



No. Dir (A&F)/SPPRA/1-3(GEN)/13-14/ 4944

GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY
AUTHORITY

Karachi, dated the 28th February, 2014

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

Subject: COMPLIANCE OF SPP RULES 2010 (Amended 2013)

It is stated that certain Amendments in Sindh Public Procurement Rules, 2010 have been approved and notified by the Government of Sindh vide letter No. SORI(SGA&CD)2-30/2010 dated 8th October, 2013 including Rule 21(4) (copy enclosed) which stipulates that all procuring agencies shall hoist the bidding documents on Authority's website as well as on the website of procuring agency, in case the procuring agency has its own website".

2. However; it has been observed that very few procuring agencies forward the Bidding Documents for the said purpose. Therefore, all procuring agencies under your administrative control may kindly be advised to ensure timely communication of their NITs / EOIs along with **soft copy of Bidding Documents** to the Authority for hoisting on its website.

Ashfaq 28/02/14
(ASHFAQ AHMED SOOMRO)
Director (A&F)

CC to;

1. Director General, Audit, Sindh, Karachi.
2. Deputy Secretary (Staff) to the Chief Secretary, Government of Sindh.
3. Private Members of SPPRA Board.
4. PS to Minister Law / Chairman, SPPRA Board, Karachi



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

Karachi, dated the 8th October, 2013

NOTIFICATION

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

AMENDMENTS

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

(i) . clauses (e) (f) (s) (x) (bb) (cc) (ff) (hh) and (kk) shall be omitted;

(ii) for clause (g), the following shall be substituted:-

“(g) **Biding Documents** – means the documents notified by the Authority for preparation of bids in uniform manner.”

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

“(v) “Lowest Evaluated Bid” means a bid most closely conforming to evaluation criteria and other conditions specified in the bidding document, having lowest evaluated cost;”;

(iv) after Clause (ee), the following new clause shall be inserted:

“(eee) “**Response time**” means, the period starting from the first date of issuance of bidding documents up to last date of issuance of bidding documents.”

2. In rule 17, after sub-rule (1), the following new sub-rule (1A) shall be added:-

“(1A) All procurement opportunities over one million rupees shall be advertised on the Authority’s website as well as in the newspapers as prescribed.”

3. for rule-18, the following shall be substituted:-

“18. **Response Time** - The procuring agency shall give due consideration to the scope, magnitude and nature of procurement, while deciding the response time, which shall not be less than fifteen days in case of National Competitive Bidding and forty-five days in case of International Competitive Bidding:

Provided that the Notice Inviting Tenders (NIT) shall be hoisted on Authority’s website in case of procurements up to rupees one million and published in newspapers in case of over rupees one million on or before the date of issuance of bidding documents”.

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In rule 21, after sub-rule (3), the following new sub-rule (4) shall be added:-

“(4) All procuring agencies shall hoist the bidding documents on Authority’s website as well as on the website of procuring Agency, in case the procuring agency has its own website.”

5. After Rule 21, the following new rule 21-A shall be added:-

“21-A. **Evaluation criteria.**- The procuring agencies shall formulate an appropriate evaluation criterion, listing all the relevant information against which a bid is to be evaluated and criteria of such evaluation shall form an integral part of the bidding documents. The failure to provide a clear and unambiguous evaluation criteria in the bidding documents shall amount to mis-procurement.”

6. In rule 24, for sub-rule (2), the following shall be substituted:-

“(2) The Bidders may submit bids on the bidding documents issued by the procuring agency or downloaded from the Authority’s website along with tender fee if any by mail or by hand.”

7. In rule 26, in sub-rule (2), for the word and figures “Rule 56”, the word and figures “Rule 32 and 32-A” shall be substituted.

8. In rule 27, in sub-rule (1)-

- (a) the word “only” shall be omitted;
- (b) after clause (c), the following shall be added:-

“(d) in case of drugs and services of complex nature.”

9. In rule 31 –

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

“(3) Any bidder being aggrieved by any act or decision of the procuring agency after the issuance of notice inviting tender may lodge a written complaint”;

(ii) In sub-rule (4), after clause (b), the following new clause shall be inserted:-

“(bb) recommend to the Head of Department that the case be declared a mis-procurement if material violation of Act, Rules, Regulations, orders, instructions or any other law relating to public procurement, has been established; and”;

(iii) for sub-rule (5), the following shall be substituted:-

“(5) The complaint redressal committee shall announce its decision within seven days and intimate the same to the bidder and the Authority within three working days. If the committee fails to arrive at the decision within seven days, the complaint shall stand transferred to the Review Committee which shall dispose of the complaint in accordance with the procedure laid down in rule 32.”.

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for sub-rule (7), the following shall be substituted:-

“(7) Mere fact of lodging of a complaint shall not warrant suspension of the procurement proceedings”;

Provided that in case of failure of the complaint redressal committee to decide the complaint; the procuring agency shall not award the contract.”

10. For rule 32, the following shall be substituted:-

“32. Appeal to the Review Committee: (1) A bidder not satisfied with decision of the procuring agency’s complaints redressal committee may lodge an appeal to the Review committee; provided that he has not withdrawn the bid security, if any, deposited by him.

(2) The Review Committee shall comprise the following:

- (a) Managing Director;
- (b) Director General Audit Sindh or his nominee not below the rank of BS-19;
- (c) two private members represented on the SPPRA Board.
- (d) an independent professional having expertise of relevant field concerning the procurement in question.

(3) The Managing Director shall be the Chairperson of the Review Committee and the private members shall be selected by the SPPRA Board for a period not exceeding two years;

(4) The independent professional shall be nominated by the Managing Director for each reference and paid remuneration for attending the meeting of Review Committee at a rate prescribed by the Authority from time to time;

(5) The bidder shall submit following documents to the Review Committee:-

- (a) a letter stating his wish to appeal to the Review Committee and the nature of complaint;
- (b) a copy of the complaint earlier submitted to the complaint redressal committee of the Department and all supporting documents;
- (c) copy of the decision of Procuring Agency / Complaint Redressal Committee.

(6) On receipt of appeal, the Chairperson shall convene a meeting of the Review Committee within seven working days;

(7) Unless the Review Committee recommends dismissal of an appeal being frivolous, in which case the bidder may lose the bid security deposited with the procuring agency, the Review Committee may -

- (a) reject the reference, stating its reason;
- (b) state the rules or principles that govern the subject matter of the reference;
- (c) point out the infirmities and breach of rules and regulations by the procuring agency;
- (d) annul in whole or in part of a non-compliant act or decision of a procuring agency, other than any act or decision bringing the procurement contract into force;
- (e) if the procuring agency is in breach of its obligations under the Act, Rules or Regulations, order the payment of compensation by the officer(s) responsible for mis-procurement for cost incurred by the bidder on preparation of bid; or

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- (f) direct that the procurement proceedings may be terminated, in case the procurement contract has not been signed.
- (g) declare the case to be one of mis-procurement if material violation of Act, Rules, Regulations, orders, instructions or any other law relating to public procurement, has been established.

(8) It shall be mandatory for the appellant and the head of procuring agency or his nominee not below the rank of BS-19 to appear before the Review Committee as and when called and produce documents, if required.

(9) In case the appellant fails to appear twice despite the service of notice of appearance, the appeal may be decided ex-parte.

(10) The Review Committee shall hear the parties and announce its decision within ten working days of submission of appeal .

(11) The decision of Review Committee shall be final and binding upon the procuring agency. After the decision has been announced, the appeal and the decision thereof shall be hoisted by the Authority on its website.”

11. After Rule-32, the following new Rule shall be added:-

“32A. Declaration of Mis-procurement and its consequences,- (1) Notwithstanding anything contained in Rule-32 (7) (g):

(a) The Head of the Department on his own initiation or on recommendation of the Complaint Redressal Committee of the Department may declare the case to be 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.

(b) The Authority may take notice of any material violation of provisions of the Act, Rules, Regulations, orders, instructions or any other law relating to public procurement and declare the case to be of mis-procurement if such violation has been established.

(2) On declaration of mis-procurement; the head of the procuring agency, the Authority or the Review Committee shall refer the case to the Competent Authority for initiation of disciplinary proceedings against the officials of the procuring agency responsible for mis-procurement and may also refer the matter to the Sindh Enquiries and Anti-Corruption Establishment for initiating action against such officials.”

12 In rule 35 –

(i) For sub-rule (4), the following shall be substituted:-

“(4) Any party being aggrieved by the decision of the procuring agency may submit an appeal to the Authority, which shall refer the matter to the Review Committee, which shall decide the matter as provided in sub-rules (5) to (11) of rule 32.”

(ii) Sub-rule (5) shall be omitted.

13. In Rule 38, in sub-rule (4), the words “one third of” shall be omitted.

14. In Rule 46, in sub-rule (3), in clause(a), in sub-clause (iv), in the second proviso, for the words “thirty days” the words “forty-five days” shall be substituted.

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(i) for sub-rule (2), the following shall be substituted:-

(2) single stage two envelope bidding procedure shall be used for goods and services where the bids are to be evaluated on technical and financial grounds and price is taken into account after technical evaluation;”

(ii) in sub-rule (3), for the words “technical solutions available to the procuring agency”, the words “technical solutions of machinery or equipment or manufacturing plant available to the procuring agency” shall be substituted;

(iii) for sub-rule (4), the following shall be substituted:-

“(4) two stage two envelope bidding method shall be used for procurement where alternative technical proposals are possible, such as certain type of machinery or equipment or manufacturing plant.”

16. rule 56, 59 and 60 shall be omitted.

17. In rule-66, for sub-rule (4), the following shall be substituted:-

“(4) Short-listing of Consultants, if deemed necessary;”

18. In rule 69, in sub-rule (1), Clause (c) shall be omitted.

19. In Rule 72, sub-rule (4)-

(i) In clause (a), the semi-colon at the end shall be replaced by a colon and thereafter the following proviso shall be added:-

“Provided that the cost of additional assignment does not exceed fifteen per cent of the cost of previous assignment.”

(ii) In clause (c), the semi-colon at the end shall be replaced by the following:-

“with the approval of competent authority and for reasons to be recorded in writing.”

20. Appendix “A” shall be omitted.

MUHAMMAD EJAZ CHAUDHRY
CHIEF SECRETARY SINDH

No. SORI(SGA&CD)2-30/2010

Karachi, dated the 24th October, 2013

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
BT/10/2013
(MUSADDIQUE MEMON)

SECTION OFFICER (REGULATION-I)

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

1. **The Additional Chief Secretary (Dev.) P&D/Home Department, Govt. of Sindh.**
2. **The Senior Member, Board of Revenue, Sindh, Hyderabad.**
3. **The Principal Secretary to Governor Sindh.**
4. **The Secretary to Chief Minister, Sindh.**
5. **The Registrar, High Court of Sindh, Karachi.**
6. **The Administrative Secretaries (All) Government of Sindh.**
7. **The Secretary to Govt. of Sindh, Law Department w/r to his letter No. S.Reg.4(21)/2010 dated 19.11.2012.**
8. **The Accountant General Sindh, Karachi.**
9. **The Managing Director, SPPRA, w/r to his letter No. Dir(A&f)/SPPRA/13-14/1433 dated 30.09.2013.**
10. **The Secretary to Provincial Ombudsman, Sindh, Karachi.**
11. **The Divisional Commissioners/Deputy Commissioners (All in Sindh).**
12. **The Chairman, Enquiries & Anti-Corruption Establishment, SGA&CD, Govt. of Sindh.**
13. **The Secretary Provincial Assembly Secretariat, Karachi.**
14. **The Secretary, Sindh Public Service Commission, Hyderabad.**
15. **The Deputy Secretary (Staff) to Chief Secretary, Sindh.**
16. **All Officers in SGA&CD/Private Secretary to Chief Secretary, Sindh.**

Musaddique Memon
7/8/10/2013

(MUSADDIQUE MEMON)
SECTION OFFICER (REGULATION-I)