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PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN

PUBLIC PROCUREMENT REGULATORY AUTHORITY
(Cabinet Division)

NOTIFICATION

Islamabad, the 24th August, 2026

S. R. O. 1447(I)/2026.—In exercise of power conferred by section 27 of Public Procurement Regulatory Authority Ordinance, 2002 (No XXII of 2002), the Public Procurement Regulatory Authority is pleased to make the following Regulations, namely:—

1. **Short title and Commencement:—**

(1) These Regulations may be called "**Disposal of Public Assets Regulations, 2026**".

(2) They shall come into force at once.

2017(1—23)

Price: Rs. 40.00

[11495(2026)/Ex. Gaz.]

GENERAL PROVISIONS

2. Definitions: -

(1) In these Regulations, unless there is anything repugnant in the subject or context:

a) "**as is-where is basis**" means a condition of sale where the buyer accepts the asset in its existing state and location.

b) **"auction"** means sale of a public asset where the asset is sold to the bidder offering highest price through an open competitive bidding.

c) **"call off contract"** means a contract awarded, under open framework agreement, through a secondary process, for the disposal of public asset(s);

d) **"call off order"** means an order placed by a procuring agency under general terms and pricing for disposal of public asset(s) under closed framework agreement, without having to negotiate terms every time;

e) **"closed framework agreement"** means an agreement with specified terms and conditions with an agreed price;

f) **"contract"** means an agreement enforceable by law;

g) **"corrupt and fraudulent practices"** in respect of disposal process, shall be either one or any combination of the practices including, -

(i) "coercive practices" 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;

(ii) "collusive practices" which means any arrangement between two or more parties to the disposal process designed to stifle open competition for any wrongful gain, and to establish prices at artificial, non-competitive levels;

(iii) "corrupt practices" as defined in the Anti-Corruption Establishment Ordinance 1961 and the National Accountability Ordinance 1999 and may include 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 practices" 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 and;

(v) "obstructive practices" means harming or threatening to harm, directly or indirectly, persons to influence their participation in a disposal process, or affect the execution of a contract;

h) **"day"** means a calendar day.

i) **"disposal"** means the definition as defined in Section 2(ca) of Public Procurement Regulatory Authority Ordinance, 2002.

j) **"Disposal Committee"** means a committee constituted by Principal Accounting Officer / Head of Procuring Agency or any authorized officer for the disposal of public assets through any method as stipulated in these Regulations.

k) **"e-advertisement"** means advertisement for disposal of public assets through EPADS;

l) **"e-auction"** means an online process for disposal of public assets on EPADS through a real-time dynamic auction allowing all prospective bidders to submit their competitive bids against invitation for the disposal of public assets.

m) **"EPADS"** means E-Pak Acquisition and Disposal System developed and enforced by the Authority;

n) **"framework agreement"** means a contractual arrangement which allows a procuring agency to dispose public asset(s) that are of a recurring or common nature (e.g., surplus, obsolete or scrap items), and where the need for disposal arises repeatedly over time, at agreed terms and conditions over an agreed period of time, through placement of a number of orders;

o) **"lease"** means the transfer of a right to enjoy immovable property for a certain period, or in perpetuity, in exchange for a price paid or promised, or other valuable consideration.

p) **"letter of award"** means formal communication issued by procuring agency to the successful bidder to award contract for the disposal of public asset(s).

q) **"mis-disposal"** means disposal of public assets in contravention of any provision of PPRA Ordinance, 2002, Public Procurement Rules in force and these regulations, orders or instructions made thereunder in respect of or relating to disposal of public assets;

r) **"rent"** means a return made by a tenant or occupant of real property to the owner for possession and use thereof.

s) **"Successful bid"** means a bid or proposal received in response to an invitation after meeting the eligibility or qualification criteria, is found responsive to the terms and conditions as set out in the disposal documents; and evaluated as the highest ranked bid or proposal on the basis of cost or quality or any combination thereof, which shall be in conformity with the criteria as specified in disposal documents or request for proposal documents;

p) **"open framework agreement"** means an agreement with specified terms and conditions without an agreed price;

q) **"public asset"** means as defined under section 2 (ja) of Public Procurement Regulatory Authority Ordinance, 2002.

r) **"reserve price"** means the minimum price determined by the Procurement Cell for the disposal of public assets.

(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, Rules and Regulations as amended from time to time by the Authority.

3. **Scope**: These Regulations shall apply to all procuring agencies of the Federal Government of Pakistan for the disposal of public assets, except for public assets to be disposed of under the Privatization Commission Ordinance, 2000.

PLANNING FOR DISPOSAL OF PUBLIC ASSETS

4. **Planning for the disposal of public assets: -**

(1) All procuring agencies shall prepare an Annual Disposal Plan in the beginning of each financial year, for the disposal of assets which are required to be disposed of by the procuring agency and publish the same on EPADS, Authority's website as well as on the website of the procuring agency (if available) on the prescribed format as available on EPADS.

(2) A procuring agency may revise or update its Annual Disposal Plan according to its emerging requirements.

5. **Advertisement for disposal of public assets: -**

(1) All disposal opportunities valuing up to five million Pakistani Rupees (i.e., based on the reserve price) shall be published on EPADS as well as on Authority's website in addition to procuring agency's website (if any) on the format prescribed by the Authority.

(2) All disposal activities over five million Pakistani Rupees (i.e., based on the reserve price) shall be advertised on EPADS, Authority's website, procuring agency's website (if any) as well as in newspapers having wide circulation. The advertisement in the

newspapers shall principally appear in at least two national dailies, one in English and the other in Urdu.

(3) Procuring agency shall ensure that the information posted on EPADS, Authority's website, procuring agency's website (if any) and newspapers is complete for the purposes for which it has been published, and such information shall remain available until the closing date for the submission of bids.

6. Response Time: -

(1) Procuring agency shall set a response time for receipt of bids including requests for pre-qualification.

(2) The minimum response time for submission of bids shall not be less than ten calendar days in national competitive bidding and not less than twenty calendar days for international competitive bidding, from the date of publication on EPADS.

7. Establishment of Procurement Cell: -

(1) Principal Accounting Officer or Head of Procuring Agency shall establish a Procurement Cell, if already not established, comprising officers and/or officials having relevant qualification and/or experience and duly accredited under the accreditation framework of the Authority. The Procurement Cell shall conduct disposal proceedings in addition to the responsibilities of procurement activities.

(2) The procurement cell shall be responsible for both procurement and disposal of public asset(s).

(3) The responsibilities of the Procurement Cell shall be;

a) to receive, review and consolidate requirements for disposal of public assets;
b) to verify the condition and location of the assets identified for disposal.
c) to conduct market analysis for the determination of reserve price while ensuring that the reserve price of public assets to be disposed of is compatible with current market price to ensure commercial viability.
d) to prepare Annual Disposal Plan on EPADS and publish the same on Authority's website as well as procuring agency's website (if any);
e) to prepare and publish legally compliant disposal documents on EPADS while ensuring that the scope of disposal of public assets, eligibility requirements of bidders, evaluation criteria of bids for the selection of bidder and award of a contract are clearly prescribed in disposal document;
f) to publish invitations for participation in disposal proceedings on EPADS, Authority's website, procuring agency's website (if any) and newspapers as the case may be;
g) to respond to the requests for clarification;
h) to arrange inspections and/or site visits of public assets proposed for disposal.
i) to send bids and/or proposals to Disposal Committee or Third-Party Validation Committee for opening and evaluation of bids and/or proposals, as the case may be;
j) to submit evaluation reports along with the recommendations as received from the Disposal Committee to Principal Accounting Officer or Head of Procuring Agency or

any officer authorized by Principal Accounting Officer or Head of Procuring Agency for approval.

k) to carefully monitor each disposal proceeding to curb market manipulation.
l) to communicate the outcome of the relevant disposal process to the bidders;
m) to ensure that the grievance petitions, if any, have been disposed of before signing of disposal contract.
n) to ensure that disposal contracts are performed in accordance with terms and conditions stipulated therein;
o) to forward the case of blacklisting of contractors to the Blacklisting Committee of the Authority;
p) to manage the performance of contractors and consultants under disposal contracts awarded by the procuring agency; and
q) to maintain complete record of all disposal proceedings.

Provided that, in case of high value and complex nature public assets procuring agency may seek valuation services of external expert(s).

8. Disposal Committee: -

(1) Principal Accounting Officer or Head of Procuring Agency or any authorized officer shall constitute a Disposal Committee comprising an odd number of members for the purpose of opening and evaluation of bids for all disposals. The competent authority may nominate external member(s) for Disposal Committee, where required. Disposal Committee shall make decisions through simple majority of its total nominated members.

(2) Functions of Disposal Committee shall include the following:

a) Review and recommend amendments (if any) in the contents of disposal documents to the Procurement Cell. If no amendments are proposed, the committee shall act accordingly.
b) Determine eligibility of bidders as per eligibility and/or qualification criteria;
c) Opening and evaluation of bids, including evaluations in case of e-Auctions;
d) Prepare evaluation reports in accordance with the prescribed evaluation criteria.
e) Submit evaluation reports and recommendations to Procurement Cell.

9. Third-Party Validation Committee: -

(1) Principal Accounting Officer or Head of Procuring Agency shall notify a Third-Party Validation (TPV) Committee comprising an odd number of members from outside the procuring agency from the pre-qualified pool maintained by the Authority or a TPV firm, as the case may be.

(2) The TPV Committee or Firm shall validate all disposals above Pakistani Rupees 500 million. TPV shall be conducted at the specifications, preparation of disposal documents, technical (if any) and final evaluation stages.

(3) The TPV Committee or Firm, as the case may be, shall perform following functions:

a) examine disposal documents to ensure their completeness and conformity with applicable laws, rules and regulations;
b) review and validate disposal proceedings in accordance with the provisions of the disposal documents,
c) oversee and review bid opening and evaluation process;
d) identify any shortcomings, irregularities and non-compliance in the disposal proceedings;
e) prepare and submit report with findings, observations and recommendations before the award of contract to the Head of procuring agency through Procurement Cell;

(4) The TPV Committee or Firm may require any information or documentation from Procurement Cell or Disposal Committee as it considers necessary for the purposes of these Regulations and Procurement Cell or Disposal Committee shall provide such information or documents.

(5) In the event of conflict between the TPV report and the recommendations of Disposal Committee, the Principal Accounting Officer or Head of the Procuring Agency shall make a final decision with written justification.

10. Participation in disposal of public assets proceedings:

(1) Participation shall be open, equal and unrestricted to all eligible bidders who are registered on EPADS.

(2) Procuring Agency shall hold open competition to ensure maximum participation of bidders in the disposal of public assets proceedings.

11. Single Responsive Bid:

(1) Procuring agency may consider a single responsive bid in disposal of public asset(s) if it meets the eligibility criteria, evaluation criteria and conforms with other terms and conditions as expressed in disposal documents.

(2) The procuring agency shall take decision with due diligence and in accordance with the requirements of the general principles of fairness, transparency and equal opportunity.

(3) The procuring agency shall determine rate reasonability in case of single responsive bid.

PREPARATION AND SUBMISSION OF BIDS FOR DISPOSAL OF PUBLIC ASSETS

12. Correspondence, amendments and clarifications. -

(1) Procurement Cell shall ensure that all requests for clarifications by bidders and responses thereof shall be posted on EPADS. Such clarifications may be sought at

least three days prior to bid submission deadline in case of national bidding and five days prior to bid submission deadline in case of international bidding.

(2) Procurement Cell may amend the disposal documents at any time prior to the closing date and time for receipt of bids. In such case, Procurement Cell shall publish corrigendum in a manner similar to original advertisement such as publication on EPADS, Authority's website, procuring agency's website (if any), and in newspapers as the case may be.

(3) In the event if any amendments are made in the disposal documents within two days prior to the bid submission deadline, the Procurement Cell shall extend the deadline for bid submission, ensuring that a reasonable time is provided to all prospective bidders for preparation and submission of bids.

(4) In the event if the submission deadline falls on a public holiday for any reason, the subsequent working day shall be treated as the bid submission deadline.

13. Pre-Qualification of Bidders: -

(1) Procuring agency, prior to the floating of tenders or invitation to proposals in disposal proceedings, may engage in pre-qualification of bidders in case of disposal of expensive and technically complex assets to ensure that only technically and financially capable bidders having adequate managerial capability are invited to submit bids. Such pre-qualification shall determine the capacity and ability of the interested bidders to participate and perform that particular disposal contract satisfactorily.

14. Pre-qualification Process: -

(1) Procurement Cell engaging in pre-qualification 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 by bidders to demonstrate their respective qualifications and any other information that procuring agency deems necessary for pre-qualification.

(2) Procurement Cell shall publish pre-qualification documents on EPADS.

(3) Procurement Cell shall publish evaluation report indicating the names of all bidders who have been pre-qualified and dis-qualified and the same shall be published on EPADS as well as on Authority's website in addition to procuring agency's website (if any).

(4) Disposal Committee shall finalize the pre-qualification process within reasonable time as specified in the pre-qualification documents, however, the pre-qualification shall be valid for a period of six months starting from the date of the publication of the pre-qualification results on EPADS.

(5) Procurement Cell shall communicate to those bidders who have not been pre-qualified the reasons for not pre-qualifying them.

15. Qualification and Disqualification of Successful Bidder (Contractors/Service Providers etc): -

(1) Procuring agency, at any stage of the disposal proceedings, having credible reasons for or prima facie evidence of any defect in a bidder and/or contractors' capacities, may require the bidders or contractors to provide information concerning their professional, technical, financial, legal or managerial competence whether or not already pre-qualified.

(2) Procuring agency may disqualify successful bidder or contractor or service provider from the disposal process if the bidder or contractor or service provider:

a) knowingly submits information concerning their eligibility that is materially inaccurate, incomplete or false; or
b) fails to provide the required information under sub-rule (1).

(3) Qualification or dis-qualification shall form part of the record of that disposal proceedings.

16. Blacklisting: -

(1) A procuring agency may initiate blacklisting proceedings in accordance with Blacklisting Regulations issued by the Authority against any bidder or contractor; and may blacklist the bidder or contractor:

a) for not more than ten years in case the bidder or contractor has been involved in corrupt and fraudulent practices or convicted under the laws of Pakistan that calls into serious question its honesty; or
b) for not more than five years in case the bidder in relation to submission of bids, has knowingly provided false or misleading information or has failed to disclose material information concerning its eligibility;
c) for not more than 6 months in case the contractor has failed to perform his contractual obligations during the execution of the contract, provided action has been taken by procuring agency under the contract to establish a breach of contract;

(2) Such blacklisting action shall be communicated by the procuring agency to the respective bidder or contractor in the form of decision containing the grounds for such action.

(3) The procuring agency shall also communicate the blacklisting decision to the Authority along with the grounds for such action for the purpose of examining the same, and the Authority shall either set aside the decision of blacklisting or uphold the same with or without cross debarment.

(4) The Authority shall examine the record and, if it is established that the allegations levelled against the bidder(s) or contractor(s) are substantiated shall;

a) cross debar the bidder or contractor(s), for a period equal to the period of blacklisting awarded by the procuring agency.
b) cross debar the bidder or contractor(s) from participation in any or a certain type of disposal process, subject to any condition the Authority considers necessary.
c) Impose any other penalty i.e. imposition of fine other than debarment keeping in view the gravity of the failure in performance of the contract.

(5) The decision to blacklist a bidder or contractor by the procuring agency shall not take effect unless legal remedy provided under sub-rule (6) is exhausted or lapsed. The final decision of blacklisting and/or cross debarment shall be immediately communicated to the bidder as well as uploaded on Authority's website.

(6) The bidder or contractor may file a review petition before the Authority within thirty days of communication of such blacklisting or debarring decision after depositing the prescribed fee and in accordance with procedure issued by the Authority, and the Authority shall evaluate the case and decide within ninety days of filing of review petition. The decision of the Authority shall be considered as final.

(7) A bidder or contractor who has been declared blacklisted or cross debarred by any international financial institution, international organization, government of any foreign country or any multilateral development bank shall be treated as blacklisted and cross debarred from participating in any public asset(s) disposal proceedings or entering into any public contract for such period as declared by that international financial institutions, international organizations, foreign country or any multilateral development bank:

Provided that in case of public sector entities, Public Procurement Regulatory Authority Board shall have the power to review and examine the case on the basis of evaluations made by the Authority, and decide the case accordingly.

(8) Notwithstanding anything contained in this Regulation, the blacklisted or cross debarred bidder or contractor shall be bound to perform its contractual obligations in

such on-going public contract or contracts in which such bidder is already engaged. This shall, however, be at the option of respective procuring agency.

17. Submission of bids for disposal of public assets: -

(1) A bidder shall submit bid through EPADS ensuring the integrity, authenticity and completeness in all respects of his submissions, prior to the closing date and time. The bidder shall receive an autogenerated acknowledgement for submission through email and/or notification as a proof of bid submission.

(2) A bid submitted electronically shall be considered duly submitted by the bidder if it is received from the concerned bidder's account on EPADS.

18. Earnest Money: -

(1) Procuring agency may require bidders to furnish a fixed amount (not a percentage of reserve price) as earnest money not exceeding ten percent of the reserve price of the public asset(s).

(2) Until the development of relevant functionality within EPADS, a procuring agency may manually receive earnest money in the form of pay order or bank guarantee for disposal proceedings. The scanned copy of the earnest money in the prescribed form shall be uploaded on EPADS while the original instrument shall be provided by the bidder to the procuring agency before closing of bid submission deadline or start of e-auction, as the case may be.

(3) The earnest money of the bidder may be forfeited if a bidder:

a) withdraws his bid after opening of bids;

b) fails to accept letter of award within the stipulated time;

c) refuses to enter into contract after being declared as successful bidder;

d) fails to take possession of asset(s) or fulfil contractual obligations in agreed time;

e) fails to make complete payment of asset(s) in agreed time;

(4) The earnest money shall be released to the unsuccessful bidders within 10 days after signing of the disposal contract with the successful bidder.

(5) The earnest money shall be released to the successful bidder within 30 days after completion of disposal proceedings and completion of all other liabilities of the parties, as the case may be. Earnest money shall not be adjusted against any subsequent payment from the contractor to the procuring agency.

19. Site visit: -

(1) The procuring agency shall organize site visit physically or through uploading recorded videos and pictures to enable bidders to gain access and inspect the public assets to be disposed of, before closing date to make their own assessment. However, under no circumstances such site visit by a procuring agency shall be organized in less than five days prior to the bid submission deadline in case of national bidding and less than seven days prior to bid submission deadline in case of international bidding.

However, the procuring agency, shall not restrict the accessibility of all potential bidders to the public asset(s) to be disposed of, for the purpose of verification of condition of the asset(s) or any other reason, as the case may be, unless there are justifiable reasons to be recorded and approved by the competent authority.

20. Bid Validity: -

(1) A procuring agency, keeping in view the nature of disposal, shall subject the bid to a bid validity period. Bids shall be valid for the period of time specified in the bidding document.

(2) Procuring agency shall ordinarily be under an obligation to complete the disposal process and enter into contract within the stipulated bid validity period. However, under exceptional circumstances and for reasons to be recorded in writing, if an extension is considered necessary, all those bidders who have submitted their bids shall be asked through EPADS, before expiry of original bid validity period, to extend the validity of their respective bids. Such extension(s) may be more than one time but the total period of such extensions shall not exceed the original bid validity period.

(3) Bidders who: -

a) agree to extension of their bid validity period shall also extend the validity of the earnest money for the extended period of the bid validity;
b) agree to the procuring agency's request for extension of bid validity period shall not be permitted to change the substance of their bids; and
c) do not agree to an extension of the bid validity period shall be allowed to withdraw their bids without forfeiture of their earnest money.

21. Extension of time for submission of bids: -

(1) Before the deadline for submission of bids, procuring agency may extend the time for submission of bids under special circumstances, and after recording reasons in writing. In such event, Procurement Cell shall publish a corrigendum in a manner similar to the original advertisement such as publication on EPADS, Authority's website, procuring agency's website (if any) and in newspapers, as the case may be.

22. Methods for disposal of public assets: -

(1) Save as otherwise provided in these Regulations, procuring agency shall use the following methods, taking due account of environmental and social safeguard considerations where applicable, for disposal of public assets on *"**as is - where is basis**"* through open competition, namely: -

a) Disposal through e-auction: -

i. Procuring agency may use e-Auction for the disposal of public assets. The procuring agency shall clearly mention the local time of e-auction in the disposal documents. Under no circumstances, such time shall be less than 24 hours in national bidding and 48 hours in international bidding after the participation deadline as mentioned in the advertisement. In case of international bidding, the deadline for participation in e-auction shall be calculated according to Pakistan Standard Time.

ii. e-auction shall be carried out using EPADS which shall automatically and instantly inform bidders of new rankings as they occur, together with price in such a way that bidders are able to ascertain their ranking at any moment.

iii. Under no circumstances shall the real identities of the bidders be disclosed or identified by any party during any phase of the e-auction.

iv. Procuring agency shall not provide any additional information or clarification related to the e-auction that may potentially distort competition; and where it is necessary to provide information or clarification, such communication shall invariably be in writing and posted on EPADS and shall be made available to all bidders.

v. After start of auction process, the cancellation of auction process is not permissible. Procuring agency shall close the auction on the given date and time, whether original or extended.

vi. Procuring agency shall award the contract to the eligible bidder who offers the highest price; however, in no case such contract shall be awarded to a bidder whose bid is below the reserve price.

vii. In case of any technical issue of EPADS on the day(s) of e-auction, the time of e-auction shall be automatically extended to the next working day(s).

b) Disposal through e-bids: -

i. Procuring agency may use disposal through e-bids on EPADS for the disposal of public assets using single stage - one envelope or single stage - two envelop procedure, as described under sub sections a) and b) of this section. The procuring agency shall award the contract to the successful bidder in accordance with evaluation criteria; however, in no case such contract shall be awarded to a bidder whose bid is below the reserve price.

a) Single stage - one envelope (SSOE) procedure: - Each bid shall comprise separately, financial proposal and technical proposal (if any). All bids received through EPADS shall be opened and evaluated in the manner prescribed in the disposal documents.

b) Single stage – two envelope (SSTE) procedure: -

(i) The bidder shall submit separately the technical proposal and the financial proposal:

(ii) initially, the technical proposal shall be opened whereas the financial proposal shall remain unopened;

(iii) Disposal Committee shall evaluate the technical proposal in a manner prescribed in advance, without reference to the price and reject any proposal which does not conform to the specified requirements.

(iv) after the evaluation and approval of the technical proposal the disposal committee shall at a time within the bid validity period, open the financial proposals of the technically accepted bids, and

(v) the bid found to be the successful bid shall be accepted.

c) Disposal of public assets by destruction, dumping, burying or burning: -

i. Procuring agency after carefully considering the environmental effects and obtaining the clearance from the relevant authorities, may destroy, dump, bury or burn assets only when all other disposal options have been eliminated and no conversion into another form or recycling possibilities can be identified.

ii. When public assets have been disposed of under Regulation 22(c)(i), a detailed disposal report shall be prepared on EPADS and endorsed by the head of procuring agency. The report shall contain justification for the use of this method, detailed list of items disposed of, name and designation of the officer who supervised the process of destruction, dumping, burying or burning.

Pictures of the event shall be uploaded on EPADS on the same day of destruction, dumping, burying or burning the asset(s) for evidence and record.

23. Disposal of public asset(s) through framework agreements. -

(1) A Procuring Agency may dispose public asset(s) through framework agreements that are of a recurring or common nature (e.g., surplus, obsolete, or scrap items) or where the need for disposal arises repeatedly over time, at agreed terms and conditions over an agreed period of time, through placement of a number of orders and there is a recurrent disposal need for the same.

i. An open framework agreement shall not be for more than three years and closed framework agreement for not more than one year.

ii. A disposal contract under a framework agreement may be awarded only to a buyer or service provider that is a party to the framework agreement and shall be awarded either:

a) by way of limited competition among bidders who are parties to the open-framework agreement; or

b) without limited competition between closed-framework buyers/service providers –

(i) where only one buyer or service provider is party to the framework; or

(ii) the framework sets out an objective mechanism for buyer/service provider selection.

(2) Procuring agency shall prepare provisional annual disposal estimates including descriptions of asset(s) and rationale for disposing public asset(s) through framework agreements.

(3) Based on such estimate, procuring agency shall initiate the prequalification proceedings for selection of buyers and service providers. Framework agreements may be made with the selected buyers and service providers.

(4) Procuring agency may on need basis pre-qualify new buyers or service providers during continuity of open framework agreements with previously pre-qualified buyers or service providers.

(5) The Authority shall make regulatory guides, guidelines or templates for disposal of public asset(s) through framework agreements.

24. Exceptions:

(1) A procuring agency under following circumstances may deviate from the requirement of advertisement for disposal of public asset(s), with the prior approval of the Principal Accounting Officer or board of the relevant body, where the proposed disposal of public asset(s);

a) is related to national security and its publication could jeopardize the national security objectives; and

b) comes within the ambit of restricted assets (i.e. arms, ammunition, used shells, etc.)

c) relates to disclosure of information that is proprietary in nature and falls within the definition of intellectual property.

25. Disposal of public asset(s) through direct contracting with government organizations, autonomous or semi-autonomous bodies:

(1) Procuring agency may dispose of a public asset through direct contracting with the Federal or Provincial government organizations and autonomous or semi-autonomous bodies, provided that such contracting is aligned with the objectives of disposal duly approved by the Principal Accounting Officer or board of the relevant body or falls under the ambit of Regulation 24 of these Regulations and the following mandatory conditions are fulfilled:

(a) The entire process shall be carried out using EPADS.

(b) Procuring agency shall record in writing on EPADS, with due diligence, the justification and rationale for opting the direct contracting, including inventory of public asset to be disposed of.

(c) In case there are more than one organization or entities eligible to participate in such disposal proceedings, limited competition shall be held amongst them on EPADS giving reasonable time to the prospective bidders for preparation and participation; the minimum response time for such limited competition shall not be less than 5 days in any case.

Provided that the procuring agency, under no circumstances, shall dispose of the public assets below the reserve price.

EVALUATION OF BIDS

26. Evaluation of disposal proceedings. -

(1) Procurement Cell shall formulate precise and unambiguous eligibility and evaluation criteria for disposal of public assets.

(2) Disposal Committee shall determine the eligibility of bidders as per the eligibility criteria;

(3) Disposal Committee shall evaluate the bids of eligible bidders in accordance with predefined evaluation criteria either through automated electronic evaluation matrix and/or through standard entries manually incorporated on EPADS. The Disposal Committee shall not alter, amend or modify any information provided by the bidder.

27. Treatment in case of equal / identical bids: -

(1) In case two or more bidders have offered equal / identical prices and/or have been evaluated as the successful bidders, procuring agency shall provide opportunity to such bidders to submit revised financial bids through EPADS. The revised financial bids or prices shall not be less than the prices offered earlier. The minimum response time for such limited competition shall not be less than 24 hours in any case. Financial bids or prices shall then be evaluated in accordance with the evaluation criteria prescribed in the disposal documents. The same process shall be repeated till a single bidder wins the contract.

ACCEPTANCE AND AWARD OF CONTRACT

28. Approval, notification of award and contract signing. -

(1) Procurement Cell shall upload the evaluation reports on the EPADS after fulfilling all formalities.

(2) Procurement Cell shall issue letter of award to the successful bidder or to the bidder offering the highest price, as the case may be. Such notification shall be communicated to successful bidders through EPADS and who shall be required to acknowledge receipt through EPADS within the prescribed time.

(3) Disposal Committee may conduct contract negotiations with the successful bidder without changing the scope and cost of the contract, in accordance with the terms and conditions prescribed in the disposal documents. Minutes of such negotiations shall be recorded and provided on the EPADS.

(4) The authorized officer of procuring agency and the successful bidder or his authorized representative shall sign the contract.

(5) Procurement Cell shall publish the contract award information on EPADS.

29. Payment and collection of public assets: –

(1) Procuring agency shall handover possession of the public assets to the successful bidder, after signing the contract, receipt of payment and in accordance with the terms and conditions of the contract.

REDRESSAL OF GRIEVANCES AND SETTLEMENT OF DISPUTES

30. Redressal of grievances: -

(1) Principal Accounting Officer or Head of Procuring Agency or any authorized officer shall constitute a committee comprising an odd number of members to be selected from the roster of experts maintained by the Authority and accessible through EPADS. These members shall be independent / outside of the procuring agency and shall have necessary powers and authorizations to address the complaints of bidders and procuring agency that may occur prior to the entry into force of the disposal contract.

(2) Any party may file a written complaint, at least two days prior to the bid or proposal submission deadline, against the eligibility parameters, evaluation criteria or any other terms and conditions prescribed in the disposal documents if found contrary to the provisions of the public procurement regulatory framework, and the same shall be addressed by the grievance redressal committee (GRC) before submission deadline or extend the bid submission deadline, as the case may be.

(3) Any bidder or party feeling aggrieved by any act of procuring agency after the submission of his bid may lodge a written complaint concerning his grievances within seven days of announcement of the technical evaluation report and five days after issuance of final evaluation report.

(4) In case, the complaint is filed against the technical or final evaluation report, the GRC shall suspend the disposal proceedings till the decision of GRC.

(5) In case, the complaint is filed after the issuance of the final evaluation report, the complainant cannot raise any objection on technical evaluation report.

Provided that the complainant may raise the objection on any part of the final evaluation report in case where single stage single envelope bidding procedure is adopted.

(6) The GRC shall investigate and decide upon the complaint within ten days of its receipt.

(7) Any bidder or procuring agency not satisfied with the decision of the GRC or if GRC fails to decide the matter within ten days under sub-rule 6, may file an appeal before the Appellate Committee of the Authority, comprising odd number of members, within ten days of communication of decision subject to depositing the prescribed fee and in accordance with the procedure issued by the Authority. The Appellate Committee of the Authority shall decide the appeal within 30 days from the receipt of the appeal. The Appellate Committee may suspend the process of award of contract to such period as deems appropriate during the pendency of appeal. The decision of the Authority shall be considered as final.

31. Alternative Dispute Resolution (ADR): -

(1) After coming into force of the disposal contracts, disputes between the parties to the contract may be settled by one or more alternative dispute resolution methods including Arbitration. Where an ADR process other than arbitration does not lead to an amicable settlement of dispute, arbitration shall be resorted to.
(2) Procurement Cell shall specify mechanism for the appointment of arbitrator(s) expressly in the contract and the competent authority shall appoint the arbitrator(s).
(3) The laws of Pakistan shall apply to Alternate Dispute Resolution and Arbitration unless specifically agreed to otherwise in the contract.

32. Rejection of Bids: -

(1) The procuring agency may reject all bids or proposals at any time prior to the acceptance of a bid or proposal where –

(a) the bids or proposals submitted are substantially non-responsive; or
(b) there is evidence of lack of competition; or
(c) where the bid materially impairs fair competition or is prejudicial to the interests of the procuring agency.
(d) there is any legal impediment in accepting bids or proposals

(2) Procurement Cell shall promptly issue notice of the rejection of all bids or proposals to all bidders who submitted bids or proposals and same shall also be published on EPADS.

(3) Procurement Cell shall upon request communicate to any bidder who submitted a bid or proposal, the grounds for its rejection of all bids or proposals, but is not required to justify those grounds.

(4) The procuring agency shall incur no liability, solely by virtue of invoking sub-rule (1) towards bidders who have submitted bids or proposals.

33. Re-Bidding: -

(1) If the procuring agency has rejected all bids under regulation 32 it may call for re-bidding.

(2) Procurement Cell before invitation for re-bidding shall assess the reasons for rejection and may revise evaluation criteria, reserve price or any other condition(s) in the disposal documents for bidders as it may deem necessary.

34. Entry into Force of the Disposal Contract: -

(1) A disposal contract shall come into force;

(a) where no formal signing of a contract is required, from the date the letter of award has been issued to the successful bidder. Such letter of award, containing terms and conditions of the disposal, shall be issued within a reasonable time; or

(b) where procuring agency requires signing of a written contract, from the date on which the signatures of both the procuring agency and the successful bidder are affixed to the written contract. Such affixing of signatures shall take place within a reasonable time.

Provided that where the coming into force of a contract is contingent upon fulfilment of a certain condition or conditions, the contract shall take effect from the date whereon such fulfilment takes place.

35. Closing of contract: -

(1) As specified in the conditions of contract, performance of the contract shall be deemed closed on the issuance of over all handing over / completion certificate which shall be issued and published on EPADS within seven days of the completion of performance of disposal contract, enabling the parties for financial closing and the auditors to do substantial audit.

36. Mis-disposal: -

(1) The procuring agency or the Authority, as the case may be, on receipt of complaint, may declare a case to be mis-disposal if any material deviation from the provisions of PPRA Ordinance 2002, Public Procurement Rules in force and these regulations is committed.

(2) The Procuring agency, on the recommendation of the grievance redressal committee, or the Authority, on the recommendation of the appellate committee, may declare a case to be mis-disposal if any material deviation from the provisions of PPRA Ordinance 2002, Public Procurement Rules in force and these regulations is observed.

(3) Upon declaration of mis-disposal, the Managing Director of the Authority, the Principal Accounting Officer or the head of the procuring agency, as the case may be, may annul or

continue with modified conditions the disposal process and shall refer the matter for initiation of disciplinary proceedings or to the relevant investigating agencies for initiation of necessary criminal proceedings.

37. Material and non-material deviation. - (1) Material deviation means deviations by the procuring agency and the bidders from the disposal processes that significantly affects fairness, transparency, distort competition and reflects non-compliance with essential requirements.

(2) Material deviations, inter alia, shall include;

a) coercive, collusive, corrupt, fraudulent and obstructive practices as defined in these Regulations;
b) deliberate deviation to carry out disposal processes without utilizing EPADS;
c) carrying out disposal of public asset(s) without establishment of Procurement Cell, constitution of Disposal Committee, Third Party Validation Committee or Firm, and Grievance Redressal Committee, where applicable;
d) preparing tailor-made TORs and schedule of requirements to defeat competition, favouring specified bidder by disadvantaging the other bidders;
e) deviation from the requirements concerning publication of advertisement;
f) major deviation from response time prescribed for respective disposals methods under these Regulations;
g) failure to formulate appropriate and unambiguous bid evaluation criteria which may adversely affect the principles of public procurement;
h) failure to evaluate the bid as per predefined evaluation criteria;
i) prescribing difficult and discriminatory conditions in bidding documents;
j) failure to publish the technical evaluation report (where applicable), final evaluation report and pre-qualification reports;
k) failure to publish the documents related to award of disposal contract;
l) failure to meet the prerequisites or conditions prescribed for invoking an exception;
m) any other deviation declared to be a material deviation by the Authority

(3) Non-Material deviations: - All deviations not falling under Regulation 37 (2) of these Regulations shall be considered as non-material deviation.

(4) In case of a non-material deviation, the matter may be placed before the Managing Director of the Authority, Principal Accounting Officer or the Head of Procuring agency for the condonation or regularization of the non-material deviation committed during the disposal process.

Provided that in case the volume of disposal exceeds 250 million Pakistani Rupees, the procuring agency shall refer the matter to the Managing Director of the Authority.

Provided further that the relevant competent authority shall record the reasons and conditions (if any) for condonation or regularization of the non-material deviation.

RECORD MAINTENANCE AND PUBLIC ACCESS

38. Record of the disposal proceedings: -

(1) All procuring agencies shall maintain record of their respective disposal proceedings on EPADS along with all associated documentation including disposal of public assets documents, basis for determining the reserve price and other terms and conditions, names and addresses of the bidders that submitted bids, evaluation reports, name and address of the bidder with whom the disposal contract is entered into and contract price, for a minimum period of five years.

39. Public access and transparency: -

(1) As soon as a contract has been awarded, procuring agency shall make public all documents related to the evaluation of the bid and award of disposal contract:

Provided that where the disclosure of any information related to the award of a contract is of proprietary in nature or where the procuring agency is convinced that such disclosure shall be against the public interest and / or may jeopardize national security, it can withhold only such information from public disclosure subject to the prior approval of Principal Accounting Officer or board of the relevant body.

40. Overriding effect: -

(1) In the event of any inconsistency or conflict between these Regulations and the provisions of the Privatisation Commission Ordinance, 2000, or the rules and regulations made thereunder, the provisions of the Privatization Commission Ordinance, 2000, and the rules and regulations made thereunder shall prevail.

(2) The provisions of these regulations shall have effect notwithstanding anything to the contrary contained in any other rules, regulations, policies, manuals, handbooks or other instruments relating to the disposal of public assets, except as provided in clause (1).

Provided that the prevailing rules and procedures will remain applicable only for the disposal of public assets for which notice for invitation of bids is issued prior to the commencement of these regulations unless the procuring agency deems it appropriate to re-issue the notice for the said disposal of public assets proceedings after commencement of these regulations.

41. Authorization for issuance of Standard Operating Procedures (SOPs): -

(1) The Managing Director Public Procurement Regulatory Authority (PPRA) shall be authorized for issuing, from time to time, Standard Operating Procedures (SOPs) of e-Disposal Module of EPADS and standard templates for disposal of public assets.

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