

¹[Khyber Pakhtunkhwa] PROCUREMENT OF CONSULTING SERVICES RULES, 2002

[Gazette of ²[Khyber Pakhtunkhwa]. Extraordinary 14th January, 2004]

No. S.O. (DEV:DFD/10-3702-03, dated 4-11-2002.—In exercise of power conferred by section 45 of the ³[Khyber Pakhtunkhwa] Procurement of Goods, Works, Services and Consulting Services Ordinance, 2002, the Government of ⁴[Khyber Pakhtunkhwa] is pleased to make the following rules, namely:

1. Short title and commencement

- (1) These rules may be called the ⁵[Khyber Pakhtunkhwa] Procurement of Consulting Services Rules, 2002.
- (2) They shall come into force at once.

2. Definitions

In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

- (a) “Ordinance means the ⁶[Khyber Pakhtunkhwa] Procurement of Goods Works, Services, and Consulting Service Ordinance, 2002; and
- (b) ‘Sponsoring Department’ means that Department, Government Agency or Autonomous body hiring consultancy services with public funds. ;

3. Establishment of Departmental Consultant Selection Committee

- (1) There shall be a Departmental Consultant Selection Committee at the departmental level comprising of the following:—
 - (v) The Secretary of the respective Administrative Department. Chairman
 - (vi) Additional Secretary Finance Member.
 - (vii) Additional Secretary P&D/Chief of Section Member
 - (viii) Additional Secretary Works & Services Member.
 - (ix) Deputy Secretary, Irrigation & Power Member.
- (2) There shall be a District Consultant Selection Committee at the district level comprising of the following:
 - (i) District Coordination, Officer of the district concerned. Chairman
 - (ii) EDO Finance and Planning Member

¹ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

² Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁵ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁶ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

- | | | |
|-------|--|----------------------|
| (iii) | EDO Works and Services Department | Member |
| (iv) | District Head of Irrigation Department | Member |
| (v) | District Head of Procuring Entity | Member-cum-Secretary |

(3) The Committees mentioned in sub-rules (1) and (2) shall be established by Government by notification in the official Gazette.

4. Power and function of the Committee

- 1) The Consultant Selection Committee at the departmental level shall enjoy full financial powers, while the Committee at the district level shall have the power to approve consultancy services, the cost of which does not exceed twenty million rupees.
- (2) The committee established under rule 3 shall have the power to approve the terms of reference for consultancy assignments, and select consultants after review of 'technical and financial bids submitted by bidders.

5. Procedure for selection of consultancy services

The procedure for the selection and hiring of consultants for rendering consultancy services shall inter alia provide as under:

- (a) the Sponsoring Department after, the approval of PC-II shall advertise consultancy services which are in excess of rupees one hundred thousand through national dailies, setting out the details of the services required and the terms and reference. The last date for receipt of bids shall not .be earlier than the expiry of fifteen days from the date of publication of the notice. The date, hour arid place for the latest delivery of pre qualification proposals/bids and for the opening of the proposal/bid shall be stated in the advertisement inviting pre qualification proposals/bids. The time for opening of proposals/bids and deadline for their receipt shall ordinarily be the same:
- (b) where services are intended to be hired involving estimated cost of rupees one million or more, pre qualification of bidders shall be undertaken before invitation of bids and special consideration relevant to experience are past performance, capabilities with respect to personnel, equipment and plan (if applicable) and financial position shall be given;
- (c) as far as practicable, technical and financial bids shall be invited separately. Bidding documents, containing all the necessary information for- bidders to prepare responsive bids shall be provided on payment of costs. The price of the bidding documents shall be so fixed as to the recover cost of advertisement and cost of preparation/printing of bidding documents;
- (d) the currency of bids, as far as possible, shall be in Pak. Rupees. Bids received in foreign currencies shall be converted into Pak. Rupees at

official bank rates as on the date of opening of bid for comparison purposes;

- (e) the respective Committee shall open all proposals/bids at the stipulated time and place in presence of bidders or their representatives, if they choose to attend:
- (f) the respective Committee may constitute sub committees to evaluate the technical and financial, proposal before their review and approval of the bid:
- (g) ordinarily at least three proposals/bids will be required for purposes of comparison to ensure reasonable competition. However, the Committee may consider proposals/bids less than three in number, after recording reasons in writing, if re-advertisement of the services is not in the interest of public works.

6. Quorum.

A quorum of 4 members including the Chairman of the respective Committee shall be necessary to conduct the business of the Committee. To conduct business of the Committees representation of Finance; and Planning and Development Departments shall be necessary.

7. General rules.

In all matters not expressly provided for under these rules, the Government may prescribe procedures for functioning of the Committees and Sub Committees constituted by it.