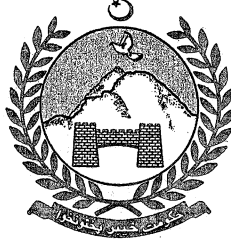


EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. P.III  
G A Z E T T E

## **KHYBER PAKHTUNKHWA**

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**GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
LOCAL GOVERNMENT, ELECTIONS AND RURAL DEVELOPMENT DEPARTMENT**

### **NOTIFICATION**

Dated Peshawar, the 20<sup>th</sup> April, 2021.

**No. SOG/LG/5-8/PFVM/2021.-** In exercise of the powers conferred under sub-section(2) of section 113 of the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), the Government of Khyber Pakhtunkhwa is pleased to make the following model bye-laws, namely:

**The Model Bye-Laws for Establishment and Regulation of Private Fruit and Vegetable Markets by the Tehsil Municipal Administration and Tehsil Local Government, 2021.**

### **Chapter-I**

### **Preliminary**

1. **Short title, application and commencement.**---(1)These model bye-laws may be called the Model Bye-Laws for Establishment and Regulation of Private Fruit and Vegetable Markets by the Tehsil Municipal Administration and Tehsil Local Government, 2021.

(2) These model bye-laws shall apply to the fruit and vegetable markets, in private sector regulated by Tehsil Municipal Administrations or Tehsil Local Government, as the case may be.

(3) These model bye-laws shall come into force at once.

2. **Definitions**---(1)In these model bye-laws, unless the subject or context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

(a) "Act" means the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013);

- 143
- (b) **“Appendix”** means the Appendix appended to these model bye-laws;
  - (c) **“applicant”** means a person, who submits an application, under clauses 3 and 5 of these model bye-laws;
  - (d) **“awardee”** means the person, to whom approval for the establishment of fruit and vegetable market is granted under these model bye-laws;
  - (e) **“broker”** means an agent, whose ordinary business is to negotiate and make contracts on payment of brokerage of purchase or sale of fruit and vegetable produce on behalf of his principal but does not include a servant of such principal whether engaged in negotiating or making such contracts;
  - (f) **“coldstore”** means a controlled atmosphere store, used for storing agricultural produce;
  - (g) **“dealer or commission agent”** means any person, not being a grower, who, within the notified market area, sets up, establishes, uses or allows to use any place for purchase or sale of fruit and vegetable is permitted by the Tehsil Municipal Administration or Tehsil Local Government, as the case may be;
  - (h) **“Evaluation Committee”** means an Evaluation Committee, constituted under clause 6 of these model bye-laws;
  - (i) **“fee”** means a fee, determined and charged by the concerned Tehsil Municipal Administration under clause 12 of these bye-laws;
  - (j) **“financial proposal”** means a proposal, containing the financial offer from the applicant, showing all possible payment details and mode of payments for the business venture;
  - (k) **“fruit and vegetable”** means fruit and vegetable or any product, derived from anyone of these sources;
  - (l) **“fruit and vegetable market”** means the private fruit and vegetable market, established and regulated under these model bye-laws;
  - (m) **“grower”** means a person, who, by himself or through tenants or otherwise, grows, produces or processes fruit and vegetable;
  - (n) **“licensee”** means a person, to whom a license or permit has been issued by the concerned Tehsil Municipal Administration or Tehsil

Local Government, as the case may be, for carrying out a particular trade or business in the market under these bye-laws;

- (o) "member" means a member of the Evaluation Committee;
- (p) "notified market area" means any area notified for the market in the limits of the Tehsil by the concerned Tehsil Municipal Administration or Tehsil Local Government under these model bye-laws;
- (q) "parking area" means a place, specified under provision of these model bye-laws, for the purpose of parking of vehicles, motor cycles, cycles etc;
- (r) "Regional Municipal Officer" means a Regional Municipal Officer concerned appointed by the Local Council Board at the Divisional level;
- (s) "sub-occupation" means, the brokers or dealers, weighing man, pressing and processing of agriculture produce, measurers or surveyors, warehousemen, changers, paddlers, rollers and any other person concerned, in relation to fruit and vegetable market, and duly authorized under these model bye-laws for carrying out their occupations in a notified market area in respect of agriculture produce;
- (t) "tehsil council" means the tehsil council constituted under the Act;
- (u) "Tehsil Municipal Officer" means Tehsil Municipal Officer of a Tehsil Municipal Administration or Tehsil Local Government, as the case may be, within the boundaries of which the notified market area concerned is situated; and
- (v) "Tehsil Officer (Regulation)" means Tehsil Officer (Regulation) of a Tehsil Municipal Administration or Tehsil Local Government, as the case may be, within the boundaries of which the notified market area is situated.

## Chapter-II

### Application, Evaluation Committee and its Procedure

3. Format of application for establishment of fruit and vegetable market.---

(1) Any person or legal entity may apply for the establishment of fruit and vegetable market to the concerned Tehsil Municipal Administration or Tehsil Local Government, on the application as specified in Appendix-I.

(2) The application shall be supported by the following, namely:

- 145
- (a) name of person, firm, company or organization, as the case may be;
  - (b) Computerized National Identity Card, in case of a person, or valid documents of establishment of the firm or company or organization, as the case may be, from relevant authority;
  - (c) purpose and scope of the fruit and vegetable market;
  - (d) land measurement, location, ownership, etc. to be earmarked for establishment of the fruit and vegetable market, duly verified by concerned Revenue Officer;
  - (e) design, facilities and service required for the proposed fruit and vegetable market;
  - (f) financial plan for establishment of the fruit and vegetable market including terms of financing;
  - (g) designs and other details for grading and packaging;
  - (h) details of hygiene, sanitation and drainage facilities at the fruit and vegetable market; and
  - (i) monitoring and inspection mechanism for the running and overseeing the fruit and vegetable market.

(3) Soon after receipt of an application under sub-clause (1) of clause 3 above, the same shall be placed before the evaluation committee and in case found feasible, a public notice shall be published in the newspapers for seeking public objections and suggestions to reach the Tehsil Municipal Administration concerned within fifteen days of the issuance of such public notice for consideration by the Evaluation Committee as per procedure, provided in clause 5 of these bye-laws.

(4) In case no objections and suggestions are received in response to public notice, or the objections and suggestions so received have been duly considered and disposed of as per standard procedure, the Evaluation Committee may consider the application received under sub-clause (1) of clause 3 for approval or rejection as it may deem appropriate.

**4. Standard check list for scrutiny and evaluation of applicant and application.**---(1) Soon after submission of an application by any or more applicants, the Tehsil Municipal Administration or Tehsil Local Government, as the case may be, shall, through an Evaluation Committee, evaluate the proposal on the basis of the check list as prescribed in sub-clauses (2) and (3):

(2) An applicant shall-

- (a) not be less than eighteen (18) years of age;
- (b) possess a valid Computerized National Identity Card from NADRA;
- (c) proof of financial capital; and
- (d) not convicted from any court of law;

(3) A committee shall be constituted by the concerned Tehsil Municipal Administration or Tehsil Local Government for confirmation and verification of the following information:

- (a) the proposed land/site shall possess undisputed ownership/title of the proposed land free from any encumbrance and litigation;
- (b) the minimum land required for the establishment of proposed fruit and vegetable market shall not be less than two (2) acres;
- (c) it has adequate road access and entrance gates;
- (d) it is not in vicinity of any major public utility to create traffic problems for hospitals, school, college or public offices;
- (e) it has rain water drainage facility; and
- (f) the distance between an existing and proposed fruit and vegetable market shall not be less than two (02) km to avoid urban congestion and give fair business opportunities to both.

(4) The design and facilities in the market shall be as under:

- (a) design shall be functional for traffic movement, sanitation and trading requirements;
- (b) proper boundary wall of the market with specified entry and exit points;
- (c) separate space shall be allocated for parking;
- (d) auction and trading floor for wholesale and retail;
- (e) parking area shall be at least 25% of the total area of fruit and vegetable market;

- (f) facilities like grading, packaging, storages commensurate to commodity requirement shall be sufficiently provided;
- (g) cold storage facilities; and
- (h) space for civic amenities shall be ensured.

5. **Evaluation procedure.**---(1) Where the Tehsil Municipal Administration or Tehsil Local Government is interested to establish a new fruit and vegetable market in the private sector, it shall adopt the following procedure:

- (a) the Tehsil Municipal Administration or the Tehsil Local Government, as the case may be, shall float an Expression of Interest in national and local newspapers, soliciting key information through an expression of interest as given at **Appendix-I**;
- (b) the expression of interest shall be evaluated as per the criteria given in the application form at **Appendix-I**, by the Evaluation Committee in accordance with clause 7 of these model bye-laws;
- (c) after evaluation of the expression of interest, the detailed Request for Proposal shall be sent to the successful bidders as per the standard template given at **Appendix-II**;
- (d) the request for proposal shall be evaluated by the Evaluation Committee as per the evaluation criteria given in the request for proposal document, furnished to the participating applicants;
- (e) once the evaluation sheet has been signed by all the members of the Evaluation Committee, a date for the opening of financial proposal shall be announced and the financial proposal shall be opened in the presence of those applicants who prefer to attend; and
- (f) the applicant with the highest score in both the technical and financial proposals shall be declared as the successful awardee;
- (g) the approval of the Nazim or Chairman, as the case may be, shall be sought on the final award and subsequently communicated to the awardee; and
- (h) Video recording of evaluation committee proceedings shall be prepared and preserved for record by the concerned Tehsil Municipal Administration.

(2) A space, allocated for common service areas i.e. footpaths, Masjid, green belt, parking area etc. shall be handed over to the Tehsil Municipal Administration or Tehsil Local Government, as the case may be, or through affidavit by the awardee that the same space shall be utilized for the purpose for which it has been allocated and shall not be further utilized for any other business activities.

**6. Composition of Evaluation Committee.**---The Evaluation Committee notified by the Tehsil Municipal Administration or Tehsil Local Government, as the case may be, for the fruit and vegetable market shall consist of the following:

- |     |   |                      |
|-----|---|----------------------|
| (a) | Tehsil Municipal Officer of the concerned tehsil;                       | Chairman             |
| (b) | Tehsil Officer (Regulations) of the concerned tehsil;                   | Member-cum-Secretary |
| (c) | a representative of Agriculture Department at district level;           | Member               |
| (d) | a representative of Tehsil Administration of the concerned tehsil;      | Member               |
| (e) | Tehsil Officer (Infrastructure) of the concerned tehsil;                | Member               |
| (f) | Assistant Tehsil Officer (Regulations) of the concerned tehsil;         | Member               |
| (g) | Tax Superintendent or Tax Inspector of the concerned tehsil; and        | Member               |
| (h) | Chief Sanitary Inspector or Sanitary Inspector of the concerned tehsil. | Member               |

**7. Functions of the Evaluation Committee.**---(1)The Evaluation Committee shall prepare a case for establishment of a fruit and vegetable market and shall get the same approved from the respective Council through the Nazim, Chairman or Mayor, as the case may be.

(2) The Evaluation Committee shall evaluate the technical and financial proposals submitted by prospective bidders as a result of the request for proposal.

(3) The Evaluation Committee shall recommend the successful applicant to Nazim, Chairman or Mayor, as the case may be, for approval.

**8. Approval.**---After completion of all codal formalities and evaluation process, as prescribed above, the Nazim, Chairman or Mayor, as the case may be, shall award a contract or license to the successful bidder, initially for fifteen years, for the establishment of fruit and vegetable market, which may be extended for another fifteen years on mutual consensus of the parties.

**9. Timeline for approval process.**---The process of approval or otherwise shall be completed within a period of forty five days; provided that if the process is not completed within the stipulated period, the Tehsil Municipal Administration or

Tehsil Local Government concerned shall record cogent reasons for the same or reject the application.

10. **Appeal.**--- Any person, aggrieved from the decision of the Evaluation Committee, may prefer an appeal before the respective Regional Municipal Officer, who after affording opportunity of hearing to the parties and examining the record, shall decide the appeal, within thirty days and decision of Regional Municipal Officer shall be final.

11. **Inspection.**---The Tehsil Municipal Administration or Tehsil Local Government or any other officer authorized by the Department, shall have the right of inspection of the fruit and vegetable market, on need basis, to ensure compliance with these model bye-laws and impose any fine or penalty as specified in Fourth Schedule and Fifth Schedule of the Act, or issue such other directions as may be appropriate for better management, fair play and public convenience.

12. **Annual license fee.**---Upon the final approval by the competent authority, the annual fee shall be charged from the licensee on the following rates:

1.	2.	3.
S. No.	Categories of TMA's.	Annual Fee.
1.	Category-A TMA.	Rs 1.000 Million.
2.	Category-B TMA.	Rs 0.500 Million.
3.	Category-C TMA.	Rs 0.300 Million.
4.	Category-D TMA.	Rs 0.150 Million.

13. **Weighing or measurement.**---All agriculture produce, brought in the fruit and vegetable market for sale and purchase, shall be weighed or measured on payment of such charge at the weighbridge or measuring yard, maintained and operated at the entry points of the fruit and vegetable market by the licensee at his own cost.

14. **Display of Government price list.**---(1) Officially approved daily price list shall be displayed at conspicuous place of the fruit and vegetable market and all businesses in the fruit and vegetable market shall ensure strict compliance to the officially approved daily price list while selling different items to the general consumers.

(2) In case of any violation under sub-clause (1), the violators shall be liable to punishment as specified in Fourth Schedule and Fifth Schedule of the Act.

15. **Prevention of fire spread.**---A person shall not be allowed to-

- (a) light a fire in any part of the fruit and vegetable market except restaurants or kitchens therein; and



- (b) keep or sell any explosive or highly flammable substance in the fruit and vegetable market.

**16. Maintenance of peaceful conditions and environments for business.**---A person shall not be allowed to-

- (a) ring any bell or blow any horn or use any other noisy instrument or loud speaker to attract the attention of customer or of any person;
- (b) paste or display any bill, placard or poster in the fruit and vegetable market, except those authorized by the concerned Tehsil Municipal Administration or Tehsil Local Government;
- (c) distribute any printed material in the fruit and vegetable market; and
- (d) boycott or encourage boycotts.

**17. Prevention of adulteration, mixing and substandard quality.**--- A person shall not adulterate the agriculture produce or offer adulterated agriculture produce for sale in the fruit and vegetable market:

**Explanation:**For the purpose of these model bye-laws, adulteration of commodities shall include mixing of inferior stuff with superior agriculture produce, mixing of different varieties or different qualities, mixing of sieved remains of the agricultural produce with agricultural produce and mixing of earth, dirt or stones or any other extraneous matter with any agricultural produce.

**18. Operations and maintenance of a fruit and vegetable market.**---(1)The licensee shall ensure observance of necessary security arrangements as per requirements duly verified by the concerned local police station.

(2) The licensee shall ensure provision of clean drinking water and other civic amenities within the fruit and vegetable market's premises.

(3) The licensee shall ensure cleanliness of the fruit and vegetable market's environment and keep it in hygienic condition. There shall be a system for early disposal of waste, generated within the fruit and vegetable market, and in case of disposal, such wastes shall be dumped at the selected points, declared by the Evaluation Committee for the purpose and Tehsil Municipal Administration or Tehsil Local Government, as the case may be, further disposed of on payment of charges as determined by the concerned tehsil council from time to time.

(4) The licensee shall construct public toilet for the visitors of the fruit and vegetable market duly provided in the design and site plan and maintain the same in hygienic conditions.

(5) Only those persons shall be allowed for business in the fruit and vegetable market who have valid trade license from Tehsil Municipal Administration or Tehsil Local Government, as the case may be, on such terms and conditions, which may be renewable annually as determined by the Tehsil Municipal Administration or Tehsil Local Government.

(6) The Tehsil Municipal Administration or Tehsil Local Government, as the case may be, may issue any additional condition in the matter in writing, which it may deem appropriate and the same shall be binding on the licensee.

(7) The Tehsil Municipal Administration or Tehsil Local Government, as the case may be, reserves the right subject to notice, to recall the permission or license, granted for operation of fruit and vegetable market, at any stage or time, if found that the said licensee is not complying with the terms and conditions of the license so granted.

(8) License, cancelled or suspended, may be restored upon a written request or appeal to the concerned Regional Municipal Officer within fifteen days of the cancellation order, subject to payment of a penalty of ten percent of his financial proposal.

**19. Procedure to grant licenses to certain sub occupations in the fruit and vegetable market etc.**---(1) Any person may apply to the concerned Tehsil Officer (Regulation) for the grant of license with respect to a sub-occupation in the fruit and vegetable market. The application shall be accompanied by such fee as may be determined by the Tehsil Municipal Administration concerned from time to time.

(2) The Tehsil Officer (Regulation) shall examine the application and if he is satisfied, shall grant license for the sub-occupation for which the application is made.

**Chapter-III**  
**Miscellaneous**

**20. Alteration.**---(1) A person shall not make an alteration in the approved design of a building or shop, in the fruit and vegetable market except with prior permission in writing of Tehsil Municipal Administration or Tehsil Local Government, as the case may be.

(2) A person shall not picket or tether animals on any part of the open space in the fruit and vegetable market.

(3) A person shall not throw or deposit any filth, refuse, dirt and rubbish on, or over any open space, road, drain or 'thara' in the fruit and vegetable market.

(4) A person shall not wash clothes or utensils at any water-tap, tank or reservoir meant for supplying drinking water to the functionaries and visitors of the fruit and vegetable market.

(5) A person shall not use any place in the fruit and vegetable market for the purpose of parking except at the place specified for this purpose.

(6) A person shall not be entitled to sublet or share "thara" with any other person.

(7) Every permitted person shall use "thara" only for the specified purpose.

**21. Fine and penalty.**--- Any officer of Tehsil Municipal Administration concerned or officer, so authorised by the Department, may impose such fine or penalty for any violation of these bye-laws as per Fourth Schedule and Fifth Schedule of the Act.

**22. Savings.**---Upon coming into effect of these model bye-laws, the different permits or licenses etc. granted or agreements signed or executed between the various local councils and private fruit and vegetable market owners, under the Act, or any other previous laws and rules in vogue at that period of time shall stand saved and shall continue under the same terms and conditions. However, all future agreements and transactions and renewal shall be governed by these model bye-laws, including any extension in lease agreement with the existing fruit and vegetable market owners or licensees.

Appendix-I  
[see clauses 3 and 5 (i)& (ii)]

APPLICATION FORM FOR EXPRESSION OF INTEREST

1. Name of the individual or company \_\_\_\_\_
2. Registration/license No. (in case of company) \_\_\_\_\_
3. CNIC of the owner/principal partner \_\_\_\_\_
4. Company profile (in case of company) \_\_\_\_\_
5. Annual financial turn over or total liquidity (in case of company)  
\_\_\_\_\_
6. Total years of experience of similar work/contract summaries as following:

S#	Name of assignment/work	Contracting entity
1		
2		
3		
4		

7. Contact details

Appendix-II  
[see clause 5 (iii)]

Part-I  
Request For Proposal

Contactors Name \_\_\_\_\_

Title of the Request for Proposal \_\_\_\_\_

Identification number for the RFP \_\_\_\_\_

Details of Request for Proposal \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

Part-II  
Bidding Documents

1. Letter of Invitation to Bidders
2. Instructions to Bidders and Data Sheet
  - (i) General Provisions;
  - (ii) Preparation of Proposals;
  - (iii) Submission, Opening and Evaluation; and
  - (iv) Data Sheet.
3. Terms of Reference.

**Part-III**  
**Contract Details**

1. Conditions of Contract and Contract Forms
2. Form of Contract
3. General Conditions of Contract
  - (i) General Provisions;
  - (ii) Commencement, Completion, Modification and Termination of Contract;
  - (iii) Obligations of the Bidders;
  - (iv) Obligations of the Client;
  - (v) Payments to the Bidder;
  - (vi) Fairness and Good Faith;
  - (vii) Settlement of Disputes; and
  - (viii) Force majeure or act of God
4. Special Conditions of Contract.
5. Appendices.

**Secretary**  
**Local Government, Elections and Rural**  
**Development Department Khyber Pakhtunkhwa**