Alwan-e-Tijarat Road Gujranwala; Tel 055-9200890-92,

Email: info@jwmc.com.pk; Website: www.jwmc.com.pk

Scanned with CamScanner





Tel: 042-99204572
Fax: 042-36284776

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

Dated Lahore, 19th November, 2021

Medical Superintendent,
Lahore General Hospital,
Lahore.

Subject: CLARIFICATION ON CLAUSE 36(A) OF PPRA RULES.
I am directed to refer to your letter No. 49283/LGH dated 07.08.2021 on the subject whereby an advice has been sought regarding one person one bid.

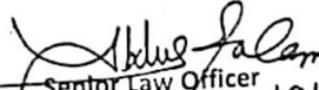
2. The case has been examined in light of Punjab Procurement Rules 2014 (PPR-14) PPRA is of the view that Rule 36A of PPR-14 limits the bidders by restricting them to the scenario of one person one bid and the ibid rule clearly provides that if a person submits more than one bid the procuring agency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

In the instant case, two bidders having completely distinct and different particulars i.e. Address, Proprietor, CNIC, Representative and License Numbers but with the same name i.e. M/s. Waqar Medics, have participated in the same procurement process. Apparently, on the basis of mere similarity of names, provisions of Rule-36A of PPR-14 may not be attracted in the referred scenario. The procuring agency should however, also seek guidance from the quarters concerned i.e. FBR etc. for the verification of the particulars of the firms.

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.


Senior Law Officer
PPRA S&GAD 19/11/21

CC:-

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



Tel: 342-8029612
Ex: 342-8029614
Fax: 342-8029676

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

Dated Lahore, 19th November, 2021

Deputy Director,
Special Education Centre for MCC,
B-C Rashid minhas Road Model Town-A-Bahawalpur.

Subject: REQUEST FOR GRANT OF PERMISSION REGARDING PURCHASE OF UNIFORM ITEMS THROUGH QUOTATIONS AND UPLOADING OF ANNUAL PROCUREMENT PLAN 2020-2022 ON PPRA.

I am directed to refer to your letter No. NO.SEC/BWP.7(6)/2021-22/2720 dated 03-11-2021 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). Since in the instant procurement, as reported, the expenditure involved is below two hundred thousand rupees, therefore, the procuring agency shall process the instant procurement by invoking Rule 59 (b) of PPR-14. Rule ibid stipulates that:

59. (b) petty purchases through quotation: a procuring agency may provide for 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;

Since PPRA has already issued login & password to the procuring agency, therefore, it is the procuring agency which has to upload its annual procurement plan on the PPRA website.

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

Abdul Jalal
Senior Law Officer
PPRA S&GAD

19/11/21

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.



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

No. L&M(PPRA) 1-27(w)(i)-Co/2015
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 22nd November, 2021

General Manager (P&C),
Lahore Waste Management Company,
4th & 7th Floor, Shaheen Complex, Egerton Road, Lahore.

Subject: REQUEST FOR GUIDANCE / OPINION ON EVALUATION CLAUSE OF BIDDING DOCUMENT.

I am directed to refer to your letter No. LWMC/P&C/2356 dated 27-11-2021, whereby an advice has been sought on the subject cited above.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It has been observed that contents of subject letter are very vague and sketchy as they do not adumbrate any proposition / question on which advice of PPRA is being sought. 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).


Senior Law Officer
PPRA S&GAD 22/11/21

Cc:

1. Secretary to the Govt. of the Punjab, Local Government & Community Development (LG&CD), 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) 1-27(w)(i)-Co/2015
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 22nd November, 2021

General Manager (P&C),
Lahore Waste Management Company,
4th & 7th Floor, Shaheen Complex, Egerton Road, Lahore.

Subject: REQUEST FOR GUIDANCE / OPINION ON EVALUATION CLAUSE OF BIDDING DOCUMENT.

I am directed to refer to your letter No. LWMC/P&C/2355 dated 27-11-2021, 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.

Abdul Salam
Senior Law Officer
PPRA S&GAD 22/11/21

Cc:

1. Secretary to the Govt. of the Punjab, Local Government & Community Development (LG&CD), 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)-AD/2020
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 22nd November, 2021

Superintendent,
District Jail,
Faisalabad.

Subject: REQUEST FOR EXEMPTION OF LIMIT 03 MILLION AS A SPECIAL CASE.

I am directed to refer to your letter No. 9369 dated 09.10.2021 in response to this office letter of even no. 24-06-20214 whereby certain queries raised by this office has been responded and 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 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. The procuring agency is advised to seek guidance from the aforementioned provision of PPR-14 / discussion to decide the issue strictly in accordance with PPR-14 after the fulfillment of all other legal/codal requirements.)

Cc:

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


Senior Law Officer
PPRA S&GAD 22/11/21



Tel: 042-99204572
Ex: 042-36284774
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, 22nd November, 2021

Superintendent,
District Jail,
Kasur.

Subject: REQUEST FOR EXEMPTION TO UPLOAD THE TENDER ON PPRA WEBSITE.

I am directed to refer to your letter No. 4503 dated 31.05.2021 whereby an advice has been sought for exemption to upload the tender advertisement on PPRA website.

2. Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that non-uploading of tender notice on PPRA website is sheer violation of Rule 12 of PPR-14 and would curtail the healthy competition and such mistake (having such kind of repercussions) is a patent error and cannot be ignored / cured. Rule 12 (2) of PPR-14 is very much clear in the instant proposition which requires that any procurement exceeding three million rupees shall be advertised on the website of the Authority. The rule ibid stipulates that:

12. Method of advertisement.— (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. There is no provision vide which such past irregularities could be covered. For emergencies and urgencies the Rules are very clear. The procuring agency is advised to seek guidance from the aforementioned provision of PPR-14.

Abul Salam
Senior Law Officer
PPRA S&GAD 22/11/21

Cc:

1. Inspector General of Prisons, Lahore for necessary action as per Law / Rules.
2. PSO to Chairman PPRA / Chief Secretary Punjab.
3. PS to MD PPRA.



Dated Lahore, 23rd November, 2021

Medical Advisor,
Punjab Employees Social Security Institution (Head Office),
3/A, Gulberg-V, Lahore.

Subject: ACCEPTANCE OF PERFORMANCE GUARANTEE,

I am directed to refer to your letter No. SSP(331)/2021/8329 dated 18-11-2021 on the subject whereby an advice has been sought regarding acceptance of performance guarantee.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that performance guarantee is required from the successful bidder which shall not exceed ten percent of the contract amount. Rule 56 of PPR-14 is very much clear in the instant proposition 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.

In the instant case, as reported by the procuring agency, the successful bidder has approached the procuring agency with the request to grant one week extension and accept the performance guarantee. The reason rendered by the firm is that the National Bank of Pakistan (NBP) was unable to issue Bank Guarantee within due time on account of a recent cyber-attack on the system of NBP. Request for grant of the extension for one week may be considered by the procuring agency keeping in view the terms & conditions of the bidding documents.

3. Since the procuring agency has reported that 2nd lowest bidder has quoted rate Rs. 20,195,875/- higher than the 1st lowest bidder, therefore, the procuring agency may decide the issue at its own level keeping in view the reasons mentioned by the firm, to attain best value for money as defined under rule 2(ae) read with principles of procurement as enunciated under rule 4 of PPR-14, Rule 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.


Senior Law Officer
PPRA S&GAD

23/11/21

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, 25th November, 2021

Superintendent,
District Jail,
Sheikhupura.

Subject: EXEMPTION FROM PPRA RULES.

I am directed to refer to your letter No. 16627 dated 15.10.2021 on the subject cited above whereby an exemption has been requested by the procuring agency from publication of the tender notice in newspaper.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that the procuring agency shall advertise procurement of more than two hundred thousand rupees and upto the limit of three million rupees on the website of the Authority but in case of procurement exceeding three million rupees shall be advertised on the website of authority along with at least two national daily newspaper. Rule 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 added 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;

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

Cc:

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


Senior Law Officer
PPRA S&GAD 25/11/21



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, ^{22nd} November, 2021

Accounts Officer,
Audit Para / Co-ord,
University of Agriculture Faisalabad.

Subject: MIS-PROCUREMENT OF HVAC RS. 37,587,460/- RECOVERY OF TAXES RS. 3,846,085/- (PDP32092/16-18 AP-70).

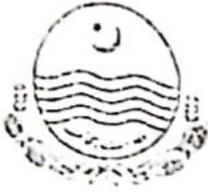
I am directed to refer to your letter No. Co-ord/PDP-32092/16-18/1295 dated 01-11-2021, whereby an advice has been sought regarding settlement of audit paras.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It is apprised that PPRA has already rendered its opinion vide this office letter of even No. dated 16-08-2021 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter.


Senior Law Officer
PPRA S&GAD 22/11/21

Cc:

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



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, 16th August, 2021

Accounts Officer,
Audit Para / Co-ord,
University of Agriculture Faisalabad.

Subject: MIS-PROCUREMENT OF HVAC RS. 37,587,460/- RECOVERY OF TAXES RS. 3,846,085/- (PDP32092/16-18 AP-70).

I am directed to refer to your letter No. Co-ord/PDP-32092/16-18/740-1 dated 29-07-2021, 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 ^{provision} space 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.

Abdul Salam
Senior Law Officer
PPRA S&GAD 17/8/21

Cc:

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



Dated Lahore, 22nd November, 2021

Project Director,
Ghazi University,
Dera Ghazi Khan.

Subject: APPOINTMENT OF CONSULTANT FOR RESIDENT SUPERVISION, THE WORK CONSTRUCTION OF BUILDING GHAZI UNIVERSITY DERA GHAZI KHAN (ADP NO. 256 FOR THE YEAR 2021-22)."

I am directed to refer to your letter No. GU-DGK/PD/685 dated 13-10-2021, whereby an advice has been sought on the subject cited above.

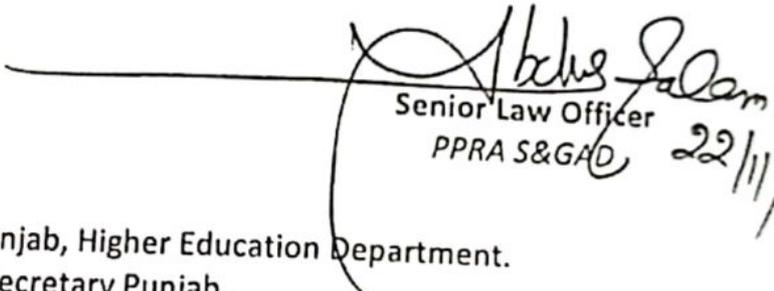
2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that principle method of procurement is open competitive bidding process as provided under rule 22 & 23 of PPR-14. However, rule-59(e) of PPR-14 provides that a procuring agency may engage an organization, 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."

However, before tendering any conclusive advice procuring agency must apprise PPRA on the following points:

- I. Under what process services of M/s NESPAK were hired for master planning, architectural / structural design and supervision of construction of buildings under HEC funded project through PSDP?
- II. Whether any conditions were mentioned for such extension in General Conditions of Contract (GCC), Special Conditions of Contract (SCC) or in the contract agreement.
- III. Whether the procuring agency intends to grant extension to M/s NESPAK in the same project or otherwise?


Senior Law Officer
PPRA S&GAD 22/11/21

Cc:

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



Dated Lahore, 30th November, 2021

Muhammad Nadeem All Qalsar,
Section Officer (E&M),
Excise, Taxation & Narcotics Control Department,
Lahore.

Subject: EXTENSION OF CONTRACT OF ISO 7591 NUMBER PLATES BETWEEN
ET&NTCD & NRTC.

I am directed to refer to your letter No. SO(E&M)1-7/2011(PX)(VOL-IV) dated 24-11-2021, whereby an advice has been sought regarding 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 25-10-2021 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter.

Abdul Salam
Senior Law Officer
PPRA S&GAD 30/11/21

Cc:

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



Tel: 042-99204572
Ext: 042-35284774
Fax: 042-35284776

No. L&M(PPRA) 1-10(G)/2011
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 25th October, 2021

Muhammad Nadeem All Qaiser,
Section Officer (E&M),
Excise, Taxation & Narcotics Control Department,
Lahore.

Subject: ADVICE REGARDING EXTENDING OF CONTRACT WITH NRTC BY THE
COMPETENT AUTHORITY.

I am directed to refer to your letter No. SO(E&M)1-7/2011(P-X)(P-IV) dated 18-10-2021, 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). As intimated by Excise & Taxation Department, the case pertains to extension in contract to M/s NRTC, a Government owned agency under Ministry of Defense Production. PPRA is of the view that under section 23 of Punjab Procurement Regulatory Authority Act 2009 (the Act) the Government, on the recommendation of PPRA BOM, may exempt application of any rule or regulation made under the Act in any public procurement by specifying alternate mode of the public procurement. PPRA Board of Management (in its 41st meeting held on 17-02-2020) approved the procuring agency's (Excise, Taxation & Narcotics Control Department) proposal while stipulating that the contract thus executed with M/s NRTC shall have a currency of not more than a calendar year (12 months) and will be extendable for two years on satisfactory performance.

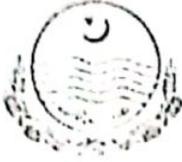
3. It is further added here that as per record provided by the procuring agency, The Government i.e. Provincial Cabinet in its 27th meeting held on 12-03-2020 has approved the award of contract to NRTC for one year, extendable for two years on the satisfactory performance of the contractor.

4. In view of above, the procuring agency is advised to decide the issue at its own level as per the decision of Provincial Cabinet and after the fulfilment of all other legal / codal requirements if the performance of M/s NRTC is satisfactory and it fulfils the criteria of "value for money", specially keeping in view the per unit cost prevalent in the market.

Abdul Salam
Senior Law Officer
PPRA S&GAD 25/10/21

Received
Mud. 25/10/21
Muzammar Ahmad
DS (T)
042-99201106

- 1. Secretary to the Government of the Punjab, Excise, Taxation & Narcotics control Department Lahore.
- 2. PSO to Chairman PPRA / Chief Secretary Punjab.
- 3. PS to MD PPR



Dated Lahore, 30th November, 2021

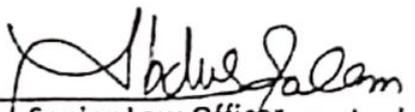
Rashid Mahmood,
Accounts Officer,
Punjab Public Service Commission, Lahore.

Subject: CLARIFICATION / ADVICE REGARDING PPRA RULES 59(C)(III)(IV) FOR RENEWAL OF AGREEMENT FOURTH TIME, SINCE INITIAL PROCURMENT.

I am directed to refer to your letter No. AO-PPSC/P.A/2021/396 dated 12/12/2021 in response to this office letter of even no. 13-10-20214 whereby certain queries raised by this office have been responded and 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 procuring agency has not addressed the observations raised vide this office letter of even No. dated 13-10-2021. The proposition referred vide aforementioned letter is also not clear and needs clarification.

3. 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

30/11/21

CC:-

1. PSO to Chief Secretary Punjab/Chairman PPRA.
2. PSO to ACS S&GAD, Lahore
3. PS to MD, PPRA.



Dated Lahore, 30th November, 2021

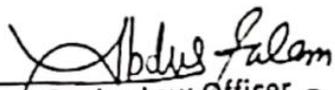
Medical Superintendent,
Govt. M. Nawaz Sharif Teaching Hospital,
Yakki Gate, Lahore.

Subject: MINUTES OF MEETING REGARDING PERSONAL HEARING AGAINST SHOW
CAUSE NOTICE OF HVAC SYSTEM FOR THE FINANCIAL YEAR 2021-22 AT
GOVT M NAWAZ SHARIF TEACHING HOSPITAL YAKKI GATE LAHORE.

I am directed to refer to your letter No. 20815/MNSH, dated 16/11/2020 on the subject whereby an advice has been sought regarding retendering.

2. The Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). It has been observed that contents of subject letter are very vague and sketchy as they do not adumbrate any proposition / question on which advice of PPRA is being sought. 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).

3. However, it is observed that a procuring agency can always scrap the process as per Rules before accepting a bid or proposal as per Rule 35 of PPR-14.


Senior Law Officer 30/11/21
PPRA S&GAD

Cc:

1. Secretary to the Govt. of the Punjab, Specialized Healthcare & Medical Education, 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) 1-53(G)2019
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 30th November, 2021

Aftab Ahmad,
Additional Director (Staff),
For Director General,
NAB, Lahore.

Subject: ATTACHMENT OF AN EXPERT U/S 19 & 27 OF NAO, 1999 INVESTIGATION AGAINST MANAGEMENT / OFFICERS / OFFICIALS OF RAWALPINDI WASTE MANAGEMENT COMPANY AND OTHERS.

I am directed to refer to your letter bearing No. 1(9)HQ/981/NAB-L dated 22.11.2021 whereby it has been desired to depute a procurement expert for the subject purpose.

2 It is apprised that only one officer along with Managing Director is literally running PPRA Punjab. The officer has to attend Courts, tender advices, dispose off routine complaints and undertake other multifarious tasks. The service regulations of PPRA has been got approved from PPRA Board of Management so that vacant posts of the officers may be filled. It would be provided only if the vacant posts are filled. Hence, it is not possible for PPRA to spare an officer for NAB Lahore. NAB Lahore, however, if deem appropriate and plausible may formulate the precise proposition and forward the same to PPRA for opinion.

3. This issues with the approval of competent authority.


Senior Law Officer
PPRA S&GAD 30/11/21

Cc:

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



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No. L&M(PPRA) 1-17/(G)(I)-AD/2019
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 30th November, 2021

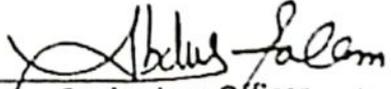
Superintendent,
District Jail,
Jhang.

Subject: EXPERT OPINION / GUIDANCE REGARDING QUOTATION UPLOAD ON PPRA WEBSITE FOR THE PURCHASE OF MISC ITEMS FOR THE YEAR 2020-21 OF DISTRICT JAIL JHANG.

I am directed to refer to your letter No. 13693 dated 24.11.2021 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). It has been observed that contents of subject letter are very vague and sketchy as they do not adumbrate any proposition / question on which advice of PPRA is being sought. 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).

3. However, it is observed that time is being wasted unnecessarily as no proper advice has been sought as per Rules.


Senior Law Officer
PPRA S&GAD 30/11/21

Cc:

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



Tel: 042-99204572
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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, 07th December, 2021

Medical Superintendent,
DHQ Hospital Layyah.

Subject: GUIDANCE REQUIRED REGARDING TENDER PROCEDURE.

I am directed to refer to your letters No. 2151/DHQ & 2155/DHQ dated 20.11.2021 on the captioned subject whereby an advice has been sought regarding second lowest bidder.

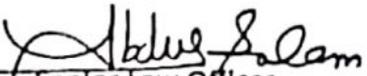
2. The Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that after cancellation of contract (of so decided) the procuring agency should first of all prudently consider the difference of price quoted by the bidders (first and second) vis-a-vis the forfeited security amount. This is necessary to determine that failure on the part of the lowest bidder is not an engineered move. Therefore, the procuring agency should decide to award the contract to 2nd lowest bidder keeping in view the "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.

3. It is further added here that PPR-14 do not bound any procuring agency to move towards second lowest evaluated bidder and it is 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 full fill the requirements of aforementioned rules; keeping in view the bid validity period, as per rule 28 of PPR-14.

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 7/12.

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



Dated Lahore, 07th December, 2021

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/1191 dated 25-11-2021, 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). 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 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 SBGAD 7/12.

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



Dated Lahore, 07th December, 2021

Jawad Ahmad Qureshi,
Chief Executive Officer,
Punjab Population Innovation Fund,
125-Abubakar Block, New Garden Town, Lahore.

Subject: CLARIFICATION REGARDING PROCUREMENTS OF PROJECT PARTNER.

I am directed to refer to your letter no. PPIF/802 dated 29/11/2021 on the subject whereby an advice has been sought regarding procurement process.

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. Before tendering any conclusive advice the procuring agency must apprise PPRA on the following points:

- I. Procured furniture / equipment etc. will be the property of procuring agency or otherwise.
- II. Please provide the copy of contract agreement / work order signed with / awarded to the firm.
- III. What is the nature of service contract; whether it is simple service or consultancy services? Please provide documentary evidence.

Abdul Salam
Senior Law Officer
PPRA S&GAD

7/12/21

Cc:

1. Secretary to the Govt. of the Punjab Population Welfare Department.
2. PSO to Chairman PPRA / Chief Secretary Punjab.



Dated Lahore, 07th December, 2021

Medical Superintendent,
DHQ Hospital Layyah.

Subject: GUIDANCE REQUIRED REGARDING TENDER PROCEDURE.

I am directed to refer to your letters No. 2151/DHQ & 2155/DHQ dated 20.11.2021 on the captioned subject whereby an advice has been sought regarding second lowest bidder.

2. The Case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that after cancellation of contact (of so decided) the procuring agency should first of all prudently consider the difference of price quoted by the bidders (first and second) vis-a-vis the forfeited security amount. This is necessary to determine that failure on the part of the lowest bidder is not an engineered move. Therefore, the procuring agency should decide to award the contract to 2nd lowest bidder keeping in view the "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.

3. It is further added here that PPR-14 do not bound any procuring agency to move towards second lowest evaluated bidder and it is 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 full fill the requirements of aforementioned rules; keeping in view the bid validity period, as per rule 28 of PPR-14.

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

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No. L&M(PPRA) 1-15(SOC)(AB)(LHR)(17)/2014
 PUNJAB PROCUREMENT REGULATORY
 AUTHORITY, S&GAD
 3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 07th December, 2021

Medical Superintendent,
 Govt. M. Nawaz Sharif Teaching Hospital Yakki Gate,
 Lahore.

Subject: RECTIFICATION OF DEFECTS IN ANESTHESIA MACHINES PASITHEC SR NO. 2835-0411-0051 & SR NO 2535-0911-0066 FOR THE FINANCIAL YEAR 2021-22 AT GOVT M NAWAZ SHARIF TEACHING HOSPITAL YAKKI GATE LAHORE.

I am directed to refer to your letter No. 20928/MNSH dated 17.11.2021 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 has been observed that contents of subject letter are very vague and sketchy as they do not adumbrate any proposition / question on which advice of PPRA is being sought. 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). Therefore, it is observed that time is being wasted unnecessarily as no proper advice has been sought as per Rules.

Abdul Salam
 Senior Law Officer,
 PPRA S&GAD, 7/12/21

Cc:

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

3. However, 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 details of subject procurement) well conversant with the facts of the case to attend the office of undersigned in order to clarify the proposition.

Abdus Salam
Senior Law Officer
PPRA S&GAD 7/12/21

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.



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No. L&M(PPRA) 1-16(SUC)/11-AD/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 10th December, 2021

Prof. Dr. Muhamad Shahbaz,
University of Engineering and Technology, Lahore,
Narowal Campus.

Subject: LEGAL ADVICE ABOUT THE SPECIFICATIONS OF AIR CONDITIONERS TO BE PROCURED BY UNIVERSITY OF ENGINEERING & TECHNOLOGY FOR UET LAHORE, NAROWAL CAMPUS.

I am directed to refer to your letter No. UNIV./NWL/21/909 dated 02.12.2021 on the subject cited above whereby an advice has been sought regarding the specifications of air conditioners.

2. The case has been examined in the light of Punjab Procurement Rules 2014 (PPR-14). PPRA is of the view that formulation of the specification is the mandate of procuring agency as per its requirements while keeping in view the guidelines provided under rule 10 of PPR-14 which stipulates 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".

The procuring agency is required to ensure transparency while conducting the procurement process. Since sending designed specification to PPRA neither ensure transparency nor can be evaluated by PPRA. Hence, procuring agency would be required to be strictly follow the requirement of rule 10 and rule 34 of PPR-14 for the formulation of generic specifications.

3. In view of the forgoing, 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.

Abdul Salam
Senior Law Officer

PPRA S&GAD 10/12

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



Dated Lahore, 4th December, 2021

Deputy Managing Director (West),
Water and Sanitation Agency,
Faisalabad.

Subject: CLARIFICATION REGARDING PROCUREMENT OF MOVEABLE MACHINERY
AS PER RULE 59 (C)(VII) OF PUNJAB PROCUREMENT RULES, 2014.

I am directed to refer to your letter No. 151/DMD(WEST)/WASA/2021 dated 11-09-2019 on the subject whereby an advice has been sought regarding procurement of tractors through direct contract under rule 59(c)(VII) of PPR-14.

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 vehicle 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, after consulting Law Department, that to invoke the provisions of above said rule the following conditions must be fulfilled.

1. 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. In view of the above, PPRA is of the opinion that if referred machinery to be procured by the procuring agency fulfill the above said requirements then the provisions of the Rule 59 (c)(vii) of PPR-14 may be invoked by the procuring agency. As far as selection of brand for the instant procurement is concerned, it is upon the procuring agency to decide keeping in view its requirements and by considering 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.

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

14/12/21

CC:-

1. Secretary to the Govt. of the Punjab, Public Health Engineering, Lahore.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.



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No. L&M(PPRA) 1-8(G)/2019
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 14th December, 2021

Manager Legal PEECA,
Punjab Energy Efficiency & Conservation Agency,
Energy Department,
48-A Ghalib Road Block C II,
Gulberg III, Lahore.

Subject: HIRING OF CONTRACTORS REGARDING ADP SCHEME NO 5573 PILOT PROJECT FOR INSTALLATION OF ENERGY SAFETY AND SAVING (ESS) EQUIPMENT IN PUNJAB.

I am directed to refer to your letter No. PEECA/PROC/2021/2354 dated 03/12/2020 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 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 that at least three (03 number) prequalified bidders 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.

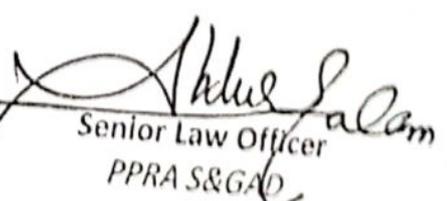
3. PPRA is of the concerted view that in case of procurement of PKR 100 million and above the requirement of prequalification as also explained by PPRA through circular No. L&M(PPRA)10-01/2011 dated 10-02-2020 cannot be dispensed with. However, in the instant case since a quandary has been created regarding non-availability of required (three) number of firms for prequalification, therefore, PPRA is of the view that in case where, after conducting due prequalification process, less than three supplier / firms are available for the required procurement, the procuring agency after due diligence may proceed with them for

further bidding process provided the procuring agency had ensured 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.

Moreover, the Procuring Agency must ensure that the rates are in tandem with market rates and the prospective bidders have the requisite capacity to deliver. However, 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.

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

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, December, 2021

Conservator of Forests,
Rawalpindi South Forest Circle,
Forest Complex G.T Road Sown Camp, Rawalpindi.

Subject: PURCHASE OF TRACTOR UNDER APPROVED SCHEME TITLED "TREE PLANTING ALONG ROW GHAZI BAROTHA HYDRO PROJECT GS NO. 6618."

I am directed to refer to your letter No. 2870/AC dated 01-12-2021 on the subject whereby an advice has been sought regarding procurement of tractors through direct contract under rule 59(c)(VII) of PPR-14.

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 vehicle 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, after consulting Law Department, that to invoke the provisions of above said rule the following conditions must be fulfilled.

1. 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;

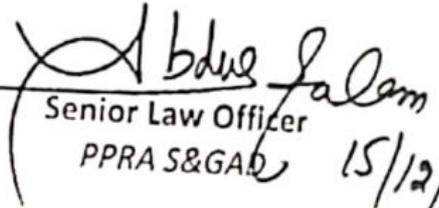
2. (23) "motor vehicle" means any mechanically propelled vehicle adapted for use upon roads whether the powers of propulsion is transmitted thereto from an external or internal source, and includes a chassis to which a body has not been attached, [a tractor] and a trailer, [a combined harvester, a rig, 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. In view of the above, PPRA is of the opinion that if referred machinery to be procured by the procuring agency fulfill the above said requirements then the provisions of the Rule 59(c)(vii) of PPR-2014 may be invoked by the procuring agency. As far as selection of brand for the instant procurement is concerned, it is upon to the procuring agency to decide keeping in view its requirements and by considering 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.

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 15/12/21

CC:-

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



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No. L&M(PPRA) 1-21(W)/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 17th December, 2021

The Section Officer (Programming),
Irrigation Department,
Lahore.

Subject: STANDARD BIDDING DOCUMENTS FOR FRAMEWORK CONTRACT REGARDING OUTSOURCING OF MAINTENANCE OF LIFT IRRIGATION TUBEWELLS INSTALLED AT VARIOUS SITES IN THE PUNJAB.

I am directed to refer to your letter No. SO(PROG)4-20/2011 dated 03.11.2021 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 is of the view that Rule 25(5) and 25(6) of PPR-14 are very much clear in the instant proposition, which stipulate that:

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

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

Any Bidding Document could be used if that is not in violation of PPRA Act, 2009 and PPR-14.

3. However, PPRA has also formulated the standard bidding documents for goods, works, services & consultancy services, which have been uploaded on the website of Punjab Procurement Regularity Authority as a specimen and for guidance. Therefore, the procuring agency may seek guidance from the bidding documents prepared by PPRA also.


Senior Law Officer
PPRA S&GAD

17/12/21

Cc:

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



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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, 17/12/2021

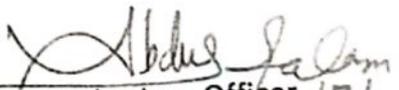
To

The Secretary Auqaf,
Aiwan-e-Auqaf Shah Chiragh Building,
Near Lahore High Court, Lahore.

Subject: GUIDANCE REGARDING SECURITY TENDER.

I am directed to refer to your letter No. ACZ/166 dated 01.11.2021 on the captioned subject whereby an advice has been sought regarding services of security guards in Punjab Auqaf organization Lahore.

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) well conversant with the facts of the case to attend the office of Managing Director PPRA in order to clarify the proposition referred at the earliest.


Senior Law Officer
PPRA S&GAD. 17/12/21

Cc:

1. PSO to Chairman PPRA/ Chief Secretary, Punjab.
2. Zonal Administrator Auqaf Zone, Lahore,
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.

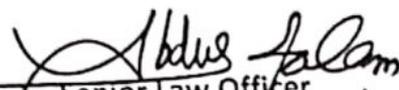
Dated Lahore, 21st December, 2021

Assistant Director Finance,
University of Education,
Bank Road Campus, Lahore.

Subject: REQUEST FOR CLARIFICATION.

I am directed to refer to your letter No. UEBC/AO/2021/1177 dated 24-11-2021 on the subject cited above whereby an advice has been sought.

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 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


Senior Law Officer
PPRA S&GAD 21/12/21

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)W.P. 78114/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

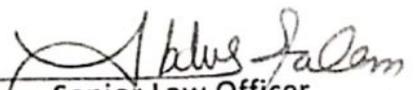
Dated Lahore, 21st December, 2021

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. 78114/2021 titled as "M/s Zubair Saeed 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 parwise 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 21/12/21

Cc:

1. Registrar Lahore High court, 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. 77560/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 21st December, 2021

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 the subject 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.

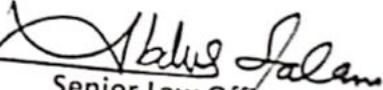
2. I am therefore, directed to obtain parawise comments in annotated form from Respondents No. 3, 4, 5 & 6 on the subject petition. It is therefore, requested to provide the requisite annotated reply / parawise comments within three (03) days of the receipt of this letter through a special messenger (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.


Senior Law Officer
PPRA S&GAD

No. & Date Even.

1. M/s Clinical Life, 530 B-Block Satellite Town Rawalpindi, with the direction to submit parawise comments in annotated form within 03 days.


Senior Law Officer
PPRA S&GAD 21/12

Cc:

1. Secretary to the Govt. of Punjab, Labour and Human Resource Department, Lahore.
2. The Registrar Lahore High court, Lahore in compliance of order dated 10-12-2021 passed by Mr. Justice Shujaat Ali Khan in writ petition No. 77560/2021 titled as M/s Total Technologies (Pvt) Ltd. & others versus The Province of Punjab.
3. PSO to Chairman PPRA / Chief Secretary Punjab
4. Barrister Haroon Dugal, Advocate for the petitioner, 73-Bridge Colony, Cantt, Lahore..
5. 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, 22st December, 2021

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 the subject and to append herewith letter No. 1219(Tech)-21 dated 09.11.2021 received from Punjab Emergency Service Department Rescue 1122, (Procuring agency) on the subject cited above.

2. Contents of the subject letter reveal that three (3) Public Manufacturing Units operating under TEVTA namely 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 certificates of Income Tax Registration General Sales Tax Registration bearing NTN No. 9020301-1 and STRN No. 0701940318482 under the name of TEVTA. The procuring agency has sought an advice as to whether provision of Rule 36-A of Punjab Procurement Rules 2014 (PPR-14) shall be applied in such scenario or otherwise. The 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.

3. I am, therefore, directed to request to depute the relevant officer (not below the rank of BS-18) well conversant with the facts of the case / Rules in this regard to attend the office of Managing Director PPRA at earliest, so that issue may be addressed accordingly.

It is further apprised that the aforementioned assistance is required under Section 5(2)(1) read with Section 17 of Punjab Procurement Regulatory Authority Act 2009.

4. This issue with the approval of Managing Director PPRA.

Ahmed Salam
Senior Law Officer
PPRA S&GAD

21/12/21

Cc:

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.



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, 22st December, 2021

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 the subject and to append herewith letter No. 1219(Tech)-21 dated 09.11.2021 received from Punjab Emergency Service Department Rescue 1122, (Procuring agency) on the subject cited above.

2. Contents of the subject letter reveal that three (3) Public Manufacturing Units operating under TEVTA namely 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 certificates of Income Tax Registration General Sales Tax Registration bearing NTN No. 9020301-1 and STRN No. 0701940318482 under the name of TEVTA. The procuring agency has sought an advice as to whether provision of Rule 36-A of Punjab Procurement Rules 2014 (PPR-14) shall be applied in such scenario or otherwise. The 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.

3. I am, therefore, directed to request to depute the relevant officer (not below the rank of BS-18) well conversant with the facts of the case / Rules in this regard to attend the office of Managing Director PPRA at earliest, so that issue may be addressed accordingly.

It is further apprised that the aforementioned assistance is required under Section 5(2)(1) read with Section 17 of Punjab Procurement Regulatory Authority Act 2009.

4. This issue with the approval of Managing Director PPRA.

Ahmed Salam
Senior Law Officer
PPRA S&GAD

21/12/21

Cc:

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.



Tel. 042-99204572
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, 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).

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.

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 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 the other side, the ultimate beneficiaries (patients) also suffer seriously despite the fact that

human life is a sensitive subject to deal with and requires prompt actions to avoid any untoward situation.

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 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.


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
Fax: 042-36284776

No. L&M(PPRA)1-1-10(G)/2011
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 22nd December, 2021

Rizwan Akram Sherwani,
Additional Director General,
Excise & Taxation, Punjab.

Subject: ADVICE REGARDING TECHNICAL EVALUATION OF TENDER MOTOR VEHICLE REGISTRATION DOCUMENT SCANNING SERVICES.

I am directed to refer to your letter No. 1/2RFA-CELL dated 06.12.2021 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 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

22/12/21

CC:-

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



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

Dated Lahore, 24th December, 2021

Director Human Resource & Support Services,
Punjab Healthcare Commission,
185, Ahmed Block, New Garden Town,
Lahore.

Subject: DESIGNING AND IMPLEMENTATION / FACILITATION OF CIVIL WORKS
THROUGH COMMUNICATION & WORKS DEPARTMENT (C&W),
GOVERNMENT OF THE PUNJAB.

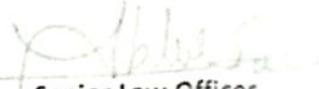
I am directed to refer to your letter No. PHC/DHS/2021/HR-471 dated 20/12/2021 on the subject whereby an advice has been sought regarding Rule 64A of PPRA Rules 2014.

2. 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 aforementioned rule / observation and proceed further strictly in accordance with PPR-14 after fulfilling of all other legal and codal requirements.


Senior Law Officer
PPRA S&GAD

- Cc:
1. Secretary to the Govt. of the Punjab, Specialized Healthcare & Medical Education 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. 79143/2021
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 24th December, 2021

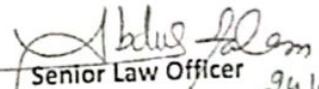
1. Chairman, District Council (Respondent No. 4),
Kasur.
2. Chief Officer, District Council (Respondent No. 5),
Kasur.

Subject: PROVISION OF ANNOTATED REPLY IN WRIT PETITION NO. 79143/2021
TITLED AS SARDAR MUHAMMAD SARWAR VERSUS GOVERNMENT OF
PUNJAB ETC.

I am directed to refer the subject and to enclose herewith order dated 16-12-2021 passed by the Hon'ble High Court Lahore in writ petition No. 79143/2021 titled as "M/S SARDAR MUHAMMAD SARWAR Vs PROVINCE OF PUNJAB ETC". The Hon'ble Court has directed Punjab Procurement Regulatory Authority (Respondent No.6) 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. 4 & 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.


Senior Law Officer
PPRA S&GA 24/12

- Cc:
1. Secretary to the Govt. of Punjab, Local Government & Community Development Department, Lahore.
 2. Deputy Commissioner, Kasur.
 3. The Registrar Lahore High court, Lahore in compliance of order dated 16-12-2021 passed by Mr. Justice Shahid Jamil Khan in writ petition No. 79143/2021 titled as Sardar Muhammad Sarwar versus The Government of Punjab.
 4. PSO to Chairman PPRA / Chief Secretary Punjab
 5. Malik Sohail Imran, Council for the petitioner, 1st Floor, Hamza Chambers, Lawyers Park, 6-Fane Road, Lahore. 0300-8312009.
 6. Sardar Muhammad Sarwar son of Sardar Muhammad Anwar, R/o P.O. Dost Pura, Noorpur Dogran, Tehsil & District Kasur.
 7. PS to MD PPRA



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,

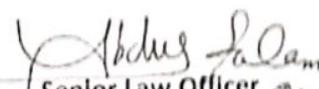
Dated Lahore, 24th December, 2021

Chief executive officer (DHA),
Sheikhupura.

Subject: REGULARIZATION OF EXPENDITURE DRAFT PARA AUDIT YEAR 2017-18.

I am directed to refer to your letter No. 33126/(ACCOUNTS) dated 03/12/2021 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.


Senior Law Officer
PPRA S&GAD 24/12/21

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
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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, 24th December, 2021

Chief Drug Controller,
Primary & Secondary Healthcare Department,
Lahore.

Subject: REQUEST FOR THE GUIDANCE REGARDING PROCUREMENT OF JANITORIAL,
& SECURITY SERVICES.

I am directed to refer to your letter No. CDC/ADM-12-2021/1 dated 17/12/2021 on the subject whereby an advice has been sought regarding the applicability of rule 59 (c)(iv) of Punjab procurement rules 2014 (PPR-14) to the procurement of services.

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 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

3. In view of the above, it becomes crystal clear that the scope of the application of the rule ibid extends to all the categories of procurement i.e. goods, works, and services. However, a procuring agency while making the procurement by invoking any provision of Rule 59 of PPR-14 must first determine whether the procurement falls within the ambit of the rule ibid and should adhere to the all other required modalities of the rule ibid

4. The Procuring agency is advised to seek guidance from aforementioned rule / observation and proceed further strictly in accordance with PPR-14 after fulfilling of all other legal and codal requirements.


Senior Law Officer
PPRA S&GAD 24/12

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
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.

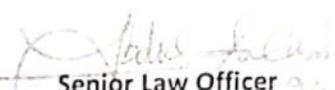
Dated Lahore, 23rd December, 2021

Section Officer (Evaluation),
Irrigation Department,
Lahore.

Subject: BIDDING DOCUMENT FOR PROCUREMENT OF LARGE WORKS IN PUNJAB IRRIGATION DEPARTMENT.

I am directed to refer to your letter No. SO(EVL)IRRI/1-4/2021 dated 13/12/2021 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

Cc:

1. Secretary to the Govt. of the Punjab, Irrigation 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)3-21/2017
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 24th December, 2021

Chief Officer,
Municipal committee,
Jhang.

Subject: PROCUREMENT OF SOLID WASTE MACHINERY & EQUIPMENT PUNJAB PROGRAM.

I am directed to refer to your letter No. 1489/CO dated 09-12-2021 on the subject whereby an advice has been sought regarding procurement of different kinds of vehicles / equipment for the disposal of solid waste under rule 59(c)(VII) of PPR-14.

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 vehicle 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.

1. 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. In view of the above, PPRA is of the opinion that if referred machinery to be procured by the procuring agency fulfill the above said requirements then the provisions of the Rule 59 (c)(vii) of PPR-14 may be invoked by the procuring agency. As far as selection of brand for the instant procurement is concerned, it is upon the procuring agency to decide keeping in view its requirements and by considering 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.

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

24/12/21

CC:-

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



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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.

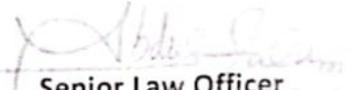
Dated Lahore, 22nd November, 2021

Zonal Administrator,
Auqaf Pakpattan Zone Pakpattan.

Subject: GUIDANCE REGARDING SECURITY TENDER.

I am directed to refer to your letter No. ZAP/A-I/AUQAF/2021/1036 dated 22-11-2021 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 this office letter of even No. dated 22-10-2021 (Copy enclosed). The procuring agency is advised to seek guidance from the aforementioned letter.


Senior Law Officer
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.



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

Dated Lahore, 23rd December, 2021

Section Officer (E-II),
Housing Urban Development,
Public Health Engineering Department,
Lahore.

Subject: REQUEST FOR ADVICE UNDER PPRA RULES.

I am directed to refer to your letter No. 50II(PHE)5-2/2019(5) dated 09-12-2021 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). It is apprised that award of work above or below the technically sanctioned estimates has nothing to do with PPR-14. Such technical issues are to be decided in accordance with relevant Rules / policies / manuals etc.

Abdus Salam
Senior Law Officer
PPRA S&GAD 24/12/21

CC:-

1. Secretary to the Govt. of the Punjab, Public Health Engineering Department, 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)1-10(G)/2011
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
3rd Floor, Al-Falah Building, The Mall Lahore.

Dated Lahore, 24th December, 2021

Section Officer (TAX),
Excise, Taxation and Narcotics Control Department,
Lahore.

Subject: SERVICE LEVEL AGREEMENT BETWEEN EXCISE, TAXATION & NARCOTIC CONTROL DEPARTMENT AND THE BANK OF PUNJAB FOR COLLECTION OF RECEIPTS.

I am directed to refer to your letter No. SOTAX(E&T)3-32/2021 dated 15-12-2021 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). BOP is a Government entity which needs to be registered with PPRA. Kindly read Rule 59(e) of PPR-14 as amended upto date. The reply to your query is sufficiently and very clearly provided therein.


Senior Law Officer
PPRA S&GAD 24/12/21

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.



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No. L&M(PPRA) 1-16(SOC)(II)-AB/2019
PUNJAB PROCUREMENT REGULATORY
AUTHORITY, S&GAD
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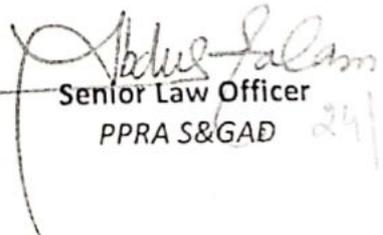
Dated Lahore, 23rd December, 2021

Ushna Tahir,
Section Officer (Welfare-II),
Service and General Administration 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 your letter No. SOW-II(S&GAD)/9-4/2021 dated 20-12-2021 on the subject cited above whereby a copy of letter No. OP:15-32/2021/6795 dated 15-12-2021 issued by Law & Parliamentary Affairs Department was forwarded to this office for information and further necessary action.

2. It is apprised that no enclosure is appended with the aforementioned letter. It is, therefore, requested to kindly furnish the requisite letter along with allied document as early as possible so that the matter may be addressed accordingly.


Senior Law Officer
PPRA S&GAD 24/12/21

Cc:

1. Additional Secretary (Welfare) S&GAD.
2. PSO to Chief Secretary Punjab/Chairman PPRA.
3. PS to MD, PPRA.