



No. Dir (CB)/SPPRA/1-3/08-09/2619 (A)
GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY
Karachi, dated the 8th March, 2010

1. Senior Member, Board of Revenue Sindh, Govt. of Sindh, Karachi.
2. Additional Chief Secretary (Development), P&D Department, Govt. of Sindh, Karachi.
3. Additional Chief Secretary Health Department, Govt. of Sindh, Karachi.
4. Principal Secretary to Governor Sindh, Karachi.
5. Secretary to Chief Minister Sindh, Karachi.
6. Administrative Secretaries to Government of Sindh (All).
7. Accountant General Sindh, Karachi.
8. Secretary to Provincial Ombudsman, Sindh, Karachi.
9. Chief Minister's Inspection Team, Karachi.
10. Chairman, Enquiries, Anti-Corruption Establishment, SGA&CD, Karachi.
11. Secretary, Sindh Public Service Commission, Hyderabad.
12. Provincial Police Officer, Sindh.
13. District Coordination Officers (All).
14. Heads of Autonomous / Semi-Autonomous Bodies, Sindh (All).
15. Project Director, Sindh (All).
16. Town/ Taluka Municipal Officers, Sindh (All).

SUBJECT: SINDH PUBLIC PROCUREMENT RULES, 2010

1. It gives Authority great pleasure to inform that the Sindh Public Procurement Rules 2010 have been notified by the Government of Sindh vide SGA&CD notification No.SORI (SGA&CD) 2-30/ 2010 dated 8th March, 2010 (CD is enclosed). The procuring agencies can download these rules from our website also (www.pprasindh.gov.pk).

2. While the overall framework of the new rules is the same as the Public Procurement Rules of 2004, it is pertinent to highlight the salient features of the new rules.

(a) **Definition (Rule-2)**

The definition of a number of important terms which were missing in the Rules of 2004 have been defined in the Rules (e.g. Consultant, Bidding process, Best Evaluated Bid, Services, Substantially Responsible Bid etc). The term "Emergency" has been redefined so as to cover only the natural calamities, disasters, accidents, war and breakdown of operation equipment, plant machinery or engineering infrastructure, which may give rise to abnormal situation requiring

prompt and immediate action to limit or avoid damage to person(s), property or the environment.

(b) **Constitution of the Procurement Committees (Rule-7)**

The Constitution of Procurement Committee & Functions & Responsibilities of the procurement committee have been described in Rules 7 & 8. The procuring agencies are advised to constitute the procurement committees as per their requirements keeping in view the spirit of the rules cited above.

(c) **Procurement Plan.(Rule 11)**

Under the Rules, the procuring agencies are required to prepare a procurement plan for the whole financial year containing the details of proposed procurements, their tentative schedule & the procurement method to be adopted for these procurements.

The plan can be reviewed & updated by the procuring agency throughout the life of the Project so as to ensure its successful and timely completion.

(d) **Limitation on splitting or regrouping of proposed procurements (Rule-12)**

The Procuring agency shall carry out procurement in accordance with the Procurement Plan & avoid splitting or regrouping.

(e) **Specifications (Rule-13)**

Specifications shall be stipulated so as to allow the widest possible competition and shall not favour any single contractor or supplier nor put others at a disadvantage. Specifications shall be generic and shall not include references to brand names, model numbers, catalogue numbers or similar classifications. However, if the procuring agency is convinced that the use of a reference to a brand name or a catalogue number is essential to complete an otherwise incomplete specification, such use or reference shall be qualified with the words "or equivalent".

Procurement of used or reconditioned equipment, plant or machinery shall not be permissible in any case whatsoever.



(f) **Method of Notification & Advertisement of NITs (Rule-17)**

Procurements over one hundred thousand rupees and up to one million rupees shall be advertised on SPPRA website & may also be published in the print media in the manner & format prescribed in the Rules. Procurements having value Rs: one million & above shall be advertised on SPPRA website as well as published in at least three widely circulated leading dailies of English, Urdu & Sindhi Language. (Rule-17)

It will not be out of place to refer to Authority's letter dated 3rd February, 2010 in which it was advised that the procuring agencies shall send a copy of the Notice Inviting Tender (NIT)/ Expression of Interest (EOI) over Rupees One Hundred Thousand to the Authority for hoisting on its website in order to obtain SPPRA ID, without which the AG Office will not be making payments for any procurements. The cut-off date was 15th February, 2010.

(g) **Response Time (Rule-18)**

The Procuring Agency shall give due consideration to the scope, magnitude and nature of procurement while deciding the response time. However, in case of National Competitive Bidding, the response time shall not be less than fifteen calendar days and in case of International Competitive Bidding, it shall not be less than forty five calendar days

(h) **Announcement of Evaluation Reports (Rule 10 & Rule 45)**

The procuring agency shall, immediately upon award of contract, make the evaluation report of the bid, and the contract agreement public through hoisting on the Authority's website as well as on procuring agency's website, if the procuring agency has such a website;

Provided where the procuring agency is convinced that disclosure of any information related to the award of a contract shall be against the public interest or may jeopardize national security, it can withhold only such information from public disclosure, subject to the prior approval of the Government.

Procuring agencies shall announce the results of bid evaluation in the form of a report giving reasons for acceptance or rejection of bid. The report shall be hoisted on website of the Authority and that of the procuring agency if its website exists and intimated to all the bidders at least seven (07) days prior to the award of contract.

(i) **Grievance Redressal Mechanism (Rule 31 & 32)**

The procuring agency shall constitute a committee for complaint redressal comprising odd number of persons, with appropriate powers and authorizations, to address the complaints of bidders that may occur during the procurement proceedings.

The committee shall be headed by head of the procuring agency or an official of the procuring agency, at least one rank senior to the head of the procurement committee and shall include District Accounts Officer, or his representative, in case of the local governments or provincial line departments at district level, or a representative of the Accountant General, Sindh in case of Government departments at the provincial level and an independent professional from the relevant field concerning the procurement process in question, to be nominated by the head of procuring agency;

Any bidder being aggrieved by any act or decision of the procuring agency during procurement proceedings may lodge a written complaint after the decision causing the grievance has been announced;

The committee shall announce its decision within seven days. The decision shall be intimated to the bidder and the Authority within three working days by procuring agency. In case of failure of the committee to decide the complaint, the Procuring Agency shall not award the contract.

A bidder not satisfied with decision of the procuring agency's complaints' redressal committee may lodge an appeal to the Chief Secretary through the Authority, who shall refer the matter to a review panel as per Rule 32; of the Public Procurement Rules 2010.

(j) Mis-procurement (Rule-56)

Under Rule-56,

- i. Head of the Complaint Redressal Committee, on its own initiation or on receiving a complaint from any aggrieved bidder to the procurement proceedings, shall recommend the matter to the Head of the Department for declaring the case to be one of mis-procurement, if any material violation of provisions of the Act, Rules, Regulations, orders, instructions or any other law relating to public procurement, has been established.
- ii. Alternatively, the Authority may take notice of any violation of provisions of the Act, Rules, Regulations, orders, instructions or any other law relating to public procurement and advise the Head of the Complaint Redressal Committee to proceed in terms of sub-rule (1) above.
- iii. The Authority may also notify the procurement proceedings to be a case of mis-procurement if so decided by the Chief Secretary on recommendations submitted by the Review Panel.

(k) Procurement of Consultancy Services

Part III of the Rules defines the framework for procuring consulting services. Consultancies are categorized as small, medium and large consultancies. Eight different methods for procuring the services of consultancies have been provided in the Rules (Rules 72). The procuring agency may select the method keeping in view its needs and requirements and suitability of the particular method.

The composition of consultant selection committee (Rule 67), its quorum (Rule 68), the criteria for short listing of consultants (Rule 74), the parameters for devising an evaluation criteria (Rule 76) and the contents of EOI & RFP (Rule 73 & 75) have also been described in detail for the guidance of procuring agencies.

(l) Procurement under the PPP Projects:

Part IV (Section 81 to 91) cover the procurement under the Public Private Partnership mode. The Rules provide the criterion for determination of best



evaluated bid. It also covers unsolicited proposals and condition where procuring agency can resort to direct negotiations.

3. Since, the Sindh Public Procurement Rules 2010 have been notified, therefore, all the procurements from today (i.e. 8th March, 2010) will be carried out under the new Rules. However, NIT/ EOI published or procurement proceedings initiated before 8th March, 2010 will be governed by the Public Procurement Rules, 2004. However, if any procuring agency wants to make procurement under the Sindh Public Procurement Rules 2010, then it may cancel the NIT/ proceedings and issue new tender(s).

4. As Managing Director of the Authority, I am sure that the procuring agencies will find these rules as enabling one because efforts have been made with the help of all the stakeholders to cover all the eventualities. Having said that, the Authority is open to any amendment in the Rules. If any procuring agency(ies) finds it difficult to carry out procurement process due to any clause(s) of the SPP Rules, 2010, the procuring agency(ies) can approach the Authority with empirical evidence on the issue.

5. In the end, I would like to thank all the Government Departments and stakeholders for their valuable input without which it would not have been possible to prepare these rules.


(RIZWAN AHMED)
Managing Director

Copy forwarded for information and necessary action to:

1. Managing Director, Public Procurement Regulatory Authority, Islamabad.
2. Managing Director, Public Procurement Regulatory Authority, Punjab & NWFP.
3. Director General Audit, Sindh, Karachi.
4. Director General, District Audit, Sindh, Karachi.
5. Deputy Secretary (Staff) to Chief Secretary, Government of Sindh.
6. Director, Local Fund Audit, Karachi.
7. All private members of SPPRA Board. *Chieftain Transparency International*
8. PS to Minister for Law, Parliamentary Affairs and Criminal Prosecution Service, Government of Sindh.



GOVERNMENT OF SINDH
SERVICES, GENERAL ADMINISTRATION
AND COORDINATION DEPARTMENT
(REGULATION WING)
Karachi, dated the 08th March, 2010

NOTIFICATION

NO. SORI (S&GAD)3-6/2009:- In pursuance of the provisions of clause (3) of Article 139 of the Constitution of the Islamic Republic of Pakistan, the Governor of Sindh is pleased to make the following amendment in the Sindh Government Rules of Business, 1986:-

AMENDMENT

In Schedule-II, under the heading "Services, General Administration & Coordination Department" after Sr. No. 37, the following new entry shall be added:

"38. Sindh Public Procurement Regulatory Authority".

CHIEF SECRETARY
GOVERNMENT OF SINDH

Karachi dated 08th March, 2010

NO.SORI (S&GAD)3-6/2009

A copy is forwarded to the Superintendent, Sindh Government Printing Press, Karachi, with a request to publish the same in the next issue of the Sindh Government Gazette and supply 300 copies thereof to this Department.

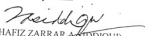
(HAFIZ ZARRAR A.SIDDIQUI)
SECTION OFFICER (REGULATION-I)

Karachi dated 08th March, 2010

NO.SORI (S&GAD)3-6/2009

A copy is forwarded to:-

1. The Additional Chief Secretary (Dev.), Planning & Development Department, Karachi.
2. The Senior Member, Board of Revenue, Sindh, Hyderabad.
3. The Principal Secretary to Governor of Sindh,
4. The Secretary to Chief Minister of Sindh,
5. The Administrative Secretaries (All) Government of Sindh (including Members, Board of Revenue).
6. The Accountant General Sindh, Karachi.
7. The Secretary to Provincial Ombudsman, Sindh, Karachi.
8. The District Coordination Officers (All) in Sindh.
9. The Chairman, Chief Minister's Inspection Team, Karachi.
10. The Chairman, Enquiries & Anti-Corruption Establishment, SGA&CD, Karachi.
11. The Secretary, Provincial Assembly Secretariat, Karachi.
12. The Secretary, Sindh Public Service Commission, Hyderabad.
13. The Additional Secretary (Staff) to Chief Secretary.
14. All Officers in SGA&CD/ Private Secretary to Chief Secretary Sindh.


(HAFIZ ZARRAR A.SIDDIQUI)
SECTION OFFICER (REGULATION-I)