



GOVERNMENT OF SINDH
SERVICES, GENERAL ADMINISTRATION
AND COORDINATION DEPARTMENT
(REGULATION WING)

Karachi dated the 15th March, 2019

NOTIFICATION

No. SORI(SGA&CD)2-30/2010⁽⁵⁻¹³⁾:- In exercise of the powers conferred by section 26 of the Sindh Public Procurement Act, 2009, the Government of Sindh are pleased to make the following amendments in the Sindh Public Procurement Rules, 2010 :-

AMENDMENTS

1. In rule 2 –

(i) for clause (f), the following shall be inserted:-

“(f) **“Bidder”** means a person or entity –

- (i) submitting a bid; or
- (ii) who intends to submit a bid and is able to substantially prove such intention”;

(ii) in clause (i), after the word “barring”, the words “or debarring” shall be inserted;

(iii) for clause (eee), the following shall be substituted:-

“(eee) **“Response time”** means the period starting from the first date of issuance of bidding documents or short listing documents or prequalification documents, as the case may be, up-to last date of issuance of such documents;”;

(iv) after clause (r), the following new clause shall be inserted:-

“(rr) **“Framework contract”** means a contract whereby the procurement is made for a certain volume or quantity of a particular good, a set of goods or services and works over a specific period against an agreed sum or rate (lump sum or per item);”

2. For rule 7, the following shall be substituted:-

“7. Constitution of a Procurement Committee and Quorum.- (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 odd number of persons and headed by a gazette officer not below the rank of BS-18 or if not available, the officer of the highest grade, and shall ensure that at least one of the members of the procurement committee is from the agencies or departments other than the procuring agency.

SPPRA INWARD DIARY

NO : 10/1/19

DATED : 20/3/19

20/3

MUSADDIQUE MEMON
Section Officer (Reg-I)
Services, General Administration
& Coordination Department
Government of Sindh

(2) The Procurement Committee comprising three members and all members shall form quorum.

(3) The Procurement Committee comprising more than three members, two-third of the members shall form the quorum and presence of at least one outside member shall be mandatory.

(4) The decision of the Procurement Committee shall be taken on the basis of majority of votes of the total strength of the Committee.”

3. In rule 8, for sub-section (1), the following shall be substituted:-

“(1) Preparing and/or Reviewing bidding documents;”.

4. In rule 10, for the word “Government” appearing in the last line of the proviso, the words “Chief Minister” shall be substituted.”

5. In rule 11, after sub-rule (2), the following shall be inserted:-

“(3) The annual or longer rolling plan, as the case may be, thus prepared, shall be posted in advance on the Authority’s website as well as on website of the procuring agency, if the procuring agency has its own website.”.

6. For rule 12, the following shall be substituted:-

“12. **Limitation on splitting or regrouping of proposed procurement.** The procuring agency shall not split or package a procurement plan with the intention to shorten or facilitate the procurement process and approval mechanism, unless the procuring agency is satisfied that –

- (a) block acquisition of goods, services or works will unnecessarily hold up available resources;
- (b) technical reasons indicate that splitting or packaging will improve the quality;
- (c) the impact of weather, geographical spread on certain procurement particularly in case of works contract will affect its execution with regard to quality and delivery schedule:

Provided that any splitting or packaging shall be made part of the revised procurement plan and uploaded on the Authority’s website as well as on the website of the procuring agency, if functional.”.

7. After rule 15-A, the following new rule shall be inserted:-

“15(B). **Entering into Framework Contract.** (1) Where the procuring agency has to make similar procurements at different intervals in a defined period of time and it expects better price because of economies of scale, it may enter into a framework contract at specified prices during that defined period.

MUSADDIQUE MEMON
Section Officer (Reg-1)
Services General Administration
& Coordination Department
Government of Sindh

(2) Framework contracts shall be concluded following open competitive bidding with one or more bidders to provide a range of goods, works and services over a defined period of time not exceeding one year.”.

8. In rule 16, in sub-rule (1) –

- (i) in clause (a)(ii), in sub-clause (A), for the word “one”, the word “three” shall be substituted; and in sub-clause (E), after the words “competitive bidding” the words “and such evaluation may either be done by authorized officer(s) of the procuring agency or the procurement committee constituted in terms of rule 7, as deemed appropriate by the procuring agency” shall be added;
- (ii) in clause (d), for the words “twenty five”, the word “one hundred” shall be substituted.

9. In rule 17 –

- (i) in sub-rule (1), for the words “one hundred thousand rupees and up-to one million rupees”, the words “three hundred thousand rupees and up-to two million rupees” shall be substituted;
- (ii) in sub-rule(1A), for the word “one”, the word “two” shall be substituted.

10. In rule 18 –

- (i) the first proviso shall be omitted;
- (ii) in the second proviso, the word “further” shall be omitted and for the word “one” wherever appearing, the word “two” shall respectively be substituted.

11. In rule 21, for sub-rule (4), the following shall be substituted:-

“(4) All procuring agencies shall hoist the bidding documents or prequalification documents or short listing documents, as the case may be, on or before the first date of issuance of such documents on Authority’s website as well as on the website of procuring Agency, in case it has its own website.”.

12. In rule 25, in sub-rule (3), the following shall be substituted:-

“(3) Intimation of the cancellation of bidding process shall be immediately hoisted on the Authority’s website and procuring agency’s website followed by prompt return of bid security.”.

13. In rule 28, sub-rule (1) –

- (i) in clause (b), after the words “can be obtained”, the words “The procuring agency shall also hoist prequalification documents along with list of all components of schemes on the Authority’s website and on its own website, if such website exists, along with Pre-qualification notice” shall be inserted;
- (ii) for clause (e), the following shall be substituted:-

“(e) procuring agency shall announce the result of pre-qualification evaluation in a form of a report giving reasons for pre-qualifying and disqualifying a bidder. The report shall be hoisted on the website of the Authority and that of the procuring agency if its website exists and intimated to each and every applicant at least seven days prior to issuance of invitation of bids.”

14. In rule 31 –

- (i) in sub-rule (1), after the words “during the procurement proceedings”, the words “prior to award of contract” shall be added;
- (ii) in sub-rule (5), the full-stop at the end shall be replaced by a comma and thereafter the words “if the aggrieved bidders files the review appeal within ten (10) days of such transfer” shall be added.
- (iii) in sub-rule (7), in the proviso, the full stop at the end shall be replaced by a comma and thereafter the words “until the expiry of appeal period or the final adjudication by the Review Committee” shall be added.
- (iv) sub-rules (8), (9), (10), (11), (12), (13), (14) and (15) shall be omitted.

15. In rule 32 –

- (i) in sub-rule (1), after the words “the Review Committee” the words “within ten days of announcement of the decision” shall be inserted.”
- (ii) in sub-rule (5), in clause (c), after the words “Complaint Redressal Committee”, the comma and words “if any” shall be added.
- (iii) in sub-rule (6), after the word “appeal”, the words “along with all requisite information and documents” shall be inserted.
- (iv) in sub-rule (7), in clause (a), after the words “stating its reason” the words “and vacate the bar provided for in the proviso of sub-rule (7) of rule-31” shall be added.
- (v) in sub-rule (10), after the word “appeal” appearing at the end, the words “However, in case of delay, reasons thereof shall be recorded in writing” shall be added.

16. For rule 37, the following shall be substituted:-

“37. **Bid Security.** (1)The procuring agency shall require the bidders to furnish a bid security not below one percent and not exceeding five percent of the bid price.

(2) The Bid Security shall be called in the form of Deposit at Call or pay order or demand draft or a Bank Guarantee issued by a Scheduled Bank in Pakistan or from a

W.M.F.S. 3
MUSADDIQUE MEMON
Section Officer (Reg-1)
Services, General Administration
& Coordination Department
Government of Sindh

foreign bank duly counter guaranteed by a Scheduled Bank in Pakistan in favour of the procuring agency valid for a period of 28 days beyond the Bid Validity date.

(3) The procuring agency shall get the bid security verified in the following form or manner, from the issuing Agency:-

(a) All bid securities of contracts with estimated cost up-to Rs.50.00 million (Rupees fifty million) shall be verified by the issuing Agency;

(b) All bid securities of contracts with estimated cost above Rs.50.00 million shall be verified by the Head office of the issuing Agency.

(4) In case of cancellation of bidding process in terms of rule 25, the bid security shall be returned to the bidders, not later than fifteen days from the date of cancellation notice.

(5) Bid security shall be forfeited in following circumstances if -

(a) a bidder requests to withdraw his or its bid after opening but within the bid validity period;

(b) successful bidder fails to furnish performance security;

(c) successful bidder fails to sign the contract;

(d) a bidder does not accept the correction of the quoted amount following the correction of arithmetic errors;

(e) a bidder has been found black listed by any agency of Federal or Provincial Government.”.

17. In rule 38, after sub-rule (1), the following shall be inserted:-

“(1A) The bid validity period shall start from the date of opening of technical or financial bids, whichever is earlier.”.

18. In rule 39 –


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

“(1)The procuring agency shall, in all procurement of goods, works and services, carried out through open competitive bidding, require performance security in the form of Deposit at Call or pay order or demand draft or a Bank Guarantee issued by a Scheduled Bank in Pakistan or from a foreign bank duly counter guaranteed by a Scheduled Bank in Pakistan in favour of the procuring agency, which shall not be more than 10% of contract price.

(ii) for sub-rule (3), the following shall be substituted:-

“(3) Validity of performance security shall extend to cover defects liability period or maintenance period, if any, and subject to final acceptance by the procuring agency.”;

(iii)after sub-rule (3), the following shall be added:-


MUSADDIQUE MEMO
Section Officer (Regl)
Services, General Administration
& Coordination Department
Government of Sindh

“(4) The procuring agency shall get the bid security verified in the following form or manner, from the issuing agency:-

- (a) All bid securities of contracts with estimated cost upto Rs.50.00 million (Rupees fifty million) shall be verified by the issuing Agency;
- (b) All bid securities of contracts with estimated cost above Rs.50.00 million shall be verified by the Head office of the issuing Agency.”.

- 19. In rule 46, in sub-rule (3), in clause (a), in sub-clause (iv), in the second proviso, for the words “forty five”, the word “thirty” shall be substituted.
- 20. In rule 48, after the words “comparable to”, the words “PC-I cost or financial estimates or” shall be inserted.
- 21. In rule 50, for the words “Within seven days of the award of contract”, the words “Within fifteen days of signing of contract” shall be substituted, and in clause (1) thereof, before the word “Evaluation”, the word “Contract” shall be inserted.
- 22. In rule 66, in sub-rule (5), the word “shortlisted” shall be omitted.
- 23. In rule 67, in sub-rule (3), for clause (d), the following shall be substituted:-

“(d) one technical member from the agencies or departments other than the procuring agency having adequate experience in the relevant field not below the rank of BS-18 or equivalent;”.

- 24. For rule 68, the following shall be substituted:-

“68. **Quorum.**(1)For hiring of Individual Consultants costing over Rs.2.00 million (Rupees Two Million) and for hiring the Consulting Firm costing over Rs.5.00 million (Rupees Five Million), the quorum shall be the Chairman and the representatives of Planning & Development and Finance Departments.

(2)For hiring of Individual Consultants costing up to Rs.2.00 million (Rupees Two Million) and for hiring of Consulting Firms costing up to Rs.5.00 million (Rupees Five Million), the Chairman, Technical Member and any one member of Consultants Selection Committee shall form the quorum for conducting the business of the Consultants Selection Committee.”.

- 25. Rule 69 shall be omitted.

- 26. In rule 72 –

- (i) in sub-rule (4), in clause (b), for the word “one”, the word “three” shall be substituted;
- (ii) in sub-rule (7), in clause (a), for the words “small consultancies”, the words “to consultancies having value under Rs.2.0 million (Rupees Two Million)” shall be substituted.

4/11/15
VIJAY K. SINGH
VIJAY K. SINGH
Section Officer (Reg-I)
Services, General Administration
& Coordination Department
Government of Sindh

27. In rule 73 -

- (i) in the margin, after the word “interest”, the words “or Request for Proposal” shall be added;
- (ii) in sub-rules (1) and (2), after the word “Interest”, the words “or Request for Proposal” shall be inserted;
- (iii) in sub-rule (2), after clause (b), the following shall be inserted:-
“(bb) Schedule of issuance of short listing documents, if deemed necessary, or Request for Proposal, as the case may be;”;
- (iv) in sub-rule (2), for clause (c), the following shall be substituted:-
“(c) deadline and place of the submission and opening of Request for Expression of Interests or Request for Proposal, as the case may be;
- (v) in sub-rule (2), for clause (d), the following shall be substituted:-
“(d) criteria for short listing or evaluation criteria for Request for Proposal, as the case may be; and”

28. In rule 74, in sub-rule (1), for the word “shall”, the word “may” shall be substituted.

29. In rule 75, in sub-rule (1), after the word “shortlisted”, the words “or otherwise” shall be inserted.

30. In rule 83, in sub-rule (2), the following shall be substituted:-

“(2) In case there is only one complying bidder left as defined hereunder, direct negotiations shall be resorted to as per the letter of intent issued by the procuring agency.”

31. In rule 87, the words “guidelines and” shall be omitted.

32. In rule 89, the following shall be substituted:-

“**Integrity Pact.** All contract agreements of goods, works and services shall include integrity pact, as specified by the regulations.”

MUMTAZ ALI SHAH
CHIEF SECRETARY SINDH

No.SORI(SGA&CD)2-30/2010⁽⁵⁻¹³⁾

Karachi, dated 15th March , 2019

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.

(MUSADDIQUE MEMON)
SECTION OFFICER (REGULATION-I)

4/15/15.3
MUSADDIQUE MEMON
Section Officer (Reg-I)
Services, General Administration
& Coordination Department
Government of Sindh

A copy is forwarded for information and necessary action to:-

- 1 The Chairman, Planning & Development Board, P&D Deptt: Govt. of Sindh, Karachi.
- 2 The Senior Member, Board of Revenue, Sindh, Hyderabad.
- 3 The Principal Secretary to Governor, Sindh.
- 4 The Principal Secretary to Chief Minister, Sindh.
- 5 The Registrar, High Court of Sindh, Karachi.
- 6 The Advocate General Sindh, Karachi.
- 7 The Secretary to Government of Sindh, Law Department with reference to his letter No. S.REG:4(12)/2006/43 dated 05.03.2019.
- 8 The Secretary (GA), SGA&CD, Government of Sindh with reference to his letter No. SOVI(SGA&CD)12-278/2019 dated 04.02.2019.
- 9 The Administrative Secretaries (All) Government of Sindh.
- 10 The Chairman, E&ACE, SGA&CD, Government of Sindh.
- 11 The Chairman, Chief Minister's Inspection Team, Karachi.
- 12 The Chairman, Sindh Revenue Board, Karachi.
- ✓ 13 The Managing Director, Sindh Public Procurement Regulatory Authority, Karachi with reference to his letter Nos. i) DD(A&F)/SPPRA/18-19/0161 dated 05.03.2019 & ii) DD(A&F)/SPPRA/18-19/0162 dated 7th March, 2019
- 14 The Accountant General Sindh, Karachi.
- 15 The Secretary to Provincial Ombudsman, Sindh, Karachi.
- 16 The Divisional Commissioners/Deputy Commissioners (All in Sindh).
- 17 The Secretary Provincial Assembly Secretariat, Karachi.
- 18 The Registrar, Sindh Service Tribunal, Karachi.
- 19 The Secretary, Sindh Public Service Commission, Hyderabad.
- 20 The Deputy Secretary (Staff) to Chief Secretary, Sindh.
- 21 PS to Ministers/Advisors/Special Assistants (All in Sindh).
- 22 All Officers in SGA&CD/Private Secretary to Chief Secretary, Sindh.

Y. J. / 15.3.

(MUSADDIQUE MEMON)
SECTION OFFICER (REGULATION-I)