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KPPRA Rules 2014

Lafz-ba-lafz Roman Urdu Tarjuma — Mukammal

Aham Note: Ye Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014 ka mukammal lafz-ba-lafz tarjuma hai — har rule, har clause, har sub-clause aur har proviso ka tarjuma kiya gaya hai, kuch nahi chhoda gaya. Ye official English Gazette text ka tarjuma hai. Kisi bhi qanooni faisle ke liye official English Gazette text hi mana jayega.

Source: Finance Department Notification No. SO(FR)/FD/9-7/2010/Vol-II, dated 3 February 2014, under section 36 of the Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act, 2012 — as amended up to 17 August 2022. Rules 1–55 + lettered rules. Rules 7 and 15 [Deleted].

Notified by Finance Department Notification No. SO(FR)/FD/9-7/2010/Vol-II, dated 3 February 2014, under section 36 of the Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act, 2012 (Khyber Pakhtunkhwa Act No. XI of 2012) — as amended up to 17 August 2022. Rules 7 and 15 are marked [Deleted] in the source itself. There are no schedules or annexures in this instrument.

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GOVERNMENT OF THE KHYBER PAKHTUNKHWA

FINANCE DEPARTMENT

NOTIFICATION

Peshawar, Dated the 3rd February 2014

No. SO (FR)/FD/9-7/2010/Vol-II. — Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act, 2012 (Khyber Pakhtunkhwa Act No. XI of 2012) ki section 36 ke tehat diye gaye ikhtiyarat ko istemal karte hue, Government of the Khyber Pakhtunkhwa khushi se darj zail rules banati hai, yani:—

The Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014.

CHAPTER I

GENERAL PROVISIONS

Rule 1 — Short title and commencement

Mukhtasar Unwan aur Nafaz

(1) In rules ko The Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2014 kaha jayega.

(2) Ye foran naafiz honge.

Rule 2 — Definitions

Tareefain

(1) In rules mein, jab tak mauzu ya siyaq-o-sabaq mein koi baat is ke khilaf na ho,—

(a) "Act" se murad Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act, 2012 hai;

(b) "bid" se murad ek technical proposal ya ek financial proposal ya ek technical aur financial proposal hai, jo request for quotations, tender notice, request for proposal ke natije mein jama karayi jaye, jaisa ke muamla ho;

(c) "bid security/guarantee" se murad kisi scheduled bank ki taraf se, microfinance aur financial institutions ko chhor kar, kisi bhi shakl ki tehreeri guarantee hai, jo procuring entity ko, ek bidder ki taraf se us ki bid ke saath jama karayi jaye;

1 — Substituted, Vide Finance Department Notification No. SO (A)/FD/1-40/2022, dated 17.08.2022.

(d) [Deleted]

2 — Clause (d) "borrower" means procuring entity;" deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

(e) "contractor" se murad ek shakhs, firm, company ya tanzeem hai, jo works ya non-consulting services ko anjam dene ka zimma le;

3 — Substituted, Vide Finance Department Notification No. SO (A)/FD/1-40/2022, dated 17.08.2022.

(f) "emergency" se murad woh surat-e-haal hai, jo nuqsan ka fori khatra paida karti ho, ya nuqsan pahuncha chuki ho, ya jis mein is baat ka zyada imkaan ho ke woh sehat, zindagi, jayedad ya mahol ko fori khatre mein daalne tak barh jaye, jaisa ke National Disaster Management Act, 2010 (Act No. XXIV of 2010) ke tehat shamil hai, aur is mein qudrati afaat, musibatein, hadsaat, jang aur operational equipment, plant, machinery ya engineering infrastructures ki kharabi shamil hogi, jo ghair-mamooli surat-e-haal paida kar sakti hai, jis mein sehat, zindagi, jayedad ya mahol ko nuqsan ko mehdood karne ya us se bachne ke liye fori aur fauri karwai ki zaroorat ho;

(g) "grievance redressal mechanism" se murad woh regulations/guidelines hain, jo shikayaat ke azale ke amal ke liye hon;

(h) "non-consulting services" se murad aazaadana mahirana mashware ki farahami hai, jo mayar mein kam az kam un professional standards ke barabar ho, jo goods, consulting services ke ilawa services aur works ke husul ke silsile mein laagu hon;

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(i) "PEC" se murad Pakistan Engineering Council hai;

(i-i) "performance guarantee" se murad bank guarantee ya koi aur financial guarantee hai, jo waqtan fawaqtan Board ki taraf se manzoor ki gayi ho, jo bidder ki taraf se contract ke tehat zimmedariyon ko mehfooz karne ke liye jama karayi jaye, bid solicitation documents mein batayi gayi zarooriyat ke mutabiq;

4 — New Clause "(i-i)" inserted, Vide Finance Department Notification No. SO (A)/FD/1-40/2022, dated 17.08.2022.

(i-ii) "procurement contract" se murad ek muahida hai, jo qanoon ke zariye naafiz kiya ja sakta ho, jo procuring entity aur ek contractor ya supplier ya consultant ke darmiyan, jaisa ke muamla ho, dastakhat kiya gaya ho, jo Act aur in rules ki dafaat ke tehat kisi bhi procurement proceedings ke natije mein ho; aur

5 — New Clause "(i-ii)" inserted, Vide Finance Department Notification No. SO (A)/FD/1-40/2022, dated 17.08.2022.

(j) "professional engineering work" se murad professional mashwara aur raay dena, measurements aur layouts banana, reports, computations, designs, drawings, plans, specifications aur construction, inspection aur engineering works ki nigrani hai, in ke silsile mein:

(i) railways, aerodromes, bridges, tunnels aur roads;

(ii) dams, canals, rivers, drains, harbors, lighthouses;

(iii) electrical, mechanical, hydraulic, communication, aeronautical, power engineering, geological ya mining noiyat ke works;

(iv) water works, sewers, filtration, purification aur incinerator works;

(v) residential aur non-residential buildings, jin mein un ki foundations framework aur electrical aur mechanical systems shamil hon; aur

(vi) structures, jo engineering works se mutaliq hon aur un ko rakhne ke liye hon;

(k) "Province" se murad Province of the Khyber Pakhtunkhwa hai;

(l) "Public Fund" se murad hai—

(i) Provincial Consolidated Fund;

(ii) foreign assistance;

(iii) tamam raqoom, jo Public Account mein maujood hon; aur

(iv) un enterprises ke funds, jo mukammal ya juzwi tor par Government ki milkiyat mein hon ya us ke zariye chalaye ya control kiye jate hon;

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(m) "repeat order" se murad ek naya contract ya order hai, jo brah-e-raast usi contractor ya consultant ko diya jaye, baghair aam procurement ke amal se guzre, in rules mein batayi gayi makhsoos sharaait aur hudood ke mutabiq;

(n) "request for proposal" se murad services ki procurement ke liye technical aur financial proposals mangne ke liye bidding document hai;

(o) "Supplier" se murad ek shakhs, firm, company ya ek tanzeem hai, jo goods aur un se mutaliq services, consulting services ke ilawa, faraham karne ka zimma le, jo contract ke liye darkar hon;

6 — Substituted, Vide Finance Department Notification No. SO (A)/FD/1-40/2022, dated 17.08.2022.

(p) "terms of reference" se murad services ke maqasid aur matluba daira-e-kar ki wazahat aur tafseel hai; [deleted]

7 — After semi-colon, the word "and" deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

(p-i) "unsolicited proposal" se murad ek unsolicited proposal hai, jaisa ke Khyber Pakhtunkhwa Public Private Partnership Act, 2014 (Khyber Pakhtunkhwa Act No. XX of 2014) mein is ki tareef ki gayi hai; aur

8 — New clause "(p-i)" inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

(q) "value for money" se murad har kharch kiye gaye rupay ke badle behtareen faida hai, mayar, waqt par farahami, bharosa, farokht ke baad ki khidmat, behtari ki salahiyat, qeemat, zariya, aur poori zindagi ki laagat aur mayar ke majmue ke lehaz se, taake procuring entity ki zarooriyat poori hon.

(2) Jo alfaz, izhar aur istelahat in rules mein khaas tor par define na ki gayi hon, un ka wohi matlab hoga, jo un ko mutaliqa trade aur industry practices mein diya gaya hai.

Rule 3 — Applicability of these rules

In Rules ka Itlaq

(1) Ye rules tamam public procurements par laagu honge.

(2) Darj zail surat-e-haal mein, in rules ke tehat advertisement aur response time ki zarooriyat se inhiraf jayez hai:

(a) emergency ke muamlaat mein, jaisa ke National Disaster Management Act, 2010 (Act No. XXIV of 2010) mein bataya gaya hai, is shart ke saath,—

(i) ke tamam aisi procurements, un ki hangami noiyat ke saath, Procuring Officer ki taraf se record ki jayen aur procuring entity ke technical head ki taraf se manzoor ki jayen, Principal Accounting Officer, Provincial satah par Secretary ya District satah par Deputy Commissioner ko ittila de kar;

(ii) ke in ki ittila foran Accountant General Office ya District Accounts Office ko di jaye, jaisa ke muamla ho;

(iii) ke tamam aisi procurements mein miqdarein sirf emergency ki andaza-shuda zaroorat tak mehdood hon; aur

(iv) ke ye sirf zyada se zyada teen mah tak ki procurements ke liye istemal ki jayen, jin mein aisi muddat tak izafa kiya ja sakta hai, jo Government emergency ki noiyat ko madde-nazar rakhte hue munasib samjhe;

(b) hassas noiyat ki aur National Security se mutaliq procurement:

> Proviso: Tamam aisi procurements ki direct sourcing ko baqaida record kiya jaye; aur

(c) kisi government organization ko, cost plus ya fixed contract ke tehat works, goods ya services ki farahami ke liye direct sourcing, basharte ke Public Sector Organization kisi private sector enterprise ko partner ke tor par ya joint venture ya sub-contractor ki shakl mein shamil na kare. Government organizations mukammal tor par government ki milkiyat mein aur us ke control mein hon gi ya Federal Government ya Provincial Government ke administrative control mein semi-autonomous aur autonomous agencies hon gi.

Rule 4 — Language

Zuban

Public procurements of entities se mutaliq tamam documentation English ya Urdu mein hogi.

Rule 5 — Code of ethics and integrity pact

Akhlaqiyat ka Zabta aur Integrity Pact

Muqarrar had se zyada ki procurement, ek integrity pact ke taabe hogi, jaisa ke Authority ki taraf se procuring entities se mashware se tay kiye gaye regulations/guidelines mein bataya gaya ho, jo procuring entity aur suppliers ya contractors ke darmiyan hoga.

CHAPTER II

METHODS OF PROCUREMENT OF GOODS

Rule 6 — Open competitive bidding as principal method of procurement

Khuli Musabiqati Bidding, Procurement ka Bunyadi Tareeqa

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(1) Siwaye is ke ke is ke baad kuch aur bataya gaya ho aur rule 10 ki dafaat ke taabe, procuring entity, Rs. 500,000 (rupees five hundred thousand) se zyada ki qeemat ke goods ki procurement ke liye, open competitive bidding ko procurement ka bunyadi tareeqa istemal karegi.

10 — Substituted, Vide Finance Department Notification No. SO (A)/FD/1-40/2022, dated 17.08.2022.

(2) Open competitive bidding ke liye darj zail procedures jayez honge, yani:

(a) single stage, one envelope procedure. — ye tareeqa wahan istemal kiya jana chahiye, jahan laagat hi wahid faisla-kun ansar ho. Har bid ek wahid lifafe par mushtamil hogi, jis mein financial proposal ya offer aur bid solicitation documents ke mutabiq darkar maloomat hon. Ye saada aur roz-marra ki noiyat ke goods ki procurement ka mayari tareeqa hoga aur jahan koi technical innovation shamil na ho [aur is maqsad ke liye, sab se kam evaluated responsive bid ko contract dene ke liye ghor kiya jayega];

12 — Inserted, Vide Finance Department Notification No. SO (A)/FD/1-40/2022, dated 17.08.2022.

(b) single stage, two envelopes procedure. — ye tareeqa wahan istemal kiya jayega, jahan bids ki jaanch technical aur financial bunyadon par ki jani ho aur qeemat ko technical evaluation ke baad madde-nazar rakha jaye. Bid ek wahid package par mushtamil hogi, jis mein alag lifafe hon. Har lifafe mein alag se financial proposal aur technical proposal hogi [behtareen evaluated responsive bid ko contract dene ke liye ghor kiya jayega]; aur

13 — Inserted, Vide Finance Department Notification No. SO (A)/FD/1-40/2022, dated 17.08.2022.

14 — Added, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

(c) two stage two envelope bidding procedure. — Ye tareeqa us procurement ke liye istemal kiya jayega, jahan mutabadil technical proposals mumkin hon, jaise kisi khaas qism ki machinery ya equipment ya manufacturing plant.

15 — New clause "(c)" added, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

(3) Complex ya specialized goods ki procurement ki soorat mein, in mein se koi bhi tareeqa ikhtiyar kiya ja sakta hai,—

(a) prospective bidders ki pre-qualification aur pre-qualified bidders se bids ki dawat; aur

(b) single envelope two stage method ke zariye post-qualification—

(i) pehle marhale mein, har bid ek wahid package par mushtamil hogi, jis mein technical proposal ke tor par nishan-zada lifafa hoga;

(ii) technical proposals ki jaanch, bid solicitation document mein bataye gaye evaluation criteria ke mutabiq ki jayegi. Pehle marhale ke ikhtitam par, qualified aur unqualified bidders ki ek fehrist tayyar ki jayegi;

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(iii) pehle marhale ke nateeje ki manzoori ke baad, doosre marhale mein qualified bidders se financial proposals mangi jayengi. Bidders ko financial proposal ek wahid lifafe ya package mein jama karani hogi, jis par saaf aur wazeh haroof mein financial proposal likha ho, taake koi ghalat-fehmi na ho; aur

(iv) qualified bidder ki sab se kam offer, contract dene ke liye qubool ki jayegi aur woh behtareen evaluated bid hogi.

9 — Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018. (Rule 6 heading)

11 — Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018. ("competitive bidding" in sub-rule (2))

Rule 6A — Single bid in goods

Goods mein Wahid Bid

Goods mein wahid bid par ghor kiya ja sakta hai, agar woh advertisement ya bid solicitation documents mein bataye gaye evaluation criteria par poora utarti ho aur Act, in rules, regulations ya Government ki policy se mutsadim na ho, jo us waqt naafiz ho. Wahid bid, behtareen evaluated bid ke mutabiq honi chahiye. Procuring entity, Act ki section 3 ki roshni mein, due diligence ke saath faisla karegi.

16 — New Rule "6A" inserted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

Rule 7 — [Deleted]

[Hazaf-shuda]

[Deleted]

17 — Rule 7 deleted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

Rule 8 — Pre-qualification of suppliers

Suppliers ki Pre-qualification

(1) Ek procuring entity, pehle marhale mein, bidders ko sirf darj zail muamlaat mein pre-qualify kar sakti hai:

(a) jahan contract ki kul qeemat Rs. 10 million se zyada ho; aur

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(b) bare aur complex goods aur un se mutaliq services ke contracts ke muamlaat mein, jin mein tafseeli bids tayyar karne ki laagat zyada ho.

(2) Procuring entity, rule 8 ke sub-rule (1) aur in rules ke rule 36 ke mutabiq, mukhtalif tafseelat mang kar bidders ko pre-qualify kar sakti hai.

(3) Bidders ki pre-qualification, mukammal tor par bidders ki salahiyat, qabiliyat aur wasail par mabni hogi, jo khaas assignment mein karkardagi se mutaliq hon, darj zail ko madde-nazar rakhte hue—

(a) Federal ya Provincial Registration Acts mein se kisi ek ke tehat registration ke saboot ke saath qanooni haisiyat;

(b) taxpayer hone ka saboot;

(c) tanzeemi profile, mutaliqa tajurba, guzishta karkardagi, clients ki fehrist aur references;

(d) mutaliqa tajurba aur guzishta karkardagi;

(e) insani wasail, amle, computing aur engineering equipment, machinery aur plant ke lehaz se maujooda salahiyatein, jaisa ke muamla ho;

(f) guzishta teen saal ki maali haisiyat, jin mein bank statements aur ek external auditor ki taraf se audited reports shamil hon;

(g) munasib intezami salahiyat rakhne ka saboot; aur

(h) koi aur ansar, jo procuring entity contract ki noiyat aur pechidagi ko madde-nazar rakhte hue mutaliq samjhe, lekin jo in rules se mutsadim na ho.

(4) Bid solicitation documents, qualified bidders ko jari kiye jayenge.

18 — Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018.

(5) Mazeed karwai ke liye, rule 6 ke sub-rule (2) par amal kiya jayega.

Rule 9 — Open competitive bidding post-qualification

Khuli Musabiqati Bidding — Post-qualification

(1) Agar bidding sirf pre-qualified firms tak mehdood na ho, to procuring entity, complex noiyat ke aur Rs. 15 million ya is se zyada ki qeemat ke contracts ki soorat mein, bidders ki post-qualification mein khud ko masroof karegi.

(2) Procuring entity, solicitation documents mein post-qualification ki zaroorat ko batayegi. Post-qualification, in rules ki dafaat ke mutabiq ki ja sakti hai, is se qata-e-nazar ke bidders pre-qualified hon ya na hon.

(3) Ye, contract dene ki sifarish se pehle kiya jayega; procurement committee tay karegi ke kya woh bidder, jis ki bid ko behtareen evaluated bid qarar diya gaya hai, us mein bid mein pesh kiye gaye contract ko moassar tareeqe se anjam dene ki salahiyat aur wasail hain.

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(4) Agar procurement committee, evaluation criteria ki bunyad par qualification se mutma'in na ho, jis ke natije mein behtareen evaluated bid ki post-qualification na ho, to woh, agle behtareen evaluated bid dene wale bidder ke liye isi tarah ka faisla karegi aur tamam qualified aur responsive bidders ke saath, un ki behtareen evaluated hone ki darja-bandi ke mutabiq, aage barhti rahegi, jab tak criteria poora na ho jaye ya jab tak tamam aisi bids mustarad na kar di jayen.

19 — Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018. ("competitive bidding" in the rule heading)

Rule 10 — Alternate methods for procurement of goods

Goods ki Procurement ke Muthbadil Tareeqe

Ek procurement entity, goods ki procurement ke liye darj zail muthbadil tareeqe istemal kar sakti hai, yani:

(a) Rs. 100,000/- tak ke goods ki procurement, direct sourcing ke zariye ek wahid quotation hasil kar ke ki ja sakti hai.

20 — Substituted, Vide Finance Department Notification No. SO (A)/FD/1-40/2022, dated 17.08.2022.

(b) Rs. 100,000/- se Rs. 500,000/- tak ki petty purchases, muthbadil tareeqe se sirf is soorat mein ki jayengi, agar darj zail sharaait poori hon, yani:

21 — Substituted, Vide Finance Department Notification No. SO (A)/FD/1-40/2022, dated 17.08.2022.

(i) kam az kam teen quotations hasil ki gayi hon:

> Proviso: Agar darkhwast karne ke bawajood, teen se kam quotations mosul hon, to ye qabil-e-qubool hoga;

(ii) request for quotation, prospective bidders ko beek waqt, mukammal mawaad aur wohi maloomat ke saath bheji jaye, jis ke mosul hone ki tasdeeq ki gayi ho;

(iii) quotations jama karane ka ikhtitami waqt, tareekh aur pata, saaf tor par bataya gaya ho aur us ki pabandi ki gayi ho;

(iv) procurement ke maqsad ki standard specifications hon;

(v) agar quotation mein laagu tax ki raqam shamil na ki gayi ho, to qeemat ka mawazna, laagu tax ki raqam shamil karne ke baad kiya jaye; aur

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(vi) mawazne ke dauran, har item ka mawazna, us ki mutaliqa specification se kiya jaye aur bid ki jaanch, bid ki mutaliqa kul laagat ke mutabiq ki jaye;

(c) ek procurement entity sirf is soorat mein muthbadil tareeqa ikhtiyar karegi, agar darj zail sharaait maujood hon, yani:

(i) chhe mah ki muddat ke andar repeat orders:

> Proviso: Ye asal contract ki qeemat ke pandrah percent se zyada na ho;

(ii) government organizations ke zariye procurement ki soorat mein, in rules ke rule 3(2)(c) ki dafaat ke mutabiq;

(iii) jahan procurement ka talluq, asal manufacturer ya supplier ya sole distributor se spare parts ya supplementary services ke husul se ho:

> Proviso: Wohi cheezein mutabadil zaraye se dastiyab na hon;

(iv) jahan wohi goods mutabadil zaraye se dastiyab na hon ya darkar procurement ke liye sirf ek contractor, manufacturer ya supplier maujood ho;

(v) jahan contractor ya supplier ki tabdeeli se, procuring entity ko mukhtalif technical specifications ya khasoosiyat wala material hasil karna pare aur is se operation aur maintenance mein incompatibility ya ghair-mutanasib technical mushkilaat paida hon, ye munasib jawaz aur aisi wajuhaat ko record karne ke saath kiya jayega, basharte ke contract ya contracts ki muddat teen saal se zyada na ho;

(vi) jahan goods ki qeemat Government ki taraf se muqarrar ki gayi ho;

(vii) jahan motor vehicles ya machinery, maqami asal manufacturers ya un ke authorized agents se, manufacturer ki qeemat par, transportation charges aur deegar laagu taxes samet, khareedi jayen; aur

(viii) emergency ki soorat mein, jaisa ke in rules mein is ki tareef ki gayi hai, aur sub-rule 3(2)(a) aur 3(2)(b) ke tehat batayi gayi procurement:

> Proviso: Procurement entity, munasib forums ko batayegi, jin ke paas emergency ka elan karne ka zaroori ikhtiyar ho;

(d) ek procuring entity, procurement advertisement ki pehle se isha'at ke baghair, ek ya zyada suppliers ya contractors ke saath negotiated tendering kar sakti hai. Ye tareeqa us waqt ikhtiyar kiya jayega, jab—

(i) shamil supplies, khalis tor par kisi khaas tehqeeq ya tajurbe, ek mutale ya ek khaas development ki himayat ke maqsad ke liye banayi gayi hon;

(ii) technical ya fanni wajuhaat ki bina par, ya exclusive rights ya intellectual property ke tahaffuz se mutaliq wajuhaat ki bina par, supplies sirf ek khaas supplier ki taraf se banayi ya faraham ki ja sakti hon; aur

(iii) [Deleted]

22 — Deleted, Vide Finance Department Notification No. SO (A)/FD/1-40/2022, dated 17.08.2022.

> Proviso: Koi bhi procuring entity, jo negotiated tendering ko procurement ke tareeqe ke tor par istemal karne ki khwahishmand ho, negotiated tendering ikhtiyar karne ki apni wajuhaat aur jawaz tehreer mein record karegi aur use record par rakhegi.

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Rule 11 — Method of advertisement

Ishtihar ka Tareeqa

(1) Procuring entity, open competitive bidding karegi, agar khareed ki jane wali cheez ki laagat, us maali had se zyada ho, jo rule 10 ke tehat laagu hoti hai. Rs. 5 million tak ki purchases, procuring entity ki website aur Authority ki website par, bil-tarteeb, post ki jayengi. Ye procurement ke mauqe, print media mein bhi ishtihar diye ja sakte hain, agar procuring entity zaroori samjhe.

23 — Substituted, Vide Finance Department Notification No. SO (A)/FD/1-40/2022, dated 17.08.2022.

(2) Tamam purchases ke liye, jo rules 3, 10 aur in rules ke rule 11 ke sub-rule (1) mein shamil na hon, un ka ishtihar print media mein diya jayega, jo kam az kam ek qomi English aur ek Urdu rozana akhbar mein shaya hoga, jis ki mulk bhar mein gardish ho, aur is ke saath hi usi ka ishtihar procuring entity ki website aur Authority ki website par, bil-tarteeb, diya jayega.

(3) Ek procuring entity, jo electronic media istemal karti ho, ye yaqeeni banayegi ke website par post ki gayi maloomat, un maqasid ke liye mukammal hon, jin ke liye use post kiya gaya hai, aur aisi maloomat us website par, bids jama karane ki ikhtitami tareekh tak dastiyab rahegi.

24 — Substituted, Vide Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018. (sub-rules (1) and (2))

Rule 12 — Bid security

Bid Security

(1) Procuring entity bidders se bid security dene ka mutalba kar sakti hai, jo goods ki procurement ki soorat mein do (2) feesad tak ho, agar zaroorat ho.

(2) Un muqadmaat mein, jahan procurement pechida noiyat ki ho, paanch (5) feesad tak bid security lagayi ja sakti hai.

(3) Bid security ko financial proposal mein band (sealed) rakha jayega. Two stage two envelopes ki soorat mein bidder, is ke ilawa, technical proposal mein ek halaf-nama (affidavit) bhi rakhega, jis mein bayan ho ke do, teen, chaar ya paanch feesad ki bid security, jaisa ke muamla ho, khat mein raqam zahir kiye baghair, financial proposal ya bid mein rakhi gayi hai. Warna technical proposal ko ghair-responsive (non-responsive) samjha jayega aur procurement committee ke zariye janchne ke baad bidder ko wapas kar diya jayega.

Rule 13 — Goods warranty

Goods Warranty (Ashya ki Warranty)

Jahan mumkin ho, procuring entity supplier ya contractor se, jaisa ke muamla ho, warranty mangegi, taake warranty ki muddat ke andar aane wale khareede gaye goods ki tabdeeli ya marammat ki jaye

aur jo us khaas object of procurement ke liye aazadana tor par qabil-e-tasdeeq industry practices ke mutabiq ho.

Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye tabdeel (substituted) kiya gaya.

CHAPTER III

PROCUREMENT OF WORKS AND NON-CONSULTING SERVICES

Rule 14 — Open competitive bidding as principal method of procurement

Khuli Musabiqati Bidding Bator-e-Asal Tareeqa-e-Khareedari

(1) Siwaye is ke ke baad mein koi aur baat batayi gayi ho aur rule 18 ki dafaat ke taabe, procuring entity Rs. 500,000 / rupees paanch lakh se zyada qeemat ke works ki procurement ke liye open competitive bidding ko khareedari ke asal tareeqe ke tor par istemal karegi.

(2) Open competitive bidding ke liye darj zail tareeqe apnaye jayenge:

(a) single stage – one envelope bidding,— bid ek lifafe par mushtamil hogi, jis mein financial bid hogi. Tamam mosul hone wali bids ko bidding document mein bataye gaye tareeqe se khola aur evaluate kiya jayega. Ye open competitive bidding ka default tareeqa hoga;

(b) single stage – two envelope bidding,—

(i) ye tareeqa bare aur pechida contracts par laagu hoga;

(ii) [Deleted]

(iii) har bid ek wahid package par mushtamil hogi, jis mein do alag lifafe hon ge. Har lifafe mein alag alag technical proposal aur financial proposal hogi;

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(iv) lifafon par technical proposal aur financial proposal, uljhan se bachne ke liye, wazeh aur parhne ke qabil haroof mein nishan lagaya jayega;

(v) jis lifafe par technical proposal ka nishan ho, us mein shamil hoga:

(a) milte-julte contracts ki takmeel mein tajurba aur guzishta karkardagi;

(b) amle (personnel) aur tameerati aalaat (construction equipments) ke lehaz se salahiyatein;

(c) maali halat aur isteta'at; aur

(d) koi bhi doosri maloomat, jo procuring entity ne tenders ki dawat ke notice mein mangi ho;

(vi) doosra lifafa, jis par financial proposal ka nishan ho, us mein bidders ki taraf se di gayi qeemat hogi aur use procuring entity ki hifazat mein baghair khole rakha jayega;

(vii) procuring entity technical proposal ka jaiza bid solicitation documents mein bataye gaye mayar ki bunyad par, qeemat ka hawala diye baghair, karegi aur kisi bhi proposal ko jo batayi gayi zarooriyat ke mutabiq na ho, mustarad kar degi. Technical evaluation ke doran, technical proposal mein kisi tarmeem ki ijazat nahi hogi. Is tareeqe se technically ahal bidders ki fehrist ko hatmi shakal di jayegi;

(viii) technical proposals ki evaluation aur manzoori ke baad, procuring entity, bid ki validity ki muddat ke andar kisi waqt par, sirf technically qubool shuda bids ki financial proposals ko awami tor par kholegi. Jo financial proposals technically non-responsive payi jayengi, un ko mutaliqa bidders ko baghair khole wapas kar diya jayega; aur

(ix) jo bid sab se kam evaluated bid payi jayegi, use qubool kiya jayega;

(c) two stage – two envelope bidding,— ye tareeqa turnkey ya bare ya pechida contracts ke liye istemal kiya jayega aur ye yaqeeni banata hai ke tamam technical proposals usi qabil-e-qubool technical mayar ke mutabiq hon, jo procuring entity ko darkar ho.

Pehla marhala (First stage):

(i) bid ek wahid package par mushtamil hogi, jis mein do alag lifafe hon ge. Har lifafe mein alag alag financial proposal aur technical proposal hogi;

(ii) lifafon par financial proposal aur technical proposal, uljhan se bachne ke liye, wazeh aur parhne ke qabil haroof mein nishan lagaya jayega;

(iii) ibteda mein, sirf woh lifafa khola jayega, jis par technical proposal ka nishan ho;

(iv) jis lifafe par financial proposal ka nishan ho, use procuring entity ki hifazat mein baghair khole rakha jayega;

(v) technical proposal par bidders ke saath procuring entity ki technical zarooriyat ke hawale se guft-o-shaneed ki jayegi;

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(vi) jo bidders procuring entity ki zarooriyat ko poora karne par raazi hon, un ko in guft-o-shaneed ke baad apni technical proposals mein tarmeem karne ki ijazat di jayegi; aur

(vii) jo bidders apni technical proposals ko procuring entity ki nazar-sani shuda zarooriyat ke mutabiq karne par raazi na hon, un ko apni mutaliqa bids apni bid security zabt kiye baghair wapas lene ki ijazat di jayegi.

Doosra marhala (Second stage):

(i) procuring entity aur bidders ke darmiyan technical zarooriyat par ittefaq ke baad, jo bidders nazar-sani shuda technical specifications ke mutabiq hone par raazi hon aur jin ki bids pehle se mustarad nahi ki gayi hon, woh technical zaroorat ke mutabiq ek nazar-sani shuda technical proposal aur supplementary financial proposal jama karayenge;

(ii) nazar-sani shuda technical proposal, asal financial proposal aur supplementary financial proposal ke saath, kisi aisi tareekh, waqt aur jagah par kholi jayegi, jo procuring entity pehle se elan karegi:

> Proviso: Nazar-sani shuda technical proposal aur supplementary price proposal jama karane ki tareekh muqarrar karte waqt, ek procuring entity bidders ko kaafi waqt degi, taake woh technical proposal mein ittefaq shuda tabdeeliyan shamil kar sakein aur matlooba supplementary financial proposal tayyar kar sakein; aur

(iii) procuring entity poori proposal ka jaiza evaluation criteria ke mutabiq karegi aur jo bid sab se kam evaluated bid payi jayegi, use qubool kiya jayega.

Rule 14 ka unwan aur sub-rule (1) mein "18", "works" aur "Rs. 500,000 / rupees paanch lakh" — Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye tabdeel kiye gaye; "Rs. 500,000 / rupees paanch lakh" Finance Department Notification No. SO (A)/FD/1-40/2022, tareekh 17.08.2022 ke zariye tabdeel kiya gaya. Shiq (b)(ii) Finance Department Notification No. SO (A)/FD/1-40/2022, tareekh 17.08.2022 ke zariye hazaf (deleted) ki gayi. Shiq (b)(vii) mein "bid solicitation" Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye tabdeel kiya gaya.

Rule 14A — Single bid in works and non-consulting services

Works aur Non-Consulting Services mein Wahid Bid

Works aur non-consulting services mein wahid bid par ghaur kiya ja sakta hai, agar woh advertisement ya bid solicitation documents mein bayan kiye gaye evaluation criteria par poora utarti ho aur Act, in rules, regulations ya Hukumat ki policy se mutsadim na ho, jo us waqt nafiz ho. Wahid bid behtareen evaluated bid ke mutabiq honi chahiye. Procuring entity munasib dehan (due diligence) se aur Act ki section 3 ki roshni mein faisla karegi.

Naya Rule "14A" Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye shamil (inserted) kiya gaya.

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Rule 15 — [Deleted]

[Hazaf Shuda]

[Deleted] — Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye hazaf kiya gaya.

Rule 16 — Pre-qualification of contractors

Contractors ki Pre-qualification

(1) Ek procuring entity, pehle marhale mein, khaas contracts ke liye bidders ko pre-qualify karegi, un muqadmaat mein jahan [deleted] koi kaam, us ki qeemat se qata-e-nazar, pechida samjha jaye.

(2) Procuring entity bidders ko mukhtalif tafseelat mang kar pre-qualify karegi, jin mein darj zail bhi shamil hain, lekin in tak mehdood nahi, jo pass/fail thresholds faraham karti hon, Act aur in rules ke rule 17(1) aur rule 34 ki dafaat ke mutabiq.

(a) PEC ke saath registration aur mutaliqa subai Hukumat ke PE ke saath enlistment ke saboot ke saath qanooni haisiyat;

(b) mutaliqa registration ke valid ya tajdeed shuda hone ka saboot;

(c) taxpayer hone ka saboot;

(d) tanzimi profile, mutaliqa tajurba, guzishta karkardagi, clients ki fehrist aur hawale (references);

(e) technical amle, computing aur engineering equipment, machinery aur plant ke lehaz se mojooda salahiyatein, jaisa ke muamla ho;

(f) guzishta teen saal ki maali halat, jin mein bank statements aur external auditor ki audited reports shamil hon;

(g) munasib intezami salahiyat rakhne ka saboot; aur

(h) koi bhi doosra factor, jo ek procuring entity mutaliqa samjhe, aur jo bid solicitation documents mein durust tor par shamil ho, contract ki noiyat aur pechidagi par munhasir, lekin Act aur in rules se mutsadim na ho.

(3) Bidding sirf pre-qualified firms tak mehdood hogi.

(4) Ahal bidders ko bid solicitation documents jari kiye jayenge.

(5) Aage ke amal ke liye rule 14 ke sub-rule (2) par amal kiya jayega.

Sub-rule (1) mein ek lafz Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye hazaf (deleted) kiya gaya. Sub-rule (4) mein "bid solicitation documents" aur sub-rule (5) mein "14" — Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye tabdeel kiye gaye.

Rule 17 — Open tendering post-qualification of contractors

Contractors ki Post-qualification ke Saath Khuli Tendering

(1) [deleted] procuring entity post-qualification ki shart ke saath bids mangne ka intekhab kar sakti hai, jo bidding documents mein faraham ki gayi ho.

(2) Bidding documents mein faraham kiye gaye post-qualification criteria technical aur maali qeemat ki evaluation par mabni honge, yani anjam diye gaye works, jin mein works ki qeemat, technical aur doosre amle ki fehrist, plant ya equipment, us ke make ke saath, aur maali isteta'at batayi jayegi.

(3) Bidding documents tamam dilchaspi rakhne wale bidders ko dastiyab karaye jayenge.

(4) Sab se kam evaluated responsive bidders ki qualification ko check kiya jayega, taake ye yaqeeni banaya jaye ke bidder works anjam dene ke liye ahal hai ya nahi.

(5) Agar sab se kam evaluated responsive bidder bidding documents mein faraham kiye gaye tamam post-qualification criteria par ahal nahi paya jata, to us ki bid ko mustarad kar diya jayega.

(6) Phir agle sab se kam evaluated responsive bidders ki asnad (credentials) ko bidding documents mein faraham kiye gaye tamam post-qualification criteria ke khilaf check kiya jayega, aur contract sab se kam evaluated responsive ahal bidder ko diya jayega.

Sub-rule (1) ke shuru mein ek hissa Finance Department Notification No. SO (FR)/FD/ 9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye hazaf (deleted) kiya gaya.

Rule 18 — Alternate methods for procurement of works, and non-consulting services

Works aur Non-Consulting Services ki Khareedari ke Muthbadil Tareeqe

Ek procurement entity procurement ke liye darj zail muthbadil tareeqe istemal kar sakti hai, yani:

(a) petty purchases,— Rs. 100,000/- tak ki procurement direct sourcing ke zariye ek wahid quotation hasil kar ke ki ja sakti hai;

(b) request for quotations,— Rs. 100,000/- se Rs. 500,000/- tak ki procurement muthbadil tareeqe se sirf us soorat mein ki jayegi, agar darj zail sharaait poori hon, yani:

(i) kam az kam teen quotations hasil ki gayi hon, basharte ke agar mangne ke bawajood teen se kam quotations mosul hon, to ye qabil-e-qubool hoga;

(ii) request for quotation mutawaqqa bidders ko be-yak-waqt bheji jaye, mukammal mawaad aur wohi maloomat ke saath, jis ke mosul hone ki tasdeeq ki gayi ho;

(iii) quotations jama karane ka ikhtetami waqt, tareekh aur pata wazeh tor par bataya gaya ho aur us par amal kiya gaya ho;

(iv) procurement ke object ki standard specifications hon;

(v) is soorat mein ke applicable tax se mutaliq raqam quotation mein shamil na ki gayi ho, qeemat ka mawazna applicable tax ki raqam shamil karne ke baad kiya jaye; aur

(vi) mawazne ke doran, har item ka mawazna us ki mutaliqa specification se kiya jana chahiye aur bid ka jaiza bid ki mutaliqa kul laagat ke mutabiq kiya jaye;

(c) Direct contracting,— ek procurement agency sirf us soorat mein muthbadil tareeqe mein shamil hogi, agar darj zail halaat mojood hon, yani:

(i) jahan civil works ka contract kiya jana ho aur woh kisi pehle ya jari kaam ki fitri tawsee (natural extension) hon aur ye maloom kiya ja sake ke usi contractor ko lagana zyada kifayati hoga aur works

ke mayar ke lehaz se nataij ki mutabiqat ko yaqeeni banayega, repeat ya variation order ki had ke taabe;

(ii) government organizations ke zariye procurement ki soorat mein, in rules ke rule-3(2)(c) ki dafaat ke mutabiq;

(iii) jahan contractor ya supplier ki tabdeeli se procuring entity ko mukhtalif technical specifications ya khasoosiyat wala material hasil karna pare aur is se operation aur maintenance mein adam-mutabiqat ya ghair-mutanasib technical mushkilat paida hon, ye munasib jawaz aur aisi wajuhat ke record ke saath kiya jayega, basharte ke contract ya contracts ki muddat teen saal se zyada na ho;

(iv) emergency ki soorat mein, jaisa ke in rules mein bataya gaya hai, aur sub-rule 3(2)(a) aur 3(2)(b) ke tehat batayi gayi procurement, basharte ke procurement entity munasib forum ki wazahat kare, jis ke paas emergency ka elan karne ka zaroori ikhtiyar ho;

(v) contract ki sharaait ke taabe, ek procuring entity, ek contractor ko variation order jari kar sakti hai, taake woh works shamil kiye jayen, jo asal scope of works se bahar hon, taake Hukumat ke mufadat ko yaqeeni banaya jaye aur economy, compatibility aur efficiency ki wajuhat se, basharte ke:

(a) asal contract abhi nafiz ho;

(b) procuring entity ne technical wajuhat se khud ko mutma'in kar liya ho ke variation order dena laagat ke lehaz se moassar hai;

(c) variation order ki qeemat asal contract ke pandrah (15) feesad se zyada na ho; aur

(d) ek se zyada variation orders ho sakte hain, jab tak ke tamam variation orders ki kul qeemat asal contract ke pandrah (15) feesad ke andar rahe.

Shiq (a) mein "Rs. 100,000/-" aur shiq (b) mein "Rs. 100,000/- se Rs. 500,000/- tak" — Finance Department Notification No. SO (A)/FD/1-40/2022, tareekh 17.08.2022 ke zariye tabdeel kiye gaye. Shiq (c)(v) mein "issue" — Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye tabdeel kiya gaya.

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Rule 19 — Method of advertisement

Ishtehar ka Tareeqa

(1) Procuring entity open competitive bidding mein shamil hogi, agar khareedne wali cheez ki laagat us maali had se zyada ho, jo in rules ke rule 18 ke tehat laagu hoti hai. Rs. 500,000/- se Rs. 5 million tak ki procurement procuring entity ki website aur Authority ki website par post ki jayegi. Ye procurement ke mauqe print media mein bhi ishtihar diye ja sakte hain, agar procuring entity zaroori samjhe.

(2) Tamam procurement, siwaye un ke jo rules 3, 18 aur rule 19 ke sub-rule (1) ke tehat aati hon, print media mein ishtihar di jayengi, jo kam az kam ek qomi English aur ek Urdu rozana akhbar mein shaya

hon, jin ki mulk bhar mein circulation ho, aur usi ishtihar ko procuring entity ki website aur Authority ki website par bhi, bil-tarteeb, lagaya jayega.

(3) Ek procuring entity, jo electronic media istemal kar rahi ho, ye yaqeeni banayegi ke website par post ki gayi maloomat us maqsad ke liye mukammal ho, jis ke liye use post kiya gaya hai, aur aisi maloomat us website par bids jama karane ki ikhtetami tareekh tak dastiyab rahegi.

Sub-rules (1) aur (2) — Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye tabdeel kiye gaye. Sub-rule (1) mein "Rs. 500,000/- se Rs. 5 million tak" — Finance Department Notification No. SO (A)/FD/1-40/2022, tareekh 17.08.2022 ke zariye tabdeel kiya gaya.

Rule 20 — Bid security

Bid Security

(1) Procuring entity bidders se bid security dene ka mutalba karegi, jo works ki procurement ki soorat mein do (2) feesad ho, [deleted].

(2) Bid security ko financial proposal mein band (sealed) rakha jayega. Single stage two envelopes ki soorat mein, bidder is ke ilawa, technical proposal mein ek halaf-nama (affidavit) rakhega, jis mein bayan ho ke do (2) feesad ki bid security, khat mein raqam zahir kiye baghair, financial proposal ya bid mein rakhi gayi hai. Warna technical proposal ko ghair-responsive (non-responsive) samjha jayega aur procurement committee ke zariye janchne ke baad bidder ko wapas kar diya jayega.

(3) Bid security nakamyab bidders ko kamyab bidder ke saath contract par dastakhat ke baad wapas kar di jayegi.

(4) Kamyab bidder ki bid security is soorat mein rakhi jayegi, agar koi performance guarantee darkar na ho, taham aisi shart bidding document mein batayi jani chahiye. Is soorat mein ke performance guarantee darkar ho, kamyab bidder ki do feesad (2%) ki bid security, jaisa ke sub-rule (1) mein bataya gaya hai, wapas nahi ki jayegi. Kamyab bidder ko contract ki laagat ka aath (8%) feesad, ek na-qabil-e-tanseekh bank guarantee (irrevocable bank guarantee) ki shakal mein jama karana hoga.

Sub-rule (1) mein "shall" — Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye tabdeel kiya gaya; sub-rule (1) ke aakhir mein ek hissa usi notification ke zariye hazaf (deleted) kiya gaya. Sub-rule (4) ka doosra hissa — Finance Department Notification No. SO (FR)/FD/9-7/2011/Vol-II, tareekh 11.08.2016 ke zariye tabdeel kiya gaya.

Rule 21 — Performance guarantee

Performance Guarantee (Karkardagi ki Zamanat)

Procuring entity contractor se performance guarantee mang sakti hai, jo bid ki qeemat ke das (10) feesad se zyada nahi hogi, jaisa ke standard bid solicitation documents ya standard bidding document mein bataya jayega.

CHAPTER IV

PROCUREMENT OF CONSULTANCY SERVICES

Rule 22 — Application of consultancy services rules

Consultancy Services ke Rules ka Itlaq

Ye rules sirf un consulting services par laagu honge, jo zehni aur mashwarati noiyat ki hon aur doosri qism ki services se mukhtalif hon, jo goods aur works ki procurement se brah-e-raast mutaliq hon, jin mein sargarmi ka jismani pehlu asal kaam ho aur jin mein aksar equipment-intensive assignments shamil hon.

Rule 23 — Systems for selection of consultants

Consultants ke Intekhab ke Nizam

Intekhab ka nizam procuring entity ki taraf se mutawaqqa consultants ke intekhab ke amal ke shuru hone se pehle tay kiya jayega. Procuring entity consultants ke intekhab ke liye darj zail nizamon mein se ek istemal kar sakti hai, yani:

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(a) quality based selection (QBS),— ye nizam intehai makhsoos aur pechida assignments ke liye istemal kiya jayega, jahan mayar (quality) hi wahid factor ho, jis par ghaur kiya jaye;

(b) quality and cost based selection (QCBS),— ye nizam wahan istemal kiya jayega, jahan aala mayar bunyadi ghaur ho, jab ke laagat sanwi (secondary) ghaur ho;

(c) least cost,— ye nizam sirf standard ya routine noiyat ki assignments ke liye istemal kiya jayega, jahan achhi tarah se qayam shuda practices aur mayar mojood hon;

(d) single source ya direct selection,— procuring entity ke sarbrah ki manzoori ke taabe, ek procuring entity single-source procurement mein shamil ho sakti hai—

(i) services sirf ek khaas consultant se dastiyab hon, ya ek khaas consultant ke paas goods, works se mutaliq services ke hawale se khususi huqooq hon aur koi muthbadil ya substitute mojood na ho;

(ii) procuring entity ne consultant se services khareedi hon, aur ye tay kare ke mazeed services usi consultant se khareedni chahiye, services ke tasalsul ki wajuhat se ya mojooda services ke saath mutabiqat ki zaroorat ki wajah se, asal procurement ki moassariyat ko madde-nazar rakhte hue, jis se

procuring entity ki zarooriyat poori hui hon, tajweez shuda procurement ke repeat order ke mehdood size ko asal procurement ke muqable mein, qeemat ke maqool hone aur sawal mein aane wali services ke liye muthbadil ki na-munasibat ko madde-nazar rakhte hue; aur

(iii) emergency ke muqadmaat mein;

(iv) bohat chhoti assignments ke liye, jin ki qeemat Rs. 500,000/- tak ho; aur

(v) jahan sirf ek consultant ahal ho ya ghair-mamooli qeemat ka tajurba rakhta ho; [Deleted]

(e) fixed budget,— ye nizam sirf us waqt istemal kiya jayega, jab assignment sada ho, use durust tor par bataya ja sake aur jab budget muqarrar ho. Request for proposals mein dastiyab budget bataya jayega. Jo proposals bataye gaye budget se zyada hon, un ko mustarad kar diya jayega. Darja-bandi sirf ahal bidders ki technical proposals ki evaluation ki bunyad par hogi; aur

(f) Consultants' Qualifications Selection (CQS):

(i) Consultants' Qualifications Selection chhoti assignments ke liye munasib hai, jin ki qeemat 2.5 million se zyada na ho, ya urgent halaat mein, jin mein musabiqati proposals tayyar karna aur evaluate karna jayez na ho; aur

(ii) procuring entity expressions of interest (REOI) mangegi, jis mein services ka munasib daira aur ek wazeh tor par bataya gaya intekhab ka mayar ho. Kam az kam teen ahal firms se brah-e-raast kaha jayega ke woh apne mutaliqa tajurbe aur qabiliyat (qualifications) ke bare mein maloomat faraham karein. Jis firm ka intekhab ke mayar mein sab se zyada score ho, use ek wahid lifafe mein mushtaraka technical aur financial proposal jama karane ke liye kaha jayega, aur phir use contract par guft-o-shaneed ke liye bulaya jayega. Agar guft-o-shaneed nakam ho jaye, to darja-bandi mein agle number par aane wali firm ko guft-o-shaneed ke liye bulaya jayega, jab tak ke koi muahida na ho jaye.

Shiq (d)(i) aur (d)(ii) — Finance Department Notification No. SO (A)/FD/1-40/2022, tareekh 17.08.2022 ke zariye tabdeel kiye gaye. Shiq (d)(v) ke baad ka hissa Finance Department Notification No. SO (A)/FD/1-40/2022, tareekh 17.08.2022 ke zariye hazaf (deleted) kiya gaya. Shiq (e) ke aakhir mein ";" ki jagah "aur" — Finance Department Notification No. SO (A)/FD/1-40/2022, tareekh 17.08.2022 ke zariye tabdeel kiya gaya. Shiq (f) — Finance Department Notification No. SO (A)/FD/1-40/2022, tareekh 17.08.2022 ke zariye nayi shiq ke tor par shamil (added) ki gayi.

Rule 23A — Single bid in consultancy services

Consultancy Services mein Wahid Bid

Consultancy services mein wahid bid par ghaur kiya ja sakta hai, agar woh advertisement ya bid solicitation documents mein bayan kiye gaye evaluation criteria par poora utarti ho aur Act, in rules, regulations ya Hukumat ki policy se mutsadim na ho, jo us waqt nafiz ho. Wahid bid behtareen evaluated bid ke mutabiq honi chahiye. Procuring entity munasib dehan (due diligence) se aur Act ki section 3 ki roshni mein faisla karegi.

Naya Rule "23A" Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye shamil (inserted) kiya gaya.

Rule 24 — Criteria for eligibility of consultants

Consultants ki Ahliyat ke Mayar

Procuring entity kisi consultant ko kisi assignment ke liye hire nahi karegi, jis mein mufadat ke tasadum (conflict of interest) ka imkan ho. Agar kisi consultant ko procuring entity ne kisi project ke liye goods ya works faraham karne ke liye lagaya ho, to use usi project ke liye consulting services faraham karne se na-ahal qarar diya jayega. Isi tarah, consultant ko kisi bhi assignment ke liye hire nahi kiya jana chahiye, jo apni noiyat se, consultant ki kisi doosri assignment se mutsadim ho sakti ho.

Rule 25 — Expression of Interest (EOI)

Dilchaspi ka Izhar (EOI)

(1) Ek procuring entity expression of interest mangwa sakti hai, jis ka ishtehar diya jayega, aur bidders ko qomi muqable ke liye kam az kam pandrah (15) din aur bain-ul-aqwami muqable ke liye tees (30) din diye jayenge, taake woh consultancy services faraham karne ke liye apni dilchaspi jama kara saken.

(2) Expression of interest mein kam az kam darj zail maloomat hongi:

(a) procuring entity ka naam aur pata;

(b) assignment ki munasib tafseel, jis mein darkar zehni aur peshawarana khidmat ka daira bataya gaya ho;

(c) expression of interest jama karane ki aakhri tareekh aur jagah; aur

(d) short-listing ke mayar, jahan zaroori hon.

Footnote 52: Tabdeel kiya gaya, Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye.

Rule 26 — Criteria for short-listing of consultants

Consultants ki Short-listing ke Mayar

(1) Jab bhi short-listing zaroori samjhi jaye, procuring entity short-listing ke mayar pehle se tay karegi. Single source ke siwa, short-list mein kam az kam teen (03) aur zyada se zyada chhe (06) consultants honge, jin ki bids Act ki section 2 ki sub-section (1) ki shiq (c) ke tehat bayan kiye gaye fair bids ke tor par sab se unchi darja-bandi hogi. Taham, agar teen se kam umeedwar darkhwast dein, to un ki proposals ko merit par ghaur kiya ja sakta hai.

(2) Procuring entity consultants ki short-listing karte hue darj zail awamil ko madde-nazar rakh sakti hai, yani:

(a) qabiliyat;

(b) aam tajurba; ya

(c) khaas tajurba, khaas tor par pichle paanch saalon ka; ya

(d) koi aur awamil, jin ko procuring entity mutaliqa samjhe, jo in rules se mutasadim na hon.

(3) Tamam darkhwast-dahindgan ko ittila di jayegi ke unhein short-list kiya gaya hai ya nahi.

(4) Procuring entity enlistment ko ek sau (100) million rupees se kam ke contracts mein short-listing ka mayar banane ka faisla kar sakti hai.

Footnote 53: Naya sub-rule "(4)" shamil kiya gaya, Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye.

Rule 27 — Request for Proposals (RFP)

Proposals ki Darkhwast (RFP)

(1) Jab ek procuring entity expression of interest mangwati hai to woh tamam short-listed consultants ko, request for proposals ke saath, barabar mauqe ki bunyad par tamam maloomat faraham karegi.

(1A) Ek procuring entity request for proposal mangwa sakti hai, jis ka ishtehar diya jayega, aur bidders ko qomi muqable ke liye kam az kam pandrah (15) din aur bain-ul-aqwami muqable ke liye tees (30) din diye jayenge, taake woh consultancy services faraham karne ke liye apni proposals jama kara saken.

(2) Ek procuring entity expression of interest mangwaye baghair request for proposal mangwa sakti hai, taake consultants se proposals mangwai jayen, chahe woh shortlisted hon ya enlisted hon ya prequalified hon ya na hon, jis mein darj zail shamil hoga, yani:

(a) letter of invitation (LOI), — letter of invitation mein procuring entity ka naam aur pata bataya jayega aur us mein procuring entity ka ye irada bayan kiya jayega ke woh consulting services ki farahami ke liye contract mein dakhil hona chahti hai;

(b) instruction to consultants, — instructions to consultants mein tamam zaroori maloomat hongi, jo unhein responsive proposals tayyar karne mein madad dein aur selection ke nizam mein jitni mumkin ho shaffafiyat layen;

(c) terms of reference (TOR), — terms of reference mein assignment ke maqasid, ahdaf aur daira ko wazeh tor par bayan kiya jayega, contract ki sharaait ke ilawa. Terms of reference mein woh khidmat aur surveys darj hongi, jo assignment ko anjam dene ke liye zaroori hon, aur mutawaqqa outputs bhi. Is mein evaluation criteria bhi shamil hoga;

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(d) evaluation criteria, — siwaye is ke ke koi aur baat batayi gayi ho, proposals ki evaluation quality aur laagat ko madde-nazar rakhte hue ki jayegi;

(e) type of contract, — procuring entity, halaat par munhasir, darj zail mein se kisi ek qism ka contract istemal kar sakti hai, yani:

(i) lump sum contract zyada tar un assignments ke liye istemal kiya jayega, jin mein khidmat ka mawaad, muddat aur darkar output wazeh tor par bayan kiye gaye hon;

(ii) time based contract us waqt istemal kiya jayega, jab khidmat ke daira aur muddat ki wazahat karna mushkil ho;

(iii) hourly ya daily rates chhote projects ke liye istemal kiye jayenge, khaas tor par jab assignment ek mah se kam ki ho; aur

(iv) koi aur, jo upar wali aqsaam ke majmue par mabni ho, aur jis mein out of pocket expenses bhi shamil hon, jahan zaroori hon; aur

(f) special provisions, — procuring entity assignment ya contract waghera se mutaliq koi aur zaroorat bata sakti hai, jahan zaroori ho.

(3) Procuring entity mutawaqqa consultants ko dawat degi ke woh apni technical aur financial proposals alag-alag sealed lifafon mein jama karayen. Procuring entity proposals jama karane ki aakhri tareekh degi. Consultants ko apni proposals tayyar karne ke liye munasib waqt diya jayega, jo do hafton se kam nahi hoga.

Footnote 54: Tabdeel kiya gaya, Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye.

Footnote 55: Naya sub-rule "(1A)" shamil kiya gaya, Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye.

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Footnote 56: Tabdeel kiya gaya, Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye.

Footnote 57: Tabdeel kiya gaya, KPPRA Notification No. KPPRA/M&E/Estt:/1-3/2015-16, tareekh Dec 15, 2015 ke zariye.

Rule 28 — Selection process of individual consultants

Infiradi Consultants ke Intikhab ka Amal

(1) Infiradi consultants ko proposals jama karane ki zaroorat nahi hogi, aur un ka intikhab assignment ke liye un ki qabiliyat ki bunyad par kiya jayega.

(2) Infiradi consultants ka intikhab kam az kam teen consultants ki qabiliyat ka muqabla kar ke kiya jayega, un mein se jo assignment mein dilchaspi zahir kar chuke hon ya jin se procuring agency ne

brah-e-raast rabta kiya ho. Jin infiradi consultants ki qabiliyat ka muqabla kiya jayega, unhein kam az kam mutaliqa qabiliyat par poora utarna hoga, aur jis ko procuring agency mulazim rakhegi, woh sab se zyada qabil hoga aur assignment ko anjam dene ki mukammal salahiyat rakhta hoga.

(3) Ek infiradi consultant ko single-source ki bunyad par (munasib jawaz ke saath) ghair-mamooli halaat mein chuna ja sakta hai; jaise ke darj zail:—

(a) ek aise kaam ke liye, jo pichle kaam ka tasalsul ho, jo consultant ne pehle anjam diya ho aur jis ke liye consultant ko musabiqati tor par chuna gaya tha;

(b) ek qudrati aafat ke nateeje mein paida hone wali hangami surat-e-haal mein; aur

(c) jab woh shakhs hi assignment ke liye wahid qabil consultant ho.

(4) Ahem assignments ke liye, interviews ka intizam kiya ja sakta hai, aur bulaye gaye umeedwaron ko safar aur guzara kharch diya jana chahiye, jaisa ke zaroori ho. Ummidwaron ki salahiyat ka andaza lagaya jana chahiye.

Rule 29 — Professional liability of consultants

Consultants ki Peshawarana Zimmedari

(1) Jis consultant ko chuna jaye aur contract diya jaye, woh apni ghaltiyon ya kotahiyon ke nateeje ka zimmedar hoga. Consultant ki zimmedari ki had contract mein shamil ki jani chahiye aur kisi soorat mein bhi ye out of pocket expenses ke ilawa remunerations se kam nahi honi chahiye, aur na hi zimmedari remunerations se dugni se zyada honi chahiye.

(2) Procuring entity consultant se insurance mang sakti hai, taake upar batayi gayi us ki zimmedari ka ahata kiya ja sake, aur zaroori laagat consultant bardasht karega, jo procuring entity ki taraf se consultant ko out of pocket expenses ke tor par wapas ki jayegi.

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(3) Consultant ko tamam nuqsanat ya khasaray aur farahami waghera mein kotahiyon ka zimmedar thehraya jayega, jo procuring entity ko consulting services anjam dete hue us ki bad-amli ya na-kaafi khidmat ke nateeje mein hue hon.

CHAPTER V — MISCELLANEOUS PROVISIONS

Rule 30 — Procurement planning

Procurement ki Mansuba-bandi

Har procuring entity apni procurements ki mansuba-bandi shaffafiyat, maeeshat, karkardagi aur bar-waqt honay ko madde-nazar rakhte hue karegi, aur Act ki section 22 ke mutabiq tamam mutawaqqa bidders ko barabar mauqe yaqeeni banayegi.

Rule 31 — Limitation on splitting or regrouping of proposed procurement

Tajweez Shuda Procurement ki Taqseem ya Dobara Jorhne par Pabandi

Ek procuring entity har saal 31st July ke khatme se pehle tamam tajweez shuda salana procurements ka elaan Authority ki website par aur apni website par karegi aur is ke mutabiq aage badhegi, baghair is tarah mansuba-bandi ki gayi procurements ki koi taqseem ya dobara jorh kiye, siwaye is ke ke procuring entity mutmain ho ke—

(a) goods, services ya works ki block acquisition se dastiyab wasail bila-wajah ruk jayenge;

(b) takneeki wajuhat batati hain ke packaging se intizam aur mayar behtar hoga; aur

(c) mausam, geografiyai phailao ka asar khaas procurements par, khaas tor par works contract ki soorat mein, us ki takmeel par mayar aur delivery schedule ke hawale se asar andaz hoga.

Footnote 58: Tabdeel kiya gaya, Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye.

Rule 31A — Framework Contract

Framework Contract

(1) Procuring entity goods, services aur works ki procurement ek framework contract mein dakhil ho kar khule muqable ke zariye kar sakti hai, agar darkar procurement object ko ibtidai procurement amal ya ishtehar ke waqt tay nahi kiya ja sakta aur jahan economy of scale se behtar procurements ho sakti hon.

(2) Framework contract ki muddat ek saal ke liye hogi, jo ek aur saal tak badhai ja sakti hai, zyada se zyada teen saal tak;

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> Proviso: basharte ke har tauseeq ki manzoori ek committee de, jo Administrative Department ki taraf se notify ki gayi ho, taake musabiqat ka tayyun kiya jaye aur value for money ka andaza lagaya jaye.

Footnote 59: Tabdeel kiya gaya, Finance Department Notification No. SO (A)/FD/1-40/2022, tareekh 17.08.2022 ke zariye.

Rule 32 — Procurement committees

Procurement Committees

(1) Har procuring entity committees tashkeel degi, maali ikhtiyarat ki tafweez ke mutabiq, goods, works aur services ki procurement ke liye alag-alag.

(2) Committees mein procuring entity ke accounts ya finance ya planning sections mein se har ek ka ek numainda hoga, doosron ke ilawa.

(3) Ek technical member ko mutaliqa line department of Government se shamil kiya jayega ya works ki tamam procurements mein ya ghair-mamooli halaat mein hire kiya jayega, basharte ke procurement takneeki aur paicheeda noiyat ki ho.

Rule 32A — Enlistment

Enlistment

(1) Government ka har Department ek sub-committee tashkeel dega, jo chairperson sameet paanch members par mushtamil hogi, chairperson BPS-19 se kam ke rank ka nahi hoga, taake mutawaqqa bidders ki taraf se jama karayi gayi credentials ki janbh-partal ki jaye, is se pehle ke unhein enlistment ya tajdeed ke liye, jaisa ke muamla ho, Provincial Enlistment and Pre-registration Committee ko bheja jaye.

(2) Janbh-partal ke baad, sub-committee Provincial Enlistment and Pre-registration Committee ko sifarish karegi ke mutawaqqa bidder ko register kiya jaye, tajdeed ki jaye ya mustarad kiya jaye, jaisa ke muamla ho, aur Provincial Enlistment and Pre-registration Committee enlistment, registration aur mustarad karne ka apna hatmi faisla paanch working days ke andar degi:

> Proviso: basharte ke sub-committee, mutawaqqa bidder ke mustarad karne ki sifarish Provincial Enlistment and Pre-registration Committee ko karte hue, aisi mustarad karne ki wajuhat bhi record karegi.

(3) Government ki manzoori se mashroot, sub-committee registration ya tajdeed ke liye qaabil-e-itlaq fee ka tayyun karegi, waqtan fawaqtan. Taham, aisi enlistment aur pre-registrations ki muddat ka faisla Provincial Enlistment and Pre-registration Committee karegi.

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(4) Mutawaqqa bidders ki enlistment ke mayar bidders ki takneeki aur maali salahiyaton ki evaluation par mabni honge, jaisa ke is tarah tashkeel di gayi sub-committee tay kare.

(5) Is tarah enlisted mutawaqqa bidders ke mayar aur fehrist Authority, Government ke Department aur Provincial Enlistment and Pre-registration Committee ki websites par post ki jayegi, aur mutaliqa procuring entity mein awaam ke dekhne ke liye ek aasan jagah par rakhe gaye notice board par bhi.

(6) Enlistment ka amal saal bhar khula rahega aur kisi bhi mutawaqqa bidder ko sub-committee ke paas enlistment ke liye darkhwast dene ki ijazat hogi, baghair kisi rukawat ke.

(7) Bidding sirf enlisted bidders tak mehdood hogi.

(8) Enlistment ko pre-qualification ya post-qualification nahi samjha jayega.

Footnote 60: Naya Rule "32A" shamil kiya gaya, Finance Department Notification No. SO (FR)/FD/ 9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye.

Rule 32B — Functions and responsibilities of procurement committees

Procurement Committees ke Faraiz aur Zimmedariyan

Darj zail procurement committees ke faraiz aur zimmedariyan hongi:

(a) bid solicitation documents tayyar karna aur is baat ki nigrani karna ke procurement ki karwai rules ke mutabiq ho;

(b) bids ki takneeki aur maali evaluation karna;

(c) in rules mein bataye gaye tareeqe se evaluation report tayyar karna;

(d) mutaliqa competent authority ko contract dene ki sifarish karna;

(e) takneeki evaluation ke liye sub-committees tashkeel dena; aur

(f) upar wali cheezon se mutaliq koi aur kaam anjam dena, jo zeeli aur ittefaqi ho.

Footnote 61: Naya Rule "32B" shamil kiya gaya, Finance Department Notification No. SO (A)/FD/ 1-40/2022, tareekh 17.08.2022 ke zariye.

Rule 33 — Bid solicitation documents

Bid Solicitation Documents

(1) Ek procuring entity bid solicitation documents tayyar karte hue standard bidding documents ko laagu karegi, jaisa ke qaabil-e-itlaq hon aur Act, in rules aur regulations ki dafaat ke mutabiq, jo us waqt naafiz hon.

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(2) Works ki procurement ki soorat mein, solicitation documents mein technical specifications, drawings aur designs, bill of quantities aur estimated costs, jahan bhi qaabil-e-itlaq hon, evaluation criteria, contract ke shuru hone ki mutawaqqa tareekh aur takmeel ki muddat, bid validity, mangi gayi securities, payment schedule, contract ki aam aur khaas sharaait [deleted] shamil hongi.

(3) Goods aur services ki procurement ki soorat mein, jin mein consulting services bhi shamil hain, standard bidding document mein scope of work aur terms of reference, evaluation criteria, bid validity ki had, miqdar, mayar aur specifications; consultants ki qabiliyat aur tajurba, securities, approach aur methodology, work plan aur delivery schedule, pre-shipment inspection jahan qaabil-e-itlaq ho, payments ka schedule aur contract ki aam aur khaas sharaait shamil hongi.

(4) Upar wali cheezon ke ilawa, koi aur document ya maloomat ya tafseel, jin ko procuring entity zaroori samjhe, solicitation documents mein wazeh tor par shamil ki jayegi.

(5) Solicitation documents bidders ko un ke jari hone ki tareekh se le kar jama karane ki aakhri tareekh tak dastiyab kiye jayenge, mutawaqqa bidder ki taraf se darkar fee jama karane par, chahe shakhs tor par ya, agar is tarah darkhwast ki jaye to, tehreer mein ek authorized darkhwast ke zariye. Agar darkhwast courier ke zariye ki jaye, to us ke saath procuring entity ke haq mein ek bank draft hoga, jis mein wapas delivery ki laagat bhi shamil hogi.

(6) Jahan procuring entity zaroori samjhe, woh bid solicitation documents hasil karne ke liye ek aisi muddat rakh sakti hai, jo tender ya bid ki aakhri tareekh se pehle khatm ho, basharte ke ye rule 34 mein bataye gaye kam az kam response time se kam na ho.

(7) Agar procuring entity Act ki section 23(9) ke mutabiq solicitation documents mein tabdeeli kare, to woh aisa ek addendum ya corrigendum jari kar ke karegi aur bidders ko aam tor par ya infiradi tor par ittila degi, agar us ne solicitation documents jari kiye hon, aakhri tareekh se 5 din pehle. Agar tabdeeliyan bunyadi hon, to jama karane ka waqt munasib tor par badhaya ja sakta hai, tamam bidders ko bar-waqt ittila de kar.

Footnote 62: Tabdeel kiya gaya, Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye.

Footnote 63: Hazaf kiya gaya, Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye.

Rule 34 — Response time

Jawab ka Waqt

(1) Procuring entity bids ya proposals, jin mein pre-qualification ke liye proposals bhi shamil hon, ki wasooli ke liye response time ka faisla kar sakti hai, ishtehar ya notice ki ishaat ki tareekh se, contract ki paicheedgi aur jald-bazi ko madde-nazar rakhte hue. Taham, kisi bhi soorat mein response time ishtehar ki ishaat ki tareekh se qomi musabiqati bidding ke liye pandrah din aur bain-ul-aqwami musabiqati bidding ke liye tees din se kam nahi hoga [Authority ki website par ya qomi akhbar mein notice, jo bhi baad mein ho, jaisa ke muamla ho, par].

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(2) Response time ka hisab ishtehar ki akhbar mein pehli ishaat ki tareekh ya Authority ki website par posting, jo bhi baad mein ho, jaisa ke muamla ho, se lagaya jayega.

(3) Un halaat mein, jahan aise ishteharat ya notices ki ishaat electronic aur print media dono mein hui ho, response time ka hisab akhbaron mein us ki pehli ishaat ke din se lagaya jayega [jo bhi baad mein ho].

Footnote 64: Tabdeel kiya gaya, Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye.

Footnote 65: Tabdeel kiya gaya, Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye.

Footnote 66: Shamil kiya gaya, Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye.

Rule 34A — Procurement under urgency situations

Hangami Halaat mein Procurement

(1) Ek procuring entity hangami halaat mein procurement ke liye ek ya zyada suppliers, contractors ya consultants ke saath guft-o-shaneed kar sakti hai, baghair tender notice ki ishaat ke. Ye tareeqa sirf us waqt ikhtiyar kiya jayega, jab intehai jald-bazi aise waqiyat ki wajah se paida hui ho, jo procuring entity ke liye na-qabil-e-pesh-goi hon, khule musabiqati bidding ke liye muqarrar waqt ki hadon ko poora nahi kiya ja sakta ho aur intehai jald-bazi ko jayez thehrane ke liye istemal kiye gaye halaat procuring entity ki wajah se na hon:

> Proviso: basharte ke koi bhi procuring entity, jo urgency provision ko procurement ke tareeqe ke tor par istemal karne ka irada rakhti ho, apni wajuhat aur jawaz tehreer mein record karegi, aur unhein Administrative Secretary ko ittila de kar record par rakhegi.

Footnote 67: Naya Rule "34A" shamil kiya gaya, Finance Department Notification No. SO (A)/FD/1-40/2022, tareekh 17.08.2022 ke zariye.

Rule 35 — Bid validity

Bid ki Miyad

(1) Bidders ko aisi bids jama karane ki zaroorat hogi, jo bid documents mein batayi gayi muddat ke liye qabil-e-qubool hon, jo is ke liye kaafi ho ke procuring entity bids ki evaluation aur muqabla mukammal kar sake aur tamam zaroori manzooriyan hasil kar sake, taake us muddat ke andar contract diya ja sake.

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(2) Ek procuring entity bids ki evaluation aur contract dene ka kaam bid validity ki ibtidai muddat ke andar mukammal karegi. Bid validity ki tauseeq, agar ghair-mamooli halaat ki wajah se jayez ho, to expiry date se pehle tamam bidders se tehreer mein mangi jayegi. Jo bidders apni bid validity ki muddat badhane par razamand hon, woh apni bid security ki muddat bhi usi ke mutabiq badhayenge.

(3) Ek bidder, jo apni bid validity ki muddat badhane par razi na ho, aisa kar sakta hai baghair is ke ke us ki bid security zabt ki jaye, aur is soorat mein us ki bid ko evaluation ki karwai mein mazeed ghaur nahi kiya jayega.

(4) Bid security zabt kar li jayegi, agar koi bidder apni bid ko us ki validity ki muddat ke andar wapas le, ya, ek kamyab bidder ki soorat mein, jo contract ko rad kare ya performance security faraham karne mein nakam rahe.

Rule 36 — Pre-qualification process

Pre-qualification ka Amal

(1) Pre-qualification mein masroof procuring entity pre-qualification documents mein tamam maloomat ka elaan karegi, jo pre-qualification ke liye darkar hon, jin mein pre-qualification documents ki tayyari aur jama karane ki hidayaat, evaluation criteria, documentary evidence ki fehrist, jo contractors ya consultants se darkar ho, taake woh apni mutaliqa qabiliyaton ko sabit kar saken, aur koi aur maloomat, jin ko procuring entity pre-qualification ke liye zaroori samjhe, shamil hon.

(2) Procuring entity pre-qualification documents ka ek set kisi bhi contractor ya consultant ko, darkhwast par aur document fee ki adayegi se mashroot, agar qaabil-e-itlaq ho, faraham karegi, jo documents ki printing aur farahami ki laagat se zyada nahi hogi.

(3) Procuring entity foran har contractor ya consultant ko, jo pre-qualify hone ke liye darkhwast jama kara raha ho, ittila degi ke use pre-qualify kiya gaya hai ya nahi, aur pre-qualification ke amal mein brah-e-raast shamil kisi bhi shakhs ko, darkhwast par, tamam contractors ya consultants ke naam dastiyab karayegi, jin ko pre-qualify kiya gaya ho. Sirf woh contractors ya consultants, jin ko pre-qualify kiya gaya ho, hissa lene ke haqdar honge.

(4) Procuring entity darkhwast par, un contractors ya consultants ko, jin ko pre-qualify nahi kiya gaya ho, un ke pre-qualify na hone ki wajuhat batayegi.

Rule 37 — Submission of bids and bid opening

Bids Jama Karana aur Bid Kholna

(1) Bids, procurement entity ke procuring officer ke zariye talab ki jayengi.

(2) Ek procuring entity, bidders se mutalba karegi ke woh sealed written bids jama karayen ya kisi aise doosre tareeqe se, jaisa ke solicitation documents mein muqarrar kiya gaya ho. Procuring entity, aisi bids jama karane ki jagah bhi muqarrar karegi.

(3) Procuring entity, bidder ko ek receipt jari karegi, jis mein woh tareekh aur waqt dikhaya gaya ho, jab bid wasool hui thi.

(4) Koi bhi bids ya tenders, jo solicitation documents mein muqarrar waqt aur tareekh ke baad ya baad mein jari honay wale corrigendum ke mutabiq wasool hon, qabil-e-ghaur nahi hongi.

(5) Bids jama karane ka tareeqa, procurement ki qism, pechidgi aur evaluation ke tareeqe ke mutabiq, in rules ke mutabiq tay kiya jayega.

(6) Public procurement se mutaliq tamam elanat mein, bids jama karane ki aakhri tareekh ke saath-saath public bid opening ki tareekh bhi muqarrar ki jayegi, jo aik hi hogi.

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(7) Bids, technical ya financial, jaisa ke muamla ho, solicitation documents mein diye gaye muqarrar waqt par, procurement committee aur un bidders ki maujoodgi mein kholi jayengi, jo maujood hona chahen.

(8) Bidder ka naam, bid mein tabdeeliyan, discounts ya withdrawals, bid security ya affidavit ki maujoodgi, jaisa ke muamla ho, aur har bid ki kul raqam aur koi mutabadil, agar is ki ijazat ho, buland awaz mein parh kar sunaye jayenge aur record kiye jayenge, aur record ki ek copy, darkhwast par kisi bhi bidder ko faraham ki jayegi.

(9) Kisi bidder ko apni bid wapas lene ki ijazat nahi hogi, jab tak contract award na ho jaye ya bid ki miyad khatm na ho jaye, jo bhi pehle ho.

(10) Ek procuring entity, evaluation mein madad ke liye, bidder se bid ki wazahat talab kar sakti hai. Takheer se bachne ke liye, procuring entity, mutawaqqa bidders ke saath ek pre-bid conference munaqid kar sakti hai, bids jama karane ke aakhri din se kam az kam paanch working days pehle, agar procurement pechida noiyat ki aur zyada qeemat ki ho.

Footnote 68: Shamil kiya gaya, Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye.

Rule 37A — Registration with Khyber Pakhtunkhwa Revenue Authority

Khyber Pakhtunkhwa Revenue Authority ke Saath Registration

Tamam bidders, works aur consulting aur non-consulting services ke maqasid ke liye, Khyber Pakhtunkhwa Revenue Authority ke saath registered honge, jo Khyber Pakhtunkhwa Revenue Authority Act, 2022 (Khyber Pakhtunkhwa Act No. XVIII of 2022) ke tehat qayam ki gayi hai.

Footnote 69: Tabdeel kiya gaya, Finance Department Notification No. SO (A)/FD/1-40/2022, tareekh 17.08.2022 ke zariye.

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Rule 37B — Unsolicited proposal

Bila Talab Tajweez

(1) Kisi engineering, procurement and construction project ke liye bila talab tajweez mosul honay ki soorat mein, procuring entity, tajweez ki technical aur financial janch karegi, taake us ki viability ka andaza lagaya ja sake, aur aise amal ke baad, agar tajweez viable payi jaye, to procuring entity, Government ki manzoori se,—

(a) bila talab tajweez ke initiator ka naam zahir kiye baghair, khule muqable ke liye tajweez ki tashheer karegi;

(b) prequalification ka amal anjam degi;

(c) bila talab tajweez ke initiator ko prequalification se mustasna karegi;

(d) tajweez ke initiator ko contract de sakti hai, agar tashheer ke jawab mein koi doosra bidder bid jama na kare;

(e) initiator ko pehla haq-e-inkar degi, agar woh bidding muqable mein sab se kam bid dene wala na ubhre; aur

(f) tajweez ke initiator ko technical aur financial evaluation ke mushtarika score se paanch percent izafi weightage degi.

(2) Bila talab tajweez ke liye Government ki taraf se di gayi manzoori, contract ke award se pehle print media mein shaya ki jayegi.

Footnote 70: Naye Rules "37A & 37B" shamil kiye gaye, Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye.

Rule 38 — Confidentiality

Razdaari

Procuring entity, bid evaluation se mutaliq tamam maloomat ko, in rules ke rule 45 ki sharaait ke mutabiq evaluation report ke elan ke waqt tak, khufiya rakhegi.

Rule 39 — Bid evaluation

Bid ki Janch

(1) Tamam bids ki janch, bidding documents mein diye gaye evaluation criteria aur doosri sharaait-o-zawabit ke mutabiq ki jayegi.

(2) Mukhtalif currencies mein di gayi bids ki qeematon ke muqable ke maqsad ke liye, qeemat ko bidding documents mein muqarrar ki gayi aik hi currency mein tabdeel kiya jayega. Exchange ki sharah, woh selling rate hogi, jo bidding documents mein muqarrar ki gayi bids kholne ki tareekh se saat working days pehle raaij ho, jaisa ke State Bank of Pakistan ne notify kiya ho.

(3) Ek bid, jo muqarrar tareeqa-e-kar ke mutabiq kholi ja chuki ho, sirf un rules, regulations aur policies ke taabe hogi, jo bids ki dawat ke notice ke jari honay ke waqt naafiz hon.

Rule 40 — Discriminatory and difficult conditions

Imtiazi aur Mushkil Sharaait

Siwaye is ke ke koi aur baat batayi gayi ho, koi procuring entity koi aisi shart na lagayegi, jo bidders ke darmiyan imtiaz kare ya jis ko poora karna mushkil samjha jaye. Kisi shart ki imtiazi ya mushkil noiyat ka andaza lagane mein, us tijarat, manufacturing, construction business ya service ke aam tareeqon ka hawala diya jayega, jis se woh khaas procurement mutaliq ho.

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Rule 41 — International competitive bidding

Bain-ul-Aqwami Musabiqati Bidding

Jab, mulki salahiyat ki adam maujoodgi mein, bain-ul-aqwami muqable ko raghib karne ke liye khaas koshish kiye baghair moassar muqabla hasil na kiya ja sake, to bain-ul-aqwami muqabla talab kiya ja sakta hai, Act ki dafaat ke mutabiq, darj zail dafaat ke saath:

(a) tender documents, English zuban mein honge;

(b) tender ki dawat, English zuban mein hogi aur aise akhbar mein shaya ki jayegi, jis ki gardish ghair-mulki muqable ko raghib karne ke liye kaafi ho, aur bain-ul-aqwami bidding ki tashheer ke liye mashhoor bain-ul-aqwami web pages par bhi shaya ki ja sakti hai. Is ke ilawa, ek procuring entity, aisi daawatein, potential supplier mumalik ke apne safarat khano aur tijarati numaindon ko bhi bhej sakti hai;

(c) tenders jama karane ke liye diya gaya waqt, dawat ke bids tak pahunchne ke liye kaafi hoga, procurement ki pechidgi aur noiyat par munhasir, aur un ko bids tayyar karne aur jama karane ke qabil banane ke liye, lekin kisi bhi soorat mein tees din se kam nahi hoga;

(d) technical specifications, jahan tak qomi sharaait se mutabiq hon, bain-ul-aqwami mayarat ya un mayarat par mabni hongi, jo bain-ul-aqwami tijarat mein wasee paimane par istemal hotay hon;

(e) bidders ko ijazat hogi ke woh apni bids, aur koi bhi bid aur performance security documents, jo un ki taraf se pesh kiye jayen, apni mutaliqa mulki currencies mein ya aisi currency mein zahir karen, jo bain-ul-aqwami tijarat mein wasee paimane par istemal hoti ho aur solicitation documents mein batayi gayi ho;

(f) contract ki general aur special conditions, us qism ki hongi, jo aam tor par bain-ul-aqwami tijarat mein istemal hoti hon; aur

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(g) goods, works aur services ke liye standard bidding documents (SBDs), international competitive bidding (ICB) ke liye bhi istemal kiye jayenge.

Footnote 71: Tabdeel kiya gaya, Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye.

Rule 41A — Procurement from multilateral or bilateral agencies

Kasir-ul-Jahati ya Do-Tarfa Agencies se Procurement

(1) Procuring entity, multilateral ya bilateral agencies se brah-e-raast raabta kar sakti hai, jo apne maharat ke shoabon mein technical assistance faraham karne ke liye ghair-mamooli tor par ahal hon, goods ya services ki farahami ke liye. Multilateral ya bilateral agencies se, taham, tabhi raabta kiya jayega, jab salahiyat ki kami ho aur technical assistance ke liye un se raabta karna, waqt aur value for money ke lehaz se munasib ho.

(2) Procuring entities, multilateral ya bilateral agencies ke saath khaas payment provisions par bhi ittefaq kar sakti hain, jo multilateral ya bilateral agency ke charter ke mutabiq darkar hon.

(3) Multilateral ya bilateral agencies ko, taham, musabiqati amal mein koi tarjeehi sulook nahi milega, jab woh bidder ke tor par darkhwast dein.

Footnote 72: Naya Rule "41A" shamil kiya gaya, Finance Department Notification No. SO (A)/FD/ 1-40/2022, tareekh 17.08.2022 ke zariye.

Rule 42 — Post bid negotiation

Bid ke Baad Guft-o-Shaneed

Procuring entity, sab se unchi darja-bandi wale bidder ke saath, methodology, work plan, staffing aur contract ki khaas conditions ke bare mein guft-o-shaneed kar sakti hai. Consulting services ki soorat mein, procuring agency, key staff ki tabdeeli ki ijazat nahi degi, jab tak dono fareeq is par mutafiq na hon ke selection ke amal mein ghair-mamooli takheer, aisi tabdeeli ko naguzeer bana deti hai. Isi tarah, guft-o-shaneed mein, bidder ki taraf se di gayi qeematon mein tabdeeli nahi mangi jayegi. Guft-o-shaneed ki nakami ki soorat mein, procuring agency, evaluation report ke mutabiq doosre number par aanay wale bidder ko dawat de sakti hai.

Rule 42A — Provision for negotiations on price

Qeemat par Guft-o-Shaneed ki Gunjaish

Ek wahid complying bid ki soorat mein, procuring entity, quality upgrades, delivery ke tareeqe aur schedule ya laagat mein kami par guft-o-shaneed ke zariye procurement contract tay kar sakti hai. Is soorat mein ke bid ki qeemat, engineer estimates ya market analysis report se zyada ho, jo procuring entity ne due diligence ke baad tayyar ki ho, to aisi soorat mein, kamyab bidder se kaha jayega ke woh us qeemat se mutabiq ho jaye, taake awami mafaad ka tahaffuz ho aur procurement ke liye timelines ke aam usool ko yaqeeni banaya ja sake, jaisa ke Act ki section 3 mein bayan kiya gaya hai.

Footnote 73: Naya Rule "42A" shamil kiya gaya, Finance Department Notification No. SO (A)/FD/ 1-40/2022, tareekh 17.08.2022 ke zariye.

Rule 43 — Disqualification of suppliers, contractors and consultants

Suppliers, Contractors aur Consultants ki Na-Ahli

Procuring entity, kisi supplier ya contractor ya consultant ko na-ahal qarar degi, agar use kisi bhi waqt pata chale ke us ki taraf se supplier ya contractor ke tor par apni qualification ke bare mein jama karayi gayi maloomat ghalat aur numayan tor par ghalat ya namukammal thi. Taham, bidder ko Act ki section 35 aur Act ke tehat banaye gaye grievances redressal mechanism ke mutabiq faisle ke khilaf appeal karne ka haq ho sakta hai.

Rule 44 — Blacklisting of suppliers, contractors and consultants

Suppliers, Contractors aur Consultants ki Blacklisting

(1) Procuring entity, aik mechanism aur tareeqa muqarrar karegi, jis se suppliers, contractors aur consultants ko, jo ya to musalsal tasalli-bakhsh karkardagi faraham karne mein nakam rehte hon ya jin ko corrupt ya fraudulent practices mein mulawwis paya gaya ho ya jo kaam ko qabl-az-waqt chhor dein, jis se Government ko nuqsan ho, un ki mutaliqa procurement proceedings mein hissa lene se mustaqil ya aarzi tor par roka ja sake. Aisi rokne ki karwai ko munasib tareeqe se shaya kiya jayega aur Authority ko ittila di jayegi, basharte ke kisi bhi contractor ya consultant ko, jis ko blacklist kiya jana ho, shakhs tor par suna jane ka munasib mauqa diya jayega.

(2) Bidder ko, procuring entity ke administrative Secretary se shikayat karne ya Act ki section 35 aur us ke tehat banaye jane wale regulations ya guidelines ke mutabiq Authority ko appeal dayer karne ka haq hoga.

Explanation. — "Corrupt and fraudulent practices" se murad, darj zail mein se koi aik ya in ka koi majmua hai:

(i) "coercive practice" se murad, kisi fareeq ya fareeq ki jayedad ko, brah-e-raast ya bil-wasta, nuqsan pahunchana ya kharab karna, ya nuqsan pahunchane ki dhamki dena hai, taake kisi fareeq ke aamaal par ghalat tareeqe se asar dala jaye;

(ii) "collusive practice" se murad, procurement ke amal ya contract par amal-daramad mein do ya do se zyada fareeqon ke darmiyan koi intizam hai, jo procuring entity ke ilm ke saath ya baghair, ghalat faide ke liye qeematein masnui, ghair-musabiqati satah par muqarrar karne ke liye banaya gaya ho; kisi fareeq ya fareeq ki jayedad ko, brah-e-raast ya bil-wasta, nuqsan pahunchana ya kharab karna, taake kisi fareeq ke aamaal par asar dala jaye, ghalat faida hasil kiya jaye ya kisi doosre fareeq ko ghalat nuqsan pahunchaya jaye;

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(iii) "corrupt practice" se murad, ghalat faide ke liye kisi doosre fareeq ke aamaal par asar dalne ke liye, brah-e-raast ya bil-wasta, kisi bhi qeemti cheez ki peshkash karna, dena, lena ya mangna hai; aur

(iv) "fraudulent practice" se murad, koi bhi amal ya kotahi hai, jis mein ghalat bayani bhi shamil hai, jo jaan-boojh kar ya laparwahi se kisi fareeq ko gumrah karti hai, ya gumrah karne ki koshish karti hai, taake koi maali ya doosra faida hasil kiya jaye ya kisi zimmedari se bacha jaye;

(v) "obstructive practice" se murad, logon ya un ki jayedad ko, brah-e-raast ya bil-wasta, nuqsan pahunchana ya nuqsan pahunchane ki dhamki dena hai, taake procurement ke amal mein un ki shirkat par asar dala jaye, ya kisi contract par amal-daramad par asar dala jaye ya tehqiqat ke liye numayan shawahid ko jan-boojh kar tabah karna, jali banana, tabdeel karna ya chhupana ya tehqiqat mein numayan rukawat dalne ke liye investigators ke samne jhoote bayanat dena, jo corrupt, fraudulent, coercive ya collusive practice ke ilzamat ki tehqiqat mein hon; ya kisi fareeq ko dhamkana, pareshan karna ya darana, taake woh tehqiqat se mutaliq apne ilm ko zahir karne ya tehqiqat ko jari

rakhne se roka jaye, ya aise aamaal, jo in rules ke tehat faraham kiye gaye inspection aur audit ke huqooq ke istemal mein numayan rukawat dalne ke liye hon.

Footnote 74: Explanation shamil ki gayi, Finance Department Notification No. SO (FR)/FD/ 9-7/2017/17449-Vol-I, tareekh 08.02.2018 ke zariye.

Rule 45 — Announcement of evaluation reports

Evaluation Reports ka Elan

Procuring entities, financial bids kholne se pehle, tamam bidders ko technical bid evaluation ke nataij ka elan, ek report ki soorat mein karengi. Procuring entity, bid evaluation ke aakhri nataij ka elan bhi karegi, jis mein bids ki qubooliyat ya mustaradgi ki wajah batayi jayegi, contract ke award se kam az kam das din pehle, aur us ko apni aur Authority ki website par shaya karegi.

Rule 46 — Approval of contract award

Contract Award ki Manzoori

(1) Procurement committee, bid evaluation report, contract ke award ke liye apni sifarshat ke saath, approving authority ko pesh karegi, financial rules aur power of re-appropriation rules 2001 ke tehat ikhtiyarat ki tafweez ke mutabiq, tezi se, taake award ki ittila, bid ki validity ki muddat khatm honay se pehle di ja sake, baghair extension mangay, Act ki section 31 aur in rules ki dafaat ke mutabiq.

(2) Tamam contract awards, Authority ki website par shaya kar ke, awam ko bataye jayenge.

Rule 47 — Rejection of bids

Bids ki Mustaradgi

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(1) Procuring entity, kisi bid ya proposal ki qubooliyat se pehle, kisi bhi waqt tamam bids ya proposals ko mustarad kar sakti hai. Procuring entity, darkhwast par, kisi bhi contractor ya consultant ko, jis ne bid ya proposal jama karayi ho, tamam bids ya proposals ki mustaradgi ki wajuhat batayegi.

(2) Procuring entity par, sirf sub-rule (1) ko istemal karne ki wajah se, un contractors ya consultants ke liye koi zimmedari nahi hogi, jin hon ne bids ya proposals jama karayi hon.

(3) Tamam bids ya proposals ki mustaradgi ki ittila, foran, tamam un contractors ya consultants ko di jayegi, jin hon ne bids ya proposals jama karayi hon.

Rule 48 — Re-bidding

Dobara Bidding

(1) Agar procuring entity ne rule 47 ke tehat tamam bids ko mustarad kar diya ho to woh dobara bidding ke liye keh sakti hai.

(2) Dobara bidding ki dawat se pehle procuring entity mustaradi ki wajuhat ka jaiza legi aur specifications, evaluation criteria ya bidders ke liye kisi bhi doosri shart mein tabdeeli kar sakti hai jaisa woh zaroori samjhe.

Rule 49 — Payments

Adaigiyan

Tamam procuring agencies contractors aur consultants ko un ke invoices ya running bills ke khilaf fori adaigiyan karengi, us waqt ke andar jo contract ki sharaait mein diya gaya ho.

Rule 49A — Community participation in procurement

Procurement mein Community ki Shirkat

Government, kuch makhsoos samaji maqasid hasil karne ke liye, maqami community ya philanthropic organizations ki shirkat talab kar sakti hai taake—

(a) civil works anjam dein aur non-consulting services faraham karein;

(b) maqami know-how, goods aur materials ke istemal mein izafa karein; aur

(c) labour-intensive aur doosri munasib technologies ko istemal mein layein, procurement procedures, specifications aur contract packaging ko munasib tareeqe se is tarah dhalna chahiye ke in considerations ki akasi ho;

> Proviso: basharte ke ye Authority ko qabool hon.

Naya Rule "49A" shamil kiya gaya, Finance Department Notification No. SO (FR)/FD/9-7/2017/17449-Vol-I dated 08.02.2018 ke zariye.

Rule 50 — Entry into force of the procurement contract

Procurement Contract ke Nafaz mein Aana

A procurement contract naafiz hoga—

(a) jahan contract par rasmii dastakhat ki zaroorat na ho, us tareekh se jab bid ki qabooliyat ka notice ya purchase order us bidder ko diya gaya ho jis ki bid qabool ki gayi ho. Aisa qabooliyat ka notice ya purchase order us ke 15 din ke andar jari kiya jayega; ya

(b) jahan procuring entity tehreeri contract par dastakhat ki zaroorat rakhti ho, us tareekh se jab procuring entity aur kamyab bidder dono ke dastakhat tehreeri contract par lagaye jayen. Dastakhat lagane ka ye amal letter of acceptance ya award jari hone ke 15 din ke andar hoga:

> Proviso: Basharte ke jahan kisi contract ka naafiz hona kisi makhsoos shart ya sharaait ki takmeel par munhasir ho, contract us tareekh se naafiz hoga jis tareekh ko aisi takmeel ho jaye.

Rule 50A — Restriction on disposal of public assets to employees

Mulazmeen ko Public Assets ki Disposal par Pabandi

Mutaliqa competent authority kisi public asset ko procuring entity ke kisi mulazim ya entity ke kisi board ya committee ke member ko dispose-of nahi karegi.

Naya Rule "50A" shamil kiya gaya, Finance Department Notification No. SO (A)/FD/1-40/2022, dated 17.08.2022 ke zariye.

Rule 50B — Approval of disposal of public asset

Public Asset ki Disposal ki Manzoori

(1) Manqool ya ghair-manqool public assets ki disposal ki manzoori Competent Authority ki taraf se mutaliqa Assets Disposal Committee ki sifarish par di jayegi.

(2) Mutaliqa competent authority goods ki repair ka munasib khayal rakhegi, jahan qaabil-e-amal aur maashi tor par qaabil-e-amal ho, unhein tender ke zariye dispose karne se pehle. Mutaliqa competent authority disposal ka intikhab sirf estimated reserve price ka tayun karne ke baad karegi, market analysis ko madde-nazar rakhte hue, is nazar se ke asset ke liye sab se zyada faida-mand returns hasil kiye ja saken taake Government ko hasil hone wali aamdani ko zyada se zyada kiya ja sake.

Naya Rule "50B" shamil kiya gaya, Finance Department Notification No. SO (A)/FD/1-40/2022, dated 17.08.2022 ke zariye.

Rule 50C — Modes of disposal of public assets

Public Assets ki Disposal ke Tareeqe

Public assets ki disposal ke tareeqon mein, darj zail shamil honge, lekin in tak mehdood nahi honge, yani:

(a) manqool ki farokht aur rental;

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(b) lease out aur hire-purchase;

(c) licenses aur tenancies;

(d) franchise aur auction (open ascending price auction aur sealed bid auction);

(e) intellectual ya proprietary rights aur goodwill ko lay off karna; aur

(f) ek Government Department se doosre ko transfer, mali adjustments ke saath ya baghair.

Naya Rule "50C" shamil kiya gaya, Finance Department Notification No. SO (A)/FD/1-40/2022, dated 17.08.2022 ke zariye.

Rule 50D — Disposal proceedings

Disposal ki Karwai

(1) Procuring entity ka sarbrah assets ki disposal ke liye ek Assets Disposal Committee tashkeel dega. Assets Disposal Committee ki tarkeeb taaq adad mein hogi aur faisla saada aksariyat ki bunyad par kiya jayega.

(2) Procuring entity dispose kiye jane wale assets ki baseline ya reserve price ka tayun disposal ke amal ke aaghaz par karegi, asset ki book value ko madde-nazar rakhte hue. Valuation ki bunyad hamesha market value hogi, is baat ko madde-nazar rakhte hue ke assets "as is, where is basis" par baghair warranties ke farokht kiye jayenge.

(3) Procuring entity asset buyers ko offers jama karane ki dawat degi, procuring entity aur Authority ki website par auction ya disposal notice lagane ke zariye, bil-tarteeb. Isi ko print media mein bhi advertise kiya jayega, agar auction kiye jane wale assets ki reserve price rupees one million se zyada ho.

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(4) Response time ka hisaab lagane ka tareeqa wohi hoga jo procurement ka hai jaisa ke in rules mein bayan kiya gaya hai.

(5) Solicitation documents mein bidders ki eligibility requirements, assets ki tafseel, un ki locations aur farokht ki sharaait, offer ki validity, bid security, evaluation criteria, asset ki reserve price, jahan qaabil-e-itlaq hon wahan taxes ke saath, aur contract specimen, jis mein disposal contract ki sharaait-o-zawabit ke saath contract ki aam aur khaas sharaait bhi hon, ke bare mein tafseelat hongi.

(6) Asset Disposal Committee bids ka jaiza pehle se tay shuda criteria ke mutabiq aur us tareeqe se karegi jo asset disposal documents mein bayan kiya gaya ho.

(7) Competent Authority, Asset Disposal Committee ki sifarish par, contract us bidder ko degi jis ne sab se zyada quoted bid di ho.

(8) Bid tie ki soorat mein, procuring entity sirf un bidders se revised bid talab karegi jin hon ne aik jaisi rates quote ki hon aur contract us bidder ko diya jayega jo revised sab se zyada bid quote kare.

(9) Upar bataye gaye tareeqe se revised ki gayi bid mein sirf aik revised quoted rate ya price hogi aur bidder ko apni asal bid ki sharaait-o-zawabit, technical tafseelat, documentation ya kisi bhi doosre pehlu ko tabdeel karne ki ijazat nahi hogi.

(10) Open ascending price auction ke liye, bidders ko multiple bids ki ijazat hogi aur contract mauqe par hi sab se zyada bid dene wale ko diya jayega.

(11) Agar sab se zyada qeemat wala bidder disposal contract par dastakhat karne mein nakam rahe to procuring entity bid security zabt kar legi aur agle sab se zyada bidder ko contract dene ki peshkash kar sakti hai aur isi tarah aage, jab tak ke quoted price reserved price se zyada ho.

(12) Procuring entity kamyab bidder ke saath contract dene ke liye guft-o-shaneed kar sakti hai, jis mein qeemat ko zyada se zyada karna bhi shamil hai, public exchequer ke faide ke liye.

Naya Rule "50D" shamil kiya gaya, Finance Department Notification No. SO (A)/FD/1-40/2022, dated 17.08.2022 ke zariye.

Rule 51 — Closing of contract

Contract ka Ikhtitam

(1) Siwaye contractor ya consultant ki taraf se defect liability ya maintenance ke, jaisa ke contract ki sharaait mein bayan kiya gaya ho, contract ki takmeel ko over all delivery certificate ya taking over certificate ke jari hone par band samjha jayega, jo goods ki aakhri taking over, ya deliverables ke wasool hone, ya works ki takmeel ke tees din ke andar jari kiya jayega, jis se contractor ya consultant final bill jama karane ke qaabil ho jaye.

(2) Defect liability ya maintenance period ki soorat mein, defect liability certificate us muddat ke khatme ke tees din ke andar jari kiya jayega, jis se contractor ya consultant final bill jama karane ke qaabil ho jaye. Siwaye ghair-tay shuda claims ke, bill us waqt ke andar ada kiya jayega jo contract ki sharaait mein diya gaya ho, jo contract ko band karne ke liye saath din se zyada nahi hoga.

(3) Contract ke ikhtitam se mutaliq mutaliqa provision bid solicitation document ka hissa hogi.

Rule 52 — Record of procurement proceedings

Procurement Karwaiyon ka Record

(1) Tamam procuring entities apni mutaliqa procurement karwaiyon ka record, tamam mutaliqa documentation ke saath, mehfooz rakhengi.

(2) Record ki aisi mehfooz rakh is silsile mein waqtan fawaqtan banaye gaye regulations ke taabe hogi.

Rule 53 — Public access and transparency

Awami Rasai aur Shafafiyat

Jese hi koi contract de diya jaye, procuring entity bid ki evaluation aur public contract ke award se mutaliq tamam documents ko aam karegi:

> Proviso: Basharte ke jahan contract ke award se mutaliq kisi maloomat ka inkishaf proprietary noiyat ka ho ya jahan procuring entity ko yaqeen ho ke aisa inkishaf awami mafaad ke khilaf hoga, woh sirf aisi maloomat ko awami inkishaf se rok sakti hai, administrative department ki peshgi manzoori ke taabe.

Rule 54 — Mis-procurement

Ghalat Procurement

In rules ki koi bhi khilaf-warzi mis-procurement shumar hogi aur aisi khilaf-warzi ke liye zimmedar shakhs ke khilaf mutaliqa qanoon ke tehat karwai ki jayegi.

Rule 55 — Repeal

Mansookhi

Khyber Pakhtunkhwa Procurement of Goods, Works and Services Rules, 2003 ko is ke zariye mansookh kiya jata hai.

SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Note: This is a translation for checking purposes. The official text is the English Gazette. Numbers, thresholds, time limits and legal conditions are preserved exactly as printed.

— Ikhtitam —

Ye KPPRA Rules 2014 ka mukammal lafz-ba-lafz Roman Urdu tarjuma hai. Qanooni faisle ke liye official English Gazette text ko tarjeeh dein.