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PART III

GOVERNMENT OF PUNJAB

DEPARTMENT OF LOCAL GOVERNMENT

NOTIFICATION

The 29th January, 2024

No. G.S.R. 7/P.A.8/2020/S.20/Amd.(5)/2024.-In exercise of the powers conferred by section 20 of the Punjab Management and Transfer of Municipal Properties Act, 2020(Punjab Act No. 8 of 2020), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules further to amend the Punjab Management and Transfer of Municipal Properties Rules, 2021, namely

RULES

1. (1) These rules may be called the Punjab Management and Transfer of Municipal Properties (Second Amendment) Rules, 2023.
(2) They shall come into force on and with effect from the date of their publication in the Official Gazette.
2. In the Punjab Management and Transfer of Municipal Properties Rules, 2021, in rule 22, in sub-rule(3), in clause(a), at the end, the following proviso shall be added, namely: –

“Provided that if a case of transfer of such properties as mentioned in this clause is pending consideration of the Municipality wherein all installments have been paid and the allottee has completed all the formalities of submitting the necessary documentation as per requirement before 26th October, 2021 i.e. the date of notification of these rules, then the property can be transferred in the name of another person(s) on the rates prescribed in these rules, as amended time to time, without insisting for conveyance deed.” .

AJOY SHARMA, IAS,

Principal Secretary to Government of Punjab,
Department of Local Government.

PART III

GOVERNMENT OF PUNJAB
DEPARTMENT OF FINANCE
(FINANCE PERSONNEL–II BRANCH)

NOTIFICATION

The 6th February, 2024

No. G.S.R. 8/P.A.12/2019/S.60/Amd.(1)/2024.– In exercise of the powers conferred by section 60 of the Punjab Transparency in Public Procurement Act, 2019 (Punjab Act 12 of 2019), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules further to amend the Punjab Transparency in Public Procurement Rules, 2022, namely:-

RULES

1. (1) These rules may be called the Punjab Transparency in Public Procurement (Amendment) Rules, 2024.

(2) They shall come into force on and with effect from the date of their publication in the Official Gazette.

2. In the Punjab Transparency in Public Procurement Rules, 2022 (hereinafter referred to as the said rules), in rule 6, for sub-rule (3), the following sub-rule shall be substituted, namely:-

“(3) The Administrative Department shall review both the Annual Procurement Plan and Annual Performance Review Report of the procuring entities.”.

3. In the said rules, for rule 20, the following sub-rule shall be substituted, namely:-

“**20. Choosing a method of procurement other than the open competitive bidding.**– The procuring entity or the competent authority or the Administrative Department, as the case may be, shall record the reasons and circumstances thereof **in writing** for choosing any procurement method as mentioned in sub-section (1) of section 27, other than the open competitive bidding.”.

4. In the said rules, in rule 21, for sub-rules 6 to 10, the following sub-rules shall be substituted, namely:-

“(6) The number of bidders qualifying in technical evaluation shall not be less than two:

Provided that in case of goods, works and services, at least two bidders qualifying in technical evaluation shall not be related to or have any controlling interest in or common pecuniary interest with each other, or to be subsidiary or ancillary or sister concern to one and other.

(7) In case the conditions provided in sub-rule (6) are not satisfied in the first bidding, the bidding process shall be cancelled and financial bids shall not be opened and fresh or second bid may be invited with the same or modified criteria as may be decided by the procuring entity.

(8) In case the conditions provided in sub-rule (6) are not satisfied in second bid, the competent authority may decide to proceed with single bid, recording with proper justification by giving the reasons, for the same in writing, and also ensure that the following conditions are satisfied-

- (a) the procurement was satisfactory advertised and sufficient time was given for submission of bids;
- (b) the qualification criteria was not unduly restrictive; and
- (c) prices are reasonable in comparison to market values.

The same shall also be published on the State Public Procurement Portal.

(9) In case of second bidding for the *procurement of goods or works/non-consulting services* or *consultancy services*, the procuring entity shall reduce the time period for submission of bids as specified in Appendix-1, Appendix-2 and Appendix-3 respectively.”.

5. In the said rules, in rule 22, for sub-rule (6), the following sub-rule shall be substituted, namely:-

“(6) The number of bidders to be invited in limited bidding shall not be less than three, out of which at least two bidders shall qualify in technical evaluation. In case less than two bidders qualify in technical evaluation, the bidding process shall be cancelled and financial bids shall not be opened and thereafter, the procuring entity may opt to invite bids through open competitive bidding.”.

6. In the said rules, in rule 23, in sub-rule(1), for the words and signs “Form ‘H’”, the words “in writing” shall be substituted.

7. In the said rules, in rule 28, in sub-rule(1), for the words and signs "Form 'H'", the words "in their report" and for the word 'certified', the words "acknowledged" shall be substituted.

8. In the said rules, for rule 29, the following rule shall be substituted, namely:-

“29. Procedure for rate contract.-(1) The rate contract method of procurement shall be applicable only for the procurement of the subject matter of the procurement, as notified by the State Government, which shall be executed on demand of any procuring entity, by the Controller of Stores(COS) or any other Administrative Department as notified by the State Government from time to time.

(2) When the Controller of Stores (COS) or any other Administrative Department as notified by State Government from time to time, chooses to award a rate contract based on open competitive bidding as per sub-section (2) of section 35 of the Act, the provisions of sub-rules (1), (3), (4), (5), (6), (7), (8), and (9) of rule 21 of these rules shall apply for awarding or finalizing the rate contract.

(3) The rate contract shall be done through open competitive bidding and as such, no other method shall be chosen for entering into rate contract. However, if any procuring entity due to appropriate reasons intends to enter into rate contract by any other method prescribed under sub-section (1) of section 27 of the Act, the case shall be sent to the State Government to notify such other method for entering into rate contract.

(4) The period of the rate contract shall be limited to one year:

Provided that in exceptional circumstances, where the subject matter of procurement requires a rate contract for more than one year, the procuring entity may procure the subject matter of procurement through rate contract only for an additional one year with the prior approval of Administrative

-
- Department giving valid reasons, subject to the condition that the procuring entity verifies the rate contract price is not above the prevailing market price.
- (5) The Controller of Stores (COS) or any other Administrative Department as notified by the State Government from time to time shall satisfy itself with the capacity of the firm vis-à-vis machinery or infrastructure facility or manpower or quality assurance or past performance.
- (6) The following “Fall Clause” shall be included in the rate contract:-
- (a) if the Rate Contract holder reduces its price or sells or even offers to sell the rate contracted subject matter of procurement following similar specifications and conditions of sale similar to those of the rate contract, at a price lower than the rate contract price, to any person or organization during the currency of the rate contract, the rate contract price shall be amended and all subsequent supplies will be under amended rate contract; and
- (b) This clause shall not apply to exports by the bidder.
- (7) The rate contract with more than one bidder -
- (a) if the procuring entity anticipates that the items specified for the bidding cannot be supplied by a single firm bidder because of capacity constraints or where the requirement is to be met within a shorter delivery schedule, the rate contract may be awarded to the multiple bidders at L1 rate; and
- (b) a separate clause for awarding rate contract to multiple bidders shall be provided for in the bidding or tender documents. The L1 bidder shall be mandatorily allotted the entire quantity offered by him whereas the remaining quantity shall be offered to the remaining bidders, who have consented for L1 rate, as per the decision of the procuring entity in fair and equitable manner.
- (8) The details of the rate contracted firm and the award price shall be published on the State Public Procurement Portal.
- (9) In case the subject matter of procurement to be procured has already been

rate contracted by the Controller of Stores (COS) or any other Administrative Departments notified by State Government from time to time, the procuring entity may place its supply orders with that rate contracted firm or firms.

(10) The competent authority shall place supply orders to the rate contracted firm containing the quantity of the goods to be supplied and incorporating the prices and other relevant terms and conditions of the rate contract.”.

9. In the said rules, for rule 36, the following rules shall be substituted as namely:-

“36. Price negotiation in a tender process.- The following circumstances, where negotiation may be considered, namely:-

- (a) where the procurement is done on nomination basis;
- (b) procurement is from single or limited sources; and
- (c) procurements where there is suspicion of cartel formation which should be recorded.”.

10. In the said rules, for Appendix 1, Appendix 2 and Appendix 3, the following Appendices shall be substituted, namely:-

APPENDIX 1

(See rule – 7)

Time frame for procurement activities in Open Competitive Bidding (NCB-Single stage two envelope) process for Goods

Serial Number	Procurement Stage	Time frame for National open Competitive Bidding (NCB)		
		Estimated Value for procurement in INR (Rs.)		
		Up to 1 cr.	>Rs. 1 cr. And up to Rs. 10 Cr.	More than 10 crore
1.	Issue of Bidding Document	Day of first publication of the Notification (T)	Day of first publication of the Notification (T)	Day of first publication of the Notification (T)
2.	Submission of Bids	T+14	T+21	T+30

	Submission of Bids (Second Bidding)	T+7	T+14	T+21
3.	Public opening of Technical Bids	T+14* (on last day of submission)	T+21* (on last day of submission)	T+30* (on last day of submission)
4.	Evaluation of Technical Bids by the Evaluation Committee	T+21	T+33	T+45
5.	Approval of the Technical evaluation report	T+28	T+40	T+52
6.	Opening of Financial Bids	T+35	T+47	T+62
7.	Evaluation including financials and recommendation for award by the Evaluation Committee	T+40	T+52	T+69
8.	Approval of the recommendations for award by the Competent Authority	T+45	T+57	T+76
9.	Issue of Notification of Award	T+47	T+59	T+79
10.	Signing of contract	T+62	T+74	T+94

*The time may be changed depending on the queries from the Bidders and in case of issue of Clarification/Addendum/Corrigendum to the Bidding Document

APPENDIX 2

[See rule – 7]

Time frame for procurement activities in Open Competitive Bidding (NCB-Single stage two envelope) process for Works and Non-consulting services

Serial Number	Procurement Stage	Time frame for National open Competitive Bidding (NCB)		
		Estimated Value for procurement in INR (Rs.)		
		Up to 1 cr.	>Rs. 1 cr. And up to Rs. 10 Cr.	More than 10 crore
1.	Issue of Bidding Document	Day of first publication of the Notification (T)	Day of first publication of the Notification (T)	Day of first publication of the Notification (T)

2.	Submission of Bids	T+14	T+21	T+30
	Submission of Bids (Second Bidding)	T+7	T+14	T+21
3.	Public opening of Technical Bids	T+14* (on last day of submission)	T+21* (on last day of submission)	T+30* (on last day of submission)
4.	Evaluation of Technical Bids by the Evaluation Committee	T+21	T+33	T+45
5.	Approval of the Technical evaluation report	T+28	T+40	T+52
6.	Opening of Financial Bids	T+35	T+47	T+62
7.	Evaluation including financials and recommendation for award by the Evaluation Committee	T+40	T+52	T+69
8.	Approval of the recommendations for award by the Competent Authority	T+45	T+57	T+76
9.	Issue of Notification of Award	T+47	T+59	T+79
10.	Signing of contract	T+62	T+74	T+94

*The time may be changed depending on the queries from the Bidders and in case of issue of Clarification / Addendum / Corrigendum to the Bidding Document

APPENDIX 3

[See rule – 7]

Time frame for procurement activities in the process of consulting services.

Serial Number	Procurement Stage	Time frame for National open Competitive Bidding (NCB)		
		Estimated Value for procurement in INR (Rs.)		
		Up to 1 cr.	>Rs. 1 cr. And up to Rs. 10 Cr.	More than 10 crore

1.	Issue of Bidding Document	Day of first publication of the Notification (T)	Day of first publication of the Notification (T)	Day of first publication of the Notification (T)
2.	Submission of Bids	T+14	T+21	T+30
	Submission of Bids (Second Bidding)	T+7	T+14	T+21
3.	Public opening of Technical Bids	T+14* (on last day of submission)	T+21* (on last day of submission)	T+30* (on last day of submission)
4.	Evaluation of Technical Bids by the Evaluation Committee	T+21	T+33	T+45
5.	Approval of the Technical evaluation report	T+28	T+40	T+52
6.	Opening of Financial Bids	T+35	T+47	T+62
7.	Evaluation including financials and recommendation for award by the Evaluation Committee	T+40	T+52	T+69
8.	Approval of the recommendations for award by the Competent Authority	T+45	T+57	T+76
9.	Issue of Notification of Award	T+47	T+59	T+79
10.	Signing of contract	T+62	T+74	T+94

*The time may be changed depending on the queries from the Bidders and in case of issue of Clarification / Addendum / Corrigendum to the Bidding Document..

11. In the said rules, in Appendix 7,-

(i) in Chapter 1,-

(a) for clause 1.2, the following clause shall be substituted namely:-

“1.2 The Procuring Entities may hire external professionals, consultancy firms or Consultants for specific jobs.”

(b) for clause 1.3, the following clause shall be substituted namely:-

“1.3 Engagement of consultants may be resorted to in situations requiring high quality services for which the Procuring Entity does not requisite expertise. Approval of the competent authority should be obtained before engaging consultant(s).”

(ii) in Chapter 2,-

(a) for clause 2.8, the following clause shall be substituted namely:-

“The Procuring Entity shall be responsible for preparation of the short list. The Procuring Entity shall give first consideration to those firms expressing interest that possess the relevant experience and qualifications. Short lists shall comprise shall not be less than three firms with suitable experience and qualifications. Firms that expressed interest, shall be provided the final short list of firms.”.

(b) for clause 2.14, the following clause shall be substituted namely:-

“ 2.14. Technical Proposal

The details of Technical Proposal is as under:-

- (a) Legal Status of the Firm-Introduction to the firm and associate firm(s) background; registrations and operations;
- (b) Experience of the Firm-Description of completed projects illustrating firm and associate(s) firm's relevant experience;
- (c) Comments on Terms of Reference - Concise and to the point as a separate section;
- (d) General Approach and Methodology, Work Plan-Detailed description including charts and diagrams;
- (e) Personnel's CVs - Detailed CV (preferably provide CV Format) of all proposed Consultants; and
- (f) Personnel Deployment Schedule-Required (preferably provide Personnel Deployment Schedule Format).

(iii) in Chapter (III), for clause 1.17, the following clause shall be substituted namely:-

“ **1.17 Selection based on the consultation qualification.** - This method may be used for relatively simple and small assignments (other than Quality and Cost Based Selection, Quality Based Selection and selection under fixed budget) for which the needs for preparing and evaluating comparative proposal is not justified.”.

(iv) in Chapter(IV), for clause 1.32, the following clause shall be substituted namely:-

“1.32. The individual consultants may be based on critical appraisal of their experience, expertise and performance in circumstances similar to that of the Procuring Entity of Government of Punjab. For a quicker and easier method of remunerating the individual Consultants, the following fee structure could be adopted, subject however, to the procuring entity negotiating a rate lower than indicated below. Provided that if the consultancy fee is higher than the rates indicated below then it must be approved by competent authority and shall record the reasons there of. However the rates below shall not be applicable when an individual consultant/expert is proposed as part of a firm that has been selected competitively.

Level	Qualification Criteria	Fees
Senior Level Consultants	Professionals with high level of specialization and experience. Education: Masters/Doctorate in the required discipline and from an eminent institution. Essential Experience: More than 12 years at the top	The procuring entity will refer annual notification of National Information Centre Services Incorporation issued time to time regarding consultant fee of relevant categories for determining the fee.

	<p>management level Required.</p> <p>Experience: 6-8 Years of Consultancy exposure or projects of high value and impact.</p>	<p>Provided that if the consultancy fee is higher than the fee referred by NICSI then it must be approved through competent authority and shall record the reasons thereof.</p>
Middle level Consultants	<p>Professional with middle level experience in relevant sector/function.</p> <p>Education: Graduate/Post-Graduate in the required discipline from reputed (National/State) Institutions.</p> <p>Essential Experience: 3-4 years of Independent Consultancy experience.</p>	
Junior Professionals	<p>Professional with experience in relevant sector/function.</p> <p>Education: Graduate/Post-Graduate of required discipline from reputed (National/State) institutions.</p> <p>Experience 3 to 5 Years at entry management level.</p>	
Fellowship	<p>Professional with entry level sector/function.</p> <p>Education: Graduate/ Post-Graduate of required discipline.</p> <p>Experience: 1 to 2 years at entry management level from reputed</p>	

	(National/State) institutions.	
Specialized Consultants	Professional with exceptional expertise in the required sector/function. Education: Minimum Post-Graduate in the required discipline from reputed (State/National/International institution) Experience 15 years or more in the required field of specialty.	

12. In the said rules, in Schedule 1, in Part A, in clause 4, for sub-clause(12), the following sub-clause shall be substituted namely:-

“The procuring entity shall mention in the bidding documents any increase/decrease of the quantity of subject matter of procurement in the scope of work. To take care of any change in the requirement, a plus/minus option clause (normally twenty-five percent) is incorporated in the tendered document reserving purchaser right to increase or decrease the quantity of the required goods up to that limit without any change in the terms and conditions and prices quoted by the tenderers.”.

13. In the said rules, Form ‘H’ shall be omitted.

AJOY KUMAR SINHA,

Principal Secretary to Government of Punjab,
Department of Finance.