

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

further to amend the Public Procurement Regulatory Authority Ordinance, 2002

WHEREAS, it is expedient further to amend the Public Procurement Regulatory Authority Ordinance, 2002 (XXII of 2002), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act shall be called the Public Procurement Regulatory Authority (Amendment) Act, 2022.

(2) It shall come into force at once.

2. Amendment in long title, Ordinance XXII of 2002.- In the Public Procurement Regulatory Authority Ordinance, 2002 (XXII of 2002), hereinafter called as the said Ordinance, in the long title, for the word "and" a comma shall be substituted and after the word "works", the words "and disposal of public assets" shall be inserted.

3. Amendment in preamble, Ordinance XXII of 2002.- In the said Ordinance, in the preamble, in the first paragraph, for the word "and" occurring for the first time, a comma shall be substituted and after the word "works", the words "and disposal of public assets" shall be inserted.

4. Amendment in section 2, Ordinance XXII of 2002.- (1) In the said Ordinance, in section 2,

(a) after clause (c), the following new clause shall be inserted, namely:-

"(ca) "disposal" means auction, rental, lease, donations, destruction and recycling of public assets or any combination thereof;"

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

"(e) "goods" means articles and objects of every kind and description including raw materials, products, equipment, machinery, spares, scraps, waste material and commodities in any form and includes all type of assets such as immovable property, physical objects in any form or matter, intangible assets, goodwill, intellectual property and proprietary right, as well as service incidental thereto if the value of these services does not exceed the value of such goods;"

(c) after clause (j), the following new clause shall be inserted, namely:-

"(ja) "public asset" means all types of goods owned and possessed by the procuring agency,"; and

(d) for clause (1), the following shall be substituted, namely:-

"(1) "public procurement" means acquisition of goods, services or construction of any works financed wholly or partly out of the public fund and includes disposal of public assets and commercial transactions between procuring agency and private party, in terms of which the private party is allowed to:-

- (i) perform a procuring agency's assigned functions, including operations and management, on its behalf;
- (ii) assume the use of public asset; or
- (iii) receive a benefit either from budget or revenue of the Federal Government or from fees or charges to be collected by the private party for performing the procuring agency's function or any combination thereof;"

5. **Insertion of section 20A, Ordinance XXII of 2002:-** (1) In the said Ordinance, after section 20, the following new section 20A shall be inserted, namely:-

"20A- **Mechanism for grievance redressal.** The procuring agency shall, by rules and regulations made under this Ordinance, have a mechanism for grievance redressal of bidder during procurement."

STATEMENT OF OBJECTS AND REASONS

In view of the peculiar social and economic challenges to the governance model, only a few amendments in the Public Procurement Regulatory Authority Ordinance, 2002 have been made over the years to provide for ease of doing business and to bring the law in conformity with the international best practices.

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