



**NATIONAL ELECTRIC POWER REGULATORY AUTHORITY**  
**Islamic Republic of Pakistan**

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No. NEPRA/DG(Admin)/Project-13/116

September 25, 2013

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Transparency International – Pakistan  
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Subject: NEPRA'S PRE-QUALIFICATION NOTICE FOR PRE-QUALIFICATION OF PAKISTANI CONTRACTOR / FIRMS / COMPANIES FOR MULTI-SPLIT UNIT TYPE AIR-CONDITIONING SYSTEM

Please refer to your letter No. nil dated 06.09.2013 on the subject.

2. We have carefully gone through the contents of your referred letter and our response in this regard is as under;
- i. At the outset, It is clarified that the referred advertisement was issued in the light of the provisions of Public Procurement Rules, 2004 (“PPRA Rules”) and no violations of PPRA Rules, as stated in the referred letter, have been done.
  - ii. Rule 16 (1) of PPRA Rules provides the list of documents and information required to be incorporated in the pre-qualification documents which inter-alia include list of documentary evidence, evaluation criteria and instructions for preparation and submission of pre-qualification documents. In the light of express provision of rule 16 (1) of PPRA Rules, NEPRA prepared the pre-qualification document and advertised the same in electronic and print media and since whole pre-qualification document was advertised therefore there was no requirement to issue a separate pre-qualification document. Further, there is no legal requirement that the provisions of rule 16(2) of PPRA Rules shall be made part of pre-qualification document as it only provides that the procuring agency shall provide set of pre-qualification documents to any supplier or contractor, on request, and subject to payment of price, if any, and NEPRA has not refused to provide the pre-qualification document to any supplier or contractor therefore no question of violation of the provisions of rule 16(2) of PPRA Rules arises. It is also important to state here that in terms of rule 15(1) of PPRA Rules, engaging in pre-qualification of bidders, prior to floating of tenders, is not mandatory requirement and NEPRA, in order to maintain transparency and to ensure that only technically and financially capable firms are invited to submit bids, have initiated the process of pre-qualification.
  - iii. Rule 33 of PPRA Rules, as stated in the referred letter, relates to rejection of bids and since NEPRA has initiated the process of pre-qualification therefore the question of acceptance/rejection of bid does not arise at this stage and may be relevant only after submission, opening and evaluation of bids in terms of relevant provisions of PPRA Rules. However to clarify, NEPRA is issuing a following corrigendum;

**“The last sentence of NEPRA advertisement vis a vis acceptance / rejection of bids published in national dailies dated 01.09.2013 & 04.09.2013 may be read as follows:**

**NEPRA reserves the right to accept / reject any and / or all the applications for pre-qualifications of firms / companies as per PPRA Rules-2004.”**

  
(Hammad Shamimi)  
Director General (Admin./HR)