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Tender Alert Pakistan

SPPRA Rules 2010

Lafz-ba-lafz Roman Urdu Tarjuma — Mukammal

Aham Note: Ye Sindh Public Procurement Rules, 2010 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: Sindh Public Procurement Rules, 2010 (amended up to 2025). Original notification 8 March 2010 (SGA&CD). Rules 1–91.

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The Sindh Public Procurement Rules, 2010

Sindh Public Procurement Rules, 2010

(Amendment up to date-2025)

Part I — General Provisions
Hissa I — Aam Dafaat

Rule 1 — Short title and commencement
Mukhtasar Unwan aur Nafaz

(1) In qawaneen ko Sindh Public Procurement Rules, 2010 kaha jayega.

(2) Ye foran naafiz hon ge.

(3) Ye poore soobe mein laagu hon ge.

Rule 2 — Definitions
Tareefain

(1) In qawaneen mein, jab tak mozua ya siyaq-o-sabaq mein koi baat is ke khilaf na ho;

(a) "Act" se murad Sindh Public Procurement Act, 2009 hai;

(b) "Authority" se murad Sindh Public Procurement Regulatory Authority hai, jo Sindh Public Procurement Act, 2009 ke Section 3 ke tehat qaim ki gayi hai;

(c) "Best Evaluated Bid" se murad, Public Private Partnership ke mansoobon ke muamle mein, woh bid hai jo Rule 84 mein diye gaye mayaar ke tehat, mutaliqa bidding documents ke saath parh kar, sab se zyada number hasil kare;

(d) "Bid" se murad tender ya kisi shakhs, consultant, firm, company ya tanzeem ki taraf se woh peshkash hai, jis mein woh kisi Procuring Agency ki dawat par, kisi makhsoos kaam ko ek qeemat par karne ki razamandi zahir kare;

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(e) [XXX] — ye shiq source mein hazaf shuda hai.

Note: Shiq (e) ko SGA&CD Notification No. SORI(SGA&CD)2-30/2010, tareekh 8 October 2013, ke zariye hazaf kar diya gaya tha.

(f) "Bidder" se murad koi shakhs ya idara hai —

(i) jo bid jama kara raha ho; ya

(ii) jo bid jama karane ka irada rakhta ho aur is irade ko numayan tor par sabit kar sake;

Note: Shiq (f) ko Notification No. SORI(SGA&CD)2-30/2010(5-13), tareekh 15 March 2019, ke zariye shamil kiya gaya tha.

(g) "Bidding Documents" se murad woh documents hain jo Authority ne bids ko yaksa tariqe se tayyar karne ke liye notify kiye hon;

Note: Shiq (g) mein tarmeem SGA&CD Notification No. SORI(SGA&CD)2-30/2010, tareekh 8 October 2013, ke zariye ki gayi thi.

(h) "Bidding Process" se murad woh procurement ka tareeqa-kar hai jis ke tehat contract dene ke maqsad se sealed bids mangwayi jati hain, wasool ki jati hain, kholi jati hain, jaanchi jati hain aur un ka jaiza liya jata hai;

(i) "Blacklisting" se murad kisi bidder, contractor, consultant ya supplier ko procuring agency ki taraf se mustaqbil ki kisi bhi procurement karwai mein hissa lene se rokna ya mehroom karna hai;

Note: Shiq (i) mein alfaz "or debarring" Notification No. SORI(SGA&CD)2-30/2010(5-13), tareekh 15 March 2019, ke zariye shamil kiye gaye the.

(j) "Calendar Days" se murad woh din hain jin mein tamam chhuttiyan bhi shamil hon;

(k) "Competent Authority" se murad Procuring Agency ka woh officer hai jo mali ikhtiyarat istemal karne aur goods, works ya services, jaisa bhi muamla ho, ki procurement ke liye contract ke award ki manzoori dene ka ikhtiyar rakhta ho;

(l) "Conflict of Interest" se murad hai —

(i) jahan koi contractor, supplier ya consultant kisi procuring agency ko janibdarana professional mashwara de, ya de sake, ya aisa de raha ho mehsoos ho, taa ke woh khud ya us se wabasta logon ke liye koi najaaiz faida hasil kare;

(ii) contract mein jo kuch diya gaya hai us ke ilawa, assignment ke silsile mein kisi bhi tarah ki raqam, barah-e-raast ya bil-wasta, lena ya dena;

(iii) kisi contractor, consultant ya service provider ka aisi consulting ya doosri procurement sargarmiyon mein mashghool hona jo contract ke tehat procuring agency ke saath us ke kirdaar ya taluq se takrati hon;

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(iv) jahan procuring agency ka woh official jo procurement ke amal mein mashghool ho, procurement ke amal ke nateeje mein, barah-e-raast ya bil-wasta, koi mali ya maashi mafaad rakhta ho;

(m) "Consultant" se murad woh professional hai jo projects ka mutalaa, design, tanzeem, jaiza aur intizam kar sake ya policies banane aur idarajati islahat ke liye mahirana mashwara de sake ya takneeki madad de sake, aur is mein private idare, consulting firms, legal advisors, engineering firms, construction managers, management firms, procurement agents, inspection agents, auditors, bain-ul-aqwami aur kaseer-ul-qaumi tanzeemein, investment aur merchant banks, universities, research institutions, government agencies, ghair-sarkari tanzeemein aur afraad shamil hain;

(n) "Consulting Services" se murad consultants ki taraf se apni professional maharat istemal kar ke di jane wali mashwarati aur zehni noiyat ki khidmat hai, jo projects ka mutalaa, design, tanzeem aur intizam karne ke liye hoti hai, aur is mein mukhtalif sargarmiyan aur shobay shamil hain, jin mein sector policies aur idarajati islahat tayyar karna, mahirana mashwara, qanooni mashwara aur marboot hal, tabdeeli ka intizam aur mali mashwara, mansooba-bandi aur engineering studies, architectural

design services, nigrani, samaji aur maholiyati jaize, takneeki madad aur programme par amal-daramad shamil hain;

(o) "Contract" se murad woh muahida hai jo qanoon ke tehat naafiz ho sake, aur is mein General aur Special Conditions, Specifications, Drawings aur Bill of Quantities shamil hain;

(p) "Contractor" se murad koi shakhs, firm, company ya tanzeem hai jo works ko anjaam dene ka zimma le, jin mein us contract ke liye zaroori ya us se mutaliq services bhi shamil hon, siwae consulting services ke;

(q) "Corrupt and Fraudulent Practices" se murad neeche di gayi practices mein se koi ek ya un ka koi majmua hai;

(i) "Coercive Practice" se murad kisi fareeq ya us ki jayedad ko, barah-e-raast ya bil-wasta, nuqsan pahunchana ya nuqsan pahunchane ki dhamki dena hai, taa ke us fareeq ke iqdamat par asar daal kar koi ghalat faida hasil kiya jaye ya kisi doosre fareeq ko ghalat nuqsan pahunchaya jaye;

(ii) "Collusive Practice" se murad procurement ke amal ya contract par amal-daramad mein shamil do ya do se zyada fareeqon ke darmiyan koi aisa bandobast hai, jo procuring agency ke ilm mein ho ya na ho, jis ka maqsad kisi ghalat faide ke liye qeematein masnoi, ghair-musabiqati satah par muqarrar karna ho;

(iii) "Corrupt Practice" se murad kisi doosre fareeq ke iqdamat par asar daalne ke liye, barah-e-raast ya bil-wasta, koi qeemti cheez dene, lene ya talab karne ki peshkash hai, taa ke ghalat faida hasil ho;

(iv) "Fraudulent Practice" se murad koi aisa amal ya kotahi hai, jin mein ghalat-bayani bhi shamil hai, jo jan-boojh kar ya laparwahi se kisi fareeq ko gumrah kare ya gumrah karne ki koshish kare, taa ke koi mali ya doosra faida hasil ho ya kisi zimmedari se bacha jaye;

(v) "Obstructive Practice" se murad kisi shakhs ya us ki jayedad ko, barah-e-raast ya bil-wasta, nuqsan pahunchana ya nuqsan pahunchane ki dhamki dena hai, taa ke woh procurement ke amal mein hissa lene par asar daale ya contract par amal-daramad par asar daale, ya kisi corrupt, fraudulent, coercive ya collusive practice ke ilzamat ki tehqeeqat ke liye ahem shawahid ko jan-boojh kar tabah karna, jhoot banana, tabdeel karna ya chhupana, ya tehqeeq karne walon ke samne jhoote bayanat dena, taa ke tehqeeqat mein bari rukawat dali jaye; ya kisi fareeq ko dhamkana, pareshan karna ya darana taa ke woh tehqeeqat se mutaliq apne ilm ko zahir karne se ya tehqeeqat ko aage barhane se ruk jaye, ya woh iqdamat jo in Rules ke tehat diye gaye muaina aur audit ke haqoq ke istemal mein bari rukawat dalne ke liye hon;

(r) "Emergency" se murad qudrati afaat, haadsaat, jang aur operational equipment, plant, machinery ya engineering infrastructure ka kharab ho jana hai, jin se koi ghair-mamooli soorat-e-haal paida ho sakti hai jis mein shakhs, jayedad ya mahol ko nuqsan se bachane ya kam karne ke liye fori aur turant karwai ki zaroorat ho;

(rr) "Framework contract" se murad woh contract hai jis ke tehat kisi makhsoos muddat ke doran, kisi makhsoos cheez, cheezon ke set ya services aur works ki ek makhsoos miqdar ya tadad ki procurement, ek mutafiqqa raqam ya sharah (lump sum ya fi item) ke badle ki jati hai;

Note: Shiq (rr) ko Notification No. SORI(SGA&CD)2-30/2010(5-13), tareekh 15 March 2019, ke zariye shamil kiya gaya tha.

(s) [XXX] — ye shiq source mein hazaf shuda hai.

Note: Shiq (s) ko SGA&CD Notification No. SORI(SGA&CD)2-30/2010, tareekh 8 October 2013, ke zariye hazaf kar diya gaya tha.

(t) "Government" se murad Government of Sindh hai;

(u) "Head of the Department" se murad department ya tanzeem ka intezami sarbarah hai;

(v) "Lowest Evaluated Bid" se murad woh bid hai jo bidding document mein diye gaye evaluation criteria aur doosri sharait ke sab se zyada mutabiq ho aur jis ki evaluated cost sab se kam ho;

Note: Shiq (v) mein tarmeem SGA&CD Notification No. SORI(SGA&CD)2-30/2010, tareekh 8 October 2013, ke zariye ki gayi thi.

(w) "Lowest Submitted Price" se murad bid mein di gayi sab se kam qeemat hai, jo doosri tarah se numayan tor par responsive na ho;

(x) [XXX] — ye shiq source mein hazaf shuda hai.

Note: Shiq (x) ko SGA&CD Notification No. SORI(SGA&CD)2-30/2010, tareekh 8 October 2013, ke zariye hazaf kar diya gaya tha.

(y) "National Company or Firm" se murad koi bhi enterprise, firm ya company hai jo Pakistan mein qaim ki gayi ho ya incorporated ho;

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(z) "Notice Inviting Tender" se murad woh notice hai jo Procuring Agency akhbaron mein shaya kar ke ya electronic zariye se bids, ya pre-qualifications ke liye darkhwastein, ya expression of interests mangwane ke maqsad se jari kare, aur is mein Tender Notice, Invitation for Bids, Notice for Pre-qualifications ya Request for Expression of Interests shamil ho sakte hain;

(aa) "Open Competitive Bidding" se murad in Rules ke tehat tay shuda munsifana aur shaffaf tareeqa-kar hai, jis ka muqarrara tariqe se ishtehar diya jata hai aur jis se contract ka award hota hai, aur jis mein tamam dilchaspi rakhne wale afraad, firms, companies ya tanzeemein contract ke liye bid de sakti hain, aur is mein National aur International Competitive Biddings dono shamil hain;

(bb) [XXX] — ye shiq source mein hazaf shuda hai.

Note: Shiq (bb) ko SGA&CD Notification No. SORI(SGA&CD)2-30/2010, tareekh 8 October 2013, ke zariye hazaf kar diya gaya tha.

(cc) [XXX] — ye shiq source mein hazaf shuda hai.

Note: Shiq (cc) ko SGA&CD Notification No. SORI(SGA&CD)2-30/2010, tareekh 8 October 2013, ke zariye hazaf kar diya gaya tha.

(dd) "Public Private Partnership" se murad public aur private sectors ke darmiyan woh muahide wala bandobast hai, jo har partner ki maharat aur wasail par mabni hota hai, jo wasail, khatraat aur faidon ki munasib taqseem ke zariye, wazeh tor par tay shuda awami zarooriyat ko behtareen tariqe se poora kare;

(ee) "Public Private Partnership Unit Sindh" ya "Unit" se murad woh idara hai jo Public Private Partnership ke idarajati dhanche ke tehat, Finance Department, Government of Sindh ke andar qaim kiya gaya hai;

(eee) "Response time" se murad woh muddat hai jo bidding jari karne ki pehli tareekh se shuru hoti hai aur bidding documents, ya short-listing documents ya pre-qualification documents, jaisa bhi muamla ho, jari karne ki aakhri tareekh tak rehti hai;

Note: Shiq (eee) ko pehle Notification No. SORI(SGA&CD)2-30/2010(5-13), tareekh 15 March 2019, ke zariye tabdeel kiya gaya tha, aur phir Notification No. SORI(SGA&CD)2-30/2010(5-13/P-II), tareekh 25 August 2025, ke zariye hazaf kar diya gaya tha — is liye is ki tareef yahan sirf is liye di gayi hai ke source mein is ka text chhapa hua hai.

(ff) [XXX] — ye shiq source mein hazaf shuda hai.

Note: Shiq (ff) ko SGA&CD Notification No. SORI(SGA&CD)2-30/2010, tareekh 8 October 2013, ke zariye hazaf kar diya gaya tha.

(gg) "Services" se murad procurement ki woh cheez hai jo goods ya works ke ilawa ho, aur is mein consultancy services bhi shamil hain;

(hh) [XXX] — ye shiq source mein hazaf shuda hai.

Note: Shiq (hh) ko SGA&CD Notification No. SORI(SGA&CD)2-30/2010, tareekh 8 October 2013, ke zariye hazaf kar diya gaya tha.

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(ii) "Supplier" se murad koi shakhs, firm, company ya tanzeem hai jo goods aur un se mutaliq services faraham karne ka zimma le, siwae consulting services ke, jo contract ke liye zaroori hon;

(jj) "Value for Money" se murad har kharch kiye gaye rupee ke badle behtareen faida hai, jis mein quality, waqt par farahami, bharosa, farokht ke baad ki khidmat, upgrade karne ki salahiyat, qeemat, zariya, aur poori zindagi ki lagat aur quality ka majmua shamil hai, taa ke procuring agency ki zarooriyat poori hon;

(kk) [XXX] — ye shiq source mein hazaf shuda hai.

Note: Shiq (kk) ko SGA&CD Notification No. SORI(SGA&CD)2-30/2010, tareekh 8 October 2013, ke zariye hazaf kar diya gaya tha.

(2) Jo alfaz in qawaneen mein istemal hue hon lekin in mein un ki tareef na ki gayi ho, un ke wohi maani hon ge jo Act mein un ko diye gaye hain, aur agar Act mein bhi un ki tareef na ho to woh maani hon ge jo zaban ke aam istemal mein hain.

Rule 3 — Scope and Applicability

Dairah aur Itlaaq

Siwae is ke ke koi aur baat muqarrar ho, ye qawaneen tamam procuring agencies ki taraf se ki jane wali tamam procurements — goods, works, services jin mein consultancy services bhi shamil hain, aur public private partnership projects — par laagu hon ge.

Rule 4 — Principles of Procurements

Khareedari ke Usool

Goods, works ya services ki procurement karte waqt, procuring agencies ye yaqeeni banayengi ke procurement munsifana aur shaffaf tariqe se ki jaye, aur procurement ki cheez agency ke liye value for money (har rupee ke badle behtareen faida) laye, aur procurement ka amal mosar aur kifayat-shaar ho.

Rule 5 — Conflict with International and Inter-Governmental Agreements

Bain-ul-Aqwami aur Bain-ul-Hakoomati Muahidon se Tasadum

Agar ye qawaneen kisi bain-ul-aqwami muahide ya kisi ghair-mulki mulk ya mumalik ke saath kisi muahide, ya kisi bain-ul-aqwami mali idare ke saath muahide se paida hone wali Government ki kisi zimmedari ya wade se mutabiq na hon ya us se takrati hon, to aise bain-ul-aqwami muahide ya muahide ki dafaat, us adam-mutabiqat ya tasadum ki had tak, jaisa bhi muamla ho, in Rules ki dafaat par ghalib hon gi.

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Rule 6 — Language

Zaban

(1) Government ki procurements se mutaliq tamam rabtay aur documents English, Urdu ya Sindhi mein hon ge:

> Proviso: Tender mangwane wale notice, pre-qualifications ke notice aur expressions of interest ki darkhwastein, upar batayi gayi teeno zabanon mein jari ki jayengi.

(2) Kisi bhi tanaze ki soorat mein, record par mehfooz asal documents ki taraf ruju kiya jayega aur faisla unhi asal documents ke mutabiq kiya jayega.

Rule 7 — Constitution of a Procurement Committee and Quorum

Procurement Committee ki Tashkeel aur Quorum

(1) Procuring agency, apne Head of the Department ki manzoori se, jitni procurement committees munasib samjhe, tashkeel de gi, jin mein se har committee mein taaq tadad mein afraad hon ge aur har committee ki sarbarahi koi gazetted officer kare ga jo BS-18 se kam rank ka na ho, ya agar aisa officer dastiyab na ho to sab se aala grade ka officer kare ga, aur procuring agency ye yaqeeni banaye gi ke procurement committee ke members mein se kam az kam ek member un agencies ya departments se ho jo procuring agency ke ilawa hon.

(2) Jo Procurement Committee teen members par mushtamil ho, us ke tamam members quorum banayenge.

(3) Jo Procurement Committee teen se zyada members par mushtamil ho, us ke do-tihai members quorum banayenge aur kam az kam ek bahar wale member ki maujoodgi lazmi hogi.

(4) Procurement Committee ka faisla Committee ki kul tadad ke votes ki aksariyat ki bunyad par kiya jayega.

Note: Rule 7 ko Notification No. SORI(SGA&CD)2-30/2010(5-13), tareekh 15 March 2019, ke zariye tabdeel kiya gaya tha.

Rule 8 — Functions and Responsibilities of Procurement Committee(s)

Procurement Committee(s) ke Faraiz aur Zimmedariyan

Procurement committee(s) in kaamon ki zimmedar hon gi;

(1) Bidding documents tayyar karna aur/ya un ka jaiza lena;

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Note: Shiq (1) mein tarmeem Notification No. SORI(SGA&CD)2-30/2010(5-13), tareekh 15 March 2019, ke zariye ki gayi thi.

(2) Bids ki takneeki aur mali jaanch karna;

(3) Rule 45 mein diye gaye tareeqe se evaluation report tayyar karna;

(4) Competent authority ko contract ke award ke liye sifarishat karna; aur

(5) Upar diye gaye kaamon se mutaliq ya un ke sath jure hue kisi bhi doosre kaam ko anjaam dena.

Maintenance of Record
Record ki Dekh-bhaal

Rule 9 — Record of Procurement Proceedings
Procurement Karwai ka Record

(1) Tamam procuring agencies apni-apni procurement karwai ka record, tamam mutaliqa documents ke saath, kam az kam paanch saal ki muddat ke liye mehfooz rakhengi;

(2) Record ko is tarah mehfooz rakhna, waqtan-fawaqtan is silsile mein banaye gaye regulations ke tehat hoga.

Rule 10 — Transparency
Shafafiyat

Procuring agency, contract ke award ke foran baad, bid ki evaluation report aur contract agreement ko, Authority ki website par aur procuring agency ki apni website par, agar procuring agency ki koi website ho, aam ke liye shaya kar ke awam ke samne layegi;

> Proviso: Jahan procuring agency ko yaqeen ho ke contract ke award se mutaliq kisi maloomat ko zahir karna awami mafaad ke khilaf hoga ya qomi salamti ko khatre mein daal sakta hai, to woh sirf usi maloomat ko awami tor par zahir karne se rok sakti hai, basharte ke is ke liye pehle se Chief Minister ki manzoori le li gayi ho.

Note: Rule 10 mein lafz "Chief Minister" ko Notification No. SORI(SGA&CD)2-30/2010(5-13), tareekh 15 March 2019, ke zariye tabdeel kiya gaya tha.

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Part-II — Procurement of Goods, Works and Related Services
Hissa-II — Goods, Works aur Mutaliqa Services ki Procurement

Procurement Planning
Procurement ki Mansooba-bandi

Rule 11 — Procurement Plan
Procurement Plan

(1) Mandatory Provision of Procurement Plan — Tamam procuring agencies, tamam tajweez shuda procurements ke liye tafseel se mansooba-bandi ka ek tariqa-kar banayengi, apne dastiyab wasail ke andar procuring agency ki zaroorat ko tay karengi, aur ek salana ya is se lambi muddat ka rolling plan

tayyar karengi, jis mein makhsoos procurements ke liye laagu hone wale procurement ke tareeqe tafseel se diye gaye hon ge;

(2) Review and Update — Kisi bhi project ke liye tayyar kiya gaya procurement plan, project ki poori zindagi ke doran, waqtan-fawaqtan jaancha aur update kiya jayega, jaise ke waqt ki zaroorat ka andaza, funds ki dastiyabi, idarajati salahiyat ke baare mein mafrooze, tarjeehat mein tabdeeli aur doosre awamil jin ki wajah se project ki kamyabi ke liye plan mein tabdeeli ki zaroorat ho. Aisi zaroori tabdeeliyan plan ko ghalat nahi karengi, agar woh project ki kamyab aur bar-waqt takmeel ke mafaad mein plan ko behtar banane ke liye ki gayi hon.

(3) Is tarah tayyar kiya gaya salana ya lambi muddat ka rolling plan, jaisa bhi muamla ho, pehle se Authority ki website par aur procuring agency ki website par, agar procuring agency ki apni website ho, post kiya jayega.

Note: Sub-rule (3) ko Notification No. SORI(SGA&CD)2-30/2010(5-13), tareekh 15 March 2019, ke zariye shamil kiya gaya tha.

Rule 12 — Limitation on Splitting or Regrouping of Proposed Procurement

Tajweez Kardah Procurement ko Taqseem ya Dobara Tartib Dene par Pabandi

(1) Procuring agency kisi procurement plan ko is iraade se taqseem ya package nahi kare gi ke procurement ka amal aur manzoori ka nizaam mukhtasar ya aasan ho jaye, siwae is soorat ke jab procuring agency ko is baat ka itminan ho ke:

(a) goods, services ya works ko ek hi block mein khareedne se dastiyab wasaail bila-wajah phans jayen ge;

(b) takneeki wujuhaat se zahir hota hai ke taqseem ya packaging se mayaar behtar ho ga;

(c) mausam ka asar aur geografiyayi phailao, khaas tor par works contract ke muamle mein, kuch makhsoos procurement ki takmeel par mayaar aur delivery schedule ke hawale se asar daale ga:

> Proviso: Koi bhi taqseem ya packaging nazar-e-sani shuda procurement plan ka hissa banayi jaye gi aur Authority ki website par aur procuring agency ki website par bhi upload ki jaye gi, agar woh functional ho.

(2) Is tarah tayyar karda salana ya is se zyada muddat ka rolling plan, jaisa bhi muamla ho, pehle se Authority ki website par aur procuring agency ki website par bhi post kiya jaye ga, agar procuring agency ki apni website ho.

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Rule 13 — Specifications

Tafseelaat (Specifications)

(1) Specifications aisi honi chahiye jo zyada se zyada muqabla (competition) ki ijazat dein aur kisi aik contractor ya supplier ko faida na dein aur na hi doosron ko nuqsan mein daalein. Specifications aam (generic) honi chahiye aur un mein brand names, model numbers, catalogue numbers ya is qisam ki kisi darja-bandi ka hawala nahi hona chahiye. Taham, agar procuring agency ko yaqeen ho ke kisi brand name ya catalogue number ka hawala dena aik na-mukammal specification ko mukammal karne ke liye zaroori hai, to is tarah ke istemal ya hawale ke saath “or equivalent” (ya is ke barabar) ke alfaaz shamil kiye jayenge.

(2) Istemal shuda ya dobara tayyar kiya gaya (reconditioned) equipment, plant ya machinery ki procurement kisi bhi surat mein jaiz nahi hai.

Rule 14 — Approval Mechanism

Manzoori ka Tariqa-e-Kaar (Approval Mechanism)

Tamam procuring agencies procurement ki mukhtalif categories ke liye wazeh ikhtiyar (authorization) aur ikhtiyarat ki tafweez (delegation of powers) faraham karengi aur sirf us waqt procurement shuru karengi jab mutalliqah competent authorities ki manzoori mil chuki ho.

METHODS OF PROCUREMENT

Procurement ke Tareeqe

Rule 15 — Types of Bidding

Bidding ki Aqsam (Types of Bidding)

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(1) Open Competitive Bidding — Open competitive bidding procurement ka bunyadi tareeqa hoga, siwaaye is ke ke jahan aur koi tareeqa diya gaya ho;

(2) Open competitive bidding ki do aqsam hongi, International Competitive Bidding aur National Competitive Bidding.

(a) International Competitive Bidding —

(i) International Competitive Bidding tamam dilchaspi rakhne wale fareeqon, firms ya afrad ke liye khuli hai, chahe woh mulki hon ya ghair-mulki, lekin Rule 29 ke taabe;

(ii) International Competitive Bidding tamam procurements ke liye default tareeqa hoga jin ki takhmeena lagat US $ 10 million ya is se zyada ke barabar ho;

(iii) koi procuring agency US $ 10 million ke barabar takhmeena lagat se kam ki procurements ke liye bhi International Competitive Bidding ikhtiyar kar sakti hai agar use yaqeen ho ke matlooba satah ki

technological sophistication, technical expertise ya professional capability mulk ke andar maujood nahi hai aur behtareen value for money hasil nahi ho sakti, agar muqabla sirf mulki companies, firms ya fareeqon tak mehdood rakha jaye;

> Proviso: Rule 15 (2) (a) (iii) ki dafaat sirf Head of the Department ki pehle se manzoori (prior approval) se istemal ki ja sakti hain.

(b) National Competitive Bidding

(i) National Competitive Bidding woh tareeqa hoga jis mein bidding sirf dilchaspi rakhne wali mulki firms, companies ya fareeqon ke liye khuli hoti hai aur ghair-mulki firms, companies ya fareeqon ko bidding ke liye daawat nahi di jati.

(ii) National Competitive Bidding US $ 10 million se kam ya mulki currency mein is ke barabar takhmeena lagat wali procurement ka bunyadi tareeqa hoga.

(iii) koi procuring agency US $ 10 million ya is se zyada ke barabar takhmeena lagat wali procurements ke liye National Competitive Bidding ikhtiyar kar sakti hai, jahan procuring agency ko yaqeen ho ke yeh goods, works ya services ki procurement ka sab se munasib (economical) aur bar-waqt tareeqa hai jo apni noiyat ya daira-kaar ki wajah se ghair-mulki muqable ko attract karne ka imkan nahi rakhti;

> Proviso: Procuring agency ke Head of the Department, National Competitive Bidding ikhtiyar karne ka faisla karte waqt, apne faisle ki wajohat aur jawaz (reasons and justifications) darj karega.

Rule 15-A — Unsolicited proposal

Bina Talab ke Tajweez (Unsolicited Proposal)

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(1) Kisi engineering, procurement and construction project ke liye jo aik hazaar million rupees ya is se zyada ki lagat ka ho, bina talab ke proposal (unsolicited proposal) milne ki surat mein, procuring agency proposal ko apni Technical Committee ke zariye process karegi taake is ki viability (qabil-e-amal hona) maloom ki ja sake aur is process ke baad agar proposal viable (qabil-e-amal) paya jaye, to procuring agency —

(a) proposal ko khule muqable (open competition) ke liye advertise karegi bina unsolicited proposal ke initiator ka naam zahir kiye.

(b) prequalification process karegi,

(c) unsolicited proposal ke initiator ko prequalification se mustasna (exempt) karegi.

(d) agar advertisement ke jawab mein koi aur bidder bid jama na kare to contract proposal ke initiator ko de sakti hai,

(e) bidding competition ki surat mein, proposal ke initiator ko pehla haq-e-inkar (first right of refusal) degi, agar initiator “Lowest Bidder” ke tor par na ubhre, aur

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

(2) Yeh rule tamam projects par laagu hoga siwaaye Public Private Partnership Projects ke jin par Part-IV mein mojood rules laagu honge.

Rule 15-B — Entering into Framework Contract

Framework Contract mein Dakhil Hona (Entering into Framework Contract)

(1) Jahan procuring agency ko aik muqarrar muddat mein mukhtalif waqfon par isi tarah ki procurements karni hon aur use economies of scale ki wajah se behtar qeemat ki umeed ho, to woh us muqarrar muddat ke dauran muqarrar qeematon par framework contract mein dakhil ho sakti hai.

(2) Framework contracts open competitive bidding ke baad aik ya zyada bidders ke saath kiye jayenge taake aik muqarrar muddat mein, jo aik saal se zyada na ho, goods, works aur services ki aik range faraham ki ja sake.

Rule 16 — Alternate Methods of Procurements

Procurement ke Mutabadil Tareeqe (Alternate Methods of Procurements)

Koi procuring agency goods, services aur works ki procurement ke liye darj zail mutabadil tareeqe istemal kar sakti hai, yaani: —

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(a) Request for Quotations —

(i) request for quotation woh tareeqa hai jo kam az kam teen suppliers, contractors aur service providers se haasil ki gayi price quotations ka mawazna karne par mabni hai, consulting services ke ilawa services ki surat mein, taake competitive prices ko yaqeeni banaya ja sake;

(ii) koi procuring agency is tareeqe se procurement sirf us waqt karegi jab darj zail sharaait mojood hon:

(A) object of procurement ki lagat aik million rupees ki muqarrar had se kam ho aur petty purchase ke liye muqarrar mali had se zyada ho, jaisa ke clause (d) mein diya gaya hai;

(B) object of procurement ki standard specifications hon;

(C) object of procurement us supplier se khareeda jaye jo sab se kam qeemat de raha ho;

(D) requests for quotations mein goods ki tafseel aur miqdar ya works ki specifications, aur matlooba delivery ya takmeel ka waqt aur jagah zahir ki jayengi. Quotations khat (letter), facsimile ya electronic tareeqe se jama karwayi ja sakti hain;

(E) quotations ki evaluation unhi usoolon ke mutabiq hogi jo open competitive bidding par laagu hote hain aur aisi evaluation procuring agency ke authorized officer(s) ya rule 7 ke tehat banayi gayi procurement committee ke zariye ki ja sakti hai, jaisa ke procuring agency munasib samjhe.

(b) Direct Contracting — Is tareeqe ka matlab hai baghair muqable ke aik hi source se procurement aur yeh sirf darj zail mein se kisi aik shart ke tehat laagu hoga:

(i) equipment ya spare parts ki standardization, jo mojooda equipment ke saath compatible ho,

> Proviso: competent authority tehreer mein tasdeeq kare ke jo equipment ya spare part(s) procure kiye jane hain woh compatible hain;

(ii) matlooba item(s) proprietary noiyat ki ho aur sirf aik hi source se haasil ki ja sakti ho,

> Proviso: Head of the Department tehreer mein tasdeeq kare ke jo item(s) procure kiye jane hain woh proprietary noiyat ke hain;

(iii) process design ke zimmedar contractor ko performance guarantee ki shart ke tor par aik khaas supplier se critical items khareedne ki zaroorat ho;

(iv) jahan civil works contract kiye jane hon aur woh aik pehle wale ya jari kaam ki fitri tausee (natural extension) hon aur yeh maloom kiya ja sake ke usi contractor ko lagana zyada economical hoga aur kaam ki quality ke lehaz se nataij ki compatibility ko yaqeeni banayega, clause (e) ke taabe;

(v) jahan supplier ki tabdeeli se procuring agency ko mukhtalif technical specifications ya khasoosiyat wala material khareedna pare aur is se operation aur maintenance mein incompatibility ya ghair-mutanasib technical mushkilat paida hon,

> Proviso: competent authority tehreer mein tasdeeq kare ke jo materials procure kiye jane hain woh compatible hain;

(vi) jab goods aur works aur is se mutalliq service ki qeemat Government ya Government ki taraf se ba-qaida ikhtiyar di gayi kisi aur authority, agency ya body ki taraf se muqarrar ki gayi ho;

(vii) locally manufactured motor vehicle ki khareedari local manufacturers ya un ke authorized agents se manufacturer ki qeemat par;

(viii) emergency ki suraton mein;

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> Proviso: Head of the Department ya koi aur officer jo BS-20 se kam na ho aur jise Head of the Department ne aise ikhtiyarat tafweez kiye hon, elan kare ke emergency ki surat paida ho gayi hai aur aisa elan karne ki wajohat tehreer mein darj ki jayengi.

(c) Force Account — Is ka matlab hai procuring agency ke apne personnel aur equipment ke istemal se construction aur yeh sirf darj zail sharaait ke tehat works ke liye istemal kiya jayega;

(i) kaam ki miqdar pehle se define nahi ki ja sakti;

(ii) works chhote aur bikhre hue hon ya door-daraz ilaqon mein hon jin ke liye qualified construction firm(s) ka munasib qeematon par bid dena mumkin na ho;

(iii) works jari operations mein khalal daale baghair karne hon;

(iv) emergencies ki surat mein;

> Proviso: competent authority elan kare ke emergency ki surat paida ho gayi hai aur aisa elan karne ki wajohat tehreer mein darj ki jayengi.

(d) Petty Purchases — Procuring agencies petty purchases ka intezam kar sakti hain, jahan object of procurement aik sau hazaar rupees ki mali had se kam ho. Aisi procurement bidding ya price quotation ki zarooriyat se mustasna hogi;

> Proviso: procuring agencies yaqeeni banayengi ke petty purchases ki procurement Rule 4 mein muqarrar procurement ke usoolon ke mutabiq ho.

(e) Repeat Orders — Is ka matlab hai asal contractor ya supplier se item(s) ki izafi miqdar ki procurement, jahan, project ya scheme ke liye asal tor par tasawwur ki gayi items open competitive bidding ke zariye procure kar li gayi hon, aur goods ya works ke usi item(s) ki izafi miqdar project ya scheme ki zarooriyat poori karne ke liye darkar ho;

> Proviso:

(i) item(s) ki izafi miqdar ki lagat asal contract amount ke 15% se zyada nahi hogi; aur

(ii) asal supplier aur contractor asal contract mein tay ki gayi qeematon par goods supply karne ya izafi kaam karne par razamand hon.

(iii) goods ki surat mein, yeh sirf usi financial year ke andar jaiz hoga, aur works ki surat mein, project(s) ya scheme(s) ki muddat ke dauran.

Rule 17 — Methods of Notification and Advertisement

Itteela aur Ishtehar ke Tareeqe (Methods of Notification and Advertisement)

(1) Aik million se zyada aur do million rupees tak ki procurements ki Authority ki website par bar-waqt notifications ke zariye advertisement ki jayegi aur print media mein bhi ki ja sakti hai, in rules mein muqarrar tareeqe aur format ke mutabiq.

(1A) Do million rupees se zyada ki tamam procurement opportunities ki Authority ki website par bhi aur akhbaron mein bhi advertisement ki jayegi, jaisa ke muqarrar kiya gaya hai.

(2) Akhbaron mein advertisement kam az kam teen wasee paimane par circulate hone wale leading dailies mein shaya hogi jo English, Urdu aur Sindhi zubanon mein hon.

(3) Notice inviting tender mein darj zail maloomat hongi:

(a) procuring agency ka naam, postal address, telephone number(s), fax number, e-mail address (agar maujood ho);

(b) project ka maqsad aur scope;

(c) bidding documents ki dastiyabi, bids ki submission aur opening ka schedule, woh jagah batate hue jahan se bidding documents jari kiye jayenge, jama kiye jayenge aur khole jayenge;

(d) tender fee aur bid security ki raqam aur adaigi ka tareeqa;

(e) koi bhi aur maloomat jo procuring agency is marhale par phailana munasib samjhe;

(4) Jin suraton mein procuring agency ki apni website ho, woh procurement se mutalliq tamam advertisements us website par bhi post karegi;

(5) Electronic media istemal karne wali procuring agency yaqeeni banayegi ke website par post ki gayi maloomat mein woh tamam maloomat hon jo upar sub-rule (3) mein zikr ki gayi hain;

(6) International competitive bidding ki surat mein, notice do wasee paimane par circulate hone wale mulki English zubaan ke akhbaron mein upar sub-rules (1) (3) (4) aur (5) ke mutabiq advertise kiya jayega, aur English zubaan mein aik internationally known website par bhi post kiya jayega jo khaas goods, works ya services ke liye ho, ya kisi wasee paimane par circulate hone wale English zubaan ke international akhbar mein.

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Rule 18 — Response Time

Jawab Dene ka Waqt (Response Time)

Procuring agency response time tay karte waqt procurement ke scope, magnitude aur noiyat ka munasib khayal rakhegi, jo National Competitive Bidding ki surat mein pandrah calendar din se kam nahi hoga, aur International Competitive Bidding ki surat mein tees calendar din se kam nahi hoga:

[…]

> Proviso: […] Notice Inviting Tender (NIT) Authority ki website par do million rupees tak ki procurements ki surat mein aur akhbaron mein do million rupees se zyada ki procurements ki surat mein bidding documents ke jari hone ki tareekh par ya is se pehle hoist (lagaya/shaya kiya gaya) hona chahiye.

Rule 19 — Exceptions

Istisnaat (Exceptions)

Darj zail halaat mein Rules 17 aur 18 ki zarooriyat se inharaf (deviation) jaiz hai;

(1) Emergency ki suraton mein, Rule 18 mein muqarrar kam az kam waqt ki muddat kam ki ja sakti hai, Head of Department ya aik officer jo BS-20 se kam na ho aur jise aise ikhtiyarat tafweez kiye gaye hon, ki pehle se manzoori se, wajohat darj karte hue;

(2) Qomi salamti (national security) se mutalliq procurement ki suraton mein, Rule 17 ke tehat advertisements aur publication ki zaroorat khatm ki ja sakti hai, basharte ke Head of Department pehle se elan kare ke aisi publication qomi salamti ke maqasid ko nuqsan pahuncha sakti hai;

(3) Rule 17 ke tehat advertisement aur publication ki zaroorat procurement ke aik case mein khatm ki ja sakti hai, agar is ka talluq aisi maloomat ke inkishaf se ho jo proprietary noiyat ki ho ya intellectual property ki tareef mein aati ho, jo aik hi source se dastiyab ho, basharte ke Head of Department ki manzoori pehle se li gayi ho.

Rule 20 — Provision of Bidding Documents

Bidding Documents ki Farahami (Provision of Bidding Documents)

(1) Procuring agency tamam dilchaspi rakhne wale bidders ko bidding documents Notice Inviting Tender mein muqarrar procedures aur zarooriyat ke mutabiq faraham karegi;

(2) Procuring agency bidding documents ki fee le sakti hai, jo tayyari aur printing ki lagat se zyada nahi hogi.

Rule 21 — Contents of Bidding Documents

Bidding Documents ke Mawaad (Contents of Bidding Documents)

(1) Bidding Documents mein darj zail maloomat shamil hongi:

(a) letter of invitation for bid;

(b) data sheet jis mein assignment ke bare mein maloomat hon;

(c) bids tayyar karne ki hidayaat;

(d) bid security aur performance guarantee ki raqam aur adaigi ka tareeqa (jahan laagu ho);

(e) bidding documents ki submission ka tareeqa aur jagah, tareekh aur waqt;

(f) bids kholne ka tareeqa, jagah, tareekh aur waqt;

(g) istemal kiya gaya procurement ka tareeqa;

(h) tafseeli aur wazeh (unambiguous) evaluation criteria;

(i) contract agreements ki terms and conditions, jahan tak procuring agency ko pehle se maloom hon;

(j) Terms of Reference aur goods, works ya services ki technical specifications jo procure kiye jane hain, Rule 13 ke taabe;

(k) woh tareeqa jis se tender price ka andaza aur hisab lagaya jayega, tax liability ke bare mein maloomat samet;

(l) woh currency jis mein tender price banayi aur zahir ki jayegi;

(m) bid validity period;

(n) integrity pact ki aik copy jis par fareeqon ko dastakhat karne hain (jahan laagu ho);

(o) koi bhi aur maloomat jo Authority ki taraf se jari kiye jane wale regulations mein muqarrar ki gayi ho.

(2) Koi bhi maloomat, jo bid ke liye daawat ya dilchaspi rakhne wale bidders ko bidding documents jari karne ke baad bidding ya bid evaluation ke liye zaroori ho jaye, bar-waqt aur barabar mauqa (equal opportunity) ki bunyad par faraham ki jayegi. Jahan aisi tabdeeli, izafa, tarmim ya hazf ki notification zaroori ho jaye, aisi notification usi tareeqe se ki jayegi jis tareeqe se asal advertisement ki gayi thi.

(3) Procuring agencies standard bidding documents istemal karengi jaisi ke Authority ki taraf se notify kiye jayen;

> Proviso: procuring agencies ke pehle se istemal mein mojood bidding documents apne istemal mein barqarar rakhe ja sakte hain, us had tak ke woh in rules se mutasadim na hon aur us waqt tak jab tak standard bidding documents notify nahi kiye jate.

(4) Tamam procuring agencies bidding documents ya pre-qualification documents ya short listing documents, jaisa ke case ho, aise documents ke jari hone ki pehli tareekh par ya is se pehle Authority ki website par bhi aur procuring agency ki website par bhi hoist (laga) karengi, agar procuring agency ki apni website ho.

Rule 21-A — Evaluation criteria

Jaiza ka Mayaar (Evaluation Criteria)

Procuring agencies aik munasib evaluation criterion tayyar karengi, jis mein woh tamam mutalliqah maloomat darj hongi jin ke khilaf kisi bid ka jaiza lena hai aur aisi evaluation ka criteria bidding documents ka lazmi hissa hoga. Bidding documents mein wazeh aur ghair-mubham evaluation criteria faraham karne mein nakami mis-procurement ke barabar hogi.

Rule 22 — Extension of Time Period for Submission of Bids

Bids Jama Karane ki Muddat mein Tausi (Extension of Time Period for Submission of Bids)

Procuring agency bids jama karane ki deadline mein tausi sirf us waqt kar sakti hai, agar darj zail mein se aik ya tamam sharaait mojood hon;

(1) Teen se kam bids jama hui hon aur procurement committee mutafiqqa tor par is rai par ho ke deadline mein tausi se wasee muqabla yaqeeni banaya ja sakta hai. Aisi surat mein, jama ki gayi bids bidders ko bina khole wapas kar di jayengi;

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(2) Agar procuring agency ko yaqeen ho ke aisi ghair-mamooli halaat aman-o-aman (law and order) ki surat ya qudrati aafat (natural calamity) ki wajah se paida ho gaye hain ke deadline mein tausi karni chahiye;

> Proviso: waqt mein aisi tausi ki advertisement usi tareeqe se ki jayegi jis tareeqe se asal advertisement ki gayi thi.

Rule 23 — Clarification and Modification of Bidding Documents

Bidding Documents ki Wazahat aur Tabdeeli

(1) Koi bhi dilchaspi rakhnay wala bidder, jis ne bidding documents hasil kiye hon, bidding document ke mawaad ki wazahat ke liye tehreer mein darkhwast kar sakta hai, aur procuring agency aisi queries

ka jawab tehreer mein teen calendar dinon ke andar degi, bashart-e-ke woh bid kholne ki tareekh se kam az kam paanch calendar din pehle mosol hon;

> Proviso: Bashart-e-ke kisi bhi bidder ki query ke jawab mein koi bhi wazahat un tamam fareeqon ko pohnchayi jaye gi jinhon ne bidding documents hasil kiye hon;

Note 37: Notification No. SORI(SGA&CD)2-30/2010(5-13), tareekh 15 March, 2019 ke zariye substitute kiya gaya, (Gaz. Extr. Pt. I, P. No. 168, tareekh March 21, 2019).

Note 38: SGA&CD Notification No. SORI(SGA&CD)2-30/2010, tareekh 8 October, 2013 ke zariye shamil kiya gaya.

(2) Procuring Agency Notice Inviting Tenders dobara jari kare gi, Rules 17 aur 18 ke mutabiq, agar use yaqeen ho ke bidding documents mein koi madi kharabi ya ibham hai, jise bidding documents ke mawaad mein tabdeeli kiye baghair door nahi kiya ja sakta.

Rule 24 — Submission of Bids

Bids Jama Karana

(1) Bids us jagah, tareekh aur waqt par aur us tareeqay se jama karayi jayen gi jo tender notice aur bidding documents mein muqarrar kiya gaya ho, aur kisi bhi wajah se der se jama karayi gayi koi bhi bid procurement committee ke zariye ghaur mein nahi layi jaye gi;

(2) [Bidders procuring agency ki taraf se jari kardah bidding documents par ya Authority ki website se download kardah bidding documents par, tender fee ke sath agar koi ho, mail ya hath se bids jama kara sakte hain.]

Note 39: Sub-rule (2) SGA&CD Notification No. SORI(SGA&CD)2-30/2010, tareekh 8 October, 2013 ke zariye substitute kiya gaya.

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Rule 25 — Cancellation of Bidding Process

Bidding Process ki Mansookhi

(1) Koi procuring agency bid ya proposal ki qubooliyat se pehle kisi bhi waqt bidding process ko mansookh kar sakti hai;

(2) Procuring agency sirf sub-rule (1) ko istemal karne ki bina par bidders ke muqable mein koi zimmedari nahi uthaye gi;

(3) Bidding process ki mansookhi ki ittila foran Authority ki website aur procuring Agency ki website par lagayi jaye gi, is ke baad bid security ki fori wapsi hogi.

Note 40: Clause (3) Notification No. SORI(SGA&CD)2-30/2010(5-13), tareekh 15 March, 2019 ke zariye substitute kiya gaya, (Gaz. Extr. Pt. I, P. No. 168, tareekh March 21, 2019).

(4) Procuring agency, kisi bhi bidder ki darkhwast par, aise bidder ko bidding process ki mansookhi ki wajuhaat bataye gi, lekin woh un wajuhaat ko durust sabit karne ki paband nahi hogi;

Rule 26 — Re-issuance of Tenders

Tenders ka Dobara Ijra

Procuring agency tenders dobara jari kar sakti hai, agar bidding process mansookh kar diya gaya ho, jaisa ke Rule 25 mein faraham kiya gaya hai, ya darj zail sharaait mein se koi aik mojood ho:

(1) Bidding documents mein aisi kharabi samne aayi ho ke procurement committee competent authority ko sifarish kare ke bids dobara talab karni chahiye;

(2) Case ko [Rule 32 aur 32-A] ke tehet mis-procurement qarar de diya gaya ho;

Note 41: Rule 26 mein, sub-rule (2) mein, "Rule 56" ki jagah SGA&CD Notification No. SORI(SGA&CD)2-30/2010, tareekh 8 October, 2013 ke zariye tabdeel kiya gaya.

> Proviso: Bashart-e-ke tenders dobara jari karte waqt, procuring agency specifications aur bidding documents ke deegar mawaad mein tabdeeli kar sakti hai, jaisa ke woh munasib samjhe.

PRE-QUALIFICATION AND DIS-QUALIFICATION OF SUPPLIERS, AND CONTRACTORS

Suppliers aur Contractors ki Pre-qualification aur Dis-qualification

Rule 27 — Pre-qualification of Suppliers and Contractors

Suppliers aur Contractors ki Pre-qualification

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(1) Koi procuring agency, darj zail suraton mein bidders ki pre-qualification kar sakti hai: […]

Note 42: SGA&CD Notification No. SORI(SGA&CD)2-30/2010, tareekh 8 October, 2013 ke zariye hazaf kiya gaya.

(a) Bare aur paicheeda works aur un se mutalliq services ke contracts ki surat mein, jin mein tafseeli bids tayyar karne ki lagat zyada ho;

(b) Un contracts mein jo turnkey, design and build, ya management contract ke tehet diye jayen;

(c) Mehenge aur takneeki tor par paicheeda equipment aur works ki surat mein, is maqsad se ke bid ki dawat sirf un logon tak mehdood rakhi jaye jin ke paas kaafi salahiyat, qabiliyat aur wasail hon.

(d) Paicheeda noiyat ki dawaion aur services ki surat mein.

Note 43: SGA&CD Notification No. SORI(SGA&CD)2-30/2010, tareekh 8 October, 2013 ke zariye shamil kiya gaya.

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

(a) Miltay jultay assignments par tajurba aur guzishta karkardagi;

(b) Construction ya manufacturing facilities ke hawale se salahiyatein,

(c) Maali salahiyat;

(d) Amlay, equipment, aur plant ke hawale se salahiyatein;

(e) Munasib intezami salahiyat; aur

(f) Koi bhi aur factor jo assignment ko mukammal karne ke liye darkar salahiyat, qabiliyat aur wasail se mutalliq ho;

> Proviso: Bashart-e-ke pre-qualification sirf makhsoos procurement contract ke liye ki ja sakti hai aur sirf usi khaas assignment par laagu hogi.

Rule 28 — Process of Pre-qualification

Pre-qualification ka Tareeqa-e-Kar

(1) Kisi makhsoos contract ya package par bid dene ke liye prequalify hone ke liye:

(a) Makhsoos contract ya package par prequalify hone ki dawat Rules 17 aur 18 ke mutabiq ishtehar aur notify ki jaye gi.

(b) Procuring agency kisi bhi supplier ya contractor ko pre-qualification documents ka aik set faraham kare gi, jis mein contract ka daira-e-kar, qualification ke liye requirements ka aik wazeh set aur evaluation criteria shamil hoga, qeemat ki adayegi ke badle, agar koi ho, jo us had se zyada nahi hogi jo in Rules mein muqarrar ki gayi hai, aur woh waqt aur jagah bataye gi jahan se documents hasil kiye ja sakte hain. [Procuring agency pre-qualification documents ko scheme ke tamam components ki fehrist ke sath Authority ki website aur apni khud ki website par bhi lagaye gi, agar aisi website mojood ho, Pre-qualification notice ke sath.] Mutabadil tor par, agar procuring agency pre-qualification documents jari nahi karna chahti, to woh kaam ka daira-e-kar aur pre-qualification ke liye requirements ka aik wazeh set aur evaluation criteria pre-qualification ke notice mein shamil kare gi.

Note 44: Clause (b) Notification No. SORI(SGA&CD)2-30/2010(5-13), tareekh 15 March, 2019 ke zariye shamil kiya gaya, (Gaz. Extr. Pt. I, P. No. 168, tareekh March 21, 2019).

(c) Tamam applicants jin ko manzoor shuda prequalification criteria ke mutabiq assignments anjaam dene ke qabil paya jaye, prequalified honge aur unhe bids jama karane ki dawat di jaye gi.

(d) Shortlisted applicants ki taraf se prequalification ke liye jama karayi gayi maloomat ki tasdeeq ki ja sakti hai. Agar maloomat kisi madi pehlu se ghalat ya durust nahi payi gayi, ya applicant contract ko

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kamyabi se anjaam dene ki salahiyat ya wasail se mehroom paya gaya, to application prequalified nahi hogi.

(e) Procuring agency pre-qualification evaluation ke natijay ka ailaan aik report ki shakal mein kare gi, jis mein bidder ko pre-qualify ya disqualify karne ki wajuhaat di jayengi. Report Authority ki website aur procuring agency ki website par lagayi jaye gi agar us ki website mojood ho, aur har aik applicant ko bids ki dawat jari karne se kam az kam saat din pehle ittila di jaye gi.

Note 45: Clause (e) Notification No. SORI(SGA&CD)2-30/2010(5-13), tareekh 15 March, 2019 ke zariye substitute kiya gaya, (Gaz. Extr. Pt. I, P. No. 168, tareekh March 21, 2019).

(f) Procuring agency, applicant(s) ki tehreeri darkhwast par, applicant(s) ko unhe pre-qualify na karne ki wajuhaat bataye gi, halankeh woh in wajuhaat ko durust sabit karne ki paband nahi hogi.

(g) Sirf woh suppliers ya contractors, jo pre-qualified ho chuke hon, procurement proceedings mein mazeed hissa lene ke haqdar honge.

(2) Procuring agency, pre-qualification documents mein, darj zail cheezain zikr kare gi;

(a) Pre-qualification ke liye darkar tamam maloomat, jo Rule 27 (2) mein zikr kardah factors se mutalliq hon;

(b) Pre-qualification documents ki tayyari aur jama karane ki hidayat;

(c) Evaluation criteria;

(d) Dastawezi saboot ki fehrist jo applicants se darkar hogi taake woh apni apni qualifications sabit kar saken;

(f) Koi bhi aur maloomat jo procuring agency pre-qualification ke liye zaroori samjhe.

(3) Consultants ki pre-qualification ki surat mein, Rules 73 aur 74 ki dafaat laagu hongi.

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Rule 29 — Eligibility

Ahlit

Tamam dilchaspi rakhnay wale bidders, mulki ya bain-ul-aqwami, firms aur afraad, ko kisi bhi project ke liye bid dene ki ijazat hogi jahan international competitive bidding apnayi jaye;

(1) Muqabla sirf darj zail suraton mein mehdood kiya ja sakta hai;

(a) Qanoon ya sarkaari zabton ke tor par, federal government ki taraf se bidder ke mulk ke sath tijarati taluqat par pabandi ho; ya

(b) Koi firm procuring agency ki taraf se blacklist ya debar kar di gayi ho, aur mamla Authority ko report kar diya gaya ho, Rule 35 ke tehet.

(2) Government owned enterprises ya idare sirf is surat mein hissa le sakte hain agar woh sabit kar saken ke woh hain;

(a) Qanooni aur maali tor par khud mukhtar; aur

(b) Commercial law ke tehet kaam karte hain;

> Proviso: Bashart-e-ke jahan mulk mein government owned universities ya research centers apni noiyat mein munfarid aur ghair mamuli hon, aur un ki shirkat project ki takmeel ke liye lazmi ho, unhe hissa lene ki ijazat di ja sakti hai; aur

(3) Rules ke Part II ke maqasid ke liye, bidders mein woh tamam contractors ya suppliers aur un se mutalliq services faraham karne wale ya consultants shamil honge jo Pakistan mein registered ya incorporated hon, un ke malikon aur un ke professional staff ki nationality se qata nazar;

(4) Kisi bhi procuring agency ki taraf se contractors, suppliers aur consultants ki koi enlistment ya registration nahi hogi, aur bidding kisi bhi tareeqay se mehdood nahi ki jaye gi, siwaaye is ke jo in Rules mein faraham kiya gaya ho;

> Proviso: Bashart-e-ke mutalliq fields mein professional institutions ke sath registration laagu hogi jaisa ke qanoon ki taraf se darkar ho.

Rule 30 — Disqualification of Suppliers, Contractors and Consultants

Suppliers, Contractors aur Consultants ki Na-ahli

(1) Procuring agency kisi supplier, consultant ya contractor ko na-ahil qarar de gi, chahe woh pehle se pre-qualified ho ya na ho, agar use kisi bhi waqt maloom ho ke us ki taraf se jama karayi gayi maloomat, jo supplier, consultant ya contractor ke tor par us ki qualification aur professional, technical, financial, legal ya managerial competence se mutalliq thi, ghalat aur madi tor par ghalat ya na-mukammal thi; ya

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(2) Kisi bhi marhale par in rules mein bayan kardah corrupt aur fraudulent practices mein malawis raha ho;

(3) Koi supplier, contractor ya consultant jo procuring agency ke na-ahli ke faislay se mutasir ho, Rule 31 ke tehet faraham kardah grievance redressal ke tareeqay ke zariye rahat talab kar sakta hai.

Rule 31 — Mechanism for Redressal of Grievances

Shikayaat ke Azale ka Tariqa-e-Kaar

(1) Procuring agency shikayaat ke azale ke liye aik committee tashkeel degi, jo taaq adaad (odd number) afraad par mushtamil hogi, jis ke paas munasib ikhtiyarat aur authorizations hon ge, taa ke

woh bidders ki un shikayaat ka azala kar sake jo procurement proceedings ke doran, contract ke award se pehle, paida hon.

(2) Is committee ki sarbarahi procuring agency ka sarbarah ya procuring agency ka koi aisa official karega jo procurement committee ke sarbarah se kam az kam aik rank senior ho, aur is committee mein darj zail shaamil hon ge;

(a) District Accounts Officer, ya us ka numainda, local governments ya zila ki satah par soobai line departments ke muamle mein, ya Accountant General, Sindh ka numainda, soobai satah par Government departments ke muamle mein;

(b) Mutalliqa shobe ka aik aazad professional (independent professional), jo us procurement process se mutalliq ho jis ke bare mein sawal hai, jise procuring agency ka sarbarah namzad karega;

(3) Koi bhi bidder, jo notice inviting tender ke jari hone ke baad procuring agency ke kisi amal ya faisle se naraz ho, tehreeri shikayat darj karwa sakta hai;

(4) Shikayat azala committee, naraz bidder se shikayat milne par, agar mutma'in ho, to ye kar sakti hai;

(a) Procurement committee ko aise tareeqe se amal karne ya faisla karne se rokna jo in rules aur regulations se mutabiq na ho;

(b) Procurement committee ke kisi bhi ghair majaz amal ya faisle ko mukammal tor par ya jazwi tor par kaladam karna; aur

(bb) Head of Department ko sifarish karna ke case ko mis-procurement qarar diya jaye, agar Act, Rules, Regulations, orders, instructions ya public procurement se mutalliq kisi aur qanoon ki numayan khilaf warzi sabit ho gayi ho; aur;

(c) Procurement committee ke kisi bhi faisle ko badalna, ya us faisle ki jagah apna faisla dena;

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> Proviso: Basharte ke shikayat azala committee contract award karne ka koi faisla nahi karegi.

(5) Shikayat azala committee apna faisla saat din ke andar sunayegi aur is ki ittila bidder aur Authority ko teen working days ke andar degi. Agar committee saat din ke andar faisle tak na pahunch sake, to shikayat Review Committee ko muntaqil ho jayegi, jo shikayat ko rule 32 mein bataye gaye tareeqe ke mutabiq nimtayegi, agar naraz bidder is muntaqili ke das (10) din ke andar review appeal dakhil kare.

(6) Procuring Agency contract shikayat azala committee ke faisle ke baad award karegi;

(7) Sirf shikayat darj karne ki wajah se procurement proceedings ko rokna lazmi nahi hoga;

> Proviso: Basharte ke agar shikayat azala committee shikayat ka faisla karne mein nakam rahe, to procuring agency contract award nahi karegi, jab tak appeal ki muddat khatam na ho jaye ya Review Committee ka hatmi faisla na aa jaye.

(8) [……..]

(9) [……..]

(10) [……..]

(11) [……..]

(12) [……..]

(13) [……..]

(14) [……..]

(15) [……..]

Rule 32 — Appeal to the Review Committee

Review Committee ko Appeal

(1) Agar koi bidder procuring agency ki complaints redressal committee ke faisle se mutmain na ho, to woh Review Committee ko appeal daakhil kar sakta hai, faisle ke elaan ke das (10) din ke andar.

> Proviso: Bashart-e-ke us ne apni bid security, agar koi jama karwai ho, wapas na li ho.

(2) Review Committee mein darj zail afraad shaamil hon ge:

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(a) Managing Director;

(b) Director General Audit Sindh ya un ka nominee jo BS-19 se kam rank ka na ho;

(c) SPPRA Board par numaindagi karne wale do private members.

(d) Aik independent professional jisay us procurement se mutalliq mutallqa shobay ki maharat hasil ho jis ke baare mein sawal hai.

(3) Managing Director Review Committee ka Chairperson hoga aur private members ko SPPRA Board do saal se zyada na hone wali muddat ke liye muntakhab karega;

(4) Independent professional ko Managing Director har reference ke liye nominate karega aur usay Review Committee ki meeting mein shirkat ke liye remuneration diya jayega, us rate par jo Authority waqtan fawaqtan muqarrar kare;

(5) Bidder Review Committee ko darj zail documents jama karwayega: —

(a) Aik khat jis mein woh Review Committee ko appeal karne ki apni khwahish aur shikayat ki noiyat bataye;

(b) Department ki complaint redressal committee ko pehle jama karwai gayi shikayat ki aik copy aur tamam supporting documents;

(c) Procuring Agency / Complaint Redressal Committee ke faisle ki copy, agar koi ho.

(6) Appeal tamam zaroori maloomat aur documents ke saath milne par, Chairperson saat working days ke andar Review Committee ki meeting bulayega;

(7) Jab tak Review Committee appeal ko frivolous qarar de kar kharij karne ki sifarish na kare — jis surat mein bidder apni bid security, jo us ne procuring agency ke paas jama karwai ho, kho sakta hai — Review Committee ye kar sakti hai: —

(a) Reference ko mustarad kar de, apni wajah batate hue aur rule 31 ke sub-rule (7) ke proviso mein di gayi rok (bar) ko khatam kar de;

(b) Un rules ya usoolon ko bayan kare jo reference ke mozua par hukm lagate hain;

(c) Procuring agency ki taraf se rules aur regulations ki kamzoriyon aur khilaf warzi ki nishan-dahi kare;

(d) Procuring agency ke kisi ghair-mutabiq amal ya faisle ko mukammal ya juzwi tor par mansookh kar de, siwaye us amal ya faisle ke jis se procurement contract nafiz hota ho;

(e) Agar procuring agency Act, Rules ya Regulations ke tehet apni zimmedariyon ki khilaf warzi kar rahi ho, to mis-procurement ke zimmedar officer(s) ko hukm de ke bidder ko bid ki tayyari par kharch ki gayi raqam ka muawza ada kare; ya

(f) Hidayat de ke procurement ki karwai khatam kar di jaye, agar procurement contract par dastakhat na hue hon.

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(g) Case ko mis-procurement ka case qarar de, agar Act, Rules, Regulations, orders, instructions ya public procurement se mutalliq kisi aur qanoon ki material violation sabit ho gayi ho.

(8) Appellant aur procuring agency ke sarbarah, ya un ke nominee jo BS-19 se kam rank ka na ho, par laazim hoga ke jab bhi bulaya jaye, Review Committee ke saamne haazir hon aur agar zaroorat ho to documents paish karein.

(9) Agar appellant notice of appearance milne ke bawajood do dafa haazir na ho, to appeal ex-parte (aik tarfa) tor par faisla ki ja sakti hai.

(10) Review Committee fareeqain ko sunegi aur appeal jama karwane ke das working days ke andar apna faisla sunaegi. Taham, agar takheer ho, to us ki wajahat tehreer mein darj ki jayengi.

(11) Review Committee ka faisla hatmi hoga aur procuring agency par binding hoga. Faisla sunaye jaane ke baad, appeal aur us par diya gaya faisla Authority apni website par lagayegi (hoist karegi).

Rule 32A — Declaration of Mis-procurement and its consequences

Mis-procurement ka Elaan aur Us ke Nateejay

(1) Rule 32 (7) (g) mein maujood kisi bhi baat ke bawajood:

(a) Department ka Head apni taraf se, ya Department ki Complaint Redressal Committee ki sifarish par, case ko mis-procurement ka case qarar de sakta hai, agar Act, Rules, Regulations, orders, instructions ya public procurement se mutalliq kisi aur qanoon ki dafa'at ki koi material violation sabit ho gayi ho.

(b) Authority Act, Rules, Regulations, orders, instructions ya public procurement se mutalliq kisi aur qanoon ki dafa'at ki kisi material violation ka notice le sakti hai aur case ko mis-procurement ka case qarar de sakti hai, agar aisi violation sabit ho gayi ho.

(2) Mis-procurement ke elaan par; procuring agency ka head, Authority ya Review Committee case ko Competent Authority ko bhejega, taake mis-procurement ke zimmedar procuring agency ke officials ke khilaf disciplinary proceedings shuru ki ja sakein, aur muamla Sindh Enquiries and Anti-Corruption Establishment ko bhi bhej sakta hai, taake aise officials ke khilaf karwai shuru ki jaye.

Rule 33 — Matters not subject to Appeal or Review

Wo Mamlaat Jin Par Appeal ya Nazar-e-Sani Nahi Ho Sakti

Procuring agency ke darj zail iqdamat par appeal ya review nahi ho sakega:

(1) Procurement committee ki taraf se ikhtiyar kiya gaya selection method;

(2) Procuring agency ka Rule 25 ke tehat bidding process ko mansookh karne ka faisla.

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Rule 34 — Arbitration

Salsi (Arbitration)

(1) Procurement contracts ke nafiz hone ke baad, contract ki fareeqain ke darmiyan tanazaat arbitration (salsi) ke zariye hal kiye jayenge;

(2) Procuring agencies procurement contract mein arbitration ka aik tareeqa shamil karengi, jo Pakistan mein us waqt nafiz qawaneen se mutasadim na ho.

Rule 35 — Blacklisting of Suppliers, Contractors and Consultants

Suppliers, Contractors aur Consultants ki Blacklisting

(1) Darj zail cheezain suppliers, contractors ya consultants ki blacklisting ka bais banengi, infiradi tor par ya consortium ke hisse ke tor par ijtimai tor par:

(a) Fraud, corruption, criminal misappropriation, chori, jaal saazi (forgery), rishwat ya kisi aur criminal offence mein saza yafta hona;

(b) Procurement contract hasil karte waqt ya hasil karne ki koshish karte waqt corrupt aur fraudulent practices mein malawwis hona;

(c) Kisi competent jurisdiction ki adalat ya tribunal ka hatmi faisla ke contractor ya supplier tax evasion ka mujrim hai;

(d) Aik ya aik se ziyada contracts ki shara'it ke mutabiq amal karne mein jan boojh kar nakami;

(e) Underperforming contracts ko durust karne mein nakami, jaisa ke procuring agency ne nishandahi ki ho, jahan underperforming contractor, supplier ya consultant ki ghalti ki wajah se ho;

(2) Procuring agency apni marzi se, ya kisi bhi fareeq ki taraf se di gayi maloomat par, ye tay karne ke liye tehqeeqat kar sakti hai ke kya kisi contractor, consultant ya supplier ko blacklist karne ki kafi wajah mojood hai. Agar procuring agency mutma'in ho ke aisi wajah mojood hai, to woh blacklisting ka amal us tareeqe ke mutabiq shuru karegi jo Authority ki taraf se jari kiye jane wale regulations mein bataya gaya hai;

(3) Upar sub-rule (2) mein bataye gaye jaanch partaal ke amal ke nateeje mein, procuring agency darj zail faislon mein se koi aik faisla kar sakti hai;

(a) Contractor ya consultant ya supplier ko blacklist kiya ja sakta hai;

(b) Contractor ya consultant ya supplier ko aarzi tor par debar kiya ja sakta hai, waqt ki muddat batate hue;

(c) Contractor ya consultant ya supplier ko blacklist kiya ja sakta hai agar woh muqarrar waqt ke andar muqarrar remedial actions na le;

> Proviso: Basharte ke procuring agency apne faisle ko munasib tareeqe se mashhoor karegi aur Authority, digar Government departments ko is se aagah karegi, aur apni website par bhi lagayegi.

(4) Koi bhi fareeq, jo procuring agency ke faisle se naraz ho, Authority ko appeal de sakta hai, jo muamla Review Committee ko bhejegi, jo muamle ka faisla rule 32 ke sub-rules (5) se (11) mein bataye gaye tareeqe ke mutabiq karegi;

(5) [XXX]

Rule 36 — Reservations and Preference

Tahaffuzat aur Tarjeeh

(1) Procuring agencies tamam dilchaspi rakhne wale bidders ko nationality ko dekhe baghair procuring procedure mein hissa lene ki ijazat dengi, siwaye un cases ke jin mein koi procuring agency, in rules ya Federal Government ki policy ke mutabiq, is hissa lene ko sirf national bidders tak mehdood karne ya kuch nationalities ke bidders ki shirkat par pabandi lagane ka faisla kare;

(2) Procuring agencies Government ki policies ke mutabiq domestic ya national suppliers, contractors ya consultants ko tarjeeh dengi. Di jane wali price preference ki miqdar bidding documents mein bid evaluation criteria ke tehat wazeh tor par likhi jayegi.

Rule 37 — Bid Security

Bid Security

(1) Procuring agency bidders se bid security ki aik fix raqam jama karwane ka taqaza karegi, jo procurement ki estimated value ke paanch feesad (5%) se zyada na ho, jo procuring agency ne muqarrar ki ho.

(2) Bid Security Deposit at Call ya pay order ya demand draft ya Bank Guarantee ki shakal mein talab ki jayegi, jo Pakistan mein kisi Scheduled Bank ne jari ki ho, ya kisi ghair-mulki bank ne jari ki ho jis ki Pakistan mein kisi Scheduled Bank ne baqaeda counter guarantee di ho, procuring agency ke haq mein, jo Bid Validity date ke baad 28 din tak valid ho.

(3) Procuring agency bid security ki verification jari karne wali Authority se karwayegi.

(a) Tamam bid securities, un contracts ki jin ki estimated cost Rs. 50.00 million (Rupees fifty million) tak ho, jari karne wali agency se verify karwai jayengi;

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(b) Tamam bid securities, un contracts ki jin ki estimated cost Rs. 50.00 million se zyada ho, jari karne wali Agency ke Head Office se verify karwai jayengi.

(4) Rule 25 ke tehet bidding process ki cancellation ki surat mein, bid security bidders ko wapas ki jayegi, cancellation notice ki tareekh se pandra din ke andar, is se zyada der nahi.

(5) Bid security darj zail halaat mein forfeit ki jayegi, agar —

(a) Koi bidder bid kholne ke baad, lekin bid validity period ke andar, apni bid wapas lene ki darkhwast kare;

(b) Kamyab bidder performance security jama karwane mein nakam rahe;

(c) Kamyab bidder contract par dastakhat karne mein nakam rahe;

(d) Koi bidder arithmetic errors ki durusti ke baad quoted amount ki durusti ko qubool na kare;

(e) Koi bidder Federal ya Provincial Government ki kisi agency ki taraf se black listed paya gaya ho.

(6) Bid security nakamyab bidders ko saat din ke andar release kar di jayegi, jab kamyab bidder ke saath contract par dastakhat ho jayein ya validity period khatam ho jaye.

Rule 38 — Bid Validity

Boli ki Miyaad (Bid Validity)

(1) Procuring agency, procurement ki noiyat ko dekhte hue, bid ko aik validity period ka paband karegi, jo bidding document mein likha jayega aur National Competitive Bidding ki soorat mein 90 din se zyada nahi hoga aur International Competitive Bidding ki soorat mein 120 din se zyada nahi hoga.

(1A) Bid validity period us tareekh se shuru hoga jis din technical ya financial bids kholi jayen, jo bhi pehle ho.

(2) Bid validity mein izafa (extension) ki ijazat di ja sakti hai, procuring agency ki competent authority ki manzoori se, aur is ki wajuhaat tehreer mein darj ki jayengi.

> Proviso: Agar validity period mein izafa procuring agency ki taraf se kisi susti (slackness) ki wajah se karna pare, to competent authority zimmedari tay karegi aur munasib tadibi (disciplinary) karwai karegi.

(3) Aisi manzoori hasil karne ke baad, procuring agency tehreeri tor par tamam bidders se bid validity period badhane ki darkhwast karegi. Aisi darkhwast asal bid validity period ki expiry ki tareekh se pehle ki jayegi.

(4) Aisa izafa asal bid validity period ke […] se zyada nahi hoga.

(5) Agar Procuring Agency badhaye gaye waqt ke andar bid evaluation mukammal karne mein nakam rahe, to bids mansookh (cancelled) samjhi jayengi aur naya bidding process shuru kiya jayega.

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(6) Jab bhi bid validity period mein izafa ki darkhwast ki jaye, bidder ko haq hoga ke woh aisa izafa dene se inkar kar de aur apni bid wapas le le, aur bid security foran wapas kar di jayegi.

(7) Bidders jo;

(a) bid validity period ke izafe par raazi hon, woh bid security ki validity bhi bid validity ke mutafiq badhaye gaye period ke liye badhayenge;

(b) procuring agency ki bid validity period badhane ki darkhwast par raazi hon, un se na to kaha jayega aur na hi unhein ijazat di jayegi ke woh apni bids ki qeemat ya doosri shartein tabdeel karen.

Rule 39 — Performance Security

Karkardagi ki Zamanat (Performance Security)

(1) Procuring agency, goods, works aur services ki tamam procurement mein jo open competitive bidding ke zariye ki jaye, performance security talab karegi, jo Deposit at Call ya pay order ya demand draft ya Pakistan ke kisi Scheduled Bank ki taraf se jari kiya gaya Bank Guarantee, ya kisi ghair-mulki bank ki taraf se jari kiya gaya aur Pakistan ke kisi Scheduled Bank ki taraf se duly counter-guaranteed Bank Guarantee ki shakal mein hogi, procuring agency ke haq mein, jo contract price ke 10% se zyada nahi hogi.

(2) Security munasib shakal aur raqam mein faraham ki jayegi, jaisa ke bidding documents mein diya gaya ho.

(3) Performance security ki validity defects liability period ya maintenance period, agar koi ho, ko cover karne tak barhegi, aur procuring agency ki taraf se final acceptance se mashroot hogi.

(4) Procuring agency bid security ki tasdeeq (verification) jari karne wali agency se darj zail shakal ya tareeqe se karwayegi:

(a) Tamam bid securities, jin contracts ki takhmeena lagat Rs. 50.00 million (Rupees pachaas million) tak ho, jari karne wali Agency se verify karwai jayengi;

(b) Tamam bid securities, jin contracts ki takhmeena lagat Rs. 50.00 million se zyada ho, jari karne wali Agency ke Head office se verify karwai jayengi.

Rule 40 — Force Majeure

Force Majeure (Na-qabil-e-Tasdeeq Halat)

Contract ki shartein yeh tay karengi ke fareeqain ki taraf se contract ke tehat apni zimmedariyan ada karne mein nakami ko default nahi samjha jayega, agar aisi nakami force majeure ke kisi waqea ka nateeja ho, jaisa ke contract ki shartein mein define kiya gaya ho.

Opening, Evaluation and Rejection of Bids

Bids ka Khulna, Evaluation (Jaiza) aur Mustarad Karna

Rule 41 — Opening of Bids

Bids ka Khulna (Opening of Bids)

(1) Bids kholne ki tareekh aur bids jama karwane ki aakhri tareekh aik hi hogi, jaisa ke bidding documents aur Notice Inviting Tender mein diya gaya ho.

(2) Rule 18 ki provisions ke tahet, agar dono tareekhein mukhtalif hon, to bidding documents mein di gayi tareekh aur waqt laagu hoga.

(3) Bids, bids jama karwane ki aakhri had (deadline) ke aik ghante ke andar kholi jayengi.

(4) Tamam bids awami tor par (publicly) tamam bidders, ya un ke numaindon ki maujoodgi mein kholi jayengi, jo invitation to bid mein elaan kardah waqt aur jagah par shakhs tor par hazir hone ka intikhab karen.

(5) Procuring agency bidder ka naam aur har bid ki kul raqam, aur kisi bhi alternative bid ki, agar un ki ijazat di gayi ho, buland awaz mein parhegi aur jab kholi jayen to darj ki jayengi.

(6) Tamam hazir bidders aik attendance sheet par dastakhat karenge.

(7) Tamam bids jo muqarrar waqt ke baad jama karwai gayi hon, aur woh bhi jo bid opening ke waqt kisi procedural khami ki wajah se kholi aur parhi na gayi hon, ghaur mein nahi layi jayengi, aur baghair khole wapas kar di jayengi.

(8) Procurement committee ki sadarat karne wala afsar (official) rates ko ghaira (encircle) karega aur procurement committee ke tamam members financial proposal ke har safhe par dastakhat karenge.

(9) Procurement committee tenders ke khulne ki minutes jari karegi aur over writing ya cutting, agar koi ho, ka bhi zikr karegi.

Rule 42 — Evaluation of bids

Bids ki Evaluation (Jaiza)

(1) Tamam bids ki evaluation bidding documents mein diye gaye evaluation criteria aur doosri shartein ke mutabiq ki jayegi.

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

(3) Aik bid jo muqarrar tareeqe ke mutabiq khol di gayi ho, woh sirf un rules, regulations aur policies ke tahet hogi jo notice for invitation of bids jari karne ke waqt nafiz hon.

Rule 43 — Clarification of bids

Bids ki Wazahat (Clarification of bids)

(1) Kisi bidder ko bids jama karwane ki deadline khatam hone ke baad apni bid(s) tabdeel ya modify karne ki ijazat nahi di jayegi.

> Proviso: Procuring agency bidders se woh wazahatein maang sakti hai jo bids ki evaluation ke liye zaroori hon, lekin kisi bidder ko bid ki asal baat (substance) ya qeemat tabdeel karne ki ijazat nahi degi.

(2) Procuring agency ki taraf se bid mein wazahat ki koi bhi darkhwast lazmi tor par tehreeri hogi. Aisi darkhwast ka jawab bhi tehreeri hoga.

Rule 44 — Discriminatory and difficult conditions

Imtiazi aur Mushkil Shartein (Discriminatory and difficult conditions)

Siwae is ke ke doosri tarah se provide kiya gaya ho, koi procuring agency koi aisi shart mutaarif nahi karwayegi jo bidders ke darmiyan imtiaz kare. Kisi shart ki imtiazi noiyat ka taayun karte waqt us trade, manufacturing, construction business ya service ki aam practices ka hawala diya jayega jis se woh khaas procurement mutalliq ho.

Rule 45 — Announcement of evaluation reports

Evaluation Reports ka Elaan (Announcement of evaluation reports)

Procuring agencies bid evaluation ke nataij ka elaan aik report ki shakal mein karengi jis mein bids ki qubooliyat ya mustarad karne ki wajuhaat di jayengi. Report Authority ki website par aur procuring agency ki website par, agar us ki website maujood ho, lagayi (hoisted) jayegi aur tamam bidders ko contract award karne se kam az kam teen (03) working days pehle ittila di jayegi.

Rule 46 — Procedures of open competitive bidding

Open Competitive Bidding ke Tareeqe (Procedures of open competitive bidding)

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Siwae is ke ke in rules mein doosri tarah se provide kiya gaya ho, open competitive bidding ke liye darj zail tareeqe jaiz honge;

(1) Single Stage – One Envelope Procedure-

(a) Notice Inviting Tenders aur is tareeqe ke bidding documents mein darj zail eligibility criteria honge;

(i) relevant experience;

(ii) pichle kam az kam teen saal ka turn-over;

(iii) Federal Board of Revenue (FBR) ke saath Income Tax, Sales Tax ke liye registration — goods ki procurement ki soorat mein; Works aur Services ki procurement ki soorat mein Sindh Revenue Board ke saath registration; aur Pakistan Engineering Council ke saath registration (jahan applicable ho):

> Proviso: Bidder Federal Board of Revenue (FBR) ya Sindh Revenue Board (SRB) ki Active Taxpayer List (ATL) par hona chahiye, jaisa ke case ho; agar aisa na ho to bidder bid mein hissa lene ka ahl nahi hoga; aur

(iv) koi bhi doosra factor jo procuring agency ke khayal mein relevant ho, Rule 44 ki provision ke tahet;

(b) har bid aik hi lifafa (envelope) par mushtamil hogi jis mein financial proposal aur clause (a) mein mazkoor matlooba maloomat hogi;

(c) tamam mosul honay wali bids Notice Inviting Tenders ya bidding document mein muqarrar tareeqe se kholi aur evaluate ki jayengi.

(2) Single stage – two envelope procedure-

(a) bid aik single package par mushtamil hogi jis mein do alag lifafe honge. Har lifafe mein alag se financial proposal aur technical proposal hogi;

(b) lifafon par “FINANCIAL PROPOSAL” aur “TECHNICAL PROPOSAL” bold aur saaf (legible) haroof mein likha jayega taake ghalatfehmi na ho;

(c) shuru mein sirf woh lifafa khola jayega jis par “TECHNICAL PROPOSAL” likha ho;

(d) woh lifafa jis par “FINANCIAL PROPOSAL” likha ho, procuring agency ki hifazat (custody) mein baghair khole rakha jayega;

(e) procuring agency technical proposal ki evaluation pehle se muqarrar tareeqe se karegi, qeemat ka hawala diye baghair, aur kisi bhi proposal ko jo muqarrar requirements ke mutabiq na ho, mustarad kar degi, aur technical evaluation report bidders ko financial bid kholne se kam az kam saat din pehle bhej di jayegi;

(f) technical evaluation ke doran technical proposal mein koi tarmeem (amendment) ki ijazat nahi di jayegi;

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(g) technically qualified bids ki financial proposals awami tor par us waqt, tareekh aur jagah par kholi jayengi jo pehle se elaan ki gayi ho aur bidders ko pehle se batayi gayi ho;

(h) technically non-responsive payi gayi bids ki financial proposals mutaliqa bidders ko baghair khole wapas kar di jayengi; aur

(j) woh bid jo lowest evaluated ya best evaluated bid payi jaye, qubool ki jayegi.

(3) Two Stage Bidding Procedure-

(a) First Stage:

(i) bidders ko matlooba specifications ke mutabiq aik technical proposal baghair qeemat ke jama karwane ki dawat di jayegi, jo technical aur commercial wazahaton aur adjustments ke tahet hogi;

(ii) technical proposal ki evaluation muqarrar evaluation criteria ke mutabiq ki jayegi aur is par tamam bidders ke saath mil kar kisi bhi technical pehlu par guftugu ki ja sakti hai jis ke liye technical aur commercial wazahatein aur adjustments darkar hon;

(iii) aisi guftugu ke baad, tamam bidders ko ijazat di jayegi ke woh apni apni technical proposals ko procuring agency ki requirements ke mutabiq revise karen;

(iv) procuring agency technical requirements ya evaluation criteria ke kisi bhi pehlu ko revise, delete, modify ya add kar sakti hai, ya woh nayi requirements ya criteria add kar sakti hai jo in rules se mutabiq na hon (not inconsistent);

> Proviso: Aisi revisions, deletions, modifications ya additions tamam bidders ko barabar tor par us waqt batayi jayengi jab final bids jama karwane ki dawat di jaye, aur bidders ko apni revised bids tayyar karne ke liye kaafi waqt diya jayega;

> Proviso: Waqt ki aisi gunjaish National Competitive Bidding ki soorat mein pandrah din se kam nahi hogi aur International Competitive Bidding ki soorat mein tees din hogi;

(v) Woh bidders jo apni apni bids ko procuring agency ki technical requirements ke mutabiq nahi karna chahte, unhein baghair kisi jurmane (penalty) ke bidding se dastbardar (withdraw) hone ki ijazat di ja sakti hai.

(b) Second Stage;

(i) bidders ko apni technical proposals mein tarmeem karne ki ijazat di jayegi taake woh aik hi technical standards ke mutabiq hon;

(ii) bidders revised technical proposals financial proposals ke saath jama karenge;

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(iii) sirf un bidders ki financial proposals kholi jayengi jin ki asal ya revised technical proposals mutafiq (conforming) payi jayen, us waqt, tareekh aur jagah par jo pehle se elaan ki gayi ho aur bidders ko pehle se batayi gayi ho;

(iv) revised technical proposals aur financial proposals ki evaluation oopar muqarrar tareeqe se ki jayegi. Woh bid jo lowest evaluated bid payi jaye, qubool ki jayegi;

> Proviso: Revised technical proposal aur financial proposal jama karwane ki tareekh tay karte waqt procuring agency bidders ko kaafi waqt degi taake woh technical proposal mein mutafiq honay wali tabdeeliyan shaamil kar saken aur apni financial proposals usi ke mutabiq tayyar kar saken.

(4) Two Stage - Two Envelope Bidding Procedure-

(a) First Stage-

(i) bid aik single package par mushtamil hogi jis mein do alag lifafe honge. Har lifafe mein alag se financial proposal aur technical proposal hogi;

(ii) lifafon par “FINANCIAL PROPOSAL” aur “TECHNICAL PROPOSAL” bold aur saaf haroof mein likha jayega taake ghalatfehmi na ho;

(iii) shuru mein sirf woh lifafa khola jayega jis par “TECHNICAL PROPOSAL” likha ho;

(iv) woh lifafa jis par “FINANCIAL PROPOSAL” likha ho, procuring agency ki hifazat mein baghair khole rakha jayega;

(v) technical proposal par tamam bidders ya un ke numaindon ke saath mil kar, procuring agency ki technical requirements ke hawale se guftugu ki jayegi;

(vi) woh bidders jo procuring agency ki requirements ko poora karna chahte hon, unhein in guftugon ke baad apni technical proposals revise karne ki ijazat di jayegi;

(vii) woh bidders jo apni technical proposal ko procuring agency ki revised requirements ke mutabiq nahi karna chahte, unhein apni apni bids baghair bid security zabt kiye (without forfeiture) wapas lene ki ijazat di jayegi;

(b) Second Stage

(i) woh bidders jo revised technical specifications ke mutabiq hona chahte hon aur jin ki bids pehle se mustarad nahi ki gayi hon, woh revised technical requirement ke mutabiq aik revised technical proposal aur supplementary financial proposal jama karenge;

(ii) revised technical proposal, asal financial proposal aur supplementary financial proposal ke saath, us tareekh, waqt aur jagah par kholi jayegi jo procuring agency ki taraf se pehle se elaan ki gayi ho;

> Proviso: Revised technical proposal aur supplementary financial proposal jama karwane ki tareekh tay karte waqt procuring agency bidders ko kaafi waqt degi taake woh technical proposal mein mutafiq honay wali tabdeeliyan shaamil kar saken aur matlooba supplementary financial proposal tayyar kar saken; aur

(iii) procuring agency poori proposal ki evaluation evaluation criteria ke mutabiq karegi aur woh bid jo lowest evaluated bid payi jaye, qubool ki jayegi.

Rule 47 — Conditions for Use of Various Procedures

Mukhtalif Tareeqon ke Istemal ki Shartein (Conditions for Use of Various Procedures)

(1) Single Stage One Envelope Bidding Procedure goods, works aur services ki procurement ke liye standard bidding procedure ke tor par istemal kiya jayega, jo saada aur routine noiyat ki hon aur jin mein koi technical complexity ya innovation shaamil na ho;

(2) Single Stage Two Envelope Bidding Procedure goods, works aur services ke liye istemal kiya jayega jahan bids ki evaluation technical aur financial bunyadon par ki jani ho aur qeemat ko technical evaluation ke baad madde nazar rakha jaye;

(3) Two Stage Bidding Procedure bare aur complex contracts mein apnaya jayega jahan technically unequal proposals ka samna hone ka imkaan ho ya jahan procuring agency ko market mein apne options ka ilm ho lekin, karkardagi ki requirements ke aik makhsoos set ke liye, do ya zyada barabar qabil-e-qubool technical solutions of machinery or equipment or manufacturing plant procuring agency ko dastiyab hon; aur

(4) Two Stage Two Envelope Bidding method us procurement ke liye istemal kiya jayega jahan alternative technical proposals mumkin hon, jaisa ke machinery ya equipment ya manufacturing plant ki kisi khaas qism ke liye.

Acceptance of Bids and Award of Procurement Contracts
Bids ki Qubooliyat aur Procurement Contracts ka Award

Rule 48 — Acceptance of Bids
Bids ki Qabooliyat

Agar sirf aik hi bid jama karayi gayi ho, tab bhi bidding ka amal durust samjha ja sakta hai, agar bid rules ke mutabiq advertise ki gayi thi, aur qeematein PC-I cost ya financial estimates ya aakhri diye gaye contract ki qeematon ya rates ke muqable mein hon, ya market ki qeematon ke muqable mein hon.

Rule 49 — Award of Contract
Contract Dena

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Us bidder ko procurement contract diya jayega jis ki evaluated cost sab se kam ho, lekin zaroori nahi ke us ki jama karayi gayi qeemat sab se kam ho, bid ki validity ki asal ya barhayi gayi muddat ke andar.

Rule 50 — Publication of the Award of Contract
Contract Dene ki Isha'at

Contract par dastakhat hone ke pandrah din ke andar, procuring agency bidding process ke nataij Authority ki website par aur apni khud ki website par, agar aisi website mojood ho, shaya karegi, bid ki shanakht procurement identifying number ke zariye karegi, agar koi ho, aur darj zail maloomat bhi:

(1) Contract Evaluation Report;

(2) Form of Contract and Letter of Award;

(3) Bill of Quantities or Schedule of Requirement.

Rule 51 — Debriefing

Debriefing (Wazahat)

(1) Aik bidder procuring agency se apni bid ke na manzoor hone ki wajuhaat pooch sakta hai aur debriefing meeting ki darkhwast kar sakta hai, aur procuring agency use aisi na-manzuri ki wajuhaat batayegi, ya to tehreer mein ya aise bidder ke sath debriefing meeting kar ke.

(2) Darkhwast karne wala bidder aisi debriefing mein shirkat ke tamam akhrajaat khud bardasht karega.

Rule 52 — Bar on Negotiations

Muzakirat par Pabandi

Siwaaye is ke jo dosri tarah se faraham kiya gaya ho, us bidder ke sath koi muzakiray nahi honge jis ne sab se kam evaluated bid jama karayi ho, ya kisi dosre bidder ke sath.

Rule 53 — Confidentiality

Razdari

Procuring agency bid evaluation se mutaliq tamam maloomat ko khufiya rakhegi jab tak Rule 45 ki zarooriyat ke mutabiq evaluation report ka elan na ho jaye.

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Rule 54 — On Account Payments

On Account Adaigiyan

Tamaam procuring agencies suppliers, consultants aur contractors ko un ke invoices ya running bills ke khilaf adaigiyan karengi, contract ki sharaait mein diye gaye waqt ke andar.

Rule 55 — Entry into Force of the Procurement Contract

Procurement Contract ka Nafiz Hona

Aik procurement contract us waqt nafiz hoga jab procuring agency contract par dastakhat kare, woh tareekh jis par procuring agency aur kamyab bidder dono ke dastakhat tehreeri contract par lagaye jayen. Dastakhat lagana bidding documents mein muqarrar waqt ke andar hoga.

> Proviso: Basharte ke jahan contract ke nafiz hone ka inhisar kisi shart (ya sharaait) ke poora hone par ho, contract us tareekh se asar andaz hoga jis tareekh ko aisi takmeel ho jaye.

Rule 57 — Closing of Contract

Contract ka Ikhtitam

(1) Siwaaye defect liability ya supplier, consultant ya contractor ki taraf se maintenance ke, jaisa ke contract ki sharaait mein wazeh kiya gaya ho, contract ki takmeel ko band samjha jayega jab overall delivery certificate, deliverables ki takmeel ka certificate, ya taking over certificate jaari ho jaye, jo goods ki aakhri taking over ya deliverables ke milne ya works ki takmeel ke tees din ke andar jaari kiya jayega, taake supplier ya contractor aakhri bill jama kara sake aur procuring agency goods, works ya services se mutaliq koi inspection kar sake, jaisa ke contract agreement mein faraham kiya gaya ho, aur auditors substantial audit kar saken.

(2) Defect liability ya maintenance ki muddaton ki surat mein, defect liability certificate us muddat ke khatam hone ke tees din ke andar jaari kiya jayega, taake supplier ya contractor aakhri bill jama kara sake.

(3) Siwaaye un daawon ke jo hal nahi hue, jo arbitration ke zariye hal kiye jayenge, aur jo contract ki sharaait mein diye gaye waqt ke andar ada kiye jayenge.

Rule 58 — Applicability

Itlaaq

(1) Part I aur II ki dafaat ke tabay, Part III sirf consulting services par laagu hoga;

(2) Dafaat ya un ki tashreeh mein kisi tanazay ki surat mein, consulting services ke liye, is part ke rules dosre parts ke rules par foqiyat rakhenge.

Rule 61 — Selection of Consultancy Services

Consultancy Services ka Intekhab

Intekhab darj zail baaton se rehnumai lega:

(1) Dastyab services ki behtareen quality;

(2) Kifayat aur kar-kardagi ki zaroorat;

(3) Tamam ahal consultants ko muqabla karne ka barabar moqa dene ki zaroorat;

(4) Muqami consultants ki hosla afzai, kisi ghair munsifana muqablati faide ke baghair;

(5) Intekhab ke amal mein shaffafiyat.

Rule 62 — Bar on hiring in cases of Conflict of Interest

Mafadat ke Tazad ki Surat mein Bharti par Pabandi

Upar di gayi baaton ki umumiyat par koi pabandi lagaye baghair, consultants ko bharti nahi kiya jayega agar mafadat ka tazad ho, jaisa ke in rules mein wazeh kiya gaya hai.

Rule 63 — Hiring of Government Officials and Academics

Sarkari Afsaran aur Academics ki Bharti

Government officials aur civil servants ko consultants ke tor par sirf us surat mein bharti kiya ja sakta hai agar:

(1) Woh baghair tankhwah ke chhutti par hon;

(2) Unhe us agency ne bharti na kiya ho jis ke liye woh chhutti par jane se chhe mahine pehle kaam kar rahe the; aur

(3) Un ki mulazimat se mafadat ka koi tazad paida na ho.

Rule 64 — Equal Access to Information

Maloomat tak Barabar Rasai

Procuring agency consulting services ke liye tamam bidders ko maloomat barabar moqe ki bunyad par faraham karegi.

Rule 65 — Rights and Obligations of the Procuring Agency and Consultants

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Procuring Agency aur Consultants ke Huqooq aur Zimmedariyan

Procuring agency aur consultant ke huqooq aur zimmedariyan General aur Special conditions of contract ke zariye chalayi jayengi jo procuring agency aur consultant ke darmiyan dastakhat kiye gaye hon.

Rule 66 — Steps in the Selection Process

Intekhab ke Amal ke Marahil

Apnaye gaye intekhab ke tareeqe par munhasir, procuring agency darj zail marahil uthayegi, lekin inhi tak mehdood nahi:

(1) Assignment ke Terms of Reference ki tayyari;

(2) Assignment ki cost estimate ya budget ki tayyari;

(3) Request for Expressions of Interest ka awami ishtihar;

(4) Consultants ki short-listing, agar zaroori samjha jaye;

(5) Consultants ko Request for Proposal ki tayyari aur jaari karna;

(6) Consultants ki taraf se proposals ki tayyari aur jama karwana;

(7) Request for Proposal mein diye gaye criteria ke mutabiq technical proposals ki evaluation;

(8) Request for Proposal mein diye gaye criteria ke mutabiq financial proposals ka kholna aur evaluation;

(9) Contract negotiations, jaisa ke intekhab ke tareeqe mein faraham kiya gaya ho;

(10) Procuring agency aur consultant ke darmiyan contract ka dena aur us par dastakhat karna.

Rule 67 — Consultant Selection Committee

Consultant Selection Committee

Har procuring agency, consultant(s) ke intekhab ke liye, aik Consultant Selection Committee qaim karegi, jo darj zail par mushtamil hogi:

(1) Consultant Selection Committee ki sarbarahi aik gazetted officer karega jo BS-19 se kam rank ka na ho, aur agar aisa officer dastyab na ho, to administrative departments, autonomous aur semi-autonomous bodies ki surat mein sab se aala grade ka dastyab officer;

(2) Project ya programme directors, coordinators ya managers mutaliqa projects ya programmes ki Consultant Selection Committees ki sarbarahi karenge;

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(3) Members;

(a) Planning & Development Department ka nominee jo BS-18 se kam rank ka na ho;

(b) Finance Department ka nominee jo BS-18 se kam rank ka na ho;

(c) Procuring agency ka aik numainda jo BS-18 se kam rank ka na ho, jo member aur secretary ke tor par kaam karega;

(d) Mutaliqa departments se aik technical member, mashware ke liye, jo mutaliqa field mein kafi tajurba rakhta ho, BS-18 se kam rank ka na ho ya us ke barabar ho;

(e) Co-opted member(s). — Consultants Selection Committee, apne Chairperson ki manzoori se, do tak members co-opt kar sakti hai, jo mutaliqa field mein kafi technical ilm aur tajurba rakhte hon, committee ko technical input dene ke liye. Co-opted members ke voting rights nahi honge.

> Proviso: Basharte ke co-opted members ka procurement process mein mafadat ka koi tazad nahi hoga.

Rule 68 — Quorum

Quorum

(1) Rs. 2.00 million (Rupees Do Million) se zyada ki lagat wale individual Consultants ki bharti ke liye aur Rs. 5.00 million (Rupees Paanch Million) se zyada ki lagat wali Consulting Firm ki bharti ke liye, quorum Chairman aur Planning & Development aur Finance Departments ke numaindon par mushtamil hoga.

(2) Re. 1.56 million (Rupees Do Million) tak ki lagat wale Individual Consultants ki bharti ke liye aur Rs. 5.00 million (Rupees Paanch Million) tak ki lagat wali Consulting Firm ki bharti ke liye, Chairman, Technical Member aur Consultants Selection Committee ka koi aik member, Consultants Selection Committee ke kaam karne ke liye quorum banayenge.

Rule 70 — Decision by Simple Majority

Sada Aksariyat se Faisla

Consultants Selection Committee ke tamam faislay sada aksariyat se kiye jayenge.

Rule 71 — Functions and Responsibilities of the Committee

Committee ke Faraiz aur Zimmedariyan

Consultants Selection Committee darj zail faraiz anjam degi:

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(1) Request for Proposal ki jaari karne se pehle manzoori;

(2) Request for Expression of Interest ka jawab dene wale consultants ki short listing, jahan laagu ho, Request for Expression of Interest mein zikr kiye gaye criteria ke mutabiq;

(3) Request for Proposal mein zikr kiye gaye intekhab ke tareeqe aur evaluation criteria ke mutabiq technical aur financial proposals ki evaluation;

(4) Upar sub-rule (3) mein zikr ki gayi evaluation ki bunyad par sifarish ko hatmi shakal dena.

Rule 72 — Methods for Selection of Consultants

Consultants ke Intekhab ke Tareeqe

Intekhab ka nizam procuring agency Request for Proposals jaari karne se pehle muqarrar karegi, interested consultants se. Aik procuring agency assignment ki noiyat ko madde nazar rakhte hue, consultants ke intekhab ke liye darj zail tareeqon mein se koi aik apna sakti hai:

(1) Least Cost Selection Method

(a) Yeh tareeqa standard ya routine noiyat ki assignments ke liye apnaya jayega jahan achhi tarah qaim shuda practices aur standards mojood hon;

(b) Sirf technically qualified firms ki financial proposals kholi jayengi. Us firm ko muntakhab kiya jayega jis ki quoted cost ya bid sab se kam ho;

(c) Procuring agency koi dosra tareeqa bhi apna sakti hai jo munasib samjha jaye, jis ki wajah competent authority ki taraf se tehreer mein darj ki jaye.

(2) Quality Based Selection Method

(a) Yeh tareeqa sirf intehai makhsoos, innovative aur complex assignments ki surat mein istemal kiya jayega, jahan quality hi wahid factor ho jo madde nazar rakha jaye;

(b) Quality Based Selection method mein, woh technical proposal muntakhab ki jayegi jo bidding documents mein zikr kiye gaye criteria ke mutabiq sab se zyada score hasil kare, cost ka koi lehaz kiye baghair;

(c) Muntakhab firm se kaha jayega ke woh apni financial proposal jama karaye aur use financial proposal aur contract par muzakiray ke liye bulaya jayega.

(3) Quality and Cost Based Selection Method

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Yeh tareeqa sirf us surat mein istemal kiya jayega jahan;

(a) Terms of Reference achhi tarah wazeh hon aur Quality awwal darje ki ahmiyat rakhti ho, jabke cost sanwi ahmiyat rakhti ho;

(b) Woh firm muntakhab ki jayegi jo bidding documents mein zikr kiye gaye criteria ke mutabiq sab se zyada combined weighted technical aur financial score hasil kare.

(4) Direct Selection Method

Yeh tareeqa sirf us surat mein istemal kiya jayega agar darj zail mein se tamam ya koi aik shart mojood ho:

(a) Un tasks ke liye jo pehli assignment ka fitri tasalsul hon aur jahan technical services ka tasalsul zaroori ho:

> Proviso: Basharte ke izafi assignment ki cost pehli assignment ki cost ke pandrah feesad se zyada na ho.

(b) Un assignments ke liye jin ki qeemat paanch lakh rupees se kam ho;

(c) Hangami halat mein, competent authority ki manzoori se aur wajahen tehreer mein darj karke;

(d) Jahan sirf aik hi consultant ahal ho ya ghair mamooli qadar ka tajurba rakhta ho.

(5) Fixed Budget

(a) Yeh tareeqa sirf us waqt istemal kiya jayega jab darj zail tamam sharaait mojood hon:

(i) Assignment simple ho;

(ii) Ise durust tareeqe se wazeh kiya ja sake;

(iii) Budget fixed ho;

(b) Request for Proposal mein dastyab budget bataya jayega. Jo proposals bataye gaye budget se zyada hon, unhe mustarad kar diya jayega;

(c) Ranking sirf ahal bidders ki technical proposals ki evaluation ki bunyad par hogi.

(6) Design Contest

Yeh tareeqa sirf un projects ke liye istemal kiya jayega jahan aesthetic component awwal darje ki ahmiyat rakhta ho. Procuring agency consultants ko dawat degi ke woh financial proposal jama karayen aur project ke liye aik plan ya design pesh karen, jo us ke diye gaye concept ya criteria ki bunyad par ho. Sirf top-ranked consultant ki financial proposal kholi jayegi.

(7) Consultant’s Qualifications Selection Method

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(a) Yeh tareeqa sirf un consultancies par laagu hoga jin ki qeemat Rs. 2.0 million (Rupees Do Million) se kam ho, jin ke liye mukammal intekhab ke amal ki cost jaiz na ho;

(b) Consulting firm ko Expression of Interest ke marhale par muntakhab kiya jata hai, Request for Expression of Interest mein zikr kiye gaye criteria ki bunyad par. Muntakhab firm se kaha jata hai ke woh aik technical aur financial proposal, single envelope mein, jama karaye, aur phir use contract par muzakiray ke liye bulaya jata hai.

(8) Selection Process of Individual Consultants

(a) Yeh tareeqa sirf us surat mein apnaya jayega agar darj zail mein se tamam ya koi aik shart mojood ho:

(i) Kaam ka daira aisa ho ke personnel ki teams ki zaroorat na ho;

(ii) Kisi izafi professional support ki zaroorat na ho;

(iii) Fard ki experience aur qualifications sab se ahem zaroorat hon;

(b) Individual consultants se proposals jama karane ki zaroorat nahi ho sakti, aur unhe un ke curriculum vitae ki evaluation ki bunyad par muntakhab kiya ja sakta hai. Is tareeqe ke tehet intekhab ke liye interviews bhi rakhe ja sakte hain.

Rule 73 — Request for Expression of Interest or Request for Proposal

Izhar-e-Dilchaspi ki Darkhwast ya Tajweez ki Darkhwast

(1) Izhar-e-Dilchaspi ki Darkhwast ya Tajweez ki Darkhwast ka ishtehar diya jayega ya us ka elan kiya jayega, upar darj Rule 17 aur 18 ki dafaat ke mutabiq.

(2) Izhar-e-Dilchaspi ki Darkhwast ya Tajweez ki Darkhwast mein darj zail maloomat shamil hongi:

(a) khareedari karne wale idare ka naam aur pata;

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

(bb) short-listing ki dastavezat ke jari karne ka schedule, agar zaroori samjha jaye, ya Tajweez ki Darkhwast, jaisi bhi surat ho;

(c) Izhar-e-Dilchaspi ki Darkhwast ya Tajweez ki Darkhwast jama karane aur kholne ki akhri tareekh aur jagah, jaisi bhi surat ho;

(d) short-listing ke mayaar ya Tajweez ki Darkhwast ke liye tashkhees ke mayaar, jaisi bhi surat ho; aur

(e) koi bhi aur maloomat jo khareedari karne wala idara is marhale par phailana munasib samjhe.

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Rule 74 — Criteria for Short-listing of Consultants

Consultants ki Short-listing ke Mayaar

(1) Khareedari karne wala idara darkhwast guzaron ko short-list kar sakta hai, us pehle se tay shuda mayaar ke mutabiq jo Izhar-e-Dilchaspi ki Darkhwast mein darj ho.

(2) Khareedari karne wala idara, consultants ki short-listing karte hue, darj zail awamil ko madde nazar rakhega:

(a) qabliyat;

(b) tajurba;

(c) mali salahiyat; aur

(d) koi bhi aur awamil jo khareedari karne wala idara mutaliq samjhe aur jo in Rules se mutasadim na ho.

Rule 75 — Request for Proposals

Tajweez ki Darkhwast

(1) Khareedari karne wala idara short-list kiye gaye [ya deegar] consultants se tajaveez mangne ke liye Tajweez ki Darkhwast istemal karega, jis mein darj zail shamil hoga:

(a) Letter of Invitation — Is mein khareedari karne wale idare ka naam aur pata darj hoga aur is mein ye bhi bataya jayega ke khareedari karne wale idare ka irada hai ke wo mashawarti khidmat ki farahami ke liye muahida kare, aur is mein tamam short-list ki gayi firms ke naam shamil honge;

(b) Instruction to Consultants — Consultants ko di gayi hidayat mein tamam zaroori maloomat hongi jo unhein jawab-deh tajaveez tayyar karne mein madad dein aur jo intekhab ke nizam mein jitni zyada mumkin ho shaffafiyat layein;

(c) Terms of Reference — Is mein assignment ke maqasid, ahdaf aur daira wazeh tor par bayan kiye jayenge aur wo deliverables, khidmat aur surveys darj kiye jayenge jo assignment ko anjam dene ke liye zaroori hon aur mutawaqqa nataij bhi. Terms of Reference ko Form of Contract mein darj sharait ke sath mila kar parha jayega;

(d) Form of Contract — Form of Contract muahide ka aik musawwada hai jis mein muahide ki tamam aam aur khaas sharait shamil hoti hain;

(e) Evaluation Criteria — Siwae is ke ke koi aur hukm ho, tajaveez ki tashkhees mein mayaar (quality) aur lagat dono ko munasib ahmiyat di jayegi;

(f) Types of Contract — Khareedari karne wala idara darj zail mein se kisi aik qism ka muahida istemal kar sakta hai:

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(i) lump sum contract — ye bunyadi tor par un assignments ke liye istemal kiya jayega jin mein khidmat ke mawaad, muddat aur matlooba nataij wazeh tor par tay hon;

(ii) time-based contract — ye us waqt istemal kiya jayega jab khidmat ke daira aur muddat ko tay karna mushkil ho;

(iii) hourly or daily rates contract — ye chhote projects ke liye istemal kiya jayega, khaas tor par jab assignment aik mah se kam ki ho; aur

(iv) koi bhi aur muahida, jo upar di gayi qismon ke imtizaj par mabni ho, jis mein zaroorat parne par out of pocket expenses bhi shamil hon.

(g) Special provisions — Khareedari karne wala idara, jahan zaroori ho, assignment ya muahide se mutaliq koi bhi aur shart tay kar sakta hai.

(2) Khareedari karne wala idara dilchaspi rakhne wale consultants ko dawat dega ke wo apni technical aur financial tajaveez alag alag seal shuda lifafon mein jama karayen. Khareedari karne wala idara tajaveez jama karane ki akhri tareekh dega. Consultants ko apni tajaveez tayyar karne ke liye munasib waqt diya jayega jo National Competitive Bidding ke liye 15 din se kam aur International Competitive Bidding ke liye 45 din se kam nahi hoga.

Rule 76 — Criteria for Evaluation of Quality of Consulting Services

Mashawarti Khidmat ke Mayaar ki Tashkhees ke Mayaar

Tashkhees ke mayaar mein darj zail shamil honge, lekin ye inhi tak mehdood nahi honge;

(1) Specialization: Assignment se mutaliq consultants ki khaas maharat aur khaas technologies tak un ki rasai;

(2) Experience: Aise hi muahidon ya assignments par consultants ka tajurba aur guzishta karkardagi, aur aisi hi geografiyai halat mein;

(3) Financial Capability: Mashawarti firms ki mali salahiyat ki tashkhees is nazar se ki ja sakti hai ke ye yaqeeni banaya jaye ke wo sonpa gaya kaam waqt par mukammal kar saken;

(4) Understanding of the Assignment: Assignment ke bare mein consultant ki samajh tashkhees ke liye aik bohat aham pehlu hai;

(5) Proposed Methodology: Consultants ki taraf se pesh karda tareeqa-e-kar ki tashkhees us ki jadidiyat (innovativeness) aur mazbooti ke hawale se ki jayegi;

(6) Quality Management: Aik achhi tarah qayam shuda Quality Management system ki mojoodgi ko bare aur pechida assignments ke liye madde nazar rakha ja sakta hai.

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Rule 77 — Association between Consultants

Consultants ke Darmiyan Ishtirak

(1) Consultants ki association ya to consortium ki shakal mein ho sakti hai ya sub-consultancy ki shakal mein.

(2) Consortium ke intezam ke tehet sirf aik idara, ya to lead consultant ke zariye ya aik qanooni shakhs (legal juridical person) bana kar, hukumat ke samne poori assignment ki takmeel ka zimmedar hoga.

(3) Sub-consultancy ke tehet, main consultant kisi aur consultant ko assignment ka aik hissa anjam dene ke liye laga sakta hai, sirf us surat mein jab muahide mein is ki wazeh ijazat ho aur khareedari karne wale idare ne is par wazeh tor par razamandi zahir ki ho. Taham, main consultant nataij ke mayaar ki aur tamam deegar pehluon ki zimmedari uthayega, jaisa ke main muahide mein darj hai.

Rule 78 — Intellectual Property Rights

Zeheni Malkiyat ke Huqooq

(1) Consultant ki taraf se tayyar ki gayi tamam dastavezat, reports, designs, tehqeeqi kaam aur tamam deliverables khareedari karne wale idare ki milkiyat ban jayenge aur rahenge;

(2) In dastavezat aur software ke mustaqbil mein consultant ki taraf se istemal par koi bhi pabandi muahide ki sharait mein darj ki jayegi.

Rule 79 — Extent of Contract Negotiation

Muahide ki Guft-o-Shuneed ki Had

Khareedari karne wala idara sab se aala darje ke bidder se methodology, work plan, staffing aur muahide ki khaas sharait par guft-o-shuneed (negotiation) kar sakta hai. Khareedari karne wala idara ahem amle (key staff) ki tabdeeli ki ijazat nahi dega, siwae is ke ke dono fareeq is baat par mutafiq hon ke intekhab ke amal mein ghair mamooli takheer ki wajah se aisi tabdeeli naguzeer ho gayi hai. Isi tarah, guft-o-shuneed mein bidder ki taraf se di gayi rates mein tabdeeli nahi mangi jayegi. Guft-o-shuneed nakam hone ki surat mein, khareedari karne wala idara tashkhees report ke mutabiq dosre number ke bidder ko dawat de sakta hai.

Rule 80 — Professional Liability of Consultants

Consultants ki Peshawarana Zimmedari

(1) Wo consultant jo muntakhab ho kar muahida hasil kare, wo apni taraf se honay wali kotahiyon ya ghaltiyon (omissions or commissions) ke nateejay ka zimmedar hoga. Consultant ki zimmedari ki had muahide mein darj ki jayegi, aur kisi bhi surat mein ye us ke muawze se kam nahi hogi, out of pocket expenses ko chor kar, aur na hi ye zimmedari muawze ki raqam se dugni se zyada hogi;

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(2) Khareedari karne wala idara consultant se upar bayan ki gayi zimmedari ko cover karne ke liye insurance ka mutalba kar sakta hai, aur is ke zaroori akhrajat consultant bardasht karega;

(3) Consultant mashawarti khidmat anjam dete hue apne kisi bhi bad-ikhlaki (misconduct) ki wajah se khareedari karne wale idare ko honay wale tamam nuqsanat ya khasaray ka zimmedar hoga.

PART-IV — PUBLIC PRIVATE PARTNERSHIP PROJECTS
Hissa IV — Public Private Partnership Projects

Rule 81 — Public Private Partnership Projects
Public Private Partnership Projects

(1) Is hisse ke rules Public Private Partnership ke zariye goods, works aur services ki khareedari par lagu honge;

(2) Parts II aur III mein goods, works aur services ki khareedari ke rules, mutatis mutandis (zaroori tabdeeliyon ke sath), un projects par lagu honge jin mein design, financing aur operations aur maintenance darj zail mein se kisi aik tareeqe ke tehet anjam diye jayenge;

(a) Service Contract — Khidmat ka Muahida;

(b) Management Contract — Intezaam ka Muahida;

(c) Lease Contract — Lease ka Muahida;

(d) Build, Operate and Transfer — Tameer karo, Chalao aur Muntaqil karo;

(e) Build, Own and Operate — Tameer karo, Malik bano aur Chalao;

(f) Design, Build, Finance and Operate and Transfer — Design banao, Tameer karo, Mali madad do, Chalao aur Muntaqil karo;

(g) Build, Own, Operate, Transfer — Tameer karo, Malik bano, Chalao, Muntaqil karo;

(h) Build, Lease and Transfer — Tameer karo, Lease par do aur Muntaqil karo;

(i) Build and Transfer — Tameer karo aur Muntaqil karo;

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(j) Rehabilitate, Operate and Transfer — Bahaal karo, Chalao aur Muntaqil karo;

(k) upar di gayi tareeqon ka koi bhi imtizaj ya tabdeeli, ya PPP mode ke tehet koi bhi aur intezam jo Authority ne manzoor kiya ho.

(3) Tamam sectors ke liye PPP Projects aur un se mutaliq amal ki manzoori dene ka ikhtiyar Public Private Partnership Policy Board ke paas hoga;

(4) Rules ki dafaat ya un ki tashreeh mein kisi bhi tazad ki surat mein, PPP projects ke liye is hisse ke rules ko doosre hisson ke rules par tarjeeh hasil hogi.

Rule 82 — Procurement Process under Public Private Partnership

Public Private Partnership ke Tehet Khareedari ka Amal

(1) Khareedari ki mansoobabandi aur us par amal-daramad ke kuch ya tamam faraiz aur zimmedariyan peshawar transaction advisers aur consultants anjam de sakte hain, Public Private Partnership Policy Board ki manzoori ke sath;

(2) Hukumat har Public Private Partnership project ke liye aik committee muqarrar karegi jo project ki technical aur financial tashkhees karegi. Aisi har committee ke Terms of Reference hukumat manzoor karegi;

(3) Siwae is ke ke in rules mein koi aur hukm ho, tamam Public Private Partnership muahide aur concessions, jaisi bhi surat ho, qaumi ya bain-ul-aqwami khuli musabiqti boli (open competitive bidding) ke zariye diye jayenge;

(4) Khareedari karne wala idara tajaveez ki darkhwast jama karane ke liye aik munasib fee laga sakta hai. Aisi fee Rs. 100,000/- se zyada nahi hogi;

(5) Bidding documents Rule 21 ke mutabiq tayyar ki jayengi aur un mein darj zail bhi shamil hoga;

(a) kam se kam design aur performance ke mayaar aur specifications, zameen aur maashi parameters;

(b) concession ya management contract ka musawwada;

(c) deegar dastavezat jo mutaliqa khareedari karne wala idara zaroori samjhe;

(6) Bidders ko di gayi hidayat wazeh, jame aur tamam bidders ke liye munsifana hongi aur un mein, jahan tak zaroori aur mumkin ho, darj zail maloomat shamil hongi, lekin ye inhi tak mehdood nahi hongi;

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(a) project ki aam tafseel aur maqasid;

(b) bid jama karane ke tareeqe aur shartein, jin mein bid jama karane ka tareeqa, bid proposal ki kitni copies jama karani hain, bids kahan jama karani hain, bids jama karane ki akhri tareekh aur bid proposals bhejne ka jaiz tareeqa shamil hoga;

(c) Hukumat ki taraf se di jane wali sahulaten jaise ke incentives, subsidies, debt financing, agar koi ho, aur hukumat ya deegar hukumat ki zamanaton ke zariye equity;

(d) bid security aur bid ki validity ki muddat;

(e) milestone bonding;

(f) bids ki tashkhees ka tareeqa aur mayaar, jin mein equity ki kam se kam raqam aur shakal bhi shamil hai;

(g) tolls, fees, rentals, royalties aur charges ki adjustment ke liye istemal honay wale formulas aur indices, jahan lagu hon;

(h) mutaliqa regulatory idaron ki shartein, agar koi hon;

(i) ghair mulki currency ki tarseel (foreign exchange remittances) par lagu monetary rules aur regulation;

(j) revenue sharing arrangements;

(k) mutawaqqa commissioning date.

(7) Kam se kam design aur performance ke mayaar ya specifications, jin mein lagu environmental standards bhi shamil hain, wazeh tor par bayan kiye jayenge aur un mein sahulat ke outputs ki matlooba miqdar aur mayaar ka zyada zikr hoga aur ye bataya jayega ke in kam se kam shartein mein se kisi bhi shart par amal na karne se bid ghair jawab-deh (non-responsive) qarar payegi. Isi tarah, darj zail maashi aur mali parameters bhi, deegar ke sath, muqarrar kiye jayenge:

(a) discount rate aur foreign exchange rate, jaisa ke hukumat ne muqarrar kiya ho, jahan lagu ho;

(b) project ki tameer ki zyada se zyada muddat;

(c) project ke operation aur tolls, fees, rentals aur charges ki wasooli ke liye fixed term ya variable term, jo hukumat ne authorize ya manzoor kiya ho;

(d) tolls, fees, rentals aur charges ki adjustment ke liye istemal honay wala formula aur price indices, Build Operate Transfer, Build Operate Own aur un ki deegar aqsaam ki surat mein, jo hukumat ne authorize ya manzoor kiya ho;

(e) Public Private Partnership project mein shamil deegar mali khusoosiyat jo Value for Money ko behtar banayen.

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Rule 83 — Negotiations

Muzakaraat

(1) Rule 52 ki dafaat ke bawajood, muzakaraat ki ijazat ho sakti hai jab mali boliyan khol di jayen. Agar khareedari karne wale idare ke paas durust wajuhaat hon, jo tehreeri tor par darj karni lazmi hain, ke mali peshkashen paise ki behtareen qeemat nahi de rahin ya un mein tabdeeli ki zaroorat hai, to khareedari karne wala idara tamam ahal boli-dahindgan se band lifafon mein nazar-sani shuda mali boliyan mangwa sakta hai ya khuli boli ke zariye. Khareedari karne wala idara muzakaraat ke amal ki mukammal karwai (minutes) mehfooz rakhega;

(2) Agar neeche di gayi tareef ke mutabiq sirf aik hi mutabiq (complying) boli-dahinda reh jaye, to khareedari karne wale idare ki taraf se jari kardah irade ke khat (letter of intent) ke mutabiq seedhe muzakaraat kiye jayenge.[105]

(a) Agar ishtehaar ke jawab mein pehle se ahaliyat ki janch (prequalification) ke liye sirf aik hi dilchaspi rakhne wala boli-dahinda jawab de, aur woh pehle se ahaliyat ki janch ke mayaar par poora utarta ho;

(b) Agar ishtehaar ke baad, pehle se ahaliyat ki janch ke liye aik se zyada dilchaspi rakhne wale boli-dahinde jawab dein, agar koi de, lekin un mein se sirf aik hi pehle se ahaliyat ki janch ke mayaar par poora utarta ho;

(c) Pehle se ahaliyat ki janch ke baad, agar koi ho, aik se zyada dilchaspi rakhne wale boli-dahinde jawab dein, aur un mein se sirf aik hi boli jama karaye, jo khareedari karne wale idare ki nazar mein mutabiq (complying) payi jaye;

(d) Pehle se ahaliyat ki janch ke baad, agar koi ho, aik se zyada dilchaspi rakhne wale boli-dahinde boli jama karayen, lekin khareedari karne wale idare ki nazar mein sirf aik hi mutabiq (complying) paya jaye.

Rule 84 — Bid Evaluation

Boli ki Jaanch

Behtareen jaanchi gayi boli ka tayun darj zail mayaar ki bunyaad par kiya jayega;

(1) Istemal ki fees ke lehaz se sab se kam boli, agar riyayat ki muddat muqarrar ho.

(2) Hukumat ke liye sab se zyada wapsi ya munafa, agar riyayat ki muddat muqarrar ho aur istemal ki fees doosre boli-dahinde ke barabar ya us se kam ho.

(3) Sab se mukhtasar riyayat ki muddat, agar istemal ki fees muqarrar ho.

(4) Boli-dahinde ko wapsi ki sab se kam Khalis Maujooda Qeemat (Net Present Value), agar istemal ki fees, riyayat ki muddat aur subsidy ka hissa doosre boli-dahindgan jaisa hi ho, agar hukumat ka hissa (equity) shamil na ho.

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(5) Subsidy ki sab se kam raqam, agar doosre pehlu taqreeban aik jaise hon.

(6) Koi bhi aur pehlu jo khareedari karne wale idare ki nazar mein khaas mansoobe se mutalliq ho.

Rule 85 — Award of Contract

Muahida Dena

(1) In qawaid mein jo kuch bhi darj hai, us ke bawajood, Public Private Partnership ke tehet muahide ka dena us jaanch ke mayaar ki bunyaad par hoga jo khareedari karne wala idara tayyar karega, aur jo Tajweez ki Darkhwast (Request for Proposal) ke sath shaya kiya jayega. Is ke baad, agar khareedari karne wala idara Tajweez ki Darkhwast jari hone ke baad jaanch ke mayaar ko tabdeel karna zaroori samjhe, to woh tamam dilchaspi rakhne wale boli-dahindgan ko barabar mauqa dene ke liye nayi Tajweez ki Darkhwast jari karega;

(2) Jahan tak laagu ho, wohi qawaid jo Hissa II mein boli ki tajweezon ke takneeki aur mali pehluon ki jaanch ke liye diye gaye hain, aik hi boli ki jaanch mein laagu kiye jayenge;

(3) Mutalliqah khareedari karne wale idare ko boli ke amal ko mansookh karne ka haq hoga, jaisa ke Rule 25 mein diya gaya hai.

Rule 85 (A) — Unsolicited proposal for Public-Private Partnership Projects

Public-Private Partnership Mansoobon ke liye Baghair Mange Tajweez

(1) Yeh qaida Sindh Public-Private Partnership Act, 2010 ki dafa 20 ke tehet baghair mange tajweezon par laagu hoga.[106]

(2) Baghair mange tajweez jo is qaide ke naafiz hone se pehle jama karayi gayi hon, aur jo abhi tak qaida 15(A) ke tehet pehle se ahaliyat ki janch ke marhale tak na pohonchi hon, woh qaida 15(A) ke tehet hi chalti rahengi, lekin sirf un muamlaat ki had tak jo khareedari se mutalliq na hon, jabke khareedari se mutalliq muamlaat zeeli-qaida (12) ke tehet chalenge, us had tak jo us mein diya gaya hai.

(3) Baghair mange tajweez jo is qaide ke naafiz hone se pehle jama karayi gayi hon, jo pehle se ahaliyat ki janch ke marhale mein hon, ya qaida 15(A) ke tehet is marhale se aage barh chuki hon, woh kisi bhi baaqi muamle ke liye zeeli-qaida (12) ke tehet chalengi, us had tak jo us mein diya gaya hai.

(4) Baghair mange tajweez ka shuru karne wala (initiator) aik wahid idara, ya aik consortium, ya mushtarqa karobar (joint venture) ho sakta hai.

(5) Baghair mange tajweez ka shuru karne wala, tajweez khareedari karne wale idare ko jama karate waqt, un tamam sharaait par amal karega jo Public Private Partnership Unit ki taraf se waqtan fawaqtan qaida 85(B) ke tehet jari kardah tariqa-e-kar aur hidayat mein darj hon.

(6) Baghair mange tajweez ki jaanch ke maqsad ke liye, khareedari karne wala idara apni androoni takneeki committee muqarrar karega, khareedari karne wale idare ke intezami sarbarah ki manzoori se. Takneeki committee ki tarkeeb aur us ke kaam ki had (terms of reference) qaida 85(B) ke tehet jari kardah tariqa-e-kar aur hidayat ke mutabiq hogi.

(7) Takneeki committee shuru karne wale ki taraf se jama karaye gaye dastawezaat ka jaiza legi taake yeh yaqeen ho ke jama karayi gayi cheezen qaida 85(B) ke tehet jari kardah tariqa-e-kar aur hidayat ke mutabiq hain. Agar jama karayi gayi cheez na-mukammal ho, ya jahan mazeed wazahat ki zaroorat ho, to committee shuru karne wale se aise dastawezaat jama karane ka mutalba kar sakti hai.

(8) Agar takneeki committee yeh tay kare ke jama karane ki sharaait poori tarah poori ho gayi hain aur shuru karne wala kam az kam ahaliyat ki sharaait par poora utarta hai, to takneeki committee apne kaam ki had (terms of reference) ke mutabiq baghair mange tajweez ki jaanch ke liye aage barhegi.

Khareedari karne wala idara baghair mange tajweez ki jaanch ke doran shuru karne wale se kisi bhi wazahat ya mazeed maloomat ka mutalba kar sakta hai, jaisa woh zaroori samjhe.

(9) Jaanch ke baad, khareedari karne wala idara ya to yeh tay karega ke baghair mange tajweez aage barhegi aur zeeli-qaida (10) ke tehet mazeed tayyar ki jayegi; ya tajweez ko mustarad kar dega agar khareedari karne wala idara mansoobe ko shoaba ki tarjeehaat aur qaida 85(B) ke tehet jari kardah jaanch ke mayaar ki roshni mein kaafi qabil-e-amal na samjhe, ya kisi aur wajah se. Dono sooraton mein, khareedari karne wala idara shuru karne wale ko apne faisle se tehreeri tor par aagah karega, lekin woh apne faisle ki wajah batane ka paband nahi hoga.

(10) Agar khareedari karne wala idara, apni takneeki committee ke jaize ki bunyaad par, yeh tay kare ke baghair mange tajweez mazeed karwai aur tayyari se guzregi, to khareedari karne wala idara Public-Private Partnership Act, 2010 ke tehet mansoobe ki tayyari ki sargarmiyan shuru karega.

(11) Agar baghair mange tajweez ke tehet pesh kardah mansooba Public Private Partnership Policy Board ki taraf se boli ke liye manzoor kar liya jaye, to khareedari karne wala idara, zeeli-qaida (12) ke paband rehte hue, mansoobe ka ishtehaar khule muqable ke liye dega, baghair mange tajweez ke shuru karne wale ka naam zahir kiye.

(12) Khareedari ke qawaid jo Public Private Partnership Mansoobon par laagu hote hain, wohi, zaroori tabdeeliyon ke sath (mutatis mutandis), baghair mange tajweezon ke zariye shuru kiye gaye mansoobon ke liye naji fareeq (private party) ke intikhab ke khareedari ke amal par laagu honge, basharte ke darj zail izafi tariqa-e-kar laagu honge, aur kisi bhi tazad ki had tak, is zeeli-qaide mein diye gaye tariqa-e-kar ghalib rahenge, agar —

(a) Khareedari karne wala idara, apni marzi se, pehle se ahaliyat ki janch ka amal karne ka faisla kare, to shuru karne wala aise pehle se ahaliyat ki janch ke amal se mustasna hoga, basharte ke shuru karne wala pehle se ahaliyat ki janch ke un mayaar par poora utarta ho jin ke khilaf mumkina pehle se ahaliyat haasil karne wale darkhwast-dahindgan ki jaanch ki jayegi:

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(b) Boli ke amal ke doran, shuru karne wale ke ilawa koi boli-dahinda jawab na de ya mutabiq (compliant) boli-dahinda na paya jaye, to khareedari karne wale idare ko ikhtiyar hoga ke ya to shuru karne wale se muzakaraat kare taake boli ki qeemat kam ki jaye agar woh khareedari karne wale idare ki takhmeena shuda boli ki qeemat se qaida 85(B) ke tehet jari kardah tariqa-e-kar aur hidayat mein muqarrar kardah faisad se zyada ho, ya mansoobe ka dobara ishtehaar de. Dobara ishtehaar ki soorat mein, shuru karne wale ko wohi huqooq hasil honge jo pichle boli ke amal mein the:

(c) Shuru karne wala behtareen jaanchi gayi boli-dahinda ke tor par na ubhre aur us ki boli ki qeemat jeetne wale boli-dahinde ki boli ki qeemat se qaida 85(B) ke tehet jari kardah tariqa-e-kar aur hidayat mein muqarrar kardah faisad se zyada na ho, to shuru karne wale ko jeetne wale boli-dahinde ki boli ki qeemat ke barabar karne ka mauqa diya jayega. Shuru karne wale ko aisa koi mauqa nahi diya jayega agar us ki boli ki qeemat jeetne wale boli-dahinde ki boli ki qeemat se is faisad se zyada ho:

(d) Shuru karne wala tehreeri tor par jeetne wale boli-dahinde ki boli ki qeemat ke barabar karne par razi ho jaye aur khareedari karne wale idare ki taraf se talab kardah dastawezaat khareedari karne wale idare ki tasalli ke liye us waqt ke andar jama karaye jo khareedari karne wala idara muqarrar kare, to mansooba shuru karne wale ko diya ja sakta hai:

(e) Shuru karne wala apni tehreeri razamandi na bataye aur muqarrar kardah waqt ke andar, us ki kisi bhi tawseeh samet, talab kardah dastawezaat jama na karaye, to khareedari karne wala idara mansooba jeetne wale boli-dahinde ko dene ke liye aage barh sakta hai.

(f) Agar boli ke amal ke doran, laagu qawaneen aur qawaid ke mutabiq boli ke dastawezaat mein tabdeeliyan ki jayen, jin mein kaam ki hadd ki saakht, khatre ki taqseem shamil ho, shuru karne wale ke ilawa kisi boli-dahinde (ya boli-dahindgan) ke tabsare, mushahide, ya tashweesh ki wajah se, aur shuru karne wala apni boli jama kara kar aisi tabdeeliyan qabool kar le, to zeeli-qaida (c) mein batayi gayi soorat mein, shuru karne wale ko jeetne wale boli-dahinde ki boli ki qeemat ke barabar karne ka mauqa diya jayega aur zeeli-qawaid (c), (d) aur (e) mein bataye gaye tariqa-e-kar laagu honge.

Rule 85 (B) — Procedures and Guidelines

Tariqa-e-Kar aur Hidayat

Public Private Partnership Policy Board baghair mange tajweezon aur qaida 85(A) mein bataye gaye muamlaat ke hawale se izafi tariqa-e-kar aur hidayat tayyar karega aur manzoor karega taake baghair mange tajweezon ki moassar aur kargar karwai ke maqsad ke liye wazahat, rehnumai, ya tariqa-e-kar diya ja sake, jin mein kam az kam ahaliyat ke mayaar, jama karana, jaanch, aur mansoobe ki tayyari shamil hon. Aisi manzoori ke baad, aise tariqa-e-kar aur hidayat PPP Unit ki taraf se jari kiye jayenge aur us ki website par upload kiye jayenge.

Rule 86

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[Khaali — Mansookh]

[…….]

Rule 86 Notification No. SORI(SGA&CD)2-30/2010(5-13), tareekh 13th October, 2017 ke zariye khaarij (omitted) kar diya gaya hai.[107]

Rule 87 — Power to Frame Procedures

Tariqa-e-Kar Waza Karne ka Ikhtiyar

Public Private Partnership Unit, Finance Department, Government of Sindh ko Public Private Partnership mansoobon ke liye moassar, kargar aur shaffaf khareedari ke amal ke liye […….] tariqa-e-kar tayyar karne ka ikhtiyar hoga, Authority ki razamandi se mashroot.[108]

Rule 88 — Removal of Difficulties

Mushkilat Door Karna

Khareedari se mutalliq kisi bhi masle ke hawale se mushkilat door karne ke liye, jo in qawaid mein wazeh tor par nahi bataye gaye, khareedari karne wale idare ya Unit muamla hal ke liye Authority ko bhejenge. Authority aise masail ko hal karne ke liye banayi gayi committee mein Public Private Partnership Unit ke aik numainda ko shamil karegi.

PART V — GENERAL

Hissa Panjum — Aam

Rule 89 — Integrity Pact

Integrity Pact

Ashya (goods), kaam (works) aur khidmaat (services) ke tamam muahide ke muahidon mein integrity pact shamil hoga, jaisa ke zabton (regulations) mein bataya gaya hai.[109]

Rule 90 — Overriding Effect

Ghalib Asar

In qawaid ki dafaat ko ghalib asar hasil hoga, hukumat ki taraf se waqtan fawaqtan sarkari khareedari ke bare mein jari kardah kisi bhi aur Qawaid, Zabton, Dastur-ul-Amal (Manuals), Hidayat ya Ahkamaat mein is ke khilaf jo kuch bhi darj ho, us ke bawajood.

Rule 91 — Repeal and Savings

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Mansookhi aur Bachao

Public Procurement Rules, 2004, jaisa ke Government of Sindh ne apnaye the, in qawaid ke naafiz hone par mansookh ho jayenge. Taham, pehle se shuru ki gayi khareedari ki karwaiyan us qanooni dhanche ke mutabiq mukammal ki jayengi jo aisi khareedariyon ke shuru hone ke waqt laagu tha.

Appendix — A

[……..][110]

Appendix A munasib tareeqe se khaarij kar diya gaya hai; is liye Appendix A ka koi mutan tarjume ke liye mojood nahi hai.

Closing Notes (Hawashi):

105. Rule 83 ka zeeli-qaida (2) Notification No. SORI(SGA&CD)2-30/2010(5-13), tareekh 15th March, 2019 ke zariye tabdeel (substituted) kiya gaya.

106. Naye qawaid (85(A) aur 85(B)) SGA&CD Notification No. SORI(SGA&CD)2-30/2010(5-13/P-II), tareekh 25th Aug, 2025 ke zariye shamil kiye gaye.

107. Rule 86 Notification No. SORI(SGA&CD)2-30/2010(5-13), tareekh 13th October, 2017 ke zariye khaarij (omitted) kar diya gaya.

108. Lafz [guidelines] Notification No. SORI(SGA&CD)2-30/2010(5-13), tareekh 15th March, 2019 ke zariye khaarij kar diya gaya.

109. Rule 89 Notification No. SORI(SGA&CD)2-30/2010(5-13), tareekh 15th March, 2019 ke zariye tabdeel (substituted) kar diya gaya.

110. Appendix 'A' SGA&CD Notification No. SORI(SGA&CD)2-30/2010, tareekh 8th October, 2013 ke zariye khaarij kar diya gaya.

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 SPPRA Rules 2010 ka mukammal lafz-ba-lafz Roman Urdu tarjuma hai. Qanooni faisle ke liye official English Gazette text ko tarjeeh dein.

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