



## RAVI URBAN DEVELOPMENT AUTHORITY

Housing Urban Development & Public Health Engineering Department  
Government of the Punjab



### **The Ravi Urban Development Authority (RUDA) Procurement Regulations 2022 (Amended)**

**Notification No. CEO/RUDA/16-11-2022/02/02:** In exercise of the powers conferred under section 55 read with section 33(3) of The Ravi Urban Development Authority Act 2020, the Board of The Ravi Urban Development Authority is pleased to frame following regulations with effect from 16<sup>th</sup> November 2022:

1. **Short title and commencement.** - (1) These Regulations may be cited as **The Ravi Urban Development Authority (RUDA) Procurement Regulations 2022.**
  - (2) They shall come into force at once.
  - (3) Save as otherwise provided in Regulation 1(5), these Regulations shall apply to and regulate all the procurements / procurement processes carried out / initiated by the Authority after their entry into force.
  - (4) All the procurement processes and transactions which have been initiated prior to the coming into force of these Regulations shall continue to be regulated by the law / regulations which were in force before coming into force of these Regulations including any review on any decision thereon.
  - (5) These Regulations, however, shall not be applicable to the following: -
    - a. Legal services of an Advocate in a Court case or in arbitration, mediation or conciliation proceedings.
    - b. Legal advice given in preparation of any of the proceedings referred to in (a) above.
    - c. Legal instruments creating international law obligations such as international agreement(s) concluded in conformity with the treaties between the States and covering works, supplies or services intended for the joint implementation and exploitation of a project by the signatories.
    - d. The acquisition or rental by the Authority by whatever financial means, of land, existing buildings or other immovable property or concerning rights thereon for provision of public services.





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- e. Contracts for the acquisition, development, production or co-production of program material intended for audio visual media or radio media or contracts for broadcasting of programs that are awarded to audio visual or radio media services providers and shall include intangible assets, goodwill, and intellectual Property and proprietary rights incidental thereto.
- f. Acquisition of scrap and waste material.
- g. On the recommendation of Land Acquisition & Enforcement (LA&E) wing of Authority, the Board through CEO may approve procurement of immovable property through private agreement in accordance with Section 32 of the Act. For this purpose, the Authority shall obtain latest land valuation through at least two (2) reputable land values on the panel of Pakistan Bankers Association/State Bank of Pakistan.
- h. Document certification and authentication services required to be provided by notary public.
- i. Loans whether or not in connection with the issue, sale, purchase or transfer of securities or other financial instruments.
- j. Employment contracts.
- k. Procurements or contracts relating to the provision of public passenger transport services by rail or metro.
- l. Public service contracts awarded by the Authority or to an association of contracting authorities on the basis of exclusive rights given pursuant to law, rule or regulation; and
- m. Where the Provincial Government has exempted a procurement or class of procurements from being undertaken through a bidding process or where the Provincial Government has decided that a procurement or class of procurements is to be made in a different manner from that specified in these Regulations.





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### CHAPTER-I GENERAL PROVISIONS

#### 2. **Definitions.** - (1) In these Regulations:

- a. **"Act"** means The Ravi Urban Development Authority Act 2020 (Act No. XVII of 2020), as amended from time to time;
- b. **"Advertisement"** means an advertisement published by the Authority in the manner prescribed under Regulation 12;
- c. **"Applicant"** means a person who seeks to be enlisted or to be pre-qualified or to be shortlisted in response to an invitation or an advertisement given by the Authority;
- d. **"Authority"** means the Authority as defined in Section 2(c) of the Act;
- e. **"Bid"** means a tender or an offer, in response to an invitation or advertisement by the Authority, by a person expressing its willingness to undertake a specified task / work or provide certain goods or services at a price;
- f. **"Bidding document"** means a document or a set of documents prescribing the quantity, quality, characteristics, conditions and procedures of the contemplated transactions prior to the actual procurement and on the basis of which bidders prepare their bids;
- g. **"Bid security"** means the bank guarantee or other form of security submitted by a bidder together with a bid to secure the obligations of the bidder participating in a bidding / procurement process;
- h. **"Blacklisting"** means barring a bidder, contractor, consultant or supplier from participating in any future procurement proceedings by the Competent Authority;
- i. **"Board"** means the Board of the Authority established under section 4A of the Act;
- j. **"CEO"** means the chief executive officer of the Authority;
- k. **"Competitive bidding"** means a process leading to the award of a procurement contract whereby all the interested persons, firms, companies or organizations may bid for the procurement involved;





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- l. **"Competent Authority"** means the CEO or any official, committee, agency, directorate, sector or wing of the Authority authorized to act as such by the Board;
- m. **"Complex project"** means an assignment / project having high tech and intricate multi-dimensional requirements with operational variation but yet having interdependency and close working proximity with regard to its design, construction, technology and working modalities;
- n. **"Conflict of interest"** means -
- (i) where a contractor, supplier or consultant provides, or could provide, or could be perceived as providing biased professional advice to the Authority to obtain an undue benefit for himself or those affiliated with him;
  - (ii) receiving or giving any remuneration directly or indirectly in connection with the assignment except as provided in the contract;
  - (iii) any engagement in consulting or other procurement activities, of a contractor, supplier, consultant or service provider that conflicts with his role or relationship with the Authority;
  - (iv) where an official of the Authority or a person engaged in the procurement process has a financial or economic interest in the outcome of the process of procurement, in a direct or an indirect manner;
- o. **"Consultant"** means a professional who can study, design, organize, evaluate and manage projects or assess, evaluate and provide specialist advice or give technical assistance for making or drafting policies or institutional reforms and includes private entities, consulting firms, legal advisors, engineering firms, construction managers, management firms, procurement agents, inspection agents, auditors, international and multinational organizations, investment and merchant banks, universities, research institutions, government agencies, non-governmental organizations, and individuals;





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- p. **"Consultancy services"** means services requiring adequate technical expertise and financial capability in undertaking specific assignment or project which are intellectual in nature and differ from the other types of services directly connected with the procurement of goods and works (in which the physical component of the activity is the main function and often involves equipment intensive assignments) and may include, *inter alia*:
- Advisory and review services;
  - Pre-investment or feasibility studies;
  - Construction supervision;
  - Management and related services;
  - Financial services;
  - Legal services (other than legal services of an advocate in a court case or in arbitration, mediation or conciliation proceedings);
  - Other technical services or special studies;
  - Design; and
  - Surveys and investigations;
- q. **"Contract"** means the agreement enforceable at law entered into between the Authority and the successful bidder;
- r. **"Contractor"** means a person, firm, company or public sector organization who undertakes to execute and fulfill all the obligations embedded in the contract;
- s. **"Corrupt and fraudulent practice(s)"** means either one or any combination of the practices given below;
- "Coercive Practice" means any impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence the actions of a party to achieve a wrongful gain or to cause a wrongful loss to another party;
  - "Collusive Practice" means any arrangement between two or more parties to the procurement process or contract execution, designed to achieve (with or without the knowledge of the





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Competent Authority) establishment of prices at artificial, non-competitive levels for any wrongful gain;

(iii) "Corrupt Practice" means the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence the acts of another party for wrongful gain;

(iv) "Fraudulent Practice" means any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;

(v) "Obstructive Practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in a procurement process, or affect the execution of contract or deliberately destroying, falsifying, altering or concealing of evidence material to an investigation or making false statements before investigators in order to materially impede an investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation, or acts intended to materially impede the exercise of inspection and audit rights;

- t. **"Emergency"** means natural calamity, disaster, accident, war and operational emergency which may give rise to abnormal situation requiring prompt and immediate action to limit or avoid damage to person, property or the environment;
- u. **"E-procurement"** means purchase and sales of supplies, equipment, works and services through a web interface / electronically or other network system;
- v. **"Evaluation committee"** means a committee constituted by the Authority to evaluate tenders or proposals for goods, works and non-consultancy services to ascertain whether the proposal or tenders correspond to the evaluation criteria formulated by the Authority;



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- w. **"Evaluation report"** means the report prepared after the evaluation of tenders, quotations, expressions of interest, or proposals and includes both technical and financial reports;
- x. **"Framework Procurement Contract"** means a procurement contract whereby the procurement is made for a certain volume or quantity of a particular good, a set of goods, services or works over a specific period against an agreed sum or rate per item or lump sum;
- y. **"Federal Government"** means the Government of the Islamic Republic of Pakistan;
- z. **"Force Account"** means execution of procurement of small works and non-consultancy services through direct contracting with any state owned entity having resources to perform that particular assignment subject to ascertaining that it is cost and time effective;
- aa. **"Government"** means the Federal Government, a Provincial Government as prescribed under Article 129 of the Constitution of the Islamic Republic of Pakistan, 1973 or a local government;
- bb. **"Grievance Mechanism"** means constitution of a grievance committee established by the Competent Authority to address and decide the grievance petition(s) received in connection with the procurement processes;
- cc. **"Goods"** means articles and objects of any kind and description including raw material, products, equipment, machinery, spares and commodities in any form and includes services incidental thereto such as installation, transport, maintenance and similar obligations related to the supply of goods if the value of these services does not exceed the value of such goods;
- dd. **"Head of Procurement"** means the head of the procurement wing of the Authority;
- ee. **"Indenter"** means the particular wing / department of the Authority which requires procurement of goods, works, services or consultancy services to carry out its assigned responsibility;





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- ff. **"Integrity pact"** means an undertaking given by the bidders whereby bidders, *inter alia* (i) commit to refrain from corrupt and fraudulent practices; (ii) disclose all commissions or similar expenses paid in connection with the procurement or contract; (iii) confirm that they have no conflict of interest; and (iv) in case of violations, agree to sanctions including loss or denial of contract, forfeiture of the bid security, liability for damages, exclusion from bidding on future contracts (debarment) etc.
- gg. **"Large consultancy"** means a consultancy where the cost of consultancy involves Rs five (05) million and above for an individual consultant and Rs ten (10) million and above for consulting firms and the duration extends to one (1) year or beyond;
- hh. **"Lowest evaluated bid"** means:
- i. a bid most closely conforming to evaluation criteria and other conditions specified in the bidding document; and
  - ii. having lowest evaluated cost;
- ii. **"Mis-procurement"** means public procurement in contravention of the provisions of these Regulations or orders or instructions made under the Act or rules or regulations framed thereunder;
- <sup>1</sup> ii(a) **"Mobilization Advance"** The competent authority where the project/procurement necessitates may approve mobilization advance as per RUDA Delegation of Financial Powers Regulation 2020 (amended) to be secured by an Advance payment Guarantee from a acceptable financial institution.
- jj. **"PPRA"** means Punjab Procurement Regulatory Authority established under Section 3 of Punjab Procurement Regulatory Authority Act 2009;
- kk. **"Performance guarantee"** means the bank guarantee or other form of security submitted by the contractor, supplier or consultant to secure obligations under the contract in accordance with the requirements in the bidding document;

<sup>1</sup> Inserted vide RUDA notification number RUDA/LW/Notifications/09/23, dated 05-09-2023





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- ll. **"Person"** includes a company, entity, firm, association of persons, body of individuals, consortiums, joint ventures or a sole proprietor;
- mm. **"Pre-qualification"** means a procedure for demonstrating qualification as a pre-condition for being invited to tender;
- nn. **"Procuring agency"** means Ravi Urban Development Authority (RUDA);
- oo. **"Proposal"** means the technical proposal or the financial proposal or both submitted by a bidder;
- pp. **"Public procurement"** or **"procurement"** means acquisition of goods, services, construction of any work and consultancy services financed only or partly out of the funds of the Authority;
- qq. **"Repeat orders"** means procurement of the same commodity or services from the same source;
- rr. **"Regulations"** means these Ravi Urban Development Authority Procurement Regulations 2022 (as amended from time to time);
- ss. **"Responsive"** means qualified for consideration on the basis of declared evaluation criteria specified in the bidding document or in the request for proposal;
- tt. **"Services"** includes physical, maintenance, professional, intellectual consultancy or advisory services but does not include appointment of an individual to a post or office, advertisement services, arbitration, conciliation or mediation services, services of an advocate in a court case or any other services specifically excluded under these Regulations;
- uu. **"Short consultancy"** means consultancy where the cost of consultancy remains up to Rs five (05) million for individual consultant and Rs ten (10) million for consulting firms and duration of the short consultancies is less than one (1) year;
- vv. **"Short, medium and long period of blacklisting"** means the period of debarment:
- Up to six months (**Short**)
  - From six months but less than one year (**Medium**)
  - From one year to three years (**Long**)





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- ww. **"Standards"** means the requirements which meet the desired quantity, quality, grade and performance level;
- xx. **"Supplier"** means a person who undertakes to supply goods, services or works;
- yy. **"Urgency "** means a limited timeline for the accomplishment of procurement which cannot be met through a competitive bidding method (whether open or limited);
- zz. **"Unsolicited Proposal"** means a proposal submitted by proposer at its own for initiating a project within the jurisdiction of the Authority as mentioned in the Act;
- aaa. **"Value for money"** means the best returns for each rupee spent in terms of quality, timeliness, reliability, after sales service, up-grade ability, price, source, and the combination of whole-life cost and quality to meet the Authority's requirements;
- bbb. **"Works"** means a construction work adding erection, assembly, repair, renovation or demolition of a building or structure or part thereof, site preparation, excavation, installation of equipment or material and decoration, finishing and includes incidental services such as drilling, mapping, satellite photography, seismic investigation and similar activities if the value of those services does not exceed that of the works themselves.
- (2) Any expression used but not defined in these Regulations shall have the same meaning as is assigned to it in the Act.

3. **Scope and Applicability.** - Save as otherwise provided, these Regulations shall apply to all procurements made by the Authority.
4. **Principles of Procurements.** - The Competent Authority, while making any procurement, shall ensure that the procurement is made in a fair and transparent manner, the object of procurement brings value for money to the Authority and the procurement process is efficient and economical.
5. **International Commitments of the Government.** - If any provision of these Regulations is in conflict with an obligation or commitment of Government arising out of an international treaty or an agreement with a State or States, or any international financial institution, or international donor agency, the provision of such international agreements, to the extent of conflict shall prevail.





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### 6. Language: -

- a. Subject to sub-Regulation (b), all communication and documentation relating to procurements of the Authority shall either be in Urdu or English or both. Provided that notices inviting tenders, notices for pre-qualification and requests for expressions of interest shall be issued in aforementioned two languages.
- b. When any procurement is required to be made from any State outside Pakistan, the language of that State 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.
- c. In case of conflict, the original documentation translated in English shall prevail.

7. **Integrity Pact.** All procurement exceeding such limits as may be determined by the Competent Authority shall be subject to an integrity pact between the Authority and a contractor.

7A. **E-Procurement.** The Authority may carry out e-procurement process by using information and communication technologies or digital or electronic means, in such manner as to cover any or all aspects of the procurement process, in accordance with the regulations or guidelines to be prescribed by the Authority.





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### **CHAPTER-II** **PROCUREMENT PLANNING**

**8. Procurement Planning.** – (1) The Head of Procurement shall, within two months from the commencement of a financial year, devise annual planning for all proposed procurements with the object of realistically determining the requirements of the Authority within its available resources, and benefits that are likely to accrue to the Authority and shall place the same before the Board for approval.

(2) Any subsequent change in the procurement plan during the financial year on account of emergence of new projects, emergency, urgency, and for any other reason duly recorded shall not be required to be placed before the Board. CEO shall be the competent forum to accord approval to any subsequent change.

(3) The Authority shall display in advance its annual procurement plan on its website within fifteen (15) days after the approval of the Board.

**9. Limitation on Splitting of Procurement.** - Save as otherwise provided, the Board shall approve with the majority vote of the Board members all proposed procurements for each financial year and subject to Regulation 8(2), the Authority shall proceed accordingly without any splitting or regrouping of the procurements so planned.

**10. Specifications.** - (1) The indenter or the authorized forum shall determine specifications in a manner to allow the widest possible competition which shall not favor any single contractor nor put others at a disadvantage.

(2) The specifications shall be generic and shall not include references to brand names, model numbers, catalogue numbers or similar other classifications but if the indenter is satisfied that the use of, or 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".





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(3) The specifications so proposed and determined by the indenter and approved by the Competent Authority shall be made part of the bidding process.

(4) Procurement of used or reconditioned equipment, plant or machinery is not permissible in any case, whatsoever.

11. **Approval Mechanism.** The Authority through an order in writing shall provide clear authorization and delegation of powers for different categories of procurement.





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### **CHAPTER-III** **ADVERTISEMENT**

- 12. Method of Advertisement.** - (1) Save as otherwise provided in these Regulations, the Authority shall advertise procurement of Rs. one (01) million and up to the limit of Rs. ten (10) million only on the website of the Authority. The Head of Procurement may also advertise such procurement in at least one national daily newspaper of either Urdu or English language in the manner and form as specified under these Regulations if deemed fit in the public interest.
- (2) Subject to Regulations 13, 17(4) and 17(5), any procurement exceeding Rs. 10,000,000/- (ten million rupees only) shall be advertised on the website of the PPRA and the Authority and in at least two national daily newspapers of wide circulation, one in English and one in Urdu.
- (3) The Authority shall ensure that the information posted both on the website of PPRA and the Authority is complete for the purposes for which it has been posted, and such information shall remain available on the website until the closing date for the submission of bids.
- (4) In the case of international competitive bidding, the notice shall be advertised in two widely circulated national English language newspapers, on the website of the PPRA and the Authority and shall also be posted in English language on an internationally known website dedicated for the particular goods, works, services or consultancy services, or any widely circulated English language international print media.
- 13. Exceptions.** - The requirement of advertisement mentioned under Regulation 12, may be dispensed with after prior approval of the Competent Authority in case the publication of advertisement or notice of the proposed procurement involves disclosure of information which is proprietary in nature or falls within the definition of intellectual property which is available only from a single source or relates to national security or in any other circumstances mentioned in these Regulations.





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**14. Response Time.** - (1) The Head of Procurement may decide the response time for receipt of bids or proposals (including proposals for pre-qualification) from the date of publication of an advertisement or notice keeping in view the intricacy of the procurement, availability and exigency of services but in no circumstances shall the response time be less than fifteen (15) days for national competitive bidding and thirty (30) days for international competitive bidding. The period may be extended with the approval of the CEO.

(2) All advertisements or notices shall expressly mention the response time allowed for the procurement along with the information for collection of bid documents which shall be issued till a given date, allowing sufficient time to complete and submit the bid by the closing date. Notwithstanding anything contained in these Regulations, the requirement of response time shall not apply in case of an emergency or of procurement conducted under urgency mode.

(3) The response time shall be calculated from the date of publication of the advertisement in a newspaper or on the website, whichever is later.

**15. Framework Procurement Contract.** - (1) The Competent Authority may procure goods, services or works through framework procurement contract in order to ensure uniformity in the procurement.

(2) The Head of Procurement shall adopt any of the methods of procurement mentioned in these Regulations for purposes of entering into a framework procurement contract.

**16. Price Adjustment for Framework Contract.** (1) The CEO on receipt of request for price adjustment during the contract execution, on the recommendations given by a committee including ED Finance, Head of Procurement and ED Legal based on detailed analysis and comparisons of different economic and operational factors/indicators national or international affecting the prices may approve the recommended price adjustment provided such adjustment will not go beyond 40% of the approved cost. (Under circumstances of normal price volatility).





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### **CHAPTER-IV** **PRE-QUALIFICATION, QUALIFICATION,** **DISQUALIFICATION AND INELIGIBILITY**

**17. Pre-Qualification.** - (1) Subject to sub-Regulation (2), the Head of Procurement may, prior to floating the tenders or invitation to proposals or offers, engage in pre-qualification of bidders in case of goods, services, consultancy services, civil works, turnkey projects and for procurement of expensive and technically complex equipment to ensure that only technically and financially capable firms or persons having adequate managerial capacity are invited to submit bids or proposals.

(2) The CEO shall, subject to sub-Regulation (4) and (5), approve pre-qualification of bidders under sub-Regulation (1) in case of procurement of goods and services involving Rs. 100,000,000/- (one hundred million rupees only) and above and in case of civil works, turnkey projects, procurement of expensive and technically complex equipment and large consultancy involving Rs. 500,000,000/- (five hundred million rupees only) and above, except where the Competent Authority, for reasons to be recorded in writing, dispenses with the requirement of pre-qualification of bidders.

(3) For purposes of pre-qualification of bidders, the Head of Procurement shall take into consideration the following factors on the basis of their capabilities, competence and resources relevant to performance in the particular assignment:

- a. Qualifications;
- b. Relevant experience and past performance;
- c. Capabilities with respect to personnel, equipment, and plant (as applicable);
- d. Financial position (where applicable);
- e. Appropriate managerial capability;
- f. Any other factor that is relevant to the capability, competence and resources required for accomplishment of assignment; and
- g. Any other factor that the Head of Procurement may deem relevant, not being inconsistent with these Regulations.

(4) In case of fast-track projects where time is of the essence, or where potential consultants are limited or the assignment is of a complex nature, the Head of Procurement may, after recording reasons, dispense with the requirements under Regulation 12 and divert to inviting the proposals.





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(5) Notwithstanding anything contained in sub-Regulation (1) and (2), the Head of Procurement may after due diligence shortlist individual consultants, firms or companies having legal, financial and technical expertise without going through the process of pre-qualification prescribed in Regulation 17.

(6) The Head of Procurement may consider any of the individual consultants, firms or companies shortlisted under sub-Regulation (5), after conducting the due evaluation process (technical or financial), in cases where:

- a. Sufficient time to undertake the process of pre-qualification is not available; and
- b. Expertise of the individual consultant, firms or companies shortlisted under sub-Regulation (5) are in line with the requirements of the Authority.

(7) The Head of Procurement shall:

- a. Before initiating the shortlisting process, determine the parameters and selection criteria for shortlisting of individual consultants, firms or companies to be taken as consultant;
- b. Shortlist all such individual consultants, firms or companies only for one financial year strictly in accordance with the procedure provided under these Regulations;
- c. Shortlist at least three individual consultants, firms or companies for each area of expertise. Provided that where sufficient number of consultants are not available in the market the Head of Procurement after recording reasons for restricting to less than three number of consultants, may *pre-qualify* one or two consultants having adequate knowledge and expertise required for the assignment under process;
- d. Upload the list of such shortlisted individual consultants, firms or companies on its website.

(8) The Head of Procurement, if it intends to use the facility of shortlisted individual consultants, firms or companies, while taking up the process of procurement, shall invite technical and financial bids from all such shortlisted individual consultants, firms or companies as per requirements of the Authority.





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**18. Pre-Qualification Process.** - (1) The Head of Procurement while engaging in prequalification shall provide, in the pre-qualification documents, all information required for pre-qualification including instructions for preparation and submission of the pre-qualification documents, evaluation criteria, list of documentary evidence required to confirm their qualifications and any other information that the Head of Procurement deems necessary for pre-qualification.

(2) The Procurement Wing shall provide a set of pre-qualification documents to any prospective bidder on request and, subject to payment of such price as the Head of Procurement may determine to defray the cost on account of printing and provision of the document.

(3) The Head of Procurement shall promptly inform the prospective bidder or firm / consultant who has applied for the pre-qualification whether or not he or it has been prequalified.

(4) On a request, the Head of Procurement shall communicate to the contractors / firms / consultants who have not been pre-qualified the reasons for not having been prequalified.

(5) Only if such pre-qualification process has been carried out for a specific assignment, the prequalified contractors / firms / consultants as the case may be shall be entitled to participate in the subsequent procurement proceedings.

**19. Eligibility** – All interested bidders, firms and individuals, national or international, shall be allowed to bid for any project where international competitive bidding is adopted.

(1) Competition may be restricted only in the following cases;

(a) as a matter of federal/provincial law or rules / regulations prohibiting commercial relations with the bidder's country;

(b) a firm is blacklisted or debarred by any public sector organizations in Pakistan / Authority, and the matter has been reported to PPRA.

(c) Where the project/assignment has been declared complex by the Board.





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(2) Government owned enterprises or institutions may participate only if they can establish that they are:

- (a) legally and financially autonomous; and
- (b) operate under commercial law;

Provided that where government owned universities or research centres in the country are of a unique and exceptional nature, and their participation is critical to project implementation, they may be allowed to participate;

(3) Bidders shall include all those contractors or suppliers and providers of services related thereto or consultants that are registered or incorporated in Pakistan, irrespective of the nationality of their owners and of their professional staff;

(4) There shall be no enlistment or registration of contractors, suppliers and consultants by the Authority, and bidding shall not be restricted in any manner, except as otherwise provided in these Regulations.

**20. Qualification.** - The Head of Procurement, at any stage of the procurement proceedings, having credible reasons for, or prima facie evidence of, any defect in the capacity or otherwise of a contractor, whether or not prequalified, may require the contractor / firm / consultant to provide such further information concerning the professional, technical, financial, legal or managerial competence as the Head of Procurement may decide.

**21. Disqualification.** - (1) The Competent Authority shall disqualify a contractor / firm or consultant, after providing an opportunity of being heard, whether already pre-qualified or not, if it finds at any time:

- (i) that the information submitted by the contractor / firm or consultant concerning its qualification and professional, technical, financial, legal or managerial competence as supplier, consultant or contractor, was false or materially inaccurate or incomplete; or
- (ii) that the contractor/firm or consultant at any stage has indulged in corrupt and fraudulent practices, as defined in these Regulations;

(2) A supplier, contractor or consultant being aggrieved by the decision of the Competent Authority regarding disqualification may seek relief through the grievance mechanism, as provided under Regulation 76 of these Regulations.





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**22. Declaration of Ineligibility.** - (1) The Competent Authority may, after providing an opportunity of being heard, declare, through a notification, an applicant for pre-qualification as ineligible for participating in any public procurement process of the Authority for such period as it may determine on account of his / it engaging, directly or through an agent, in corrupt and fraudulent practice.

(2) A copy of the notification shall be provided to the affected person, firm or consultant.

**23. Blacklisting.** - (1) The Competent Authority may, for a specified period, debar a bidder, contractor or consultant from participating in any procurement process of the Authority, if the bidder, contractor or consultant has:

- a. Acted in a manner detrimental to the public interest or good practices;
- b. Consistently failed to perform its obligations under the contract;
- c. Not performed the contract up to the mark;
- d. Indulged in any corrupt and fraudulent practice; or
- e. Provided false, fabricated or materially incorrect information.

(2) Competent Authority may, on its own motion, or on receipt of information provided by any party, carry out an investigation to determine, whether there is sufficient cause for blacklisting a contractor, consultant or supplier. If the Competent Authority is satisfied that such a cause exists, it shall initiate the process of blacklisting in accordance with the procedure laid down in the Schedule to these Regulations;

(3) As a result of the scrutiny process, as mentioned above in sub-Regulation(2), the Competent Authority may take one of the following decisions:

- a) contractor or consultant or supplier may be blacklisted;
- b) contractor or consultant or supplier may be debarred temporarily, specifying the time period;
- c) contractor or consultant or supplier may be blacklisted if it fails to take the specified remedial actions within a specified time period;

(4) If the Competent Authority debars a bidder or contractor under sub-Regulation (1), it:

- i. Shall publish the decision on its website and on PPRA website;





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- ii. May request PPRA to debar the bidder or contractor from procurement for all public procuring agencies.
- (5) Any person, firm / consultant aggrieved by an order made under Regulation 21 or a decision under sub Regulation (I) of this Regulation may, within thirty days from the date of the publication of the information on the website of the Authority, file a representation before the Chairman of the Board and the Chairman may pass such order on the representation as it may deem fit and such decision shall be final and in terms of Section 48 read with Section 49 of the Act, decision of the Chairman shall not be challengeable in any court of law or before any authority.
- (6) The mechanism or process for barring a bidder or contractor from participating in procurement process of the Authority and for making a representation under this Regulation is specified in the Schedule appended to these Regulations.





**CHAPTER-V**  
**METHODS OF PROCUREMENT**

**24. Principal Method of Procurement.** - Save as otherwise provided hereinafter, the Authority shall use open competitive bidding or publication of request for tender as the principal method of procurement for the procurement of goods, services and works.

**25. Open Competitive Bidding.** – (1) Subject to these Regulations, the Authority shall engage in open competitive bidding if the cost of procurement is Rs. 1,000,000/- and above (one million rupees and above).

(2) There shall be two types of open competitive bidding, International Competitive Bidding and National Competitive Bidding.

**a. International Competitive Bidding**

- i. International Competitive Bidding is open to all interested parties, firms or individuals, whether national or international, but subject to Regulation 19 (Eligibility);
- ii. International Competitive Bidding shall be the default method of procurement for all procurements with an estimated cost equivalent to Rs. 500 million or above;
- iii. Head of Procurement may opt for International Competitive Bidding for procurements below the estimated cost equivalent to Rs. 500 million if it is convinced that technological sophistication, technical expertise or professional capability of the satisfactory level is not available within the country or the best value for money cannot be obtained, if competition is restricted to the domestic companies, firms or parties;

Provided that provisions of Regulation 25 (2) (a) (iii) shall be invoked only with prior approval of the Competent Authority.

**b. National Competitive Bidding**

- i. National Competitive Bidding shall be the procedure wherein bidding is open only to interested national firms, companies or parties and international firms, companies or parties are not invited for the bidding.
- ii. National Competitive Bidding shall be the principal method of procurement with an estimated cost below Rs. 500 million.





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- iii. Head of Procurement may opt for National Competitive Bidding for procurements with an estimated cost equivalent to Rs. 500 million or above, where the Head of Procurement is convinced that it is the most economical and timely way of procuring goods, works, services or consultancy services which, by their nature or scope are unlikely to attract foreign competition. Provided that the Head of Procurement, while making decision to opt for the National Competitive Bidding shall record reasons and justifications for his decision.

Provided further that provisions of Regulation 25 (2) (b) (iii) shall be invoked only with prior approval of the CEO.

**26. Submission of Bids.** - (1) A bidder shall submit a bid in a sealed package or packages in such manner that the contents of the bid are fully enclosed and cannot be known until duly opened.

(2) The Procurement Wing shall ensure that the manner and method of submission and receipt of bids is specified in an unambiguous and clear manner in the bidding documents.

**27. Bidding Documents.** - (1) The Procurement Wing shall formulate precise and unambiguous bidding documents that shall be prepared in accordance with the standard bidding documents approved by the Board and notified by Procurement Wing of the Authority and be made available to the bidders immediately after the publication of the invitation to bid.

(2) Save as otherwise provided, the Procurement Wing, until the standard bidding documents are specified under sub-Regulation (1), may use the bidding documents already in use to the extent they are not inconsistent with these Regulations.

(3) For competitive bidding, whether open or limited, the bidding documents shall include the following:

- a) Invitation to bid;
- b) Instructions to bidders;
- c) Form of bid;
- d) Form of contract;
- e) General or special conditions of contract;
- f) Specifications and drawings or performance criteria (where applicable);
- g) List of goods or bill of quantities (where applicable);





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- h) Delivery time or completion schedule;
- i) Qualification criteria (where applicable);
- j) Bid evaluation criteria;
- k) Format of all securities required (where applicable);
- l) Details of standards (if any) that are to be used in assessing the quality of goods, works or services specified; and
- m) Any other detail not inconsistent with these Regulations that the Authority may deem necessary.

(4) Any information that becomes necessary for bidding or for bid evaluation, after the invitation to bid or issue of the bidding documents to the prospective bidders, shall be provided in a timely manner and on equal opportunity basis.

(5) Where any change becomes essential which impacts the scope or cost of the procurement under process, such change shall be made in a manner similar to that of the original advertisement. The Procurement Wing shall, on payment of such fee as the Head of Procurement may determine keeping in view the cost of printing and provision of the documents, provide a set of bidding documents to the prospective bidders who contact for obtaining the same.

**28. Reservations and Preference.** - (1) The Authority shall allow all prospective bidders to participate in procurement process without regard to nationality except in cases in which the Competent Authority decides to restrict such participation to national bidders only or prohibit participation of bidders of some nationalities in accordance with the policy of the Government.

(2) The Authority shall allow for a preference to domestic or national contractor in accordance with the policies of the Government and the magnitude of price preference to be accorded shall be clearly mentioned in the bidding documents under the bid evaluation criteria.

**29. Bid Security.** - The Head of Procurement may require the bidders to furnish a bid security not exceeding five percent of the estimated price.





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**Explanation.** - In this Regulation, the words 'estimated price' means the price of procurement estimated and provided in the budget at the time of formulating the budget proposal or on the basis of market price strategic survey before initiation of the process of procurement.

**30. Bid Validity.** - (1) The bid validity period will be determined by the Head of Procurement in consultation with the indenter keeping in view the nature and modality of the procurement.

(2) The bid validity time shall be mentioned in the bidding document.

(3) The Procurement Wing shall ordinarily be under an obligation to process and evaluate the bids within the stipulated bid validity period but, under exceptional circumstances and for reasons to be recorded in writing, if an extension is considered necessary, all the bidders shall be requested to extend their respective bid validity period but such extension shall not be for a period greater than the original period of bid validity. Provided that such request to extend bids may only be made during the currency of the original bid.

(4) A bidder who:

- a. Agrees to the extension of the bid validity period shall also extend the validity of the bid bond or security for the extended period of the bid validity;
- b. Agrees to the request for extension of bid validity period shall not be permitted to change the substance of the bid; and
- c. Does not agree to an extension of the bid validity period shall be allowed to withdraw the bid without forfeiture of the bid security.

**31. Extension of Time for Submission of Bids.** - If the Competent Authority considers that it is necessary in public interest to extend the last date for the submission of the bids, it may, after recording reasons, do so in the manner similar to the original advertisement.





**CHAPTER-VI**

**OPENING, EVALUATION AND REJECTION OF BIDS**

**32. Opening of Bids.** - (1) The date for opening of bids and the last date for the submission of bids shall be the same; and bids shall be opened at the time specified in the bidding documents which shall not be less than sixty (60) minutes after the closing time for the submission of the bids.

(2) All bids shall be opened publicly in the presence of the bidders or their representatives who may choose to be present, at the time and place announced prior to the bidding and the evaluation committee in case of single stage one envelope procurement procedure shall ensure;

(i) the evaluation of the bids is finalized on the same day.

(ii) the unit price of only technically responsive bids is announced.

(iii) the minutes of the bids opening are recorded.

(3) In all other three bidding procedures specified in Regulation 41, in the first stage only the technical evaluation shall be carried out and announced.

(4) The unit price where applicable or the bid amount of only those bids which technically declared responsive shall be read aloud.

(5) All bidders in attendance at the time of opening of the bids shall sign an attendance sheet.

(6) The bids submitted after the specified closing time shall be rejected and returned without being opened except where the evaluation committee deems it necessary that accepting delayed bid submission is necessary to generate healthy bid competition, provided such relaxation shall not extend beyond 60 minutes of the bid submission time but before commencement of bid opening.

**33. Evaluation Criteria.** - (1) The Procurement Wing in coordination with the requisitioning department/end user shall formulate an appropriate evaluation criteria listing all the relevant information against which a bid is to be evaluated and such evaluation criteria shall form an integral part of the bidding documents.

(2) In simple or standard procurement process through open competitive bidding on knock out class basis or procurement through direct request for tender, the Procurement Wing





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and the evaluation committee may use the amount of the bid price as the sole evaluation criteria for selection of the responsive bid.

**34. Evaluation of Bids.** - (1) All bids shall be evaluated by the evaluation committee in accordance with the evaluation criteria and other terms and conditions set forth in the bidding document.

(2) For purposes of comparison of the bids quoted in different currencies, the price shall be converted into a single currency specified in the bidding documents and the rate of exchange shall be the selling rate, prevailing on the date of opening of bids specified in the bidding documents, as notified by the State Bank of Pakistan on that day.

(3) A bid once opened in accordance with the prescribed procedure shall be subject to only those rules, regulations and policies that are in force at the time of issue of notice for invitation of bids.

(4) The evaluation of bids can be made either on knockout clause basis or on quantification basis. Provided where quantification evaluation mechanism is decided to be evolved then it shall be under threshold modality ranging from minimum to maximum.

**35. Clarification of Bids.** - (1) No bidder shall be allowed to alter or modify his bid after the submission of the bids.

(2) The evaluation committee may, if necessary, after the opening of the bids, seek and accept such clarifications of the bid which do not change the substance of the bid.

(3) Any request for clarification in the bid, made by the evaluation committee and its response, shall invariably be in writing.

**36. Discriminatory and Difficult Conditions.** - Save as otherwise provided in these Regulations, the Head of Procurement shall not introduce any condition, which discriminates between bidders or which is difficult to meet.

**Explanation.** - In ascertaining the discriminatory or difficult nature of any condition, reference shall be made to the ordinary practices of that trade, manufacturing, construction business or service to which that particular procurement is related.

**37. Rejection of Bids.** - (1) The Competent Authority may reject all bids or proposals at any time or at any stage of procurement process prior to the acceptance of a bid or proposal.





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- (2) The Head of Procurement shall upon request communicate to any bidder, the grounds for rejection of all bids or proposals, but shall not be required to justify those grounds.
- (3) The Authority shall incur no liability, solely by virtue of invoking sub-Regulation (1) towards the bidders.
- (4) The bidders shall be promptly informed about the rejection of the bids, if any.
- (5) The Competent Authority may, for reasons to be recorded in writing, restart the bidding process from any prior stage if it is possible without violating any principle of procurement contained in Regulation 4 and shall immediately communicate the decision to the bidders.

**38. Re-bidding.** - The Competent Authority may reject all the bids under Regulation 37, after assessing the reasons with the help of indenter and may, if deem necessary, revise specifications, evaluation criteria or any other condition for bidders.

**39. One Person One Bid.** - (1) In any procurement process, one person can submit only one bid and if one person submits more than one bid, the evaluation committee shall reject all such bids.

- (2) If a consortium of persons / joint venture has submitted a bid in any procurement, it shall be construed that each member of the consortium / joint venture has submitted the bid.

**40. Announcement of Evaluation Reports.** - The evaluation committee shall announce the results of bid evaluation in the form of a report which shall include technical and financial evaluation both giving justification for acceptance or rejection of bids at least ten (10) days prior to the award of procurement contract and shall upload the same on PPRA/Authority's website for the convenience of all concerned.

**41. Procedures for Selection of Contractors.** (1). - Save as otherwise provided in these Regulations, single stage one envelope bidding procedure shall ordinarily be the main open competitive bidding procedure used for the procurement of works, services (other than consultancy services) and goods and shall be used when the Head of Procurement is convinced that the bids opening and their evaluation shall be finalized in the same day and in the same sitting or where the estimated cost is Rs. 1,000,000/- (1 million rupees only) and above but is less than Rs. 2,000,000/- (two million rupees only).





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### (a) The Single Stage One Envelope Open Competitive Bidding Procedure:

The single stage one envelope open competitive bidding procedure shall involve evaluation of bids on technical and financial grounds and shall be; -

- i. A single package containing both the technical and financial proposals in it.
  - ii. The evaluation committee shall evaluate the technical proposal in the manner prescribed in advance, without reference to the price quoted by the bidder and shall reject the proposal which does not conform to the specified requirements.
  - iii. The evaluation committee shall announce the financial proposal quoted by the bidder only of the technically accepted bids publicly on the same day and in the same sitting within the bid validity period.
  - iv. The financial proposal of the bids found technically nonresponsive shall be returned unannounced.
  - v. The lowest evaluated bidder shall be awarded the contract.
- (2) Other appropriate procedures for selection of contractors other than consultants may be adopted in the following circumstances:

### (b) Single Stage Two Envelopes Bidding Procedure:

Single stage two envelopes bidding procedure shall be used for procurement of such goods, works and services where the bids are to be evaluated on technical and financial grounds and the procedure for single stage two envelopes shall be:

- i. The bid shall be a single package consisting of two separate envelopes, containing separately the financial and the technical proposals;
- ii. The envelopes shall be marked as "Financial Proposal" and "Technical Proposal";
- iii. Envelope containing the financial proposal shall also be marked with a caution: "Not to be opened unless the technical bid is opened";
- iv. In the first instance, the "Technical Proposal" shall be opened and the envelope marked as "Financial Proposal" shall be retained unopened in the custody of the CEO secretariat;
- v. The evaluation committee shall evaluate the technical proposal in the manner prescribed in advance, without reference to the price and shall reject any proposal which does not conform to the specified requirements;





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- vi. During the technical evaluation no amendments in the technical proposal shall be permitted;
- vii. After the evaluation and approval of the technical proposals by the Competent Authority shall open the financial proposals of the technically accepted bids, publicly at a time, date and venue announced and communicated to the bidders in advance which shall be invariably within the bid validity period;
- viii. The financial proposal of the bids found technically non-responsive shall be returned provided that if technically non-responsive bidder intends to file grievance petition against the decision and desires to remain active in the procurement process it may leave the financial bid with the Procuring Agency which shall be returned either on the expiry of the bid validity or on the decision of the complaint, whichever is later;

Provided that the Competent Authority may return the sealed financial proposal earlier if the disqualified or non-responsive bidder or contractor submits an affidavit, through an authorized representative, to the effect that he is satisfied with the proceedings of the Authority; and

- ix. The lowest evaluated bidder shall be awarded the contract.

### (c) Two Stage Bidding Procedure:

Two stage bidding procedure may be adopted in large and complex procurement where technically unequal proposals are likely to be encountered or where the Head of Procurement 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. The bidding procedure shall be:

#### First Stage

- i. In the first instance, the bidders shall submit, according to the required specifications, a technical proposal without quoting price;
- ii. The technical proposal shall be evaluated in accordance with the specified evaluation criteria and may be discussed with the bidders in a pre-bid meeting to remove any deficiencies and unsatisfactory technical features;





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- iii. After such discussions, the Procurement Wing in consultation with the indenter may revise or modify any aspect of the technical requirements or evaluation criteria, or it may add new requirements or criteria not inconsistent with these Regulations. The revised and modified technical criteria shall be made part of the final bidding documents.
- iv. The bidding process shall be initiated by inviting the bids from the prospective bidders, through advertisements as per requirement of Regulation 12. Sufficient time shall be allowed to the bidders which shall not be less fifteen (15) days in the case of national competitive bidding and thirty (30) days in case of international competitive bidding;

### **Second Stage**

- i. The second stage shall be open bidding competition and all prospective bidders inclined to participate, may submit their technical bid along with financial proposal;
- ii. The technical proposals and the financial proposals received shall be opened at a time, date and venue announced and communicated to the bidders in advance;
- iii. The evaluation committee shall evaluate the technical proposal in the manner prescribed in advance, without reference to the price and shall reject any proposal which does not conform to the specified requirements;
- iv. During the technical evaluation no amendments in the technical proposal shall be permitted;
- v. After the evaluation and approval of the technical proposals, the evaluation committee shall open the financial proposals of the technically accepted bids, publicly at a time, date and venue announced and communicated to the bidders in advance which shall be invariably, within the bid validity period;
- vi. The technical proposal and the financial proposal shall be evaluated in the manner prescribed in the bidding document and the lowest evaluated bid shall be accepted;





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vii. The financial proposal of the bids found technically non-responsive shall be returned provided that if technically non-responsive bidder intends to file grievance petition against the decision and desires to remain active in the procurement process it may leave the financial bid with the Procuring Agency which shall be returned either on the expiry of the bid validity or on the decision of the complaint, whichever is later.

Provided that the Competent Authority may return the sealed financial proposal earlier if the disqualified or non-responsive bidder or contractor submits an affidavit, through an authorized representative, to the effect that it is satisfied with the proceedings of the Authority;

**(d) Two Stage Two Envelope Bidding Procedure**

Two stage two envelope bidding procedure shall be used for procurement where alternative technical proposals are possible for certain types of machinery or equipment or manufacturing plant and the price varies excessively.

**First Stage**

- i. The bid shall comprise a single package comprising two separate envelopes containing the financial proposal and the technical proposal;
- ii. The envelopes shall be marked as "Financial Proposal" and "Technical Proposal";
- iii. In the first instance, the envelope marked "Technical Proposal" shall be opened and the envelope marked as "Financial Proposal" shall be retained unopened in the safe custody of the Authority;
- iv. The technical proposals shall be discussed with the bidders in a meeting, on a time and date already specified, with reference to the Authority's technical requirements;
- v. As a result of the discussions with the bidders the Procurement Wing in consultation with the indenter may revise the technical specifications and only those bidders willing to meet the requirements of the Authority shall be allowed to revise their technical proposals following these discussions; and





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- vi. Bidders not willing to conform to the technical proposal as per revised requirements of the Authority shall be allowed to withdraw their respective bids (financial / technical) without forfeiture of their bid security;

### **Second Stage**

- i. In respect of the revised technical specifications which have mutually been agreed upon by both the Authority and the bidders, the bidders who are willing to conform to the revised technical specifications and whose bids have not already been rejected shall be allowed to submit revised technical proposal and supplementary financial proposal, if any, corresponding to the revised technical requirement;
- 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 evaluation committee;

Provided that in setting the date for the submission of the revised technical proposals and supplementary price proposals the evaluation committee shall allow sufficient time which shall not be less than seven days (7) for national and fifteen days (15) for international bidders to incorporate the agreed changes in the technical proposal and to prepare the financial proposal accordingly;

- iii. Only those bidders who in the first stage participated in the process and whose technical bid was declared responsive and whose original financial bid remained with the Authority shall be allowed to participate in the second stage of the bid process.
- iv. The evaluation committee shall evaluate all the proposals in accordance with the evaluation criteria and the lowest evaluated bid shall be accepted.

**42. Deeming Provision.** Notwithstanding anything contained in these Regulations, the Competent Authority may by notification direct that the procurements mentioned in the notification may be made in the manner provided under Regulation 60 and in that case the expression 'consultant' or 'consultants' in that Regulation shall be deemed as 'contractor' or 'contractors' and the said Regulation shall be construed accordingly.





**CHAPTER-VII**

**ACCEPTANCE OF BIDS AND AWARD OF PROCUREMENT CONTRACT**

43. **Acceptance of Bids.** - Subject to these Regulations, the bidder with the lowest evaluated bid shall be awarded the procurement contract within the original or extended bid validity period.
44. **Single Complying Proposal.** - Subject to Regulation 34-, after the procedural due process if only one complying bid is received, the Competent Authority may award the procurement contract to the bidder.
45. **Performance Guarantee.** - Where needed and clearly expressed in the bidding documents, the Procurement Wing shall prior to the Authority entering into contract require the successful bidder to furnish a performance guarantee which shall not exceed ten percent (10%) of the contract amount.
46. **Limitation on Negotiations.** - Save as otherwise provided in these Regulations, price shall not be negotiated with any of the bidders.
47. **Confidentiality.** - The Competent Authority shall keep all information regarding the bid evaluation confidential until the time of the announcement of the evaluation report in accordance with Regulation 40.
48. **Alternative Methods of Procurements.** - The Procurement Wing may utilize the following alternative methods of procurement of goods, services and works:
- (a) **Petty Purchases:** The Procurement Wing may engage in petty purchases where the object of the procurement is below the financial limit of Rs. 500,000/- (five hundred thousand rupees only) and such procurement shall be exempted from the requirements of bidding or quotation of prices; the Head of Procurement Wing shall, however, ensure that procurement of petty purchases is in conformity with the principles of procurement as laid out in Regulation 4;
  - (b) **Procurement through Quotation:** The Procurement Wing may engage in procurement through at least three quotations where the cost of the procurement is Rs. 500,000/- (five hundred thousand only) or more but less than Rs. 1,000,000/- (one million rupees only) and such procurement shall be exempted





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from the requirements of bidding process and application of any of the procedures defined under Regulation 41. The Head of Procurement shall, however ensure that such procurement is in conformity with the principles of procurement as envisaged under Regulation 4;

Provided that for determination of procurement process the indenter shall refer to the allocation of budget and only if for the specific procurement, the allocation is within the prescribed financial threshold i.e., up to Rs. 500,000/- (five hundred thousand rupees only) or Rs. 1,000,000/- (one million rupees only) the procurement under (a) & (b) above shall be made accordingly.

- (c) **Direct Contract:** The Procurement Wing shall only engage in procurement through direct contracting in the presence of any of the following conditions / scenarios:
- The procurement concerns the acquisition of spare parts or supplementary services from original manufacturer or supplier when the same are not available from alternative sources;
  - Only one manufacturer, supplier or expert exists for the required procurement but in such a case, the CEO shall authorize procurement of proprietary object after due diligence;
  - Where a change of supplier or service provider or consultant may result in acquisition of material, services or technical expertise having different technical specifications or characteristics and approach for consultant expertise that may cause incompatibility or disproportionate technical difficulties in operation and maintenance; and the contract does not exceed three (3) years in duration;
  - Repeat orders not exceeding twenty percent (20%) of the original procurement value;
  - In case of an emergency duly declared by the Board or by the authorized forum Competent Authority either himself or the Head of Procurement shall proceed for effecting the procurement through direct contracting with the source / vendor / seller / supplier competent to provide the requisite;
  - When the price of goods, services or works is fixed by a Government or any





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other authority, agency or body under the law; or

- vii. For purchase of motor vehicle(s) from local original manufacturers or their authorized agents at manufacturer's price.

(d) **Negotiated Tendering:** The Procurement Wing may engage in negotiated tendering with one or more contractors with or without prior publication of a procurement notification but this procedure shall only be used when:

- i. The supplies involved are manufactured purely for the purpose of supporting a specific piece of research or an experiment, a study or a particular development;
- ii. For technical or artistic reasons, or for reasons connected with protection of exclusive rights or intellectual property, the supplies may be manufactured by only a particular supplier for the procurement involved (sole authorization);
- iii. For reasons of extreme urgency brought about by events unforeseeable and the time limits laid down for open and limited bidding methods cannot be met, however, the circumstances invoked to justify extreme urgency must not be attributable to the indenter;
- iv. Where specialist services are required from international firms such as specialist design and engineering services, specialist engineering services, specialist technology areas, provided that in such cases bids are received from at least three different countries from specialist companies / firms recognized in their subject areas with same or comparable caliber; all such bids are to be received by the evaluation committee and negotiations are to be allowed to obtain the best possible bid; and
- v. The CEO deems it appropriate with reasons to be recorded in writing that any specific procurement should be made on urgent basis and shall fix the timeline for such urgency which shall not be beyond six (06) months.





**(e) Direct Contracting with an organization, owned and controlled by the Government:**

(i) For procurement of <sup>2</sup>goods, works, services and consultancy services, the Head of Procurement shall engage an organization, semi-autonomous or autonomous institution under the administrative control of the Government, registered with PPRA, in direct contracting, <sup>3</sup>if the procurement involves anyone of the following:

(a) time bound; or

(b) of sensitive nature and its information cannot be shared with private sector.

(ii) Government organization engaged for the procurement shall accomplish the task exclusively through its own resources without involving private sector as a partner or in the form of a joint venture or as a sub-contractor;

(iii) in case, there are more than one eligible organizations intending to participate, then the competition shall be held among such organizations.

(iv) Regulations 12 and 14 of these Regulations shall not apply on procurement process under this Regulation 48.

**(f) Force Account.** The Head of Procurement, may use force account if the value of procurement does not exceed Rs. 200,000,000/- (two hundred million rupees only) subject to the following conditions, namely: -

(i) the required works are small, scattered or remotely located for which qualified construction firms are unlikely to bid at reasonable prices;

(ii) work is required to be carried out without disrupting ongoing operations;

(iii) urgent repairs, rehabilitation and remodeling works of national heritage requiring prompt attention to prevent further damages;

(iv) where unavoidable risk is better borne by the state-owned entity than that of contractor;

<sup>2</sup> Inserted vide RUDA notification number RUDA/LW/Notifications/09/23, dated 05-09-2023

<sup>3</sup> In Regulation 48(e)(i) the words "if project is" modified vide RUDA notification number RUDA/LW/Notifications/09/23, dated 05-09-2023





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(v) there are extreme urgencies which require prompt attention, or

(vi) the project is of sensitive nature and its information cannot be shared with private sector.

Provided that state owned entity engaged for the procurement shall accomplish the task exclusively through its own resources without involving private sector as a partner or in the form of a joint venture or as a sub-contractor.

Provided further that, where there are more than one eligible state-owned entities having such resources to perform that particular assignment, limited competition shall be held amongst them through soliciting the proposals following any mode of enquiry providing reasonable time without requirement of publication of open advertisement.

**49. Unsolicited proposal.** - In case of unsolicited proposal received for any engineering, procurement and construction (EPC) project, or for initiation of any assignment / pre-requisites (feasibility study) incidental to any such project which involves cost of Rs. 1,000,000,000/- (one billion rupees only) and above, the concerned wing/department of the Authority shall examine the proposal to ascertain its viability and necessity and after such process if the proposal is found viable and the requirement is affirmed, the Procurement Wing shall: -

- a. advertise the proposal for open competition without disclosing the name of the initiator of unsolicited proposal;
- b. conduct pre-qualification process;
- c. exempt the initiator of the unsolicited proposal from the pre-qualification;
- d. award five percent additional weightage to the initiator of the proposal from the combined score of technical and financial evaluation;
- e. if no other bidder in response to the advertisement submits bid, the Head of Procurement may award the contract to the initiator of the proposal;
- f. in case of bidding competition, the initiator of the proposal shall be given first right of refusal if the initiator does not emerge as the lowest bidder;
- g. unless otherwise expressly stated in writing by the initiator, the procuring agency may, if it considers necessary, disclose any information of the unsolicited proposal or





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the bidders as part of procurement process.

50. **Exemption.** - (1) The Board in the exigency of the services required to effectively carry out the purpose of the Act may relax application of these Regulations for procurement of services.

(2) The Head of Procurement may directly procure goods from a public sector manufacturing unit on fixed price or negotiated price where value of procurement does not exceed Rs five (05) million.

(3) Where value of goods exceeds Rs. 5,000,000/- (five million rupees only) and in a competitive bidding, the public sector manufacturing unit participating in the bid may, within three (3) working days of opening of the financial bids when not emerging as the lowest evaluated bidder, match the lowest evaluated bid. Where more than one public sector manufacturing unit matches the lowest price, the CEO shall have the discretion to select one bid most conforming to the principles of procurement contained in Regulation 4.

(4) In this Regulation 50, public sector manufacturing unit means a manufacturing unit owned or controlled by a Government or by an organization which is owned or controlled by a Government and enlisted with the PPRA as such and is available on the website of PPRA.

51. **Commencement of Procurement Contract.** - (1) A procurement contract shall come into force:

- a. Where no formal signing of a procurement contract is required, from the date the notice of the acceptance of the bid or purchase order has been given to the bidder whose bid has been accepted and such notice of acceptance or purchase order shall be issued within a reasonable time which shall not exceed ten days (10) after evaluation report (including financial and technical both) publication on PPRA and Authority website, whichever is earlier, for procurement on national level and fifteen days (15) for procurement at international level; or
- b. Where the Authority requires signing of a written procurement contract, from the date on which the signatures of both the CEO and the successful bidder are affixed to the written procurement contract and such affixing of signatures shall take place





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within a reasonable time which shall less than ten/fifteen days (10/15)(ten days for national and 15 days for international contract) from publication of evaluation report on PPRA and Authority website; or

- c. Where the coming into force of a procurement contract is contingent upon fulfilment of a certain condition or conditions, the contract shall take effect from the date on which such fulfilment takes place.

52. **Closing of Contract.** - (1) Except for defect liability by the contractor, as specified in the relevant procurement contract, performance of the procurement contract shall be deemed closed on the issue of overall delivery certificate or taking over certificate which shall be issued within thirty (30) days of final taking over of goods or receiving the deliverables or completion of works enabling the contractor to submit final bill.

(2) In case of defect liability, defect liability certificate shall be issued within thirty (30) days of the expiry of the said period enabling the contractor to submit the final bill, except for unsettled claims, which shall be settled through resolution of dispute mechanism provided in the relevant procurement contract.

53. **On account payments.** - The Competent Authority shall ensure that all payments to the contractor / consultants / Government manufacturing units / authorized vendors / dealers are made promptly against the invoice or running bill on satisfactory performance certificate given by the end user within the time given in the conditions of the contract which shall not exceed thirty (30) days.

54. **Assignment.** - The Competent Authority may assign whole or part of procurement process to another procuring agency set up and acting under the control of a Government with the consent of such other procuring agency.





**CHAPTER-VIII**  
**PROCUREMENT OF CONSULTANCY SERVICES**

55. **Rights and Obligations.** - The rights and obligations of the Authority and the consultant shall be governed by the provision(s) of the relevant procurement contract.
56. **Consultant Selection Committee.** - The CEO, for the selection of consultant, except for short consultancies, shall set up a Consultant Selection Committee of odd number members, which shall include the following:
- a. Head of the concerned wing of the Authority (indenter) who shall be its <sup>4</sup>convener;
  - b. Director Finance or his nominee which shall not be less than the rank of Deputy Director;
  - c. Director Procurement or his nominee which shall not be less than the rank of Deputy Director;
  - d. Deputy Director Operations wing of the Authority or <sup>5</sup>his nominee which shall not be less than the rank of Assistant Director;
  - e. Deputy Director of the concerned wing (indenter) of the Authority as a member / secretary of the committee;
  - f. The Competent Authority may as deemed appropriate keeping in view the requirement of the procurement, co-opt member(s) having adequate knowledge and experience in the relevant field, for assistance in the procurement process that may require technical input but such member(s) shall not have right to vote.
57. **Quorum.** - Three members, including the <sup>6</sup>convener of the Consultant Selection Committee, shall form quorum for conducting the business of the Consultant Selection Committee.
58. **Decision by simple majority.** - All decisions of the Consultant Selection Committee shall be made by majority of the members present and voting.

<sup>4</sup> Substituted vide RUDA notification number RUDA/LW/Notifications/09/23, dated 05-09-2023

<sup>5</sup> Inserted vide RUDA notification number RUDA/LW/Notifications/09/23, dated 05-09-2023

<sup>6</sup> The word "chairman" substituted with "convener" vide RUDA notification number RUDA/LW/Notifications/09/23, dated 05-09-2023





**59. Functions and responsibilities of Committee for selection of consultants.** The

Consultant Selection Committee shall perform the following functions:

- a. Short listing of consultants responding to the Expression of Interest (EOI), where applicable, in accordance with the criteria mentioned in the EOI;
- b. Approval of request for proposal (RFP) before issuance;
- c. Preparation and approval of the terms of reference (TORs) of the assignment;
- d. Preparation of the cost estimates or budget of the assignment;
- e. Public advertisement of invitation of consultants' expression of interest (EOI) and their short listing;
- f. Public advertisement of preparation and issuance of the request for proposal (RFP) to the shortlisted consultants;
- g. Evaluation of technical proposal, according to the selection method and evaluation criteria, mentioned in the RFP, and in accordance with the provisions of these Regulations;
- h. Opening and evaluation of financial proposals; and
- i. Finalization of recommendation and their submission to the Competent Authority for selection of consultants based on evaluation criteria.

**60. Methods for Selection of Consultants.** - (I) The Head of Procurement may approve one of the following methods in the succeeding sub-Regulations for selection of a consultant.

**(2) Least Cost Selection:**

This is the preferred mode for selection of consultants for assignments of standard or routine nature such as audit, simple engineering design or supervision of non-complex works, where well established practices and standards exist.

**(3) Quality and Cost Based Selection:**

This mode of selection may be used where:

- a) Quality is the prime consideration while cost is a secondary consideration;
- b) Terms of reference (TORs) are well defined;





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- c) For determining technical responsiveness of the bidders (65%) percent marks has been given as the minimum criteria;
- d) For opening of financial proposals and its evaluation obtaining (65%) percent marks in the technical evaluation is the minimum baseline;
- e) The weightage for quality is normally of eighty percent (80%) with twenty percent (20%) given to cost and more than twenty percent (20%) weightage to the cost of the services only in relatively routine and straightforward assignments (such as design of simple structures), whereas in no cases should it exceed thirty percent (30%) and the consultant obtaining the highest combined score shall be invited for negotiations.
- f) The financial proposals of only those technically responsive bidders who obtained minimum sixty-five percent (65%) marks shall be opened;
- g) A combined evaluation of the technical and financial proposals is carried out by weightage and adding the quality and the cost scores.

#### **(4) Quality Based Selection:**

This modality may be used for highly specialized, innovative and complex assignments, where quality is the predominant factor.

- (5) Subject to sub-Regulation (6), the Competent Authority may, in a complex project, engage through direct contracting an organization owned or controlled by a Government with the prior approval of Board.
- (6) In case of engagement of an organization under sub-regulation (5), the Head of Procurement, shall:
  - (a) After recording reasons in writing, use any method for selection of consultant other than least cost selection.
  - (b) Record reasons in writing for direct contracting and shall issue a certificate of reasonability of the negotiated price of consultancy based on the principles of procurement contained in Regulation 4, and obtain approval of the Board to the extent of declaring the project as complex.





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### 61. Decision by the Board:

All decisions taken by the Board for declaring a project as complex shall be made by majority of the members present and voting.

### 62. Selection Process of Individual Consultant. The following shall be the selection process of individual consultant for short consultancy:

- a. Individual consultant may not be required to submit proposals and shall be selected based on the qualifications and experience for the assignment;
- b. Individual consultant shall be selected by comparing the qualifications, capability and experience of at least three consultants among those who have expressed interest in the assignment or have been approached directly by the Procurement Wing;
- c. Individual consultant considered for the comparison of qualifications, capability and experience shall meet the minimum relevant qualifications, and the one selected/decided to be engaged for the job/assignment CEO, shall be the best qualified and be fully capable of carrying out the assignment;
- d. Individual consultant may be selected on a single source basis (with due justification) in exceptional cases such as an emergency / urgency situation as defined under Regulation 2(s) and Regulation 2(ww) and in terms of Regulation 44 and Regulation 48(d)(v) of these Regulations respectively or where the individual is the only consultant qualified for the assignment;
- e. For key assignments, interviews etc. if required can also be prescribed by the Head of Procurement.

### 63. Selection of Firm of Consultant:

The selection of firm of consultant in a short consultancy shall be made when the requirements include:

- a. third party validation,
- b. bid evaluation,
- c. terms of reference,
- d. preparation of documents relating to prequalification and request for proposal,
- e. pre shipment inspection,
- f. audit,
- g. simple engineering design or supervision of non-complex work.





**64. Selection Process of Firm of Consultants.**

The selection process for engaging consultant firms in short consultancy mode shall include:

- a. The firm shall be selected by considering at least three quotations from renowned, registered/licensed and well reputed firms on the basis of qualification and experience relevant for the assignment;
- b. The firm considered for the comparison of qualification and experience shall meet the minimum relevant qualification and the one selected to be engaged by the Competent Authority shall be the best qualified and fully capable of carrying out assignment; and
- c. Any person(s) assigned the job of evaluating the credentials of the consultants' by the CEO shall conduct interviews or evolve such modalities as it may deem appropriate for the selection of best option.

**65. Selection of Consultant through Direct Contracting.** Notwithstanding anything contained under Regulation 67 and 68, the Head of Procurement may engage International Firms for assignments as mentioned below requiring specialized area of experience which is not available in the country through RFP/bidding process having at least three prospective consultants to compete. The selection mode for such consultant will be Quality and Cost based as per Regulation 60(3).

The areas for which such modality may be adopted shall include: -

- i. Smart Cities / Infrastructure,
- ii. Power Infrastructure related to renewables
- iii. Water Studies
- iv. Dam and River Training Works
- v. Specialized Transportation Network
- vi. Sales and Marketing
- vii. Vertical Agriculture Farming Advance Techniques
- viii. Specialized Digital Master Planning Models and 3D ports and piers designing
- ix. Island Designing and Studies
- x. Smart Forest
- xi. Specialized Urban Design Services
- xii. Technology Hubs and Specialized Zones





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- xiii. International Webinars and Seminar Companies
- xiv. Any other special assignment decided by the Competent Forum.

**66. Selection Process of Consultant Firms Under Direct Contracting.** The selection process for engaging consultant firms under direct contracting mode shall be as follows:

- a. The consultant firm shall be selected by considering at least three quotations from renowned international firms specialized in the required area of consultancy having a good market standing and repute on the basis of qualification and experience relevant for the assignment.
- b. The consultant firms considered for the comparison of qualification and experience shall require to meet the minimum relevant qualification and the one selected to be engaged by the Head of Procurement shall be the best qualified and fully capable of carrying out assignment efficiently and effectively.
- c. The selection of consultant for specialized assignment shall be processed through Consultant Selection Committee (CSC); and
- d. The Head of Procurement shall conduct interviews or evolve such selection modality as may deem appropriate for selection of best option amongst the ones recommended by CSC.

**67. Expression of Interest.**

(1) For consultancy services other than short consultancies, a request for expression of interest shall be advertised in accordance with the provisions of Regulation 12, 13 and 14.

(2) The request for expression of interest shall contain the following information:

- a) The name and address of Authority;
- b) An appropriate description of the assignment providing scope of the intellectual and professional services required;
- c) Closing date and place of the submission of the expression of interest;
- d) Criteria for short listing or prequalification where required; and
- e) Any other information that the Authority may deem appropriate to disseminate at this stage.





68. **Request for Proposals (RFP).** - The Procurement Wing shall use RFP for seeking proposals from the shortlisted or pre-qualified consultants which shall include the following:

a. **Letter of Invitation:**

The letter of invitation shall mention the name and address of the Authority and its intention to enter into a procurement contract for provision of consulting services and contain names of all the short-listed firms;

b. **Instruction to Consultants:**

The instructions to consultants shall contain all necessary information that may help them prepare responsive proposals;

c. **Terms of Reference (TORs):**

TORs shall be framed unambiguously defining the objectives, goals and scope of the assignment, core team of required experts, expected deliverables with timelines and list of services necessary to carry out the assignment;

d. **Evaluation Criteria:**

Except as otherwise provided, the evaluation of proposals shall be carried out giving due consideration to quality and cost.

69. **Type of Procurement Contract:** The Procurement Wing, depending upon the circumstances, may use one of the following types of procurement contract:

i. **Lump Sum Procurement Contract:** It shall be used mainly for assignments in which the content, duration of the services and the required output are unambiguously defined;

ii. **Time Based Contract:** It shall be used when it is difficult to define the scope and the length of services;

iii. **Hourly or Daily Rates:** It shall be used for small projects, especially when the assignment is for less than a month; and

iv. **Any other type of contract:** Based on combination of the above and including out of pocket expenses, where required.

70. **Special Provisions:** (1) The Head of Procurement may specify any other requirement related to the assignment or procurement contract, where required.

(2) The Head of Procurement shall invite the prospective consultants to submit their technical and financial proposals in separately sealed envelopes within the deadline defined for





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submission of proposals. The prospective bidders / consultants shall be given adequate time to prepare their proposals which shall not be less than fifteen days (15) for national bidders and thirty (30) days for international bidders.

**71. Evaluation of Quality of Consulting Services.** - Evaluation criteria for technical evaluation of consultants shall include the following:

- a. **Experience:** The consultants' specialized skills, work on similar assignments and access to particular technologies related to the assignment;
- b. **Financial Capability:** Financial capability of the consultant may be evaluated with a view to ensuring that the consultant can complete the assigned task in a timely manner;
- c. **Approach and Methodology:** The methodology proposed by the consultants shall be evaluated for its innovativeness and soundness;
- d. **Quality Management:** The availability of a well-established quality management system may be taken into account for large and complex assignments; and
- e. **Staff Proposed:** Qualifications and experience of the proposed staff of the consultant in the relevant field.

**72. Association of Consultants.** - (1) An association of consultants may take either the form of a joint venture or a subcontract and such association may participate in procurement process with the permission of the Competent Authority.

(2) All members of a consortium, association or joint venture if awarded the procurement contract, shall individually sign and jointly and severally be liable for the entire assignment.

(3) Under sub-consultancy, the main consultant may engage another consultant for performing part of an assignment, only if expressly provided in the contract agreement and expressly agreed to by the Competent Authority. The main consultant shall, however, bear all responsibility for quality of the output and in all other respects as provided in the main contract.

**73. Intellectual Property Rights.** - (1) All documents, reports, designs, research work and all deliverables prepared by the consultant shall become and remain the property of the Authority.

(2) Any restrictions on the future use of these documents and software by the consultant shall be specified in the conditions of the contract.





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74. **Negotiations.** (1) Notwithstanding the provision under Regulation 46 (Limitation on negotiations), negotiations may be held with the highest ranked bidder for consultancy regarding methodology, work plan, staffing, contract price, payment terms and special conditions of the contract.
- (2) In case of failure of negotiations, the Head of Procurement may invite the next highest ranked bidder.
- (3) A separate committee authorized by Competent Authority shall negotiate with the consultant and negotiation by a single person on behalf of the Competent Authority shall not be allowed.
75. **Professional Liability of Consultant.** - (1) The Procurement Wing may demand insurance on part of the consultant to cover the liability of the consultant and necessary costs shall be borne by the consultant.
- (2) The extent of liability of the consultant shall form part of the contract and such liability shall not be less than remunerations of the consultant nor shall it be more than twice the remuneration.
- (3) The Head of Procurement may demand insurance on part of consultant to cover liability of consultant and necessary costs shall be borne by the consultant.
- (4) The consultant shall be held liable for all losses or damages suffered by the Authority on account of any misconduct by the consultant in performing the consulting services.





**CHAPTER-IX**

**REDRESSAL OF GRIEVANCES/GRIEVANCE MECHANISM**

76. **Grievance Committee for Procurement Process.** - (1) The CEO shall constitute a committee comprising of odd number of persons, with proper powers and authorization, to address the complaints of bidders that may occur prior to the entry into force of the procurement contract. No contract shall be made pending redressal of the grievance by the Grievance Redressal Committee.
- (2) Any bidder feeling aggrieved by any act of any committee conducting the procurement process or any of its members or having any reservation about the bidding process may after advertisement, or after the submission of its bid lodge a written complaint concerning its grievances not later than ten (10) days after the announcement of the bid evaluation report before the competent forum (Grievance Redressal Committee).
- (3) The Grievance Redressal Committee shall investigate and decide upon the complaint within ten (10) days of the receipt of the complaint.
- (4) The bidder feeling aggrieved by the decision of the Grievance Redressal Committee or by any act of a member of the Grievance Redressal Committee may within seven (07) days file appeal before Chief Executive Officer (appellate forum) of the Authority whose decision shall be final.
- (5) Mere fact of lodging of a complaint before the Grievance Redressal Committee or an appeal before the appellate forum shall not warrant suspension of the procurement process but the appellate forum, may consider suspension of the procurement process in appropriate cases.
- (6) No grievance petition / complaint shall be entertained where the bidder has withdrawn his financial bid after being declared technically non responsive. A bidder who, following grievance petition submission but pending decision of the Grievance Redressal Committee or appellate forum, withdraws his financial bid, shall not have any right to be part of the bidding process irrespective of whether Grievance Redressal Committee or appellate forum declares him responsive.





**CHAPTER-X**

**MAINTENANCE OF RECORD AND FREEDOM OF INFORMATION**

77. **Record of Procurement.** - The Procurement Wing shall ensure that a central record office is maintained. All the procurement record / files / correspondence shall be maintained and kept in safe custody by the concerned indenting wing during the currency of the bidding process / contract. All procurement records after the accomplishment of the task and on fulfillment of all the post expiry requirements of the contract or on expiry of warranty / guarantee of the goods acquired along with all associated documents shall be kept in safe custody by the central record office for a minimum period of five (05) years.
78. **Public Access and Transparency.** - (1) As soon as a contract has been awarded, the Procurement Wing shall make all documents related to the evaluation of the bid and award of contract public through Authority website.
- (2) Where the disclosure of any information related to the award of a contract is proprietary in nature or where the CEO is convinced that such disclosure shall be against the public interest, it may withhold only such information from public disclosure with the prior approval of the Board.

**CHAPTER-XI**

**SETTLEMENT OF DISPUTE AND MIS PROCUREMENT**

79. **Arbitration.** - (1) After coming into force of the procurement contract, all disputes between the parties to the contract shall be settled through mediations and arbitration if so, provided in the contract.
- (2) The Head of Procurement shall ensure that a detailed and specified method of mediation or arbitration or both has been provided in the procurement contract.
80. **Mis-Procurement.** - Any violation of these Regulations shall be treated as mis-procurement. The CEO shall be the Competent Authority to decide the matter of mis-procurement and where the mis-procurement is made by the CEO, the Board shall be the competent forum.





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81. **Repeal and Savings.** Ravi Urban Development Authority Procurement Regulations 2020, issued vide notification number chm/Ruda/17/1/2020-59 are hereby repealed. All actions taken and decisions made under or pursuant to the Ravi Urban Development Authority Procurement Regulations 2020 shall be deemed to have been validly taken or made.





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### **SCHEDULE** **BLACKLISTING MECHANISM OR PROCESS**

1. The Competent Authority may, on information received from any source, issue show cause notice to a bidder or contractor (for the avoidance of doubt, the term "contractor" in this Schedule shall include supplier, vendor and consultant).
2. The show cause notice shall contain:
  - a) Precise allegation(s), against the bidder or contractor;
  - b) The maximum period for which the Competent Authority proposes to debar the bidder or contractor from participating in any procurement of the Authority; and
  - c) The statement, if needed, about the intention of the Authority to make a request to the PPRA for debarring the bidder or contractor from participating in public procurements of all procuring agencies.
3. The Competent Authority shall give minimum of seven days to the bidder or contractor for submission of written reply of the show cause notice.
4. In case, the bidder or contractor fails to submit written reply within the requisite time, the Competent Authority may issue notice for personal hearing to the bidder or contractor / authorized representative of the bidder or contractor and the Competent Authority shall decide the matter on the basis of available record and personal hearing, if availed.
5. In case the bidder or contractor submits written reply of the show cause notice, the Competent Authority may decide to file the matter or direct issuance of a notice to the bidder or contractor for personal hearing.
6. The Competent Authority shall give minimum of seven days to the bidder or contractor for appearance for personal hearing.
7. The Competent Authority shall decide the matter on the basis of the available record and personal hearing of the bidder or contractor, if availed.
8. The Competent Authority shall decide the matter within fifteen days from the date of





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personal hearing unless the personal hearing is adjourned to a next date and in such an eventuality, the period of personal hearing shall reckon from the last date of personal hearing.

9. The Competent Authority shall communicate to the bidder or contractor the order of debarring the bidder or contractor from participating in any procurement of the Authority with a statement that the bidder or contractor may, within thirty days, prefer a representation against the order before the Chairman of the Authority.
10. The Competent Authority shall, as soon as possible, communicate the order of blacklisting to the PPRA with the request to upload the information on its website.
11. If the Competent Authority intends the PPRA to debar the bidder or contractor from participating in any public procurement of all procuring agencies, the procuring agency shall specify reasons for such intention.
12. In case of representation of any aggrieved person under Regulation 21, the Chairman being the designated authority shall issue a notice for personal hearing to the parties and may call for the record of the proceedings. The parties may file written statements and documents in support of their contentions.
13. In every order of blacklisting under Regulation 22, the Competent Authority shall record reasons of blacklisting and also reasons for short, medium and long period of blacklisting.
14. An effort shall be made for electronic communication of all the notices and other documents pursuant to this mechanism or process.



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Chief Executive Officer  
Ravi Urban Development Authority