

BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT

**BALUCHISTAN PUBLIC PROCUREMENT REGULATORY
AUTHORITY (AMENDED BILL-4 OF 2013)**

BILL NO.4 OF 2013

A
Bill

*Session-05
Sitting-08*

Further to amend the Balochistan Public Procurement Regulatory Authority Act, 2009 (Act No.VIII of 2009)

Preamble.

WHEREAS it is expedient to amend the Balochistan Public Procurement Regulatory Authority Act, 2009 (Act No.VIII of 2009), for the purpose hereinafter appearing;

It is hereby enacted as follows:-

**Short Title and
Commencement.**

1. (1) This Act may be called the Balochistan Public Procurement Regulatory Authority (Amendment) Act, 2013.
- (2). It shall come into force at once.

**Amendment of
Section 2, Act VIII
of 2009.**

2. In the Balochistan Public Procurement Regulatory Authority Act, 2009 (Act No.VIII of 2009), hereinafter referred to as the said Act, in Section 2, after clause (g) the following new clause shall be inserted, namely:-

**“(g-a) Managing Director” means the Managing
Director of the Authority appointed under Section 7A
of this Act;”**

**Amendment in
Section 5 Act VIII
of 2009.**

3. In the said Act, in Section 5,
 - (a) in sub-section (2), after clauses (g), the following new clauses shall be inserted, namely:-
 - “(g-a) develop, promote and support the capacity building of personnel of procuring agencies,
 - (g-b) maintenance of website which may enable the procuring agencies to upload and disseminate the information of their procurement activities as prescribed.”; and
 - (b) after sub-section (2) , as so amended here above, the following new sub section shall be added, namely:-

“(3) If any misprocurement by any procuring agency comes into the notice of the Authority, it may call for assistance of the Auditor General of Pakistan to ascertain the gravity of such misprocurement, and may involve Provincial Anti-Corruption Department for investigation and fixation of criminal liability upon the employees of such procuring agency under any law for the time being in force”.

**Amendment of
Section 6, Act VIII
of 2009.**

4. In the said Act, in Section 6,-

(a) for sub-section(2), the following shall be substituted ,
namely:-

“(2) The Board shall consist of the following members,
namely:-

- | | | |
|------|--|-------------|
| (1) | the Chief Secretary Balochistan | Chairperson |
| (2) | the Additional Chief Secretary (Development)
Planning and Development Department | Member |
| (3) | two members of Provincial Assembly- one each
from the treasury and opposition benches to be
nominated by the Speaker | Member |
| (4) | Secretary Finance | Member |
| (5) | Secretary Law and Parliamentary Affairs Department | Member |
| (6) | Secretary Communication and Works Department | Member |
| (7) | Secretary Industries and Commerce Department | Member |
| (8) | Secretary Irrigation and Power Department | Member |
| (9) | Secretary Information Technology Department | Member |
| (10) | a representative of the Auditor General of Pakistan | Member |
| (11) | a nominee of the Chamber of Commerce | Member |
| (12) | a nominee of Pakistan Engineering Council | Member |
| (13) | a renowned professional from Management and
Finance sector nominated by the Government | Member |
| (14) | two members from Civil Society nominated
by the Government | Member |
| (15) | Managing Director | Member” |

(b) for sub-section (3), the following shall be substituted :-

“(3) The Managing Director shall also act as the
Secretary of the Board”.

(c) for sub-section(6) , the following shall be substituted, namely:-

“(6) A member from the private sector may by writing
in his hand addressed to the Chairman, resign from his
office”. ; and

(d) after sub-section (6), as so amended here above, the following
new section shall be added, namely:-

“(7) A causal vacancy of a private sector member shall be
filled by appointment of another member from the private
sector, for the remaining term of his predecessor”.

**Amendment of
Section 7, Act VIII
of 2009.**

5. In the said Act, in Section 7, for Sub-section (1) and (2) the
following shall be substituted, namely:-

“(1) The meeting of the Board shall be presided over by the
chairperson of the Board”.

(2) Ten members shall constitute the quorum for a meeting
requiring a decision by the Board including the chairperson.”

**Insertion of new
Section 7A and
7B, Act VIII of 2009.**

6. In the said Act, after Section 7, the following new Sections shall be inserted, namely:-

- “7A. Managing Director-(1) The Government shall select and appoint a full-time Managing Director as Chief Executive Officer of the Authority for such period and on such terms and conditions as the Government may determine.
(2). The Managing Director shall be appointed for three years and he will be eligible for re-appointment but his total tenure shall in no case exceed six years.
(3). No person shall be appointed or continue as Managing Director, if he:-
- (a) has been convicted of an offence involving moral turpitude;
 - (b) has been removed from service for misconduct;
 - (c) has been adjudicated as insolvent;
 - (d) is incapable of discharging his duties by reasons of physical or mental incapacity and has been so declared by a Medical Board appointed by the Government; or
 - (e) fail to disclose any conflict of interest at or within the time provided for such disclosure by or under this Act or contravene any of the provisions of this Act.
 - (f) the Managing Director may, at any time, resign from his office by writing under his hand addressed to the Government.
 - (g) the Managing Director shall be paid such salary and allowances as the Provincial Government may determine but his salary and allowances shall not be varied to his disadvantage during his term of office.
 - (h) the Managing Director shall not, during the term of his office, engage himself to any other service, business, vocation or employment nor shall he before the expiry of one year thereof enter into employment or accept any advisory or consult relationship with any person engaged in public procurement activity;

Provided that where the Managing Director is a Government servant there shall be no such restrictions on his employment after he has retired or transferred from the post of Managing Director:

Provided further that where he is from private sector he shall not have any direct or indirect financial interest or have any connection with any company engaged in public procurement activity for so long as he holds office and for a period of one year thereafter.

7B.Powers and Responsibilities of Managing Director:-

- The Managing Director shall have power and responsibilities to,-
- (a) exercise administrative control over the personnel of the Authority;
 - (b) exercise, in respect of the Authority, such other management,administrative and financial powers as deemed appropriate by the Authority;
 - (c) submit the annual budget proposals of the Authority to the Board;
 - (d) prepare the annual report of the Authority for the Board and the Government;
 - (e) exercise such powers as the Board may delegate to him; and act on behalf of the Authority, in any emergency, subject to obligation to report such action to the Board at its next meeting and to seek the Board’s ratification of any action so taken;
 - (f) exercise and perform all such powers and functions as prescribed in Rules and Regulations.”

**Amendment of
14, Act VIII
of 2009.**

7. In the said Act, in section 14, for the words "Director Section General Audit Balochistan" the words "Auditor General of Pakistan" shall be substituted.

**Amendment of
Section 19 Act VIII
of 2009.**

8. In the said Act, in Section 19, after the words "functions or powers to", the words "Managing Director" shall be inserted

**Insertion of new
25A and
25B Act VIII of 2009.**

9. In the said Act, after Section 25, the following new Section sections shall be inserted, namely:-

"25-A. overriding effect, the provisions of this Act shall have overriding effect notwithstanding anything to the contrary contained in any other Law for the time being in force.

"25B. Indemnity- No suit, prosecution or other legal proceedings shall be against any member or officer of the Authority or and other person for anything done in good faith in the performance of his duties or functions or exercise of powers under this Act."

Statement of objects and reasons.

In Federal Government as well as in other provinces Procurement Regulatory Authority have already been established. The Government of Balochistan has also promulgated Balochistan Public Procurement Regulatory Authority Act-VIII of 2009, wherein certain amendments including appointment of Managing Director and reconstitution of Board of the authority are required to be made in order to functionalize the act.

2. Therefore, the present Bill for amendment in the Balochistan Public Procurement Regulatory Authority Amendment Bill-4 of 2013 is placed before the house for approval.

7/22/13

CHIEF MINISTER BALOCHISTAN

Minister for Finance

Dated Quetta, the

2013

(Muhammad Azam Davi)

Secretary

Balochistan Provincial Assembly