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ISLAMABAD, WEDNESDAY, JANUARY 19, 2022

PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN
PUBLIC PROCUREMENT REGULATORY AUTHORITY

NOTIFICATIONS

Islamabad, the 12th January, 2022

S. R. O. 90(I)/2022.—In exercise of the powers conferred by Section 27 read with Section 20 of the Public Procurement Regulatory Authority Ordinance, 2002 (XXII of 2002) and Rule 19(3) of the Public Procurement Rules, 2004, the Public Procurement Regulatory Authority is pleased to make the following Regulations, namely:—

1. **Short title and commencement.**—(1) These Regulations may be called the Regulations for “Procedure of filing and disposal of Review Petition under Rule 19(3)”, 2021.

(2) These Regulations extend to the whole of Pakistan.

(3) They shall come into force at once.

(155)

Price : Rs. 20.00

[7095(2022)/Ex. Gaz.]

2. **Definitions.**—(1) In these Regulations unless, there is anything repugnant in the subject or context:

- (a) “Review Petition” means a Review Petition preferred under Rule 19(3) of the Public Procurement Rules, 2004.
 - (b) “Authority” means the Public Procurement Regulatory Authority.
 - (c) “Member” means member of the Review Petition Committee.
 - (d) “Review Petition Committee” means the Committee constituted under the Regulations to address the Review Petition against the blacklisting / debarment decision of the Procuring Agency.
- (2) The expressions used but not defined in these Regulations shall have the same meanings as are assigned to them in the Public Procurement Regulatory Authority Ordinance, 2002 and the Public Procurement Rules, 2004.

3. **Scope.**— These Regulations shall apply on all Review Petitions filed before the Authority against the decision of blacklisting and debarment by the Procuring Agency in accordance with Rule 19(3) of the Public Procurement Rules, 2004.

4. **Composition of Review Petition Committee.**—(1) The Review Petition Committee shall consist of Members as notified with the approval of PPRA Board.

Procedure of Filing and Disposal of Review Petition

5. **Requirements for Review Petition.**—Review Petition under Rule 19(3) may be filed by the aggrieved party on the format prescribed in the Schedule I of these Regulations along with three additional copies and proof of deposit of prescribed fee.

6. **Address of the Parties.**—The Petitioner shall provide complete address of all the respondents through the said Petition.

7. **Prescribed Fee.**—The Petitioner shall append with every Review Petition a Demand Draft / Pay Order of fee as per Schedule II. The Authority shall not entertain any Petition which is filed without the prescribed fee.

8. **Notice to the Parties.**—The Committee, upon receipt of Review Petition against the decision of the Procuring Agency complete in all respects, shall serve a notice in writing upon all the respondents of the Review Petition. The notices shall be delivered through any means including by process server or

by registered post or by courier as the case may be at the given address. The notices shall be accompanied by the copies Review Petition and all attached documents of the Review Petition including the decision of Procuring Agency.

9. **Meetings of the Committee.**—(1) The Committee may conduct hearing at such places or stations as the Head of the Committee may decide, keeping in view the administrative convenience of the Committee or interested parties to the Review Petition.

(2) The Committee shall meet as often as it deems necessary for the proceedings.

10. **Decision of the Committee.**—Decision of the Committee shall be in writing and signed by the Head and each member of the Committee. In case one or more Committee Members dissent from the majority decision, his dissent note shall be reflected in the decision.

11. **Communication of the Decision.**—A copy of the decision of the Review Petition Committee shall be communicated to all the parties by registered post.

SCHEDULE-I

Before the Public Procurement Regulatory Authority

Petitioner(s)

Versus

Respondent (s) (Procuring Agency) Address

Information about the Petitioner(s):

Name:			
CNIC:			
Address:			
City:		Province:	
Res. Telephone:		Area Code:	
Office Telephone:		Area Code:	
Mobile No.:		Fax No.:	
Email:			

Information about the Respondents:

Name:			
CNIC (if any):			
Address:			
City:		Province:	
Res. Telephone:		Area Code:	
Office Telephone:		Area Code:	
Mobile No.:		Fax No.:	
Email:			

Review Petition Under Rule 19 (3) of the Public Procurement Rules, 2004.

Jurisdiction:

The Petitioner declares that the subject matter of the Review Petition falls within the jurisdiction of the Authority.

Limitation:

The Petitioner further declares that the Review Petition is within the limitation period as prescribed in Rule 19 (3) of the Public Procurement Rules, 2004.

Facts of the case and the details of the PROCURING AGENCY decision against which Review Petition is preferred:

The facts of the case are given below: (give a concise statement of facts and grounds of Review Petition against the specific decision in a chronological orders, each paragraph containing as nearly as possible, a separate issue or fact.

Relevant provisions of law (Reference must be made to all the relevant provisions invoked and to be relied upon in the Review Petition).

Legal grounds (Give all the legal grounds with reference to the law they are based upon).

Relief sought:

In view of the facts mentioned in preceding paragraphs, the Petitioner prays for the following relief: [specify the relief(s) sought, explain the grounds for relief(s) and the legal provisions, if any, and relied upon].

Matter not pending with any other etc.:

The Petitioner further declares through affidavit that the matter regarding which this Review Petition has been made is not pending before any court of law or any other Authority or any other Tribunal.

Details of index:

An index containing the details of the documents to be relied upon is enclosed.

List of enclosure Signature of the Petitioner / authorized representative.

Verification:

I (name in full in block letters) son / daughter / wife of _____ being the Petitioner / authorized representative of (_____) do hereby solemnly declare that the foregoing constitutes full, true and plain disclosure of all material facts and nothing has been concealed, and that the contents of paras are true to my personal knowledge and belief.

Verified today this _____ day of _____.

Signature of the Petitioner / authorized representative

Place:

Date:

Important Note:

Please attach the “affidavit” and “Wakalat Nama/Attorney” or the “Authority Letter” as the case may be:

For Office’s Use (Only):	
Date Received: _____	File No. _____
Forwarded to: _____	
Objections/Comments (if any): _____ _____	
Signature with Date: _____	

SCHEDULE-II**FEES FOR FILING REVIEW PETITION:**

Sr. No.	Description	Fee
Levying fee for handling of Review Petition		
01.	Contract (or Procurement) up to the limit of Rs.250 million	Rs 500,000/- (Five Hundred Thousands)
02.	Contract (or Procurement) exceeding the limit of Rs.250 million	0.2% of the procurement Value not exceeding Rs. 5 million

**BEFORE THE PUBLIC PROCUREMENT REGULATORY
AUTHORITY, FBC BUILDING, SECTOR G-5/2, ISLAMABAD**

REVIEW PETITION No.----/2021

XYZ (The Petitioner), CNIC No. _____, Resident of _____

Vs.

ABC (The Respondent & Others)

NOTICE TO:

ABC _____

1. The Respondents, CNIC No. _____, Resident of _____.
2. The Respondents, CNIC No. _____, Resident of _____.
3. The Respondents, CNIC No. _____, Resident of _____.

**REVIEW PETITION AGAINST THE ORDER OF BLACK LISTING OF
THE BIDDER BY THE PROCURING AGENCY (), DATED _____,
UNDER RULE 19 (3) OF THE PUBLIC PROCUREMENT RULES, 2004.**

It is informed that a Review Petition under Rule 19 (3) of the public procurement rules, 2004 for the issuance of appropriate decision has been filed before the Authority in the above noted case by the Petitioner. You are hereby informed that the said Review Petition is fixed for hearing on _____ before the Committee constituted. You are at liberty to appear either in person or through an Advocate on the date and time fixed or any other day to which the case may be postponed. Also take notice that in default of your appearance on the date fixed and in the manner afore-mentioned, the Petition will be heard and decided in your absence as ex-parte.

**GIVEN UNDER MY HAND AND THE SEAL OF THIS AUTHORITY
ON _____.**

S. R. O. 91(I)/2022.—In exercise of the powers conferred by Section 27 read with Section 20 of the Public Procurement Regulatory Authority Ordinance, 2002 (XXII of 2002) and Rule 48(7) of the Public Procurement Rules, 2004, the Public Procurement Regulatory Authority is pleased to make the following regulations, namely:—

1. **Short title and commencement.**—(1) These Regulations may be called the “Redressal of Grievances Regulations”, 2021.

(2) These Regulations extend to the whole of Pakistan.

(3) They shall come into force at once.

2. **Definitions.**—(1) In these Regulations unless, there is anything repugnant in the subject or context:

(a) “Appeal” means an appeal preferred under Rule 48(7) of the Public Procurement Rules, 2004.

(b) “Appellant” means any bidder including prospective bidder or any other party who prefers an appeal before the Authority against the decision of the Grievance Redressal Committee.

(c) “Authority” means the Public Procurement Regulatory Authority.

(d) “Member” means member of the Grievance Redressal Appellate Committee.

(e) “Grievance Redressal Appellate Committee” means the committee constituted under these Regulations.

(2) The expressions used but not defined in these Regulations shall have the same meanings as are assigned to them in the Public Procurement Regulatory Authority Ordinance, 2002 and the Public Procurement Rules, 2004.

3. **Scope.**—These Regulations shall apply on all appeals filed before the Authority against the decision of the GRC in accordance with Rule 48(7) of Public Procurement Rules, 2004:

Provided that in case GRC is not constituted by the Procuring Agency or GRC failed to decide the grievance within a prescribed period of time. The aggrieved party may file appeal under Rule 48(7).

4. **Composition of Appellate Committee.**—(1) The Appellant Committee shall consist of Members as notified with the approval of PPRA Board.

Procedure of Filing of Appeal

5. **Requirements for Appeal.**— Appeal under Rule 48(7) may be filed by the aggrieved party on the format prescribed in the Schedule 1 of these Regulations along with three additional copies and proof of deposit of prescribed fee.

6. **Addresses of the Parties.**—The appellant shall provide complete addresses of all the respondents through the said memorandum.

7. **Prescribed Fee.**—The Appellant shall append with every Appeal a Demand Draft / Pay Order of non-refundable fee as per Schedule II of these Regulations. The Authority shall not entertain any Appeal which is filed without the prescribed fee.

8. **Notices to the parties.**—The Committee, upon receipt of Appeal against the decision of the Grievance Redressal Committee (GRC) complete in all respects, shall serve a notice in writing upon all the parties to the Appeal. The notices shall be delivered through any means including by process server or by registered post or by courier as the case may be at the given addresses. The notices shall be accompanied by the copies of Appeal and all attached documents of the Appeal including the decision of GRC.

9. **Meetings of the Committee.**—(1) The Committee may conduct hearing at such places or stations as the Head of the Committee may decide, keeping in view the administrative convenience of the Committee or interested parties to the Appeal.

(2) The Committee shall meet as often as it deems necessary for the proceedings.

10. **Decision of the Committee.**—Decision of the Committee shall be in writing and shall be signed by the Head and each member of the Committee. In case any Committee member(s) dissent from the majority decision, his dissent note shall be reflected in the decision.

11. **Communication of the Decision.**—A copy of the Decision of the Committee shall be communicated to all the parties concerned by registered post.

[No.7(57)/Admn/PPRA/2021.]

ALI TEMOOR,
Director (Coord. & Estab.).

SCHEDULE-I**Before the Public Procurement Regulatory Authority****Appellant(s)**

Versus

Respondent (s) (Procuring Agency) Address

Information about the Appellant(s):

Name:			
CNIC:			
Address:			
City:		Province:	
Res. Telephone:		Area Code:	
Office Telephone:		Area Code:	
Mobile No:		Fax No:	
Email:			

Information about the Respondents:

Name:			
CNIC (if applicable):			
Address:			
City:		Province:	
Res. Telephone:		Area Code:	
Office Telephone:		Area Code:	
Mobile No:		Fax No:	
Email:			

Appeal under Rule 48 (7) of the Public Procurement Rules, 2004

Jurisdiction:

The appellant declares that the subject matter of the appeal falls within the jurisdiction of the Authority.

Limitation:

The appellant further declares that the appeal is within the limitation period as prescribed in Rule 48 (7) of the Public Procurement Rules, 2004.

Facts of the case and the details of the GRC decision against which appeal is preferred:

The facts of the case are given below: (give a concise statement of facts and grounds of appeal against the specific decision in a chronological orders, each paragraph containing as nearly as possible, a separate issue or fact.

Relevant provisions of law (Reference must be made to all the relevant provisions invoked and to be relied upon in the appeal).

Legal grounds (Give all the legal grounds with reference to the law they are based upon).

Relief sought:

In view of the facts mentioned in preceding paragraphs, the appellant prays for the following relief: (specify the relief(s) sought, explain the grounds for relief(s) and the legal provisions, if any, and relied upon).

Matter not pending with any other etc:

The appellant further declares through affidavit that the matter regarding which this appeal has been made is not pending before any court of law or any other Authority or any other Tribunal.

Details of index:

An index containing the details of the documents to be relied upon is enclosed.

List of enclosure Signature of the appellant / authorized representative.

Verification:

I (name in full in block letters) son / daughter / wife of _____ being the appellant / authorized representative of (_____) do hereby solemnly declare that the foregoing constitutes full, true and plain disclosure of all material facts and nothing has been concealed, and that the contents of paras are true to my personal knowledge and belief.

Verified today this _____ day of _____.

Signature of the appellant / authorized representative

Place:

Date:

Important Note:

Please attach the “affidavit” and “Wakalat Nama/Attorney” or the “Authority Letter” as the case may be:

<p>For Office’s Use (Only):</p> <p>Date Received: _____ File No. _____</p> <p>Forwarded to: _____</p> <p>Objections/Comments (if any):</p> <p>_____</p> <p>_____</p> <p>Signature with Date: _____</p>

SCHEDULE-II**FEES FOR FILING APPEAL:**

Sr. No.	Description	Fee
Levying fee for handling of Appeal		
01.	Contract (or Procurement) up to the limit of Rs.250 million	Rs 500,000/- (Five Hundred Thousands)
02.	Contract (or Procurement) exceeding the limit of Rs.250 million	0.2% of the procurement Value not exceeding Rs. 5 million

**BEFORE THE PUBLIC PROCUREMENT REGULATORY
AUTHORITY, FBC BUILDING, SECTOR G-5/2, ISLAMABAD**

APPEAL No.----/2021

XYZ (The Appellant), CNIC No _____, Resident of _____

Vs.

ABC (The Respondent & Others)

NOTICE TO:

ABC _____

1. The Respondents, CNIC No. _____, Resident of _____.
2. The Respondents, CNIC No. _____, Resident of _____.
3. The Respondents, CNIC No. _____, Resident of _____.

APPEAL AGAINST THE DECISION OF THE GRIEVANCE REDRESSAL COMMITTEE OF THE PROCURING AGENCY(), DATED_____, UNDER RULE 48 (7) OF THE PUBLIC PROCUREMENT RULES, 2004.

It is informed that an appeal under rule 48 (7) of the public procurement rules, 2004 for the issuance of appropriate decision has been filed before the authority in the above noted case by the Appellant. You are hereby informed that the said Appeal is fixed for hearing on _____ before the committee constituted. You are at liberty to appear either in person or through an Advocate on the date and time fixed or any other day to which the case may be postponed. Also take

notice that in default of your appearance on the date fixed and in the manner afore-mentioned, the Appeal will be heard and decided in your absence as ex-parte.

**GIVEN UNDER MY HAND AND THE SEAL OF THIS AUTHORITY
ON_____.**