



GOVERNMENT OF BALOCHISTAN
FINANCE DEPARTMENT
(Procurement Section)

Dated Quetta, the ^{20th} March, 2019

NOTIFICATION

No. FD. SO (Procurement)1-31/BPPRA/2019/235-330 / In exercise of the powers conferred by Section 27 of the Balochistan Public Procurement Regulatory Authority Act, 2009 (Balochistan Act No. VIII of 2009), the Government of Balochistan is pleased to make following amendments in the Balochistan Public Procurement Rules, 2014, namely:-

In the aforesaid rules

1. In rule 2, in sub rule (1)

i. after clause (o), the following new clause shall be inserted:

(o-a) **"Framework Agreement"** means an agreement between a procuring Agency and bidder/s for a subject procurement on a recurring basis, for a specified period of time, with specific terms and conditions with or without rates;

ii. after clause (z), the following new clause shall be inserted:

(z-a) **"Response Time"** means, the period starting from the first date of issuance of bidding documents upto last date of issuance of bidding documents."

2. For rule 7, the following shall be substituted;

7. Constitution of Procurement Committees. (1) The Procuring Agency shall, with the approval of its Head of the Department, constitute as many procuring committees, as it deems fit, each comprising of odd number of persons and headed by an officer not below the rank of BPS-18, or if not available, the officer of the highest grade, and shall ensure that at least one third of the members of a Procurement Committee are from the agencies or departments other than the Procuring Agency.

(2) **Quorum.** Two third members including chairperson and the members from the agencies or departments other than procuring agency shall form quorum for conducting the business of the Procurement Committee.

(3) Where procurement is of technically complex nature and requires expertise of domain expert, the Procurement Committee may, with the approval of the Head of the Department, constitute a sub-committee named Bid Evaluation Committee (BEC) which will comprise of at least three technical experts having required professional knowledge and be assigned the overall responsibility of managing the technical aspect of the procurement which include but are not limited to preparation of bidding documents and technical evaluation. The Committee shall unanimously make its recommendations to procurement committee.

3. For rule 10, the following shall be substituted;

10. Transparency. The Procuring Agency in procurements made through all methods of procurements except petty purchases and request for quotations shall make the following documents public through uploading them at the Authority's website as well as at the Procuring Agency's website, if the Procuring Agency has such a website:

2
17/3/19

- (a) Letter of award
- (b) Contract agreement
- (c) Contract evaluation report

4. In rule 15,
- i. in sub rule (1) for the word "*one*" appearing twice, the word "*two*" shall be substituted.
 - ii. in sub rule (2), for the word "*one*", the word "*two*" shall be substituted.

5. In rule 16,
- i. in sub rule (1), for the word and figure "forty five (45)" days, the words and figures "thirty (30) days" shall be substituted.
 - ii. in sub rule (1) in proviso, for the word "*one*" appearing twice, the word "*two*" shall be substituted.

6. For rule 17, the following shall be substituted;

17. **Exceptions.** No deviation from the requirements under rule 15 and 16 is permissible in any circumstances, however in cases of procurement related to National Security, the said requirements may be waived, provided the Head of Department approves beforehand that such a publication could jeopardize national security objectives.

7. In rule 25, after sub rule (2), the following new sub rules shall be added:

- (3) Only one bid can be submitted against one NTN.
- (4) Conditional bids shall not be entertained.

8. In rule 27, in sub rule (4) after the words "Authority's website", the words "from the date of publication of NIT" shall be inserted.

9. In rule 29, in sub rule (1) for the word "*may*", the word "*shall*", shall be substituted.

10. After rule 29, the following new rule 29-A shall be inserted.

29-A. Goods warranty. Where possible, the procuring agency shall ask for a warranty from the supplier or contractor, for replacement or repair of the procured goods during warranty period to be clearly specified in the bidding document and contract agreement accordingly.

11. In rule 30,

- i. for sub rule (1), the following shall be substituted:

(1) A Procuring Agency, keeping in view nature of procurement, shall subject the bid to a validity period valid from the date of opening of financial proposals for the period of time specified in the bidding document and shall not be more than ninety (90) days in case of National Competitive Bidding and one hundred twenty (120) days in case of International Competitive Bidding.

- ii. after sub rule (6), the following new sub rule shall be inserted:

(7) Where a procurement process is held in abeyance because of court proceedings, the bidders will be given the option for extension in the validity period of bids beyond the extended period, when the said case is decided. Those who will opt not to extend the bid validity period shall be allowed to withdraw without forfeiture of the bid security.

12. In rule 31, after clause (b), the following new clause shall be inserted:

2

19/7/19

- (c) The procuring agency shall allow sufficient extension in time for bid submission where a corrigendum is to be issued.
Provided that in cases where remaining time for submission of bid is less than seven days from the date of issuance of a corrigendum, the extension shall be given for at least seven days."

13. In rule 40, for the word "ten", the words and figure with brackets "Three (3) working days" shall be substituted.

14. In rule 41,

- i. in sub rule (1) in clause (c), after the words "Sales Tax", words "Balochistan Revenue Authority" shall be inserted.
- ii. in sub rule (4) in clause (b) in proviso to sub clause (iv), after the word "time", the words and figure with bracket not less than seven (7) working days" shall be inserted.

15. In rule 51, in sub rule (1);

- i. For the words "A Procuring agency may utilize following alternative methods of procurement of goods, services and works", the words "In accordance with rule 24(1) of these rules, as a general rule, the Procuring Agencies shall adopt competitive bidding as the general method of procurement. Alternative methods of procurement shall be resorted to only in highly exceptional cases provided for in this rule" shall be substituted.
- ii. in clause (a) in sub clause (ii) (A), for the word "one", the word "two" shall be substituted.
- iii. in clause (d), for the word "construction", the word "works" shall be substituted.
- iv. in clause (e), for the word "fifty" the words "one hundred" shall be substituted.
- v. After clause (f), the following new clause (g) shall be added;

(g) **Petty Grant Repair Works.**

(i) The procuring agency may provide for the petty works, where the procurement is below the financial limit of five hundred thousand rupees. The petty works Grant covers;

- (a) General repair and maintenance of the building structure;
- (b) Roofing works;
- (c) General electrical repair and maintenance;
- (d) Replacement of windows and internal and external doors;
- (e) Repair and maintenance of external works such as driveways, steps, paths, fences and boundary walls;
- (f) Clearance work in preparation for re-occupation.

(ii) Tendering procedure will be by seeking a minimum number of at least three quotes in writing, through direct invitation, from capable firms which are of reputable standing. The submission of bids and opening of bids will as per rules 25 and 33, respectively.

Provided that the procuring agency shall ensure adherence with the principles of procurement prescribed under rule 4.

- vi. after sub rule (1), as so amended the following new sub rule shall be added;
“(2) Invoking the alternate methods of Procurement does not exonerates the procurement process from the requirements of the provisions of rules 34, 35 38 & 39 before award of contract and Rules 9, 10, 44, 52, 54, 55 & 79.”
16. After rule 51, the following new rule 51-A shall be inserted;
- 51-A. Framework Agreement.** (1) Where the procuring agency requires to repeatedly procure an object or a class of objects on specific terms and conditions, during a defined period of time; not exceeding twelve months, it may enter into a framework agreement with or without rates.
- (a) Framework agreement with rates:
A procuring agency may enter into a framework agreement with rates with a supplier or contractor following the procedure for open competitive bidding.
- (b) Framework agreement without rates:
A procuring agency may enter into a framework agreement without rates with one or more suppliers or contractors following the procedure for pre-qualification.
- (2) The procuring agency desirous to use framework agreement shall record its reasons to use this method and make it a part of the procurement record.
17. In rule 54, the existing rule shall be numbered as sub rule (1) and thereafter following new sub rules shall be added:
- (1) A procurement contract shall come into force when the Procuring Agency signs a contract, the date on which the signatures of both the Procuring Agency and the successful bidder are affixed to the written contract. Such affixing of signatures shall take place within the time prescribed in the bidding documents:
Provided that where coming into force of a contract is contingent upon fulfillment of a certain condition(s), the contract shall take effect from the date whereon such fulfillment takes place.
- (2) Contract administration and management shall be the responsibility of the Procuring Agency, which shall include all administrative, financial, managerial and technical tasks to be performed from contract award until it is successfully concluded or terminated, payment is made and disputes of claim under it are resolved.
- (3) The Procuring Agency shall ensure that the Goods, Works and Services to be procured conform to the technical requirements set forth in the contract agreement, and arrange for inspection of its quality and quantity. The procurement committee may engage a third party such as team of technical experts, testing facility or use of laboratories for required verifications. In addition, the procuring agency shall also ensure compliance of maintenance guarantee, after-sales services and warranty obligations.
18. In rule 56
- i. after sub rule (1), the following new sub rule (1-a) shall be added;
- (1-a) The Committee shall consist of a chairman, head of the procuring agency or an officer of the procuring agency, at-least one rank senior to the head of the procurement committee and odd number of members at least one third of members are from outside the procuring agency.
Provided that none of the members on the committee were members on the procurement committee.
- ii. in sub rule (7), for the words “in the relevant court of jurisdiction”, the words “Procurement Review Committee” shall be substituted.

19. After rule 56, the following new rule 56-A shall be added:

56-A. Procurement Review Committee. (1) If the Grievance Redressal Committee fails to arrive at a decision within 18 days, or if the bidder is not satisfied with the decision of the Grievance Redressal Committee they may lodge an appeal to the Review Committee within five days of the completion of eighteen days or decision of the Grievance Redressal Committee whatever the case may be. Provided that the Firm has not withdrawn the Bid Security, (if deposited).

- (2) The Review Committee shall comprise of:

- (a) Managing Director, B-PPRA
- (b) Procurement Specialists, B-PPRA
- (c) One private member
- (d) One technical expert

(3) The Managing Director shall be the chairperson of the committee and shall nominate the private member and the technical expert on behalf of the B-PPRA Board for each reference. The private member shall be paid remuneration for attending the meeting at a rate prescribed by the Authority from time to time.

(4) The Bidder shall file a review application supported with complete set of documents of the reference; including, at-least the bidding documents, previously submitted grievance and its decision (if received) before the Review Committee, subject to payment of review fee, at a rate prescribed by the Authority from time to time.

(5) On receipt of the review application the Chairperson of the Review Committee shall summon the meeting of the Committee and dispose-off the reference within two weeks from the date of receipt of application, through either of the following decisions:

- (a) Reject the appeal being on frivolous grounds;
- (b) Uphold the decision of the Grievance Redressal Committee;
- (c) Revoke the decision of the Grievance Redressal Committee;
- (d) Declare the case to be of mis-procurement.

(6) Where the Procurement Review Committee is of the view that proceedings before it may be rendered irrelevant if the procurement proceedings, subject to appeal are not suspended, the Review committee may notify the concerned procuring agency suspending the procurement proceedings until the Review Committee makes a decision on the matter.

20. In rule 65, after comma words "shall", words "with the approval of its Head of the Department" shall be inserted.

21. In rule 68, for clause (d), the following shall be substituted;

- (d) Making recommendations for the award of contract to the competent authority based on evaluation as mentioned at sub rule (c).

BY ORDER OF
GOVERNOR BALUCHISTAN

SECRETARY
FINANCE DEPARTMENT

The Chief Controller,
Printing and Stationery Department,
Balochistan, Quetta for publication and
Provision of 20 copies of Gazette

No. & Date Even

Copy forwarded to the : -

1. Additional Secretary to Chief Secretary (Dev) Govt. of Balochistan, P&D Department, Quetta.
2. Senior Member/Member Board of Revenue, Balochistan.
3. Principal Secretary to Governor Balochistan, Quetta.
4. Principal Secretary to Chief Minister Balochistan, Quetta.
5. Chairman, Chief Minister's Inspection Team, Balochistan, Quetta.
6. Chairman, Balochistan Public Service Commission, Quetta.
7. Accountant General Balochistan, Quetta.
8. All Administrative Secretaries to Government of Balochistan.
9. Secretary, Balochistan Provincial Assembly, Quetta.
10. Secretary, Balochistan Public Service Commission, Quetta.
11. All Commissioners in Balochistan.
12. Secretary, Prov: Mohtasib (Ombudsman) Secretariat, Balochistan, Quetta.
13. Registrar, Balochistan High Court, Quetta.
- ✓ 14. Managing Director, B-PPRA, Quetta.
15. Additional Secretary (Staff) to the Chief Secretary Balochistan.
16. Managing Director, B-PPRA, Quetta.
17. All under Secretaries/Section Officers of Finance Department.
18. PS to Secretary Finance, Government of Balochistan.
19. PA to Additional Secretary (Investment /Monitoring) Finance Department.
20. Master file.


(CAPT @ FARUKH ATIQ KHAN)
Additional Secretary Finance (M/I)