



**GOVERNMENT OF THE PUNJAB
PLANNING AND DEVELOPMENT DEPARTMENT**

Dated Lahore, the 31st March 2014

NOTIFICATION

No. SOE-I(P&D)2014-1278. In exercise of the powers conferred under section 36 of the Punjab Public Private Partnership Ordinance 2014 (II of 2014), Governor of the Punjab is pleased to make the following rules:

1. Short title and commencement.– (1) These rules may be cited as the Punjab Public Private Partnership Rules 2014.

(2) They shall come into force at once.

2. Definitions.– (1) In these rules:

(a) “competitive bidding” means a procedure leading to the award of a PPP agreement on the basis of bids; and

(b) “Ordinance” means the Punjab Public Private Partnership Ordinance 2014 (II of 2014).

(2) The expression used but not defined in these rules shall have the same meaning as is assigned to it in the Ordinance.

3. Principles of public private partnership.– A Government Agency, while entering into a public private partnership, shall ensure that the PPP agreement is entered in a fair, competitive and transparent manner, and the process for award of PPP agreement is legal, efficient and economical.

4. Language.– (1) Subject to sub-rule (2), all communication and documentation relating to selection of a private party for PPP agreement shall either be in Urdu or English or both.

(2) When any contract is required to be executed with any foreigner, the language of the state of the foreigner may also be used in addition to Urdu or English but the original documentation for purposes of record, even in that case, shall be in Urdu or English and the translation in such other language may be used for any other purpose.

(3) In case of conflict, the original documentation on record shall prevail.

5. Procedures of open competitive bidding.– (1) Save as otherwise provided in these rules, a single stage two envelope, a single stage three envelope bidding procedure or a two stage two envelope procedure shall be open competitive bidding procedures used for the selection of a private party.

(2) The procedure for a single stage two envelopes shall be as follows:

(i) the bid shall comprise a single package containing two separate envelopes, containing separately the financial and the technical proposal;

(ii) the envelopes shall respectively be marked as “FINANCIAL PROPOSAL” and “TECHNICAL PROPOSAL”;

- (iii) initially, the envelope marked as "TECHNICAL PROPOSAL" shall be opened;
- (iv) the envelope marked as "FINANCIAL PROPOSAL" shall be retained in the custody of the Government Agency without being opened;
- (v) the Government Agency shall evaluate the technical proposal in the manner published in advance, without reference to the price and shall reject any proposal which does not conform to the specified requirements;
- (vi) during the technical evaluation, the Government Agency shall not permit any amendment in the technical proposal;
- (viii) after the evaluation and approval of the technical proposal, the Government Agency shall publicly open the financial bids received from the bidders who are technically qualified and shall return un-opened all the financial bids received from the bidders who are not technically qualified;
- (ix) the Government Agency shall communicate the time, date and venue to the bidders, in advance, which shall not be beyond the bid validity period; and
- (x) the highest evaluated bidder shall be awarded the PPP agreement.

(3) When pre-qualification is to be done together with inviting technical and financial bids or through a single stage three envelopes bidding, the Government Agency shall adopt the following procedure:

- (i) the bid shall comprise a single package containing three separate envelopes, two containing separately the financial and the technical proposals and third one shall contain pre-qualification documents as required in the bid documents;
- (ii) the envelopes shall be marked as "FINANCIAL PROPOSAL" , "TECHNICAL PROPOSAL" and PRE-QUALIFICATION;
- (iii) initially, the envelope marked as "PREQUALIFICATION" shall be opened;
- (iv) the envelopes marked as "FINANCIAL PROPOSAL" and "TECHNICAL PROPOSAL" shall be retained in the custody of the Government Agency without being opened;
- (v) the Government Agency shall evaluate the pre-qualification documents in a manner prescribed in advance and shall reject any proposal which does not conform to the specified requirements;
- (vi) after submission of the documents, the Government Agency shall not permit any amendment in the technical or financial proposals;
- (vii) after pre-qualifying the bidders, the Government Agency shall return un-opened the envelopes containing the technical or financial proposals to the bidders who fail to pre-qualify;

- (viii) the Government Agency shall open the technical proposals of the pre-qualified bidders at the given time and date in the presence of all the bidders who care to be present but the procedure shall not be vitiated for the reason that a bidder, although invited, but failed to participate in the proceedings; and
- (ix) the Government Agency shall follow the same procedure for opening of technical and financial proposals as contained in sub-rule (2).

(4) The Government Agency may adopt two stage two envelope bidding procedure for a large and complex project where technically unequal proposals are likely to be encountered or where the Government Agency is aware of its options in the market but, for a given set of performance requirements, there are two or more equally acceptable technical solutions available to the Government Agency.

(5) In case of a two stage two envelopes bidding, the Government Agency shall adopt the following procedure:

First stage

- (i) the bid shall comprise a single package containing two separate envelopes containing the financial proposal and the technical proposal;
- (ii) the envelopes shall be marked as "FINANCIAL PROPOSAL" and "TECHNICAL PROPOSAL";
- (iii) initially, only the envelope marked as "TECHNICAL PROPOSAL" shall be opened;
- (iv) the envelope marked as "FINANCIAL PROPOSAL" shall be retained in the custody of the Government Agency without being opened;
- (v) the technical proposal shall be discussed with the bidders with reference to the Government Agency's technical requirements;
- (vi) the bidders willing to meet the requirements of the Government Agency shall be allowed to revise their technical proposals following the discussions; and
- (vii) bidders not willing to conform their technical proposal to the revised requirements of the Government Agency shall be allowed to withdraw their respective bids without forfeiture of their bid security;

Second stage

- (i) after agreement between the Government Agency and the bidders on the technical requirements, bidders who are willing to conform to the revised technical specifications and whose bids have not already been rejected shall submit a revised technical proposal and supplementary financial proposal, according to the technical requirements;
- (ii) the revised technical proposal along with the original financial proposal and supplementary financial proposal shall be opened at a date, time and venue announced in advance by the Government Agency;

- (iii) in setting the date for the submission of the revised technical proposal and supplementary price proposal, the Government Agency shall allow sufficient time to the bidders to incorporate the agreed changes in the technical proposal and to prepare the required supplementary financial proposal; and
- (iv) the Government Agency shall evaluate the whole proposal in accordance with the evaluation criteria and the bid found to be the highest evaluated bid shall be accepted.

6. Time frame to invite tenders for unsolicited project.– (1) A public notice, inviting offers for participation for undertaking a project shall be placed on the websites of the Government Agency, PPP Cell and Public Procurement and Regulatory Authority, and shall be published in at least two national newspapers in case of national competitive bidding and in one international paper in case international competitive bidding for pre-qualification or selection of bidders to undertake the project.

(2) The Government Agency shall allow minimum of fifteen days for national competitive bidding and thirty days for an international competitive bidding to the parties to submit their documents.

(3) The pre-qualification shall be done by adopting the procedure given in section 14 of the Ordinance.

(4) The Government Agency shall complete the evaluation process within thirty days of the last date of submission of the documents.

(5) The Government Agency shall issue bidding documents as described in section 15 of the Ordinance.

(6) In case the Government Agency does not intend to carry out the pre-qualification process separately then it shall adopt the 'single stage three envelopes' bidding procedure with the prior approval of the Committee.

(7) The Government Agency shall hold pre-bid meeting within a reasonable time depending upon the complexity of the project but preferably within fifteen days' time from the date of issuance of bid documents.

(8) The Government Agency shall give adequate time to the bidders for due diligence, preparation and submission of bids.

(9) The Government Agency shall preferably complete the technical evaluation of bids within seven days.

(10) The Government Agency shall publicly open the financial proposals on the date and time already communicated to the bidders.

(11) The Government Agency shall complete financial evaluation within ten days from the last day fixed for submission of bids and process the case under subsections (5), (6) and (7) of section 17 of the Ordinance.

**SECRETARY
GOVERNMENT OF THE PUNJAB
PLANNING AND DEVELOPMENT
DEPARTMENT**

No. & Date Even:-

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

1. The Principal Secretary to Governor, Punjab
2. The Principal Secretary to Chief Minister, Punjab
3. The Senior Member, Board of Revenue, Punjab
4. The Chairman, Planning and Development Department, Punjab
5. The Additional Chief Secretary, Punjab
6. All the Administrative Secretaries in the Punjab
7. The Accountant General, Punjab, Lahore
8. The Secretary (Implementation), Chief Minister's Office, Punjab
9. The Provincial Police Officer, Punjab
10. All Heads of Attached Departments in the Punjab
11. All Heads of Autonomous Bodies in the Punjab
12. The Member, Public Private Partnership Cell, P&D Department, Lahore
13. All District Coordination Officers in the Punjab
14. The Registrar, Lahore High Court, Lahore
15. The Secretary, Provincial Assembly, Punjab
16. The Secretary, Punjab Public Service Commission, Lahore
17. The Secretary Ombudsman, Punjab, Lahore
18. The Registrar, Punjab Service Tribunal, Lahore
19. The Secretary, Chief Minister's Inspection Team, Lahore
20. The PS to Chief Secretary, Punjab
21. The PS to Chairman, P&D Board, Punjab.
22. The Superintendent, Govt. Printing Press, Punjab, Lahore for publishing this notification in Extra ordinary Gazette and providing 20 copies of the same to this Department.

SECTION OFFICER (E-I)