



Dated: 18<sup>th</sup> January 2024

## **NOTIFICATION**

**Ref. No.CBD/Legal/06/01/24** In pursuance of the approval of PCBDDA Procurement Regulations 2024 by Punjab Central Business District Development Authority Board in its 18<sup>th</sup> Board meeting held on 17<sup>th</sup> January 2024 (Wednesday), in exercise of the powers conferred vide section 53 read with section 34(3) of the PCBDDA Act 2021 (VI of 2021), the notification of the aforesaid Procurement Regulations 2024 is hereby issued accordingly.

Consequent upon the above, the PCBDDA Procurement Regulations 2021 (as amended) are hereby repealed notwithstanding that any procurement process started under the previous regulations shall be carried out and completed in accordance with the PCBDDA Procurement Regulations 2021 (as amended).

  
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**IMRAN AMIN**  
Chief Executive Officer  
PCBDDA

Cc to:

1. All PCBDDA Board Members;
2. PS to COO, PCBDDA;
3. All EDs/HoDs of PCBDDA;
4. Office File/Record

# **Punjab Central Business District Development Authority (PCBDDA) Procurement Regulations 2024**

## **CHAPTER I – GENERAL PROVISIONS**

**1. Short title and commencement.** – (1) These regulations may be called the PCBDDA Procurement Regulations 2024.

(2) The regulations shall come into force at once.

**2. Definitions and interpretation.** – (1) In these regulations, unless the context otherwise requires,

- (a) “abnormally low bids” means a bid where the price quoted by a supplier or contractor appears to be so unreasonably low that it raises serious concerns about its ability to perform the contract successfully;
- (b) “Act” means the Punjab Central Business District Development Authority Act 2021 (Act No. VI of 2021) as amended from time to time;
- (c) “advertisement” means the publication of an advertisement in the manner prescribed in regulation 13;
- (d) “Authority” means the Punjab Central Business District Development Authority and includes such officer(s) or employee(s) of the Authority to whom the powers of the Authority under these regulations have been delegated by the Chief Executive Officer;
- (e) “BAFO” means best and final offer made by a supplier or contractor after which no negotiations with respect to such offer are permitted;
- (f) “bid” means an offer, in response to a solicitation to provide the required goods, works or services and where the context so permits includes a tender, proposal or submission submitted by a supplier or contractor by whatever name called;
- (g) “bidding document” means a document or set of documents, including any amendments thereto, issued by the Authority that sets out the terms and conditions of the procurement and includes, where the context so permits, request for proposals, expression of interest, prequalification documents, request for quotations, etc.;
- (h) “Board” means the Board of the Authority established under section 5 of the Act;
- (i) “days” means calendar days including official holidays;
- (j) “design contest” means a method of procurement which allows the Authority to acquire a creative work, including but not limited to creative works in the fields of urban planning, architecture and engineering or data processing, a plan, layout or design in accordance with Chapter IV of these regulations;

- (k) “Framework agreement procedure” means a procedure conducted in two stages: a first stage to select a supplier (or suppliers) or a contractor (or contractors) to be a party (or parties) to a framework agreement with the Authority, and a second stage to award a procurement contract under the framework agreement to a supplier or contractor party to the framework agreement:
- (i) “Framework agreement” means an agreement between the Authority and the selected supplier (or suppliers) or contractor (or contractors) concluded upon completion of the first stage of the framework agreement procedure which establishes the terms upon which purchases will be made or establishes the main terms and a mechanism to be used to establish the remaining terms or refine the initially established terms: the latter may include the quantities to be delivered at any particular time, the time of deliveries, the overall quantity of the procurement and the price;
  - (ii) “Closed framework agreement” means a framework agreement to which no supplier or contractor that is not initially a party to the framework agreement may subsequently become a party;
  - (iii) “Open framework agreement” means a framework agreement to which a supplier (or suppliers) or a contractor (or contractors) in addition to the initial parties may subsequently become a party or parties;
  - (iv) “Framework agreement procedure with second-stage competition” means a procedure under an open framework agreement or a closed framework agreement with more than one supplier or contractor in which certain terms and conditions of the procurement that cannot be established with sufficient precision when the framework agreement is concluded are to be established or refined through a second-stage competition including price, time of deliveries, quantities etc.;
  - (v) “Framework agreement procedure without second-stage competition” means a procedure under a closed framework agreement in which all terms and conditions of the procurement are established when the framework agreement is concluded;
- (l) “integrity violation” has the meaning ascribed thereto in regulation 63 below;
- (m) “prequalification” means the procedure set out in Chapter VII of these regulations to identify, prior to solicitation, suppliers or contractors that are prequalified;

- (n) “pre-selection” means the procedure set out in Chapter VII of these regulations to identify, prior to solicitation, a limited number of suppliers or contractors that best meet the criteria;
- (o) “procurement” means the acquisition of goods, works or services by the Authority;
- (p) “procurement contract” means a contract, other than a framework agreement, concluded between the Authority and a supplier or contractor at the end of the procurement process;
- (q) “solicitation” means an invitation to tender, present submissions or participate in request-for-proposals, by whatever named called;
- (r) “standstill period” means a period of seven days starting from the dispatch of a notice as required by regulation 35 during which the Authority cannot accept the successful bid and during which suppliers or contractors can challenge, under Chapter VIII of these regulations, the decision so notified;
- (s) “submission” means a tender, a proposal, an offer, a quotation, a bid referred to individually, collectively or generically, including, where the context so requires, an initial or indicative submission;
- (t) “supplier or contractor” means any potential party or any party to the procurement proceedings for the provision of goods, works or services, including consultancy services;
- (u) “maximum RFQ amount” has the meaning ascribed thereto in Part A of the Schedule to these regulations.
- (v) “minimum newspaper amount” has the meaning ascribed thereto in Part B of the Schedule to these regulations.
- (w) “threshold amount” has the meaning ascribed thereto in Part C of the Schedule to these regulations.
- (x) “website” means the website of the Authority;

(2) Capitalized words that have not been defined in these regulations shall, unless the context otherwise requires, have the same meaning as given in the Act.

**3. Scope and Application.** – (1) Subject to paragraph (2) below, these regulations shall apply to all public procurements carried out by the Authority.

(2) These regulations shall not apply to any procurement of goods, works or services that falls within any of the following exceptions:

- (b) arbitration, mediation and conciliation services and engagement of advocates, legal consultant and legal advisors;

- (b) a legal instrument creating international law obligations, such as an international agreement, MOU or treaty concluded between two states (or sub-divisions thereof) including a direct G2G agreement between two states and/or two state-owned entities; or an agreement with an international organization like the World Bank, International Financial Corporation, Asian Development Bank or a similar entity;
- (c) procurement that is funded either entirely or partially by an international multi-lateral agency, international organization, international financial institution etc. and to which the procurement rules of such agency, organization or institution apply;
- (d) award of a concession under a PPP arrangement that is governed by the relevant PPP Regulations of the Authority;
- (e) contracts for the acquisition of land, existing buildings or other immovable property by whatever means including on freehold, leasehold or license.
- (f) advertisement services obtained through Director-General Public Relations (DGPR), Government of Punjab;
- (g) document certification and authentication services including notarization by a notary public and attestation;
- (h) employment contracts;
- (i) loans whether or not in connection with the issue, sale, purchase or transfer of securities or other financial instruments;
- (j) public passenger transport services by air, bus, rail or metro either directly from source or indirectly through engagement of travel agents including services for travel, visa, boarding and lodging etc., for the officials of the Authority as provided in relevant travel policy as approved by the Board;
- (k) valuation services from independent valuers listed on the Pakistan Banks Association's (PBA) Panel of Valuers;
- (l) appointment of trainer(s) or institute(s) for the provision of training to the Authority's employees subject to such limits as may be sanctioned in the annual budget;
- (m) contract awarded by the Authority on the basis of exclusive rights given by a law, rule or regulation including but not limited to utility service providers; or
- (n) the procurement of such services that have been specifically exempted from the application of these regulations by the Board after concluding that the same cannot be procured by the Authority without significantly

compromising on the need to ensure value for money and other principles of procurement.

**4. Principles of Procurement.** – (1) The Authority while making any procurement, shall ensure that the procurement is made in a fair, non-discriminatory and transparent manner, the object of procurement brings value for money to the Authority and the procurement process is efficient and economical.

**5. Procurement planning.** – (1) The Authority will, to the extent practical, prepare an annual procurement plan with the objective of determining its requirements for the forthcoming year.

(2) The publication of a procurement plan, if any, or an advance notice will not constitute a solicitation.

**6. Delegation.** – (1) The CEO may in writing delegate any of the Authority's duties or powers under these regulations to a committee, officer or employee of the Authority.

**7. Language.** – (1) All communication carried out by the Authority shall be done in the English language.

(2) All submissions shall be made in the language permitted by the bidding document. Where such document is silent on the language to be used in preparing submissions, the English language shall be used.

**8. Communications.** – (1) The Authority may use only those means of communication that are in common use by suppliers or contractors in the context of the particular procurement. In any meeting held with suppliers or contractors, the Authority shall use only those means that ensure that the supplier(s) or contractor(s) can fully understand and that facilitates their participation in the meeting.

(2) The Authority shall put in place appropriate measures to secure the authenticity, integrity and confidentiality of the information which was the subject matter of the concerned communication.

**9. Specifications.** - (1) Subject to paragraph (2), the specifications for procurement by the Authority shall be framed in a manner to allow the widest possible competition and shall not favor any single supplier or contractor or put others at a disadvantage. The specifications shall be clearly specified in the bidding documents.

(2) To the extent practicable, the description of the subject matter of the procurement shall be objective, functional and generic. It shall set out the relevant technical, quality and performance characteristics of that subject matter. There shall be no requirement for or reference to a particular trademark or trade name, patent, design or type, specific origin or producer unless there is no sufficiently precise or intelligible way of describing the characteristics of the subject matter of the procurement and provided that words such as "or equivalent" are included.

**10. Reservations and Preference.** - (1) The Authority shall, so far as may be reasonable and practical, allow suppliers or contractors to participate in the

procurement process, with disregard to their nationality except in cases in which the Authority decides to restrict such participation to national bidders only or prohibit participation of bidders of some nationalities.

Provided that the Authority may give preference to a domestic or national contractor(s) or supplier(s), in cases where the magnitude of price preference to be accorded has clearly been mentioned in the evaluation criteria.

(2) Save as otherwise provided, the Authority shall not introduce any condition, which discriminates between bidders. In ascertaining the discriminatory or difficult nature of any condition, reference shall be made to the ordinary practices of that trade, manufacturing, construction business or service to which the subject matter of the procurement relates.

**11. Integrity Pact.** – (1) All procurements exceeding PKR 10,000,000 shall be subject to an integrity pact between the Authority and the supplier or contractor.

**12. Record of Procurement.** - (1) The Authority will maintain and keep in safe custody a complete record of the procurement proceedings.

(2) All procurement records shall be maintained and retained for a minimum period of three (03) years to be calculated from the date of completion of works, goods or services under the contract or the date of expiry of warranty or guarantee given by the supplier or contractor under the procurement contract, whichever is later.

## **CHAPTER II – STANDARD PROCESS FOR OPEN BIDDING**

**13. Publication and advertisement.** - (1) Where these regulations require the Authority to publish an invitation to participate including invitations to pre-qualify, the Authority shall cause such invitation to be published and advertised by means of a public and unrestricted solicitation in accordance with this regulation.

(2) All invitations shall be published on the website of the Authority in a manner that is visible and easy to access.

(3) Where the estimated value of the procurement exceeds the minimum newspaper amount, the invitation shall be published in at least two national daily newspapers of English and Urdu language.

(4) Where the Authority opts for international competitive bidding, the invitation shall also be published internationally, so as to be widely accessible to international suppliers or contractors.

(5) Advance notices required to be published by the Authority under any of the provisions of these regulations shall only be published on the website of the Authority.

(6) Notwithstanding anything contained in these regulations, the provisions of this regulation shall not apply to invitations from pre-qualified suppliers or contractors.



**14. Direct solicitation.** – (1) The Authority shall directly solicit proposals from interested suppliers and contractors when engaging in restricted bidding or request for quotations.

(2) The Authority may engage in direct solicitation in request-for-proposals proceedings if:

- (a) The subject matter to be procured is available from only a limited number of suppliers or contractors, provided that the Authority solicits proposals from all those suppliers or contractors;
- (b) The time and cost required to examine and evaluate a large number of proposals would be disproportionate to the value of the subject matter to be procured, provided that the Authority solicits proposals from a sufficient number of suppliers or contractors to ensure effective competition and selects suppliers or contractors from which to solicit proposals in a non-discriminatory manner; or
- (c) The procurement involves classified information, provided that the Authority solicits proposals from a sufficient number of suppliers or contractors to ensure effective competition.

(3) The Authority shall directly solicit submissions from at least three (3) suppliers or contractors to avoid collusion, unless there are not enough suppliers or contractors appropriately qualified that meet the requirements of the Authority. The fact that submissions have not been received from all three (3) suppliers or contractors shall not invalidate the bidding process.

(4) Notwithstanding anything contained in these regulations, where a method of procurement allows the use of direct solicitation, it shall be treated as an exemption to the requirement of publication of the invitation to participate as mentioned in regulation 13 above.

**15. Contents of the invitation to participate.** - (1) Every invitation to participate shall include the following information:

- (a) Name of the Authority, postal address and contact details;
- (b) A brief description of the subject-matter of the procurement;
- (c) Instructions for preparing submissions;
- (d) The means of obtaining the bidding documents and the place where they may be obtained including the price, if any, to be charged by the Authority for the bidding documents; and
- (e) The manner, place and deadline for presenting submissions.

(2) The Authority may include any other information in the invitation to participate as it may deem fit.

**16. Provision of bidding documents.** – (1) The Authority shall provide the bidding documents to each supplier or contractor, who responds to the invitation to participate, in accordance with the procedures and requirements specified therein.

(2) If pre-qualification proceedings have been initiated, the Authority shall provide a set of bidding documents to each supplier or contractor that has been pre-qualified on the payment of a price so fixed by the Authority, if so charged for those documents.

**17. Contents of the bidding documents.** - (1) To the extent that it is practical and appropriate for the subject-matter of the procurement, the bidding documents will include the following information:

- (a) Instructions for preparing bids;
- (b) A detailed description of the subject-matter of the procurement;
- (c) The criteria and procedure to be applied for ascertainment of qualifications of suppliers or contractors;
- (d) The documentary evidence or other information that must be presented by suppliers or contractors to demonstrate their qualifications;
- (e) The terms and conditions of the procurement contract, to the extent that they are already known to the Authority, and the form of the contract, if any, to be signed by the parties;
- (f) The manner in which the tender price is to be formulated and expressed;
- (g) Requirements of bid security including the nature, form, amount and other principal terms and conditions;
- (h) Requirements for any security for the performance of the procurement contract;
- (i) If a supplier or contractor may not modify or withdraw its submission prior to the deadline for presenting submission without forfeiting its bid security, a statement to that effect;
- (j) The manner, place and deadline for presenting submissions and the manner, place, date and time for the opening of submissions;
- (k) The bid validity period during which tenders shall be in effect
- (l) The criteria and procedure for examining submissions against the description of the subject matter of the procurement;
- (m) The criteria and procedure for evaluating bids;

- (n) The name, functional title and address of one or more officers or employees of the Authority who are authorized to communicate directly with and to receive communications directly from suppliers or contractors in connection with the procurement proceedings;
- (o) Any formalities that will be required, once a successful bid has been accepted, for a procurement contract to enter into force, including, where applicable, the execution of a written procurement contract;
- (p) Any other requirements established by the Authority in conformity with these regulations relating to the preparation and presentation of submissions and to other aspects of the procurement proceedings.

**18. Response time and deadline for presenting submissions.** - (1) The time for presenting submissions shall be expressed as a specific date and time and shall allow sufficient response time for suppliers or contractors to prepare and present their submissions, taking into account the reasonable needs of the Authority.

(2) The minimum response time under paragraph (1) above shall be:

- (a) A total of fourteen (14) days for local bidding;
- (b) A total of thirty (30) days where the Authority intends to conduct international bidding;

(3) Time shall be counted from the date of publication on the Authority's website or on the newspaper, whichever is later.

(4) If the Authority issues a clarification or modification of the pre-qualification, pre-selection or bidding documents, it may prior to the applicable deadline for presenting submissions extend the deadline, if necessary, in order to afford suppliers or contractors sufficient time to take the clarification or modification into account in their applications or submissions.

(5) The Authority may, at its absolute discretion, prior to a deadline for presenting submissions extend the applicable deadline.

(6) Notice of any extension of the deadline shall be given promptly to each supplier or contractor to which the Authority provided the pre-qualification, pre-selection or bidding documents.

**19. Clarifications and modifications of bidding documents.** – (1) A supplier or contractor may request a clarification of the bidding documents from the Authority. The Authority shall respond to any request by a supplier or contractor for clarification of the bidding documents that is received by the Authority within a reasonable time prior to the deadline for presenting submissions. The Authority shall respond within a time period that will enable the supplier or contractor to present its submission in a

timely fashion and shall, without identifying the source of the request, communicate the clarification to all suppliers or contractors to which the Authority has provided the bidding documents.

(2) At any time prior to the deadline for presenting submissions, the Authority may for any reason, whether on its own initiative or as a result of a request for clarification by a supplier or contractor, modify the bidding documents by issuing an addendum. The addendum shall be communicated promptly to all suppliers or contractors to which the Authority has provided the bidding documents and the deadline for submissions may be extended.

(3) If as a result of a clarification or modification issued in accordance with this regulation, the information already published for soliciting the participation of suppliers or contractors in the procurement proceedings becomes materially inaccurate, the Authority shall cause the amended information to be published in the same manner and place in which the original information was published and shall extend the deadline for presentation of submissions.

(4) If the Authority convenes a meeting of suppliers or contractors, it shall prepare minutes of the meeting containing the requests submitted at the meeting for clarification of the bidding documents and its responses to those requests. The minutes shall be provided promptly to all the suppliers or contractors to which the Authority provided the bidding documents, so as to enable those suppliers or contractors to take the minutes into account in preparing their submissions.

**20. Presentation of bids.** – (1) Bids shall be presented in the manner, at the place and by the deadline specified in the bidding documents.

(2) A bid shall be presented in writing, signed and sealed.

(3) The Authority shall preserve the security, integrity and confidentiality of a bid and shall ensure that the content of the bid is examined only after it is opened in accordance with these regulations.

(4) A bid received by the Authority after the deadline shall not be opened and shall be returned unopened to the supplier or contractor that presented it.

**21. Bid Security.** – (1) The Authority may require suppliers or contractors to furnish a bid security up to a maximum of five (05) percent of the estimated value of the procurement.

(2) Where the Authority requires suppliers or contractors to provide a bid security, the requirement shall apply to all suppliers or contractors and will be mentioned in the bidding documents.

(3) The Authority shall make no claim to the amount of the bid security and shall promptly return, or procure the return of, the bid security after the earliest of the following events:

(a) The expiry of the bid security unless it is extended in accordance with regulation 22 (bid validity period and extension);

- (b) The entry into force of a procurement contract;
- (c) The cancellation of the procurement;
- (d) The withdrawal of a bid prior to the deadline for submissions; unless the bidding documents expressly stipulate that no such withdrawal is permitted.

**22. Bid validity period and extension.** – (1) The bid of a supplier or contractor shall be in effect during the bid validity period specified in the bidding documents.

(2) Prior to the expiry of the bid validity period, the Authority may request suppliers or contractors to extend the bid validity period for an additional period of time. A supplier or contractor may refuse the request without forfeiting its bid security.

(3) Suppliers or contractors that agree to an extension of the bid validity period shall extend or procure an extension of the period of effectiveness of the bid securities provided by them. A supplier or contractor whose bid security is not extended shall be considered to have refused the request to extend the bid validity period and the bid will be treated as withdrawn.

**23. Withdrawal of bid.** – (1) Unless otherwise stipulated in the bidding documents, a supplier or contractor may modify or withdraw its bid prior to the deadline for presenting submissions without forfeiting its bid security. The modification or notice of withdrawal shall be effective if it is received by the Authority prior to the deadline for presenting submissions.

**24. Opening of bids.** – (1) Bids shall be opened at the time specified in the bidding documents which shall be the same as the deadline for submission. They shall be opened at the place and in accordance with the manner and procedures specified in the bidding documents.

(2) All suppliers or contractors that have presented bids, or their representatives, shall be permitted to participate in the opening of bids. All persons attending shall be required to sign an attendance sheet.

(3) The name and address of each supplier or contractor whose bid is opened and the bid price shall be announced to those persons present at the opening of bids, communicated on request to suppliers or contractors that have presented bids but that are not present or represented at the opening of bids.

(4) Bids submitted after the specified closing time shall be rejected and returned without being opened.

**25. Qualifications of suppliers and contractors.** – (1) This regulation applies to the ascertainment by the Authority of the qualifications of suppliers or contractors at any stage of the procurement proceedings.

(2) Suppliers or contractors shall meet such of the following criteria as the Authority considers appropriate and relevant in the circumstances of the particular procurement:

- (a) That they have the necessary professional and technical qualifications, professional and technical competence, financial resources, equipment and other physical facilities and resources, managerial capability, reliability, experience and personnel to perform the procurement contract;
- (b) That they meet the ethical standards and have not committed any integrity violation;
- (c) They have the legal capacity to enter into the procurement contract;
- (d) That they are not insolvent, in receivership, bankrupt or being wound up, their affairs are not being administered by a court or a judicial officer, their business activities have not been suspended and they are not the subject of legal proceedings for any of the foregoing;
- (e) That they are duly registered with the relevant tax authorities;
- (f) That they have not, and their directors or officers have not, been convicted of any criminal offence related to their professional conduct or the making of false statements or misrepresentations as to their qualifications to enter into a procurement contract within a period of 10 years preceding the commencement of the procurement proceedings, or have not been otherwise disqualified or black-listed pursuant to proceedings under any other law for the time being in force;

(3) The Authority may require suppliers or contractors participating in procurement proceedings to provide appropriate documentary evidence or other information to satisfy itself that the suppliers or contractors are qualified in accordance with the criteria referred to in paragraph (2) above.

(4) Any requirement established pursuant to this regulation shall be set out in the pre-qualification or pre-selection documents, if any, and in the bidding documents and shall apply equally to all suppliers or contractors.

(5) The Authority shall evaluate the qualifications of suppliers or contractors in accordance with the evaluation criteria and procedures set out in the pre-qualification or pre-selection documents, if any, and in the bidding documents.

(6) The Authority may disqualify a supplier or contractor if it finds, at any time, that:

- (a) The information submitted concerning the qualifications of the supplier or contractor was false or constituted a misrepresentation;

- (b) That the information submitted concerning the qualifications of the supplier or contractor was materially inaccurate or materially incomplete;
- (c) Other than in a case to which subparagraph (a) of this paragraph applies, the Authority may not disqualify a supplier or contractor on the ground that information submitted concerning the qualifications of the supplier or contractor was inaccurate or incomplete in a non-material respect. The supplier or contractor may, however, be disqualified if it fails to remedy such deficiencies promptly upon request by the Authority; and
- (d) The supplier or contractor has committed an integrity violation.

**26. Clarification of qualification information and of submissions.** - (1) At any stage of the procurement proceedings, the Authority may ask a supplier or contractor for clarification in order to assist in the ascertainment of qualifications or the examination and evaluation of submissions.

(2) No substantive change to the qualification information or to a submission, including changes aimed at making an unqualified supplier or contractor qualified or an unresponsive submission responsive, shall be sought, offered or permitted.

(3) No negotiations shall take place between the Authority and a supplier or contractor with respect to qualification information or submissions, nor shall any change in price be made pursuant to a clarification that is sought under this regulation. Only those clarifications may be accepted which do not change the substance of the submission.

(4) Paragraph (3) of this regulation shall not apply to proposals submitted under regulations 42 (request for proposals with consecutive negotiations), 43 (request for proposals with dialogue), 45 (competitive negotiations) and 46 (single source procurement) of these regulations.

**27. Evaluation criteria.** - (1) The Authority shall formulate an appropriate evaluation criterion listing all the relevant information against which a bid is to be evaluated and such evaluation criteria shall form a part of the bidding documents.

(2) The evaluation criteria shall relate to the subject-matter of the procurement.

(3) The evaluation criteria relating to the subject matter of the procurement may include:

- (a) Price;
- (b) The cost of operating, maintaining and repairing goods or of construction; the time for delivery of goods, completion of construction or provision of services; the characteristics of the subject matter of the procurement, such as the functional characteristics of goods or construction and the environmental characteristics of the subject matter;

and the terms of payment and of guarantees in respect of the subject matter of the procurement;

- (c) Where relevant in procurement conducted in accordance with regulations 41 (request for proposals without negotiation), 42 (request for proposals with consecutive negotiations) and 43 (request for proposals with dialogue) of these regulations, the experience, reliability and professional and managerial competence of the supplier or contractor and of the personnel to be involved in providing the subject matter of the procurement.

(4) The Authority shall set out in the bidding documents:

- (a) Whether the successful bid will be ascertained on the basis of price or price and other criteria;
- (b) All evaluation criteria established pursuant to this regulation, including price as modified by any preference;
- (c) The relative weights of all evaluation criteria, except where the procurement is conducted under regulation 43 (request for proposals with dialogue) of these regulations, in which case the Authority may list all evaluation criteria in descending order of importance;
- (d) The manner of application of the criteria in the evaluation procedure.

(5) In evaluating submissions and determining the successful bid, the Authority shall use only those criteria and procedures that have been set out in the bidding documents and shall apply those criteria and procedures in the manner that has been disclosed in those bidding documents. No criterion or procedure shall be used that has not been set out in accordance with this provision.

(6) Where the price in a bid has been quoted in different currencies, the price shall be converted into a single currency specified in the bidding documents and the rate of exchange shall be the selling rate notified by the State Bank of Pakistan on the day of bid opening.

**28. Examination and evaluation of bids.** – (1) The Authority shall consider a bid as responsive if it conforms to all requirements set out in the bidding documents.

(2) The Authority shall reject a bid:

- (a) If the supplier or contractor that presented the bid is not qualified;
- (b) If the bid is not responsive;
- (c) In the circumstances referred to in regulations 30 (abnormally low bids) or 31 (multiple bids) of these regulations.

(3) The Authority shall evaluate the bids that have not been rejected in order to ascertain the successful bidder, as defined in the regulation immediately below, in



accordance with the evaluation criteria and procedures set out in the bidding documents.

(4) The successful bid shall be:

- (a) Where price is the only award criterion, the bid with the lowest bid price; or
- (b) Where there are price and other award criteria, the most advantageous bid ascertained on the basis of the criteria and procedures for evaluating bids specified in the bidding documents.

**29. Rejection of Bids.** - (1) A supplier or contractor whose bid has been rejected pursuant to paragraph (2) of regulation 28 above shall be promptly informed about the rejection of the bid in writing.

(2) The bid security submitted by the supplier or contractor whose bid has been rejected shall be returned by the Authority.

(3) The Authority may, for reasons to be recorded in writing, restart the procurement process from any previous stage if it is possible to do so without violating any principle of procurement and shall immediately communicate the decision to the bidders.

**30. Abnormally low bids** - (1) If a bid is found to be abnormally low in relation to the goods, works or services, the Authority shall require the supplier or contractor to explain the price or costs proposed in the submission.

(2) In the event that the explanation is insufficient or unreasonable, the Authority may reject the bid.

**31. Multiple Bids.** - (1) In any procurement, a supplier or contractor shall submit only one bid and if one supplier or contractor submits more than one bid, the Authority shall reject all such bids.

(2) Where multiple suppliers or contractors submit a bid as part of a consortium or as a joint-venture, the bid shall be deemed to have been made by each member of the consortium or joint-venture.

**32. Cancellation of the procurement.** – (1) The Authority may cancel the procurement at any time prior to the acceptance of the successful bid at its sole discretion. The Authority shall not open any bids or proposals after taking a decision to cancel the procurement.

(2) The Authority shall upon a written request in writing communicate the grounds for cancellation of the procurement.

(3) The Authority shall incur no liability towards any bidder by virtue of invoking paragraph (1) above towards the bidders.

(4) After the successful bid is accepted, the Authority may only cancel the procurement in the circumstances referred to in paragraph (6) of regulation 35 of this regulation.

(5) The fact that a single bid has been received or there is a single responsive bid only will not serve as a ground for the automatic cancellation of the procurement. The Authority may continue with the procurement process.

**33. Procurement after cancellation.** - If the Authority cancels the procurement under regulation 32, above, it may proceed with the process of carrying out the procurement process afresh after evaluating the reasons for cancellation and may, if necessary, change the method of procurement, revise the specifications, evaluation criteria or any other condition for bidders.

**34. Prohibition of negotiations with suppliers or contractors.** – (1) Unless provided otherwise in these regulations, no negotiations shall take place between the Authority and a supplier or contractor with respect to the bid price presented by the supplier or contractor.

**35. Acceptance of the successful bid and entry into force of the procurement contract.** – (1) The Authority shall accept the successful bid unless:

- (a) The supplier or contractor presenting the successful bid is disqualified in accordance with paragraph (6) of regulation 25;
- (b) The procurement is cancelled in accordance with paragraph (6) of regulation 35;
- (c) The successful bid is rejected in the circumstances referred to in regulations 30 (abnormally low bids) or 31 (multiple bids); or
- (d) The supplier or contractor presenting the successful bid is excluded from the procurement proceedings on the grounds specified in regulation 63.

(2) The Authority shall promptly notify each supplier or contractor that presented submissions of its decision to accept the successful bid upon the expiry of the standstill period.

(3) The requirement of paragraph (2) above shall not apply to awards of procurement contracts:

- (a) Under a framework agreement procedure without second-stage competition;
- (b) Where the contract price is less than the threshold amount;
- (c) Where the Authority determines that urgent public interest considerations require the Authority to proceed without a standstill period.

(4) Upon expiry of the standstill period, or where there is none promptly after the successful bid was ascertained, the Authority shall dispatch a notice of acceptance of the successful bid to the supplier or contractor that presented that submission.

(5) Where the bidding documents require the supplier or contractor whose submission has been accepted to sign a written procurement contract conforming to the terms and conditions of the accepted submission, the Authority and the supplier or contractor concerned shall sign the procurement contract within a reasonable period of time after the notice of acceptance is dispatched to the supplier or contractor concerned, no later than twenty-one (21) days from notice of acceptance. Between the time when the notice of acceptance is dispatched to the supplier or contractor concerned and the entry into force of the procurement contract, neither the Authority nor that supplier or contractor shall take any action that interferes with the entry into force of the procurement contract or with its performance.

(6) If the supplier or contractor whose submission has been accepted fails to sign any written procurement contract as required or fails to provide any required security for the performance of the contract, the Authority may either cancel the procurement or decide to select the next successful submission from among those remaining in effect, in accordance with the criteria and procedures set out in these regulations and in the bidding documents.

**36. Public notice of award of procurement contract or framework agreement.** - (1) Upon the entry into force of the procurement contract or conclusion of a framework agreement, the Authority shall promptly publish notice of the award of the procurement contract or the framework agreement, specifying the name of the supplier or contractor to which the procurement contract or the framework agreement was awarded and, in the case of procurement contracts, the contract price.

(2) The provisions of paragraph (1) above are not applicable to awards where the contract price is less than the threshold amount set out in these regulations.

(3) The public notice of the award under paragraph shall be published on the website of the Authority within twenty-one (21) days of the award of the procurement contract.

### **CHAPTER III – METHODS OF PROCUREMENT**

**37. Methods of Procurement.** – (1) The Authority may conduct procurement by means of:

- (a) Open bidding;
- (b) Restricted bidding;
- (c) Request for quotations;
- (d) Request for proposals without negotiation / Single Stage Two Envelope;

- (e) Request for proposals with consecutive negotiations / Single Stage Two Envelope with negotiations;
- (f) Request for proposals with dialogue;
- (g) Two-stage bidding;
- (h) Competitive negotiations;
- (i) Single-source procurement;
- (j) Unsolicited proposal; and
- (k) Design contest.

(2) The Authority may engage in a framework agreement procedure, unsolicited proposal procedure or design contest in accordance with the provisions of Chapter VI, V and IV of these regulations.

(3) Save as other provided, the Authority shall use open bidding as the principal method for the procurement of goods, works and services. The Authority may use any other method of procurement mentioned in paragraph (1) above in accordance with the provisions of these regulations. The provisions of Chapter II shall apply to all methods of procurement to the extent they are not derogated from in Chapters III, IV, V and VI of these regulations.

**38. Procedures for Open Bidding.** – (1) The procedure for open bidding through public and unrestricted solicitation shall be carried out in accordance with the provisions of Chapter II.

**39. Restricted bidding.** – (1) The Authority may engage in procurement by means of restricted bidding when:

- (a) the subject matter of the procurement, by reason of its highly complex or specialized nature, is available only from a limited number of international or domestic suppliers or contractors;
- (b) the time and cost required to examine and evaluate a large number of bids would be disproportionate to the value of the subject matter of the procurement including but not limited to procurement of petty construction works.

(2) Procurement by means of restricted bidding shall be carried out through direct solicitation.

(3) Prior to direct solicitation, the Authority shall first publish an advance notice of the procurement in accordance with regulation 13. The advance notice shall contain the following information:

- (a) A summary of the major terms and conditions of the procurement contract or the framework agreement;

(b) The method of procurement to be used.

(4) When the Authority engages in procurement by means of restricted bidding on the grounds specified in paragraph 1(a) hereof, it shall select suppliers or contractors from which to solicit bids in a non-discriminatory manner, and it shall select a sufficient number of suppliers or contractors to ensure effective competition which shall not be less than three.

(5) When the Authority engages in procurement by means of restricted bidding on the grounds specified in paragraph 1(b) hereof, it shall select suppliers or contractors from which to solicit bids in a non-discriminatory manner, and it shall select a sufficient number of suppliers or contractors to ensure effective competition which shall not be less than three.

**40. Request for quotations.** – (1) The Authority may engage in procurement by means of request for quotations for the procurement of readily available goods or services that are not specially produced or provided to the particular description of the Authority and for which there is an established market, provided that the estimated value of the procurement does not exceed the maximum RFQ amount.

(2) Procurement by means of request for quotations shall be carried out through direct solicitation.

(3) The Authority shall request quotations from as many suppliers or contractors as practicable in the context of the procurement which shall not be less than three.

(3) A request for quotation shall be accompanied by the bidding documents drawn in such form as maybe appropriate for the subject matter and value of procurement.

(4) Each supplier or contractor shall give only price quotation and shall not be permitted to change its quotation. No negotiations shall take place between the Authority and a supplier or contractor with respect to a quotation presented by the supplier or contractor.

(5) The successful quotation shall be the lowest-priced quotation meeting the needs of the Authority as set out in the request for quotation and the bidding documents.

(6) A procurement made under this method shall not be invalidated by virtue of the fact that one or more suppliers or contractors from whom quotations were solicited have not submitted their quotation.

(7) The Authority may also engage in procurement by means of request for quotations for petty construction works.

**41. Request for Proposals without Negotiation / Single Stage Two Envelope.** – (1) The Authority may engage in procurement by means of request for proposals without negotiation in accordance with this regulation where the Authority

needs to consider the financial aspects separately after completion of examination and evaluation of the technical, quality and performance characteristics of the proposals.

(2) The Authority shall solicit proposals by causing an invitation to participate in the request for proposals without negotiation to be published in accordance with regulation 13, unless direct solicitation under paragraph (2) of regulation 14 is permissible under the circumstances.

(3) The Authority shall issue the request for proposals:

- (a) Where an invitation to participate in the request-for-proposals-without-negotiation proceedings has been published, to each supplier or contractor responding to the invitation to participate;
- (b) In the case of pre-qualification, to each supplier or contractor pre-qualified; and
- (c) In the case of direct solicitation, to each supplier or contractor selected by the Authority;

that pays the price, if any, charged for the request for proposals.

(4) The request for proposals shall include the information mentioned in regulation 17.

(5) Each supplier or bidder taking part in the proceedings under this regulation shall submit its proposal in a single package consisting of two separate and sealed envelopes, containing the technical and financial proposals separately. The envelopes shall be marked as "technical proposal" and "financial proposal" respectively.

(6) The Authority shall first open the envelope containing the technical proposal without opening the financial proposal and shall examine and evaluate the technical, quality and performance characteristics of the proposals in accordance with the criteria and procedure specified in the request for proposals.

(7) The proposals that do not meet minimum requirements for the technical proposal shall be considered to be non-responsive and shall be rejected on that ground. A notice of rejection shall promptly be dispatched to each respective supplier or contractor whose proposal was rejected. The Authority will return the sealed financial proposal to the supplier or contractor whose technical proposal was rejected.

(8) The proposals that meet the minimum requirements for the technical proposals shall be considered to be responsive. The Authority shall promptly communicate to each supplier or contractor presenting such a proposal that its technical proposal has been found responsive and shall specify the score obtained. The Authority shall invite all such suppliers or contractors to the opening of the envelopes containing the financial aspects of their proposals by communicating the time, date and venue of opening.

(9) The score of the technically responsive proposal and the corresponding financial aspect of that proposal shall be read out in the presence of the suppliers or contractors invited to the opening of the envelopes containing the financial proposals.

(10) The Authority shall compare the financial proposals and on that basis identify the successful proposal in accordance with the criteria and the procedure set out in the request for proposals.

(11) The successful proposal shall be the proposal with the best combined evaluation in terms of:

- (a) the criteria other than price specified in the request for proposals; and;
- (b) the price as per the relative weightages assigned in the bidding documents.

**42. Request for Proposals with Consecutive Negotiations.** – (1) The Authority may engage in procurement by means of request for proposals with consecutive negotiations where the Authority needs to consider the financial proposals separately and only after completion of examination and evaluation of the technical proposals, and it assesses that consecutive negotiations with suppliers or contractors are needed in order to ensure that the financial terms and conditions of the procurement contract are acceptable to the Authority

(2) The provisions of paragraphs (2) – (7) of regulation 41 (request for proposals without negotiation) shall apply mutatis mutandis to procurement conducted by means of request for proposals with consecutive negotiations, except to the extent as may be derogated from in this regulation.

(3) The proposals that meet the minimum requirements for the technical proposals shall be considered to be responsive. The Authority shall rank each responsive proposal in accordance with the criteria and procedure for evaluating proposals as set out in the request for proposals and shall:

- (a) Promptly communicate to each supplier or contractor presenting such a proposal that its technical proposal has been found responsive and shall specify the score obtained;
- (b) Invite the supplier or contractor that has attained the best ranking, in accordance with those criteria and procedure, for negotiations on the financial aspects of its proposal; and
- (c) Inform other suppliers or contractors that presented responsive proposals that their proposals may be considered for negotiation if negotiations with the supplier (or suppliers) or contractor (or contractors) with a better ranking do not result in a procurement contract.

(4) If it becomes apparent to the Authority that the negotiations with the supplier or contractor invited pursuant to paragraph (3)(b) above will not result in a procurement contract, the Authority shall inform that supplier or contractor that it is terminating the

negotiations and shall invite the supplier or contractor that attained the second-best ranking for negotiations.

(5) If the negotiations with that supplier or contractor do not result in a procurement contract, the Authority shall invite the other suppliers or contractors still participating in the procurement proceedings for negotiations on the basis of their ranking until it arrives at a procurement contract or rejects all remaining proposals.

(6) During the course of the negotiations, the Authority shall not modify the subject matter of the procurement; any qualification, examination or evaluation criterion, including any established minimum requirements; any element of the description of the subject matter of the procurement; or term or condition of the procurement contract other than financial aspects of proposals that are subject to the negotiations as specified in the request for proposals.

(7) Negotiations with any supplier or contractor with whom negotiations have already been terminated will not be re-opened.

**43. Request for proposals with dialogue.** – (1) The Authority may engage in procurement by means of a request for proposals with dialogue in accordance with this regulation where:

- (a) It is not feasible for the Authority to formulate a detailed description of the subject matter of the procurement and the Authority assesses that dialogue with suppliers or contractors is needed to obtain the most satisfactory solution to its procurement needs;
- (b) The Authority seeks to enter into a contract for the purpose of research, experiment, study or development, except where the contract includes the production of items in quantities sufficient to establish their commercial viability or to recover research and development costs;
- (c) No bids were received in a prior procurement of the same subject matter using open competitive bidding.

(2) The Authority shall solicit proposals by causing an invitation to participate in the request for proposals with dialogue to be published in accordance with regulation 13, unless direct solicitation under paragraph (2) of regulation 14 is permissible under the circumstances.

(3) For the purpose of limiting the number of suppliers or contractors from which to request proposals, the Authority may engage in pre-selection proceedings.

(4) The Authority shall issue the request for proposals:

- (a) Where an invitation to participate in the request-for-proposals-with-dialogue proceedings has been published, to each supplier or contractor responding to the invitation to participate;
- (b) In the case of pre-qualification, to each supplier or contractor pre-qualified;



- (c) In the case of pre-selection, to each supplier or contractor pre-selected subject to the maximum limit of pre-selected suppliers or contractors; and
- (d) In the case of direct solicitation, to each supplier or contractor selected by the Authority;

that pays the price, if any, charged for the request for proposals.

(5) The request for proposals shall, to the extent practical, include the information mentioned in regulation 17 (contents of the bidding documents) and shall specify if the Authority intends to limit the number of suppliers or contractors that it will invite to participate in the dialogue which shall not be less than three.

(6) The Authority shall examine all proposals received against the established minimum requirements and shall reject each proposal that fails to meet these minimum requirements on the grounds that it is non-responsive. A notice of rejection shall promptly be dispatched to each respective supplier or contractor whose proposal was rejected. Provided that where a maximum limit on the number of suppliers or contractors that can be invited to participate in the dialogue has been established in the request for proposals and the number of responsive proposals exceeds that limit, the Authority shall select the maximum number of responsive proposals in accordance with the criteria and procedure specified in the request for proposals.

(7) The Authority shall invite each supplier or contractor that submitted a responsive proposal, within the maximum limit, to participate in the dialogue. The Authority shall ensure that the number of suppliers or contractors invited to participate in the dialogue, which shall be at least three, if possible, is sufficient to ensure effective competition.

(8) The dialogue shall be conducted by the same representative of the Authority on a concurrent basis.

(9) During the course of the dialogue, the Authority shall not modify the subject matter of the procurement, any qualification or evaluation criterion, any minimum requirements established in the request for proposals, any material element of the description of the subject matter of the procurement or any material term or condition of the procurement contract that is not subject to the dialogue as specified in the request for proposals.

(10) Any requirements, guidelines, documents, clarifications or other information generated during the dialogue that is communicated by the Authority to a supplier or contractor shall be communicated at the same time and on an equal basis to all other participating suppliers or contractors, unless such information is specific or exclusive to that supplier or contractor or such communication would be in breach of the confidentiality provisions.

(11) Following the dialogue, the Authority shall request all suppliers or contractors remaining in the proceedings to present a best and final offer (BAFO) with

respect to all aspects of their proposals. The request shall be in writing and shall specify the manner, place and deadline for presenting best and final offers.

(12) No negotiations shall take place between the Authority and suppliers or contractors with respect to their best and final offers.

(13) The successful offer shall be the offer that best meets the needs of the Authority as determined in accordance with the criteria and procedure for evaluating the proposals set out in the request for proposals.

**44. Two-stage Tendering.** – (1) The Authority may engage in procurement by two-stage tendering where:

- (a) Discussions with suppliers or contractors are needed to refine aspects of the description of the subject matter of the procurement and to formulate them with sufficient detail, and in order to allow the Authority to obtain the most satisfactory solution to its procurement needs; or
- (b) No bids were received in a prior procurement of the same subject matter using open competitive bidding.

(2) The provisions of regulation 38 (open bidding) shall apply to two-stage-tendering proceedings, except to the extent that those provisions are derogated from in this regulation.

(3) The bidding documents shall call upon suppliers or contractors to present, in the first stage of two-stage-tendering proceedings, initial bids containing their proposals without a bid price. The bidding documents may solicit proposals relating to the technical, quality or performance characteristics of the subject matter of the procurement, as well as to contractual terms and conditions of supply and, where relevant, the professional and technical competence and qualifications of the suppliers or contractors.

(4) The Authority may, in the first stage, engage in discussions with suppliers or contractors whose initial bids have not been rejected concerning any aspect of their initial bids. When the Authority engages in discussions with any supplier or contractor, it shall extend an equal opportunity to participate in discussions to all suppliers or contractors.

(5) In the second stage of two-stage-tendering proceedings the Authority shall invite all suppliers or contractors whose initial bids were not rejected in the first stage to present final bids with prices in response to a revised set of terms and conditions of the procurement.

(6) In revising the relevant terms and conditions of the procurement, the Authority may not modify the subject matter of the procurement but may refine aspects of the description of the subject matter of the procurement by:

- (a) Deleting or modifying any aspect of the technical, quality or performance characteristics of the subject matter of the procurement initially provided and adding any new characteristics;

- (b) Deleting or modifying any criterion for examining or evaluating bids initially provided and adding any new criterion, only to the extent that the deletion, modification or addition is required as a result of changes made in the technical, quality or performance characteristics of the subject matter of the procurement;

(7) Any deletion, modification or addition made pursuant to sub-paragraph (b) of this paragraph shall be communicated to suppliers or contractors in the invitation to present final bids.

(8) A supplier or contractor not wishing to present a final bid may withdraw from the procurement proceedings without forfeiting any bid security that the supplier or contractor may have been required to provide.

(9) The final bids shall be evaluated in order to ascertain the successful bid in accordance with evaluation criteria.

**45. Competitive Negotiations.** – (1) The Authority may engage in procurement by means of competitive negotiations where:

- (a) There is an urgent need for the subject matter of the procurement, and engaging in open bidding or any other competitive method of procurement, because of the time involved in using those methods, would therefore be impractical, provided that the circumstances giving rise to the urgency were not foreseeable by the Authority;
- (b) Owing to a catastrophic event, there is an urgent need for the subject matter of the procurement, making it impractical to use open-tendering proceedings or any other competitive method of procurement because of the time involved in using those methods; or
- (c) The Board of the Authority, or the Government, determines that the use of any other competitive method of procurement is not appropriate for the protection of essential security interests of the State.

(2) The Authority shall directly solicit bids from a sufficient number of suppliers or contractors to ensure effective competition in accordance with regulation 14 (direct solicitation). It shall select suppliers or contractors from which to solicit bids in a non-discriminatory manner.

(3) Prior to direct solicitation, the Authority shall first publish an advance notice of the procurement in accordance with paragraph (5) of regulation 13. Provided that the requirement to publish an advance notice may be exempted in the case of urgent need.

(4) The Authority may carry out negotiations in writing through such procedures as it may deem fit.

(5) Following completion of negotiations, the Authority shall request all suppliers or contractors remaining in the proceedings to present, by a specified date, a best and final offer (BAFO) with respect to all aspects of their proposals.

(7) No negotiations shall take place between the Authority and suppliers or contractors with respect to their best and final offers (BAFO).

(8) The successful offer shall be the offer that best meets the needs of the Authority.

**46. Single Source Procurement.** – (1) The Authority may engage in single-source procurement in the following exceptional circumstances:

- (a) The subject matter of the procurement is available only from a particular supplier or contractor, or a particular supplier or contractor has exclusive rights in respect of the subject matter of the procurement, such that no reasonable alternative or substitute exists, and the use of any other procurement method would therefore not be possible;
- (b) Owing to a catastrophic event, there is an extremely urgent need for the subject matter of the procurement, and engaging in any other method of procurement would be impractical because of the time involved in using those methods;
- (c) The Authority, having procured goods, equipment, technology or services from a supplier or contractor, determines that additional supplies must be procured from that supplier or contractor for reasons of standardization or because of the need for compatibility with existing goods, equipment, technology or services, taking into account the effectiveness of the original procurement in meeting the needs of the Authority, the limited size of the proposed procurement in relation to the original procurement, the reasonableness of the price and the unsuitability of alternatives to the goods or services in question;
- (d) The Authority determines that the use of any other method of procurement is not appropriate for the protection of security interests of the State; or
- (e) The price of goods, works or services has been fixed by the government or any other authority, agency, regulator under the force of law;
- (f) The Authority is required to procure the goods, works or services from a single-source as maybe prescribed by law or instructions of the Provincial Government.

(2) Where the Authority engages in single-source procurement, it shall solicit a proposal or price quotation from a single supplier or contractor. The Authority shall engage in negotiations with the supplier or contractor from which a proposal or price quotation is solicited unless such negotiations are not feasible in the circumstances of the procurement concerned.

(3) Prior to direct solicitation, the Authority shall first publish an advance notice of the procurement in accordance with paragraph (5) of regulation 13. Provided that the requirement to publish an advance notice may be exempted in the case of urgent need.

(4) Notwithstanding anything contained paragraph (1) and (3), the Authority may engage in single-source procurement by conducting design contests where appropriate leading to the award of a procurement contract.

(5) Notwithstanding anything contained in these regulations, the Authority may engage in direct contracting with the government or government-owned entities for the procurement of goods, works or services where the public interest so requires and time is of the essence. In direct contracting under this regulation, the Authority shall ensure that appropriate competition between government-owned entities has been conducted (where possible), the price is reasonable and the entity is eligible and qualified to provide the subject matter of the procurement.

#### **CHAPTER IV – DESIGN CONTEST**

**47. Design Contest.** – (1) The Authority may conduct a design contest leading to the award of a prize or the award of a procurement contract where it intends to acquire a creative work, including but not limited to creative works in fields of urban design, urban planning, town design and layout, architectural or engineering plans or other plans, designs or layouts of a similar nature which require creative input and which, being a product of artistic endeavor, cannot be assessed on an objective standard and which can only be appropriately assessed based on aesthetic value.

**48. Jury in design contests.** – (1) The Authority shall for each design contest appoint a jury consisting of not less than three members.

(2) The jury shall consist of natural persons who are independent, impartial and well-recognized figures in the respective field(s) for which the design contest is being carried out.

(3) The Authority may appoint two officers of the Authority as part of the jury; provided however that the majority of the jury shall be composed of individuals appointed under paragraph (2).

(4) The Authority may remunerate the individuals appointed to the jury under paragraph (2) in accordance with the policy approved by the Board.

**49. Procedure in design contest.** – (1) Where the Authority intends to carry out a design contest, it shall cause a contest notice to be published in accordance with the regulation 13.

(2) Nothing contained in paragraph (1) above shall bar the Authority from directly soliciting proposals from eminent experts in the field of the design contest. This may be done only in addition to, and not as a substitute of, the publication of the contest notice provided in paragraph (1) above.

(3) The bidding documents will include:

- (a) a description of the proposed creative work that the Authority intends to acquire including its potential use in the future, the broad parameters within which the design is to be made and the minimum requirements of the Authority which the creative work should fulfill;
- (b) the minimum professional qualifications required in order to participate in the design contest;
- (c) the time, form, manner and procedure of receiving submissions including, where the contest requires, the steps that need to be taken in order to ensure anonymity of submissions for the jury;
- (d) a statement of the evaluation criteria, as far as is reasonably possible, that will be used by the jury in evaluating the submissions;
- (e) the maximum number of participants that will be allowed to make their submissions;
- (f) whether the design contest will be adjudged anonymously or on the basis of a presentation;
- (g) whether the design contest will lead to the award of a prize or the award of a procurement contract;
- (h) if the design contest will lead to the award of a prize, then whether the prize shall be given to the highest ranked submission or the top-three ranked submissions along with the value of the prizes;
- (i) in case of a design contest leading to the award of a procurement contract, the material terms and conditions of the procurement contract that can reasonably be determined in advance of the submissions along with an estimate of the value of procurement;
- (j) whether the participant is required to submit a financial proposal along with the submission.

(4) As a condition for participation, each participant shall irrevocably transfer and assign in accordance with the terms of the bidding document all moral rights including copyrights and other intellectual property rights in the creative work by whatever name called to the Authority.

(5) The jury shall examine the submissions made by the candidates and on the basis of the criteria mentioned in the bidding documents. Where the design contest is to be adjudged on the basis of a presentation to the jury, the Authority shall communicate the date, time and venue of presentation to each participant at least seven (7) days in advance.

(6) The jury shall record its ranking of submissions in a report, signed by its members, according to the merits of each submission, together with its remarks and any points that require clarification.

(7) Where a clarification is required in terms of paragraph (5) above, the jury may, after it has recorded it in the minutes, invite any participant to answer a question or provide a clarification with respect to any aspect of the submission either in writing or at the presentation. Minutes of the dialogue between the jury members and the participant(s) shall be maintained.

(8) Subject to these regulations, complete anonymity shall be observed until the jury has reached its opinion or decision which shall be published as a notice of results.

(9) In the case of a design contest leading to the award of a prize, the Authority shall award the prize(s) specified in the bidding documentation to the winner(s) and shall publish a notice of results.

(10) In the case of a design contest leading to the award of a procurement contract, the Authority may, subject to the bidding document:

- (a) engage in single-source procurement with the winner if permitted by the bidding document and award a procurement contract directly to the winner; or
- (b) engage in request for proposals with dialogue by inviting the top three winners for a dialogue and award a procurement contract to the participant whose best and final offer (BAFO) best meets the requirements of the Authority as determined in accordance with the criteria mentioned in the bidding documents.

(11) Where the Authority engages in request for proposals with dialogue, the provisions of regulation 43 shall apply mutatis mutandis.

## **CHAPTER V – UNSOLICITED PROPOSAL**

**50. Unsolicited Proposal.** – (1) Any supplier or contractor may submit an unsolicited proposal to the Authority in accordance with these regulations for the procurement of goods, works or services.

**51. Unsolicited proposal procedure.** - (1) An unsolicited proposal submitted to the Authority shall include a description of the subject-matter of the procurement, the material terms and conditions of procurement, the experience and qualification of the supplier or contractor, and the draft procurement contract.

(2) The Authority shall process the proposal to ascertain its viability and if the proposal is found to address the requirements of the Authority, the Authority shall publish an invitation to participate in accordance with regulation 13 for the procurement of the subject-matter specified in the proposal without disclosing the name of the supplier or contractor who submitted the unsolicited proposal.

(3) The Authority may use any of the methods of procurement specified in these regulations and the rules concerning such method shall apply mutatis mutandis to the procedure carried out by the Authority, except to the extent that they are derogated from in this regulation. In the event that the Authority intends to carry out pre-qualification, the supplier or contractor who submitted the unsolicited proposal shall be deemed to have been prequalified.

(4) In the evaluation criteria, the Authority may reserve additional marks or assign an additional weightage to the bid submitted by the supplier or contractor that submitted the unsolicited proposal.

(5) Notwithstanding anything contained in these regulations, the supplier or contractor who submitted the unsolicited proposal shall have the right to match the most advantageous bid in accordance with the procedures and timelines prescribed in the bidding documents.

## **CHAPTER VI – FRAMEWORK AGREEMENT**

**52. Framework agreement.** – (1) The Authority may engage in any of the three framework agreement procedure(s) where:

- (a) the need for the subject-matter of the procurement is expected to arise on an indefinite, uncertain or repeated basis during a given period of time; or
- (b) the timing or quantity of the subject matter of the procurement is uncertain and it is necessary to ensure security of supply; or
- (c) the need for that subject matter may arise on an urgent basis during a given period of time.

(2) The Authority shall not enter into any framework agreement for a period exceeding four (4) years.

(3) Any procurement contract under a framework agreement shall be awarded in accordance with the terms and conditions of the framework agreement and the provisions of these regulations.

(4) A procurement contract under a framework agreement may be awarded only to a supplier or contractor that is a party to the framework agreement.

**53. Closed framework agreement without second-stage competition.** – (1) The Authority may use a closed framework agreement without second-stage competition where the framework agreement is to be concluded with one supplier or contractor only.

(2) The Authority shall award a closed framework agreement by using any of the methods of procurement specified in regulation 37 above. Depending on the method of procurement adopted, the provisions applicable to that method adopted



including the manner of solicitation as prescribed in these regulations shall apply mutatis mutandis to the award of a closed framework agreement under this regulation.

**54. Closed framework agreement with second-stage competition.** – (1) The Authority may use a closed framework agreement with second-stage competition where the framework agreement is to be concluded with more than one supplier or contractor.

(2) The provisions of these regulations regulating pre-qualification and the contents of the solicitation in the context of the procurement methods referred above shall apply mutatis mutandis to the information to be provided to the suppliers or contractors when first soliciting their participation in a closed framework agreement procedure. The Authority shall in addition specify at that stage:

- (a) The duration of the framework agreement;
- (b) The description of the subject matter of the procurement and other terms and conditions;
- (c) The terms and conditions of the procurement that may be refined through second-stage competition and the maximum limits or deviations that the terms and conditions may be subjected to;
- (d) The procedure and anticipated frequency of second-stage competition; and
- (e) The evaluation criteria.

(3) The framework agreement shall contain, in addition to information specified elsewhere in this regulation, all information necessary to allow the effective operation of the framework agreement.

(4) Notwithstanding anything contained in these regulations, the Authority may impose a maximum limit on the number of parties to the closed framework agreement only to the extent that it imposes unnecessary administrative burden and expense in processing submissions. In each such case, the maximum limit shall be mentioned in the invitation and the Authority shall select the suppliers or contractors in a non-discriminatory manner.

**55. Open framework agreement with second-stage competition.** – (1) The Authority shall publish the open framework agreement online on its website.

(2) The open framework agreement shall provide for second-stage competition for the award of a procurement contract under the agreement and shall include:

- (a) The duration of the framework agreement;
- (b) The description of the subject matter of the procurement and other terms and conditions;

- (c) The terms and conditions of the procurement that may be refined through second-stage competition and the maximum limits or deviations that the terms and conditions may be subjected to;
- (d) The procedure and anticipated frequency of second-stage competition; and
- (e) The evaluation criteria.

(3) The Authority shall solicit participation in the open framework agreement by causing an invitation to become a party to the open framework agreement to be published in accordance with regulation 13.

(4) The suppliers or contractors may apply to become a party or parties to the framework agreement at any time during its operation by presenting indicative submissions to the Authority in compliance with the requirements of the invitation to become a party to the open framework agreement.

(5) The Authority shall examine all indicative submissions received during the period of operation of the framework agreement within a maximum of forty-five (45) working days in accordance with the procedures set out in the invitation to become a party to the open framework agreement.

(6) The framework agreement shall be concluded with all qualified suppliers or contractors that presented submissions unless their submissions have been rejected on the grounds specified in the invitation to become a party to the open framework agreement or the maximum limit of qualified suppliers or contractors has been reached.

(7) The Authority shall promptly notify the suppliers or contractors whether they have become parties to the framework agreement and of the reasons for the rejection of their indicative submissions if they have not.

(8) The Authority shall, during the entire period of operation of the open framework agreement, republish at least every twelve months the invitation to become a party to the open framework agreement and shall in addition ensure unrestricted, direct and full access to the terms and conditions of the framework agreement and to any other necessary information relevant to its operation.

(9) Notwithstanding anything contained in these regulations, the Authority may impose a maximum limit on the number of parties to the open framework agreement only to the extent that it imposes unnecessary administrative burden and expense in processing submissions. In each such case, the maximum limit shall be mentioned in the invitation and the Authority shall select the suppliers or contractors in a non-discriminatory manner.

**56. Call-off procedure in second-stage competition.** – (1) Where a framework agreement procedure requires second-stage competition, it shall be carried out through a call-off in accordance with this regulation.

(2) The Authority shall commence the call-off by issuing a written invitation to present submissions simultaneously to each supplier or contractor that is a party to the framework agreement.

(3) The Authority shall evaluate all submissions received in response to the call-off and determine the successful bid in accordance with the evaluation criteria.

(4) The Authority shall accept the successful bid and enter into a procurement contract in accordance with these regulations.

**57. Changes during operation of a framework agreement.** – (1) During the operation of a framework agreement, no change shall be allowed to the description of the subject matter of the procurement.

(2) Changes to other terms and conditions of the procurement, including to the evaluation criteria and procedures for the award of the anticipated procurement contract, may occur only to the extent expressly permitted in the framework agreement.

## **CHAPTER VII – PRE-QUALIFICATION**

**58. Pre-qualification.** – (1) The Authority may, prior to solicitation, engage in pre-qualification proceedings to identify supplier(s) and contractor(s) that are qualified.

(2) Only pre-qualified suppliers and contractors will be entitled to participate further in the procurement proceedings.

(3) Notwithstanding anything contained in these regulations, the Authority may adopt the pre-qualified list of consultants published by Planning & Development Board of the Government of Punjab, or of any other statutory body or agency. Where any such list is adopted, the pre-qualified supplier(s) and contractor(s) shall be deemed to have been pre-qualified under these regulations.

**59. Pre-qualification proceedings.** – (1) If the Authority engages in pre-qualification proceedings, it shall publish a request for invitation to pre-qualify as an advertisement in accordance with regulation 13.

(2) The Authority shall provide a set of pre-qualification documents to each supplier or contractor that requests them in accordance with the request for invitation to pre-qualify and that pays the price, if any, charged for the preparation and provision of those documents.

(3) The pre-qualification documents shall include the following information:

- (a) a brief description of the subject matter of the procurement;
- (b) instructions for preparing and presenting an application for pre-qualification and any documentary evidence or other information that must be submitted by suppliers or contractors to demonstrate their qualifications;

- (c) the process, procedure and time within which a clarification with respect to the pre-qualification documents may be obtained;
- (d) the evaluation criteria for pre-qualification;
- (e) the procedure for pre-qualification; and
- (f) any other information that the Authority deems appropriate.

(4) A supplier or contractor may seek a clarification from the Authority in relation to the pre-qualification documents. Any such request will be made in writing within the time specified in the pre-qualification documents. The Authority shall respond within a time period that will enable the supplier or contractor to present its application to pre-qualify in a timely fashion. The response shall, without identifying the source of the request, be communicated to all other suppliers or contractors to which the Authority has provided the pre-qualification documents.

(5) The Authority shall take a decision with respect to the qualifications of each supplier or contractor who submits an application to pre-qualify by applying the criteria and procedures set out in the pre-qualification documents.

(6) The Authority shall promptly notify each supplier or contractor presenting an application for pre-qualification whether or not it has been pre-qualified.

(7) On a written request, the Authority shall promptly communicate the reasons for not pre-qualifying the supplier or contractor seeking such an explanation.

**60. Pre-selection proceedings.** – (1) Where these regulations permit the Authority to engage in pre-selection of suppliers or contractors, the provisions of this chapter governing pre-qualification shall apply mutatis mutandis to pre-selection proceedings, unless derogated from in this regulation.

(2) The Authority shall specify in the pre-selection documents that it will request proposals from only a limited number of pre-selected suppliers or contractors that best meet the criteria mentioned in the pre-selection documents.

(3) The pre-selection documents shall set out the maximum number of pre-selected suppliers or contractors from which the proposals will be requested and the manner in which the selection of that number will be carried out.

(4) The Authority shall rate the suppliers or contractors that meet the criteria specified in the pre-selection documents according to the manner of rating that is set out in the invitation to pre-selection and the pre-selection documents.

(5) The Authority shall pre-select suppliers or contractors that acquired the best rating, up to the maximum number indicated in the pre-selection documents but at least three, if possible.

(6) The Authority shall promptly notify each supplier or contractor whether it has been pre-selected and shall, upon request, communicate to suppliers or contractors that have not been pre-selected the reasons therefor.

## **CHAPTER VIII – GRIEVANCE**

**61. Grievance Redressal.** – (1) The Authority shall notify a committee comprising of odd number of persons to address the complaints of suppliers or contractors that may occur prior to the entry into force of the procurement contract.

(2) A supplier or contractor aggrieved by any act or decision of the Authority taken pursuant to these regulations may, at any stage prior to the expiry of the standstill period, submit a written complaint with the committee concerning its grievance.

(3) The grievance committee shall investigate and decide upon the complaint within ten (10) days of its receipt.

(4) A person aggrieved by the decision of the committee may within 07 days file an appeal before the Chief Executive Officer of the Authority whose decision shall be final.

(5) The pendency of a complaint before the grievance committee or an appeal before the Chief Executive Officer under this Chapter shall not warrant an automatic suspension of the procurement process, unless the grievance committee or the Chief Executive Officer decide otherwise.

**62. Confidentiality in grievance proceedings.** – (1) No information shall be disclosed in proceedings under this chapter and no public hearing shall take place if so doing would impair the protection of essential security interests of the State, would be contrary to law, would impede law enforcement, would prejudice the legitimate commercial interests of the suppliers or contractors or would impede fair competition.

## **CHAPTER IX – BLACK-LISTING AND DEBARMENT**

**63. Integrity violation.** - (1) Any one or more of the following corrupt and fraudulent practices will constitute an integrity violation under these regulations:

- (a) Coercion where a supplier or contractor impairs or harms, or threatens to impair or harm, directly or indirectly, any party to the procurement proceedings or the property of the party to influence its actions to achieve a wrongful gain or to cause a wrongful loss;
- (b) Collusive Practice where an arrangement between two or more suppliers or contractors to the procurement process or procurement contract, designed to achieve with or without the knowledge of the Authority to establish prices at artificial, non-competitive levels for any wrongful gain;

- (c) Corrupt Practice where the supplier or contractor offers, gives, receives or solicits, directly or indirectly, anything of value to influence the acts of another party for wrongful gain;
- (d) Fraudulent Practice means any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;
- (e) Obstructive practice where a supplier or contractor harms or threatens to harm, directly or indirectly, persons or their property to influence their participation in a procurement process, or affect the execution of a procurement contract or deliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making false statements before the Authority in order to materially impede an investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation, or acts intended to materially impede the exercise of any rights provided for under the regulations.

**64. Blacklisting.** - (1) The Authority may, for a specified period or permanently, debar and blacklist a supplier or contractor from participating in any procurement process of the Authority, if the supplier or contractor:

- (a) acts in a manner detrimental to the public interest or good practices;
- (b) consistently fails to perform its obligations under the procurement contract;
- (c) provides false, fabricated or materially incorrect information; or
- (d) acts in a manner that leads to disqualification under paragraph (6) of regulation 25.

(2) The Authority may, on its own motion, or information provided by any party carry out an enquiry to determine, whether there is sufficient cause for blacklisting a supplier or contractor.

(3) Where the Authority is *prima facie* satisfied that such a cause exists based on its enquiry, it shall serve a show-cause notice to the supplier or contractor containing the precise allegation, the maximum penalty that the Authority intends to impose and the time within which the supplier or contractor is required to submit its reply which shall not be less than seven (7) days from the date of issuing the show-cause notice.

(4) Irrespective of whether the supplier or contractor submits its defence to the show-cause notice, the Authority shall conduct a hearing giving the supplier or contractor to explain its position. Notice of hearing shall be given in writing containing the date, time and venue of hearing which shall not be less than seven (7) days from the date of issuing the notice of hearing.

(5) The Authority shall decide the matter within fifteen (15) days of hearing giving reasons for its decision. The Authority may either drop the charges against the supplier or contractor or impose any of the following punishments:

(a) blacklisting;

(b) temporary debarment from participation in procurement proceedings;

(6) The blacklisting and debarment will apply to the procurement carried out by the Authority.

(7) Nothing contained in this paragraph shall restrict the right of the Authority to communicate its decision to any other procuring entity, regulator or authority established by or under the law for publication of the blacklisting or debarment order on its website and for passing of appropriate orders to blacklist or debar the supplier or contractor from participating in the procurement proceedings under any other provincial or federal law.

## **CHAPTER X – MISCELLANEOUS**

**65. Dispute resolution.** - (1) Unless provided otherwise in the bidding document, all disputes arising under the procurement contract and/or the framework agreement between the Authority, on the one hand and the supplier or contractor on the other hand, shall be referred to arbitration in accordance with the Arbitration Act, 1940.

**66. Assignment.** - (1) The supplier or contractor to whom a procurement contract has been awarded shall not assign its obligations under the contract to any third-party unless it is permitted by the bidding documents.

(2) In the event that the bidding documents are silent, the contractor or supplier will need to obtain the written consent of the Authority before assignment.

**67. Repeal and Savings.** - (1) The PCBDDA Procurement Regulations 2021 (as amended) are hereby repealed.

(2) Notwithstanding anything contained in paragraph (1) above, any procurement process started under the previous regulations shall be carried out and completed in accordance with the PCBDDA Procurement Regulations 2021 (as amended).

(3) Notwithstanding anything contained in paragraph (1) above, all suppliers or contractors pre-qualified under the repealed regulations shall be deemed to have entered into a closed framework agreement with the Authority with second-stage competition yet to take place in accordance with these regulations. The pre-qualified list shall remain valid till its expiry.

## **SCHEDULE**

### **Part A. Maximum RFQ Amount**

The phrase “maximum RFQ amount” means an amount of:

- (i) PKR 2,000,000 in relation to the procurement of goods;
- (ii) PKR 3,000,000 in relation to the procurement of non-consulting services;
- (iii) PKR 10,000,000 in relation to the procurement of consulting services;
- (iv) PKR 50,000,000 in relation to petty construction works.

representing the estimated value of procurement at or below which the Authority may engage in direct solicitation in accordance with regulation 40 (request for quotations).

### **Part B. Minimum Newspaper Amount**

The phrase “minimum newspaper amount” means an amount of:

- (i) PKR 4,000,000 in relation to the procurement of goods;
- (ii) PKR 5,000,000 in relation to the procurement of non-consulting services;
- (iii) PKR 10,000,000 in relation to the procurement of consulting services;
- (iv) PKR 50,000,000 in relation to the procurement of works;

representing the estimated value of procurement above which the invitation to participate must be published in a newspaper in accordance with regulation 13 (publication and advertisement).

### **Part C. Threshold Amount**

The phrase “threshold amount” in relation to paragraph (3) of regulation 35 means an amount representing the estimated value of procurement in excess of PKR 1,500,000.