E-PAK-PROCUREMENT REGULATIONS, 2023

S.R.O.296(I)/2023.- In exercise of powers conferred by Section 27 of the Public Procurement Regulatory Authority Ordinance, 2002 (XXII of 2002), read with Rule 7(A) of Public Procurement Rules, 2004, the Public Procurement Regulatory Authority is pleased to make the following regulations, namely:-

1. Short title and commencement.- (1) The Regulations may be called "E-Pak-Procurement Regulations, 2023". These Regulations deals with the Public Procurements carried-out through e-Pak Acquisition and Disposal System.

(2) These Regulations extend to the whole of Pakistan.

(3) They shall come into force at once.

2. Definitions.- (1) In these Regulation unless, there is anything repugnant in the subject or context:

(a) "E-Pak Acquisition & Disposal System (e-PADS)" means the conceptualization, initiation, design, development, testing, contracting, production, deployment, logistics support, modification of an asset in a procurement process and assets disposal in a public organization in its capacity to attach reusable value to its assets at their end of life by using digital and electronic means in a procurement process.

(b) "Commercial Transactions" means selling or purchasing or both selling and purchasing by any person in the course of employment in, or in the carrying on of, a trade or business or some sort of payment for a good or service.

(c) "Centralized Registration System" means a single place for all e-PADS users to register and provide details credential for verification to authenticate for conducting different activities by utilizing tools provided by e-PADS.

(d) "Evaluation Matrix System" Evaluation Matrix is a tool that can be used to evaluate submitted bids and identify the one that provides the best value for money. The matrix allows buyers to score and weight supplier's responses against the predefined evaluation criteria.

(e) "Encrypted Tender" means a mechanism for securing tender / bid proposals until close of tendering is provided for an electronic tendering system over an open network.

(f) "Disposal Cycle" means disposal of assets after their end-of-use is often considered the en-stage in the procurement cycle. Assets disposal in a public organization is its capacity to attach reusable value to its assets at their end of life.

(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, 2002, the Public Procurement Rules, 2004 and Regulations made thereunder.

3. Scope.- (1) In accordance with the E-Pak Acquisition & Disposal System of the Federal PPRA, the Authority, all Procuring Agencies and bidders including prospective bidders shall use the system starting from planning to the close out of contracts in case of public procurement of goods, works, services and commercial transactions and shall also cover all the aspects of Regulatory Framework as well.

4. General Features of E-Pak Acquisition & Disposal System.- (1) The Authority shall make the system accessible to the stakeholders including Procuring Agencies, bidders, Prospective bidders, users and general public to the extent of their role to ensure transparency in the public processes.

5. Centralized Registration.- (1) The Authority shall grant approval to the Procuring Agency on formal request for registration to create Procuring Agency's Account with authentic Procuring Agency Identity, and Procuring Agency shall register itself in the e-PADS to access all the relevant features. The Authority

shall provide dedicated secured dashboard to the Procuring Agency for secured dashboard to create internal users such as Approving Authority, Procurement Planning unit, Procurement Evaluation Committee, Grievance Redressal Committee, Blacklisting Committee and Contract Management unit as defined in Public Procurement Regulatory Framework. The Procuring Agency in addition to other details, shall provide the information to the Authority regarding the nature, categories, and sub-categories of the major procurements be executed.

(2) The Authority shall enable only those administrators / administrative units of the Procuring Agency for which they are authorized. Procurement Planning System shall be administered by the authorized person/body only. After the development of Procurement Plan, the Authority through the System shall give access to the respective authorized Query Resolution system, E-Tendering System, Encrypted Tender Submission Systems, E-Evaluation System, the Procurement (Evaluation) Committees of respective sub-categories of procurement through identification from the respective rows of the procurement plan, for carrying out procurement activities.

(3) All the bidders intending to participate in the public procurement process are required to get registered online as a single entity, joint venture or association with sub-consultant or sub-contractor by filling standard entries through dedicated secured dashboard. The bidders shall registered itself for each sub-category of procurement (i.e. goods, services, works, commercial transaction and disposal of public assets) separately or as combined categories i.e. EPC and EPCC etc.

(4) The Authority shall charge from users (except Authority's users) mandatory regulatory fee including registration fee, annual subscription fee, transactional fee, additional storage space fee as prescribed in the schedule-I of these regulations:

(5) The user shall provide all the required information, digital documents and shall accept all the terms and conditions of the e-PADS. The user shall make itself aware of the disclaimer and privacy policy of the e-PADS. The Authority shall verify the profile information before registration authenticated information anytime through the dash board in secured environment without change of the User ID.

(6) The Authority through the System shall create link with the Past Performance Information Retrieval System (PPIRS) and shall make available all details of the past / previous projects of the vendors, in addition to linkage with the Eligibility and Qualification Matrices of the E-Evaluation Matrix.

(7) The information submitted by the bidders shall be genuine, authentic, true and valid on the date of registration and if any information found to be false or any violation of the allied terms and conditions of the e-PADS or misrepresentation by the user while uploading his profile details or executing other activities related to public procurement, the authority may cancel or suspend the registration of any vendors at any time in addition to initiating legal proceedings in this regards.

6. E-Procurement Planning.- (1) Procuring Agency shall create its internal User ID in accordance with the instructions of the Authority.

(2) The Procuring Agency shall issue Circular to the User's Departments regarding identification of the needs for goods, works, services and commercial transactions for the next fiscal years(s), in addition to identification of the public assets to be disposed of.

(3) The Procuring Agency on the basis of User's Department needs shall create Final Annual Procurement Plans in accordance with the manner and timelines defined in the Procurement Planning Regulations.

(4) The Authority through the System shall enable the Procuring Agency to fill the standard entries of the Procurement Plan containing annual estimates including description, statement of requirements and quantities.

(5) The Procuring Agency shall notify Procurement (Evaluation) Committee(s), Grievance Redressal Committee(s), Blacklisting Committee and Contract Management Units for respective procurements for the next Fiscal Year with delegation of power to the extent of their prescribed role.

(6) The Procuring Agency shall align all other Systems with the E-Procurement Planning System, and shall allow the respective committee to proceed in accordance with the e-Procurement Plan:

Provided that the Authority may allow deviation in accordance with the float period prescribed in the Procurement Plan:

(7) In case of any further deviation, after the approval of the Approving Authority of the Procuring Agency, the Authorized officer shall fill the standard entries of the Revised Procurement Plan as an Addendum, and provide the reason(s) for such deviation(s) in the Remarks Row of the Revised Procurement Plan. The system shall identify the deviation(s) from actual time schedule and other entries of the original procurement plan.

7. E-Documents Generation System.- (1) The Procuring agency shall generate Dynamic Forms of Standard Procurement Documents (SPDs) (including Expression of Interest (EOI), Prequalification Documents & Procurement Notices) and shall make it available within the E-Documents Generation System for preparation of the e-bid Documents. Procuring Agency shall create these dynamic form by filling the standard entries and drafting the prescribed sections of the Dynamic SPDs.

(2) The Authority through the System shall also provide applications to Procuring Agencies for generation of EOI & Pre-qualification Documents as well as Technical and Financial proposals and Procuring Agency(s) shall general these documents by filling the standard entries and the prescribed sections of the Dynamic Application / Proposal Submissions Forms as part of SPDs.

(3) The procuring agency shall be able to incorporate the Eligibility Parameters, Specifications and the Evaluation Parameters by digital entries of all these parameters in a manner, so as the E-Evaluation System be able to identify the eligibility and compliance at its own, to the extent possible by artificial intelligence as well as be able to accept and transform the manual evaluation into quantitative digital evaluation and integrated result.

(4) The Procuring Agency shall incorporate the Evaluation Criteria in the e-bidding documents comprising of eligibility parameters, mandatory parameters (auto evaluation), quantitative auto-evaluation in terms of marking of the capacity / capability aspects based on previous / past performance, qualitative / quantitative manual evaluation in terms of level of satisfaction (ranging from highly satisfactory to highly un-satisfactory and in terms of assigned marks) and onward auto transformation to final results etc.

(5) The Authority through the System shall make it able to generate the e-documentation in the alternate methods of procurement in the same manner as that of principal method of procurement with essential variations in the Instructions to Bidders (ITB) clauses in accordance with the requirement of respective alternate method:

Provided that, notwithstanding anything contained in sub-regulations (1) to (5), the Procuring Agency shall upload the PDF file of SPDs and bidders shall submit their bids in PDF files till the availability of Dynamic SPDs.

8. E-Tendering System.- (1) The Procuring Agency shall use E-Tendering System comprised of e-Notification System, e-Advertisement System, E-Tender Documents Publication System, Pre-Bid e-Conference System, and E-Clarification System.

(2) The Procuring Agency through e-Notification System shall generate alerts to the prospective bidders and applicants of respective sub-category in accordance with the subscription of the vendors, eligibility for respective sub-category of procurement and time lines (including allied float periods) prescribed in the e-Procurement Plans.

(3) The Procuring Agency through the System shall fill the standard entries and respective editable portions of the prescribed advertisement template for respective category (or sub-category) of procurement. The Procuring Agency through the system shall generate advertisement on the e-PADS and shall make available on the centralized web portal in accordance with time line (and allied floats) mentioned in the Procurement Plan. Moreover, Procuring Agency through the System shall communicate the advertisement to Press Information Department (PID) in a suitable size for publication of the same in the national and international (or foreign) print media, in accordance with the requirements. Procuring Agency shall also define the preferable national / international print media editions along-with preferred date of publication.

(4) Procuring Agency through the e-advertisement system shall public advertisement and shall also make it available to the prospective bidders (and applicants), Procuring Agency shall generate Tender Documents (after filling the entries and editable portions of the SPDs) in accordance with the time line prescribed in the advertisement. The Prospective Bidders shall access to the e-documentation in accordance with the dates prescribed in the Procurement Notice.

(5) Procuring Agency through the Pre-Bid e-Conference System shall issue alerts and make it interoperable with e-Notification System and e-Tender Documents Publication Sub-System to generate alerts for all prospective bidders who had already accessed the tender documents, well before the conduct of the said conference. The Procuring Agency shall upload the minutes of meetings along-with the response of the Procuring Agency addressing the queries and suggestions of the prospective bidders. If required, Procuring Agency shall publish updated version of the Bidding Documents within three (03) days of the Pre-bid e-Conference.

(6) The Prospective Applicants and Bidders shall raise queries through e-Clarification System within five (05) and ten (10) days of publication of the advertisement and / or availability of the procurement documents on the System in case of national and international competitive bidding respectively. Procuring Agency through the System shall allow the Authorized person / Procurement Committee to respond the same within 48 hours of the receipt through the same system. Procuring Agency if required (in response to addressing the query) through the System shall update the Procurement Documents at least five (05) and ten (10) days before application / bid submission date in case of national and international tendering respectively. In case of substantial change(s), Procuring Agency through the System shall extend the bid submission deadline (within the float period) through filling the standard entries of the corrigendum, and shall upload the same.

(7) In case of alternate methods of procurement.- Procuring Agency through the system shall identify the eligible Suppliers, Vendors and State Owned Entities (SoEs) (as the case may be) for Call of Proposals as well as to fill the standard entries and respective editable portions of the prescribed templates of the bidding documents, in line with the defined timelines in the procurement plan except direct contract in case of emergency and negotiated tendering in case of extreme urgency, wherein the system shall allow to fix the timeline as per the convenience of the Procuring Agency and nature of the urgency or emergency as the case may be.

(8) In case of Framework Agreements.- Procuring Agency through the System shall fulfil all the requirements on the analogy of the main System keeping in view the requirements of Primary Procurement Process for the Framework Agreement(s).

(9) In case of un-solicited proposals.- Procuring Agency through the System shall fulfil all the requirements on the analogy of the main System keeping in view the provisions of the Regulatory Framework on un-solicited proposals.

(10) Procuring Agency through the e-Tendering System shall also carry out the procurement in case of complete or partial exemption from the applicability of Public Procurement Regulatory Framework in accordance with the exemption granted by the Federal Government.

(11) Procuring Agency through the System can annual the procurement proceedings in terms of provisions of Rule-33 read with Rule-34 of the Public Procurement Rules, 2004 by electronically recording the reasons for such annulment, along-with justification (visible to Authority's representatives only):

Provided that, notwithstanding anything contained in sub-regulations (1) to (11), the Procuring Agency shall upload the PDF file of SPDs and bidders shall submit their bids in PDF files till the availability of Dynamic SPDs.

9. Encrypted Tender Submission System.- (1) The Authority shall establish an Encrypted Tender Submission System (ETSS). The Encrypted Tender Submission System (ETSS) shall comprise of Encrypted Application Submission System and Encrypted Proposal Submission System. Procuring Agency shall use Encrypted Tender Submission System (ETSS) and shall accept applications and proposals before timeline specified for electronic submission.

Provided that the time for electronic submission shall not be later than 22:00 Hours, as per the PST (or the local standard time of the country / region where the procurement is being executed) on the date specified by the Procuring Agency.

(2) The bidders/prospective bidders shall have the option to review and modify the application or proposal before submission of the same through electronic submission. However, Procuring Agency shall neither allow the submission of any application or proposal, nor allow any editing or updating or uploading of any attachment, after the application / proposal submission. Procuring Agency through the System shall also provide acknowledgement of the application/proposal submission.

(3) Procuring Agency through the System shall provide sufficient time in accordance with the legal framework to fill the standard entries and allied sections in addition to uploading any record by the bidders.

(4) Procuring Agency through the System shall have the distinct standard entries for declaration regarding Bid Securing Declaration or Bid Security, as the case may be. Moreover, Procuring Agency shall provide an option of the separate encryption of the bid security along-with linkage of the same with Eligibility Matrix.

(5) Applicant or the bidder shall ensure to complete and authenticate their application or proposal within time. Procuring Agency shall reject the application or proposal if those electronically submitted entries and record found corrupt, un-readable or contains virus, the application or proposal may be rejected.

(6) Applicant or the bidder shall submit application and proposal electronically and shall bear responsibility with regard to be true, duly authorized and executed by the applicant or the bidder, and intended to have legal effect. E-signatures or Digital signatures shall be essential for the identification, authorization and security purpose.

Provided that, notwithstanding anything contained in sub-regulations (1) to (6), the Procuring Agency shall upload the PDF file of SPDs and bidders shall submit their bids in PDF files till the availability of Dynamic SPDs.

10. Encrypted Application Submission System (EASS).- (1) The Authority through EASS shall provide facility to the registered applicants for filling the standard entries and prescribed sections in the manner as specified in the respective EOI and Pre-qualification forms for that particular procurement.

(2) The Authority shall also provide facility to the applicants to attach supporting documents such as registration, licensing and incorporation documents, work completion certificates, quality certificates etc.
(3) The Authority through the System shall also provide facility to the applicants / bidders to review the application before submission of the same through electronic submission. After submission, the procuring agency can decrypt the application encrypted in a single package in the following manner:

(a) Procuring Agency shall have access to the encrypted technical application of the EASS through the authorized representatives after lapse of thirty (30) minutes on the date of application submission deadline configured in the system.

(b) The Procuring Agency shall open applications at the time, date and venue mentioned in the opening schedule in the presence of the applicants / bidders on the analogy of the requirement of Rule 28(2) "opening of bids" of the Public Procurement Rules, 2004. The applicants may be physically present or may choose to participate online during live opening session.

(c) The Procuring Agency shall fill out the entries of the Technical Proposal Opening Sheet generated by the system, and shall post the tender opening sheet and allied record on the system.

(d) The Procuring Agency through the System shall linked e-Evaluation Matrix System, and generate the EOI or Pre-qualification (Evaluation) Report. The Procuring Agency shall invite through notice to the successful applicants.

(e) The Procuring Agency through the System shall issue Bidding Documents or RFP to the successful applicants:

Provided that, notwithstanding anything contained in sub-regulations (1) to (3), the Procuring Agency shall upload the PDF file of SPDs and bidders shall submit their bids in PDF files till availability of Dynamic SPDs.

11. Encrypted Proposal Submission System (EPSS).- (1) The Procuring Agency through EPSS provide facility to registered suppliers or shortlisted applicants or pre-qualified suppliers for filling the standard entries and prescribed sections in the manner as specified in the respective forms of the bidding documents or RFP documents for that particular procurement.

(2) The bidders / suppliers or shortlisted applicants or pre-qualified suppliers shall attach the supporting documents such as quality documents etc. for their products and services. These documents may include incorporation documents, work completion certificates, if tender is floated without EOI or Pre-qualification process.

(3) The bidders shall have the option for review of their proposals before submission of the same through electronic submission.

(4) Bidders/suppliers or shortlisted applicants or prequalified suppliers shall use Encrypted Proposal Submission System to submit their bids in accordance with the provisions of Rule-36 for general competitive bidding, Rule-42 for Alternate Methods of Procurement, Rule 16-A for Framework Agreements, and Rule 37-A for Un-solicited Proposals of the Public Procurement Rules, 2004, in accordance with the requirements of the Procurement Regulatory Framework and minimally in the manners as specified below:

(a) Single stage - one envelop procedure.-

i. The bidders/suppliers or shortlisted applicants or pre-qualified suppliers through the system shall fill the standard entries of the technical and financial proposals forms and allied sections including bid securing section, however, the same shall be encrypted electronically as one encrypted package with decryption timeline. After passing the encrypted timeline, the Procurement Committee shall have the simultaneous access to both the proposals.

ii. The Procuring Agency shall access to the encrypted proposals and bid securing section after lapse of defined timeline (not less than thirty (30) minutes and not crossing 23:30 Hours) on the date of proposal submission deadline configured in the system.

iii. The Procuring Agency through the System shall fill the entries of the Proposal Opening Sheet and shall post the tender opening sheet and allied record on the system.

(b) Single stage - two envelop procedure.-

i. The bidders/suppliers or shortlisted applicants or pre-qualified suppliers through the system shall fill the standard entries of the technical and financial proposals forms and allied sections separately. However the bidders/suppliers or shortlisted applicants or pre-qualified suppliers through the system shall encrypt those entries electronically in the form of two encrypted packages with the separate encryption timelines as configured in the system in accordance with the opening schedule defined in the procurement notice and respective procurement documents.

ii. The Procuring Agency shall access to the encrypted technical proposal portion through EPSS after lapse of thirty (30) minutes on the date of proposal submission deadline configured in the system.

iii. The Procuring Agency shall open the technical proposals at the time, date and venue mentioned in the opening schedule in the presence of the applicants/bidders in accordance with the requirement of Rule 28(2) of the Public Procurement Rules, 2004. The applicants/bidders may be physically present or may choose to participate online during live opening section.

iv. The Procuring Agency shall fill out the entries of the Technical Proposal Opening Sheet generated by the system, and shall post the tender opening sheet and allied record on the system.

v. The Procuring Agency through the system shall collect data of technical responsiveness and allied updated date of opening of financial proposal from the e-Evaluation Matrix System and e-Grievance Redressal System, and update the configuration accordingly.

vi. The Procuring Agency shall access to the encrypted financial proposal portion of the EPSS to the extent of only technically responsive proposals on the time and date configured in the system.

vii. The Procuring Agency shall fill out the entries of the Financial Proposal Opening Sheet generated by the system, and shall post the tender opening sheet and allied record on the system.

viii. The Procuring Agency shall ensure that the financial proposals remain encrypted in the system which are technically non-responsive, unless specifically required by the Authority for determining any trends or for the purpose of some investigation or inquiry.

(c) Two stage bidding procedure.-

i. The bidders/suppliers or shortlisted applicants or pre-qualified suppliers through the system shall fill the standard entries of the technical proposals forms and allied sections only without any reference to the price. The bidders/suppliers or shortlisted applicants or prequalified suppliers after filling entries shall make them encrypted electronically in the form of one encrypted packages with one encryption timelines, as configured in the system in accordance with the opening schedule defined in the procurement notice and respective procurement documents.

ii. The Procuring Agency shall access to the encrypted technical proposal portion (and bid securing portion) of the EPSS after lapse of defined time line (not less than thirty (30) minutes and not crossing 23:30 Hours) on the date of proposal submission deadline configured in the system.

iii. The Procuring Agency shall open the technical proposals at the time, date and venue mentioned in the opening schedule in the presence of the applicants/bidders in accordance with the requirement of Rule 28(2) of the Public Procurement Rules, 2004. The applicants/bidders may be physically present or may choose to participate online during live opening sessions.

iv. The Procuring Agency shall fill the entries of the Technical Proposal Opening Sheet generated by the system, and shall post the tender opening sheet and allied record on the system.

v. The Procuring Agency shall preliminary examine the technical proposals and shall evaluate in terms of determining substantial responsiveness, and to identify the deficiencies and unsatisfactory technical features in the form of separate reports. The Procuring Agency shall upload the report on the system on the specified configured date providing access to only respective bidders.

vi. The Procuring Agency through the system shall generate the non-responsiveness notice to those bidders who are declared as substantially non-responsive at this stage.

vii. The Procuring Agency through the System shall conduct online sessions on the identified deficiencies in one or two online session(s) of the substantially responsive bidders and upload the transcripts on the system.

viii. The Procuring Agency through the System shall allow to incorporate amendment or revision in any aspect of the technical requirements and/or evaluation criteria (as the case may be) and shall issue notice to the participant bidders with the date of submission of revised proposal containing both the technical and finance proposals.

ix. The bidders/suppliers or shortlisted applicants or pre-qualified suppliers through the system shall show their willingness or otherwise. The Procuring Agency shall return the bid security of the un-willing bidders with the option to electronically withdraw their original technical proposals.

x. The bidders/suppliers or shortlisted applicants or pre-qualified suppliers who have shown their willingness, shall fill the standard entries of the revised technical proposal's and original financial proposal's forms and allied sections of both separately. However, the bidders/suppliers or shortlisted applicants or pre-qualified suppliers shall encrypt electronically in the form of two encrypted packages with the separate encryption timelines, as configured in the system in accordance with the opening schedule either defined in the procurement notice and respective procurement documents or reconfigured by the committee (within the float period prescribed in the procurement plan).

xi. The Procuring Agency through the system shall collect data of technical responsiveness and allied updated date of opening of financial proposal from the e-Evaluation Matrix System and e-Grievance Redressed System, and update the configuration accordingly in case of grievance.

xii. The Procuring Agency shall access to the encrypted financial proposal portion of the EPSS to the extent of only technically responsive proposals on the time and date configured in the system.

xiii. The Procuring Agency shall fill out the entries of the Financial Proposal Opening Sheet generated by the system, and shall post the tender opening sheet and allied record on the system.

xiv. The Procuring Agency shall make it sure that financial proposals of technically non-responsive proposals shall remain encrypted unless specially required by the Authority for determining any trends or to conduct some investigation or inquiry.

(d) Two stage - two envelop bidding procedure.-

(a) The bidders/suppliers or shortlisted applicants or pre-qualified suppliers shall fill the standard entries of the technical and financial proposal forms and allied sections. These proposal shall remain encrypted electronically in the form of two separate encrypted packages with separate encryption timelines, as configured in the system in accordance with the opening schedule defined in the procurement notice and respective procurement documents.

(b) The Procuring Agency shall access to the encrypted technical proposal portion (and bid securing portion) of the EPSS after lapse of defined timeline (not less than thirty (30) minutes and not crossing 23:30 Hours) on the date of proposal submission deadline configured in the system.

(c) The Procuring Agency shall open the technical proposals at the time, date and venue mentioned in the opening schedule in the presence of the applicants / bidders in accordance with the requirement of Rule 28(2) of the Public Procurement Rules, 2004. The Procuring Agency shall allow the applicants / bidders to present physically or may choose to participate online during live opening session.

(d) The Procuring Agency shall fill the entries of the Technical Proposal Opening Sheet which is already generated by the Procuring Agency, and shall post the tender opening sheet and allied record on the system.

(e) The Procuring Agency shall initially examine the fulfilment of the basic requirements. The Procuring Agency shall preliminary examine the technical proposals in terms of determining substantial responsiveness, and to identify the areas of improvement in the technical features of the proposals. The Procuring Agency shall issue a separate concise reports and shall upload the same on the system on the specified configured date. The Procuring Agency shall make it accessible to all respective successful bidders.

(f) The Procuring Agency through the system shall generate the non-responsiveness notice to those bidders who have been declared as substantially non-responsive at this stage.

(g) The Procuring Agency shall discuss identified deficiencies and features with the substantially responsive bidders in one or two online session(s), and shall upload the transcripts on the system.

(h) The Procuring Agency through System shall allow the substantially responsive bidders to make amendments in the requirements. The bidders / suppliers or shortlisted applicants or prequalified suppliers shall amend and revise the bidding documents accordingly. The Procuring Agency through System shall generate notice for the participant responsive bidders with the date of submission of revised technical proposal and allied supplementary financial proposal.

(i) The Procuring Agency through the System shall allow the substantially responsive bidders to show their willingness or otherwise. The Procuring Agency through System shall return the bid security of the un-willing bidders with the option to electronically withdraw their original technical and financial proposals.

(j) The Procuring Agency through System shall allow the willing bidders to fill the standard entries of the revised technical proposal's and supplementary financial proposal's forms and allied sections of the both separately. The Procuring Agency through System shall encrypt the proposal electronically in the form of two encrypted packages with the separate encryption timelines. The Procuring Agency through System shall configure bid opening schedule or shall comply with the opening schedule either defined in the procurement notice and respective procurement documents.

(k) The Procuring Agency through System shall collect data of technical responsiveness and allied updated data of opening of financial proposal from the e-Evaluation matrix System and e-Grievance Redressal System. After collection of data, the Procuring Agency through System shall update the configuration accordingly.

(l) The Procuring Agency through System shall access to the encrypted financial and supplementary financial proposal portions of the ETSS to the extent of only technically responsive proposals as configured in the system.

(m) The Procuring Agency through System shall fill out the entries of the Financial Proposal Opening Sheet which the Procuring Agency has already generated in the system. The Procuring Agency through System shall post the tender opening sheet and allied record on the system.

(n) The Procuring Agency through System shall make it possible that the financial proposals of the technically non-responsive proposals shall remain encrypted, unless specifically required by the Authority for determining any trends or for the purpose of some investigation or inquiry.

(5) In case of Alternate Methods of Procurement.- The Procuring Agency through Encrypted Proposal Submission System (EPPS) shall identify registered suppliers or SoEs. The Procuring Agency shall generate notice to identify registered suppliers and shall invite them to fill the standard entries and prescribed sections in the manner as specified in the respective forms of the bidding documents or RFP documents for that particular procurement. The Procuring Agency shall also allow the bidders to attach any/all supporting documents such as quality documents etc. for their products and services. The Procuring Agency through System shall require the bidders to attach documents related with registration, licensing, incorporation and work completion certificates etc. with clear identification of the type of documents. The Procuring Agency through System shall also provide an opportunity to the bidders for review of their Proposals before submission of the same through electronic submission.

(6) In case of Framework Agreements.- Considering the nature of the framework agreement:

(a) The Authority through the System shall allow the Procuring Agency and vendors to proceed in accordance with requirements of Rule 16(A) of the Public Procurement Rules, 2004, keeping in view the other applicable requirements of Encrypted Applications System and Encrypted Proposal Submission System, with addition of the provisions of respective Procurement Rules and allied Standard Bidding Documents.

(b) The Authority through Encrypted Application Submission System of the Framework Agreements shall fulfil all the requirements as referred above in the same system for other pre-qualification proceedings. The Authority shall allow the Procuring Agency to bring variation in the criteria and shall allow Procuring Agency to prequalify the new suppliers or service providers during the continuity of the framework agreements.

(c) The Authority through the Encrypted Tender Submission System of the Framework Agreements shall fulfil all the requirements of Single Stage Bidding Procedure and Single Stage Two Envelop Procedure for the Primary Procurement Process with the variation for time of submission of financial proposals as per the requirements of closed and open framework agreements.

(d) For Secondary Procurement Process, the Authority through the System shall fulfil all the requirements referred in the respective Regulations and/or Standard Bidding Documents for Framework Agreements.

(7) In case of Unsolicited Proposals.- the Authority through the System shall allow the prospective applicants to submit their proposals (aligned with the mission of the procuring agency) in accordance with the respective templates.

(a) The Authority through the System shall generate alerts for the respective Procuring Agency's Assessment Committee (comprising of technical experts). The respective Procuring Agency's Assessment Committee shall review the proposal for ascertaining its viability.

(b) If the respective Procuring Agency's Assessment Committee ascertained that the proposal is viable, the Procuring Agency shall proceed further to perform all those actions in accordance with the requirements of E-Tendering, Encrypted Application/Tender Submission Systems and Evaluation Matrix Systems etc.

(c) The Procuring Agency through Encrypted Application Submission System shall exempt the Project Proponent from pre-qualification Proceedings.

(d) The Procuring Agency through E-Evaluation Matrix shall award additional 5 percent marks to the Project Proponent in the combined evaluation.

(e) In case of failure of the Project Proponent/Initiator to be emerged as Most Advantageous Bidder, the Procuring Agency through the System shall generate notice for the Project Proponent to make its proposals at par with the most advantageous bidder.

(f) The Authority through the System shall general frequent alerts to the Procuring Agency for fulfilment of the requirements of Intellectual Property Rights and Proprietary Information while preparing the advertisement notices, bidding documents or sharing the output of the most advantageous bidder with the project proponent:

Provided that, notwithstanding anything contained in sub-regulations (1) to (7), the Procuring Agency shall upload the PDF file of SPDs and bidders shall submit their file of SPDs and bidders shall submit their bids in PDF files till the availability of Dynamic SPDs.

12. E-Evaluation Matrix System.- (1) The Authority through E-Evaluation Matrix System shall encompass both the evaluation during EOI or Pre-qualification phase and evaluation during bid evaluation phase including technical and financial evaluation. The Authority shall link the System with the Centralized Registration System, e-Documentation Generation, Encrypted Tender Submission System and Past Performance Information Retrieval System for examination and evaluation of the Applications and the Proposals.

(2) EOI and Pre-qualification Evaluation Matrix:

(a) The Authority through the System shall generate an e-Evaluation Matrix in case of EOI and Pre-qualification and shall extract the data from the applications of the applicants and examine the same in terms of eligibility parameters, mandatory qualification parameters and other parameters required to evaluate the ranking of the applicants.

(b) The Authority through the System shall auto-generate an EOI or Pre-qualification Evaluation Reports and shall ask the Procurement Agency to verify the same. However, the Authority shall not allow the Procuring Agency to change the report without any cogent reasons. The Procuring Agency, if allowed shall record reason and justification as part of the report. The Authority through the System shall publish the report and make it available for the participant bidders and the general public.

(3) Proposal Evaluation Matrix:

(a) General Provisions.-

i. The Procuring Agency through the System shall generate an e-Final Evaluation Matrix comprising of Technical and Financial Evaluation Matrices, whereas, the Technical Evaluation Matrix shall comprise of two matrices i.e. Capacity Matrix and Technical Proposal Matrix.

ii. In case, where the Procuring Agency has already determined the capacity during EOI or prequalification (previous) phase, the Procuring Agency, if required and predefined, may carry over the capacity marks of previous phase to the Capacity Matrix according to the defined weightage, otherwise the Procuring Agency shall treat the capacity matrix as Null Matrix.

iii. In case, the Procuring Agency floated the tender without passing through EOI or pre-qualification phase, the Procuring Agency through the system shall extract the data from the capacity / capability part of the technical proposals and examine the same in terms of eligibility parameters, mandatory qualification parameters and/or other parameters required to evaluate the ranking of the applicants through Capacity Matrix.

(b) Technical Evaluation in Case of Goods.- In case of goods, the Procuring Agency through the System shall auto-evaluate the Technical Proposal matrix by extracting data from the technical portion (of the technical proposal) comprising of Technical Specification (with and without ranges) including mandatory specifications, additional quality and safety features, installation services, after sales services features including warranty period and maintenance schedule etc. The Procuring Agency in mandatory specifications shall award either no marks or award equal marks except awarding of predefined additional marks for closeness to upper of lower ceilings of the predefined ranges, additional features and other services (i.e. installation services, longer period of after sales services and longer warranty periods).

(c) Technical Evaluation in Case of Services and Works.- In case of services and works, the Procuring Agency through the system shall access to the dashboard of Encrypted Tender Submission System (ETSS) for evaluation of the technical portion (of the technical proposal) which shall consist of technical approach etc. The Procuring Agency shall have an individual evaluation, the Procuring Agency through the system shall determine the result of evaluation on the basis of arithmetic means in case of quantitative marking, and on the basis of mode in case of qualitative assessment. In case of Works, the Procuring Agency through the System shall validate the conformance with the requirements of BoQ and shall make auto-comparison of the individuals items as well as of the total cost.

(d) In case of Non-Consultancy Services.- The Procuring Agency through the System shall compare the costs against identified quintiles, identified tasks and man-hours, as the case may be.

(e) In case of Financial Transactions.- The Procuring Agency through the System shall compare the costs against identified transactions in terms of respective tasks or the lump sum amounts as the case may be.

(f) Financial Evaluation Matrix.- The Procuring Agency through the System shall generate Financial Evaluation Matrix, and shall identify the final amount in case of single package and individuals amounts in case of different lots.

(g) Final Evaluation Matrix.- The Procuring Agency through the System shall extract the information from the respective portion of Evaluation Criterial regarding weightage of technical and financial score in accordance with the adopted selection technique. In case of LCBS (Least Cost based Selection), the Procuring Agency shall assign zero weightage to Technical Evaluation Matrix. In case of Quality & Coast based Selection (QCBS), the Procuring Agency shall assign respective predefined weightages to Technical and Financial Evaluation Matrices. In case of Qualification & Cost based Selection (QCBS), the Procuring Agency shall assign respective predefined weightages to both Capacity Evaluation and Financial Evaluation Matrices.

Provided that, notwithstanding anything contained in sub-regulations (1) to (3), the Procuring Agency shall upload the PDF file of evaluation reports and bidders shall submit their bids in PDF files till the availability of Dynamic forms.

13. E-Grievance Redressal System.- (1) The Procuring Agency through the System shall allow the registered suppliers to file the complaint electronically on the prescribed format within five (05) and ten (10) days of issuance of Procurement Notice or Procurement Documents (including EOI or Pre-qualification Documents) in case of national and international competitive bidding respectively, against the eligibility parameters, evaluation criteria and any other terms and conditions prescribed in the procurement documents.

(2) The Authority / Procuring Agency through the System shall generate alerts for the chair of the Grievance Redressal Committee (GRC), and the GRC shall resolve the complaint within three (03) days of the receipt of the complaint, and upload the Grievance Redressal Report with electronic instructions to the Procurement documents or otherwise, however changes in the record shall be maintained for audit trails.

(3) The Procurement Committee shall rectify the standard entries for the respective portions of the procurement documents on the instructions of the GRC along-with any other rectifications or amendments triggered from the online queries and Pre-Bid e-Conference, at least five (05) and ten (10) days prior to bid submission deadline.

(4) The Procuring Agency through the System shall allow the aggrieved bidder to file its grievance against the Technical and Final Evaluation Reports, on the prescribed format within seven (07) and five (05) days of issuance of respective reports.

(5) In case the complaint is lodged against the technical evaluation, the procuring agency through system shall suspend the procurement proceedings.

(6) The Authority / Procuring Agency through the System shall generate alert for the chair of the GRC, and the GRC shall resolve the complaint within ten (10) days of the receipt of the complaint, and upload the Grievance Redressal Report with electronic instructions to the Procurement Committee for rectification of the respective portions of the Evaluation Report or otherwise, however changes in the record shall be maintained for audit trails.

(7) The Procuring Agency shall rout Evaluation Report in the E-PPS through the workflow to the Approving Authority.

(8) The Authority / Procuring Agency through the System shall allow the aggrieved party or bidder to electronically file an Appeal before the Authority within prescribed time in case the complainant / bidders / Procurement Committee are not satisfied with the decision of the GRC, after depositing the proof of payment of the fee. The Authority through the System shall auto generate the notification to the Procuring Agency, along-with the copy of petition for submitting its response within fortnight.

(9) The Authority through the System shall prescribed the hearing dates on the dashboard of the Authority's e-Grievance System.

(10) The Authority shall upload Short orders (if any) within three (03) days of last hearing proceedings.

(11) The Authority shall upload the final decision on the e-Grievance System within fifteen (15) days of last hearing:

Provided that, notwithstanding anything contained in sub-regulations (1) to (10), the Procuring Agency shall upload the PDF file of GRC Reports & Others Documents and bidders shall submit their Grievances in PDF files till the availability of Dynamic Forms.

14. E-Contract Award System.- (1) The Procuring Agency shall rout the Evaluation Report in the e-PADS through the workflow to the Approving Authority, as configured in the system.

(2) The Procuring Agency through the System shall publish the Evaluation Report and make it available for the participant bidders and to the general public.

(3) The Procuring Agency through the System shall generate the Call for Negotiation on Technical Aspects of the Procurement, if deemed appropriate.

(4) In case of negotiations, the Procuring Agency shall upload the Minutes of the Meetings on the system and shall inform to the respective successful bidder through the System for receipt of their consent, and shall update the respective portions of the contract documents accordingly.

(5) Even in case of no negotiations, the Procuring Agency shall properly review the contract document and shall upload the final draft contract documents on the system.

(6) After upload the final draft of contract document, the Procuring Agency through the System shall general the Notice of Award (NoA) to the successful bidder containing the date of signing the contract and the requirement for submission of performance guarantee in accordance with special conditions of the contract and the same shall be electronically acknowledged by the successful bidder.

(7) The Procuring Agency and successful bidder shall sign the Contract both electronically and manually. The Procuring Agency shall make the electronic version of all the record related to evaluation of bids and signed contract available for the general public, (if not withheld by the Procuring Agency in terms of the proviso of Rule-47 of the Public Procurement Rules, 2004:

Provided that, notwithstanding anything contained in sub-regulations (1) to (7), the Procuring Agency shall upload all documents including evaluation reports, minutes of meetings, contract documents notice of award etc. in PDF file and bidders shall submit a performance guarantee, letter of acceptance and signed contract etc. in the PDF files till the availability of Dynamic Forms.

15. E-Contract Management System.- (1) The Authority / Procuring Agency through the system shall extract the data from the electronic version of the signed contract document.

(2) In case of goods, the Authority / Procuring Agency shall extract data from the delivery schedule, statement of requirements (in the form of quantity, technical specifications and additional features, and acceptance criteria in terms of quality tests), and statement of requirements (in the form installation, after sales services and warranty period etc.)

(3) In case of Consultancy Services, the Authority / Procuring Agency shall extract data from the statement of requirements, and delivery schedule.

(4) In case of works, the Authority / procuring Agency shall extract data from the implementation plant (or initial critical path derived from CPM or PERT), statement of requirements including physical measurements and quality tests.

(5) The Authority / Procuring Agency through the System shall provide the standard forms and standard entry spaces to record the different activities and events of the contract execution, as defined above, and the Procuring Agency shall keep updated all these entries.

(6) The Service Provider or the Works Contractors shall submit the Periodic Progress Reports as per the frequency defined in the contract, and the Procuring Agency shall upload the same on the System.

(7) The Authority / Procuring Agency through the System shall detect any deviation from the delivery schedule or implementation plan and statement of requirements, and shall generate the alerts for respective body of Procuring Agency or the Authority.

(8) The Procuring Agency through the System shall issue the Non-Conformance Report (NCR) providing the details of deviations and allied measures to rectify the same.

(9) In case of no deviation or rectification of the non-conformance, the Procuring Agency through the System shall generate the Digital Interim Certificates (duly approved by the appropriate authority) on the basis of data extracted from the updated record and any manual remarks. The Procuring Agency shall include the amount in the Interim Certificate to be paid in terms of the conditions of the contract.

(10) In case any deliverable cannot be completed on time or any change is required to be made in the contract, the contractor / service provider shall intimate the procuring agency through the system well in advance alongwith justification for such extension / variation. If the procuring agency is satisfied with the justification then the extension/ variation in the contract may be granted with the approval of approving Authority.

(11) After the accomplishment of the contract, the Procuring Agency through the System shall generate the work completion certificate referring any deviations from the delivery schedule, implementation plan or the statement of requirements along with the details of final payments:

Provided that, notwithstanding anything contained in sub-regulations (1) to (10), the Procuring Agency and Bidder shall use all documents including delivery schedule, statement of requirement, technical requirement, additional features, acceptance criteria, implementation plan periodic progress reports, non-conformance report, interim certificates etc. in PDF file and shall upload the same till the availability of Dynamic Forms.

16. E-Payment System.- (1) The Contractors through the system shall submit all invoices electronically and the concerned / authorized person shall transfer the same to the Chair/approving authority of the Procuring Agency. The Chair/approving authority of the Procuring Agency shall electronically authenticate whether or not the invoice is in accordance with the amount reflected in the Interim Certificate or Work Completion Certificate. In case of deviation, the Chair/approving authority of the Procuring Agency shall reverse the invoice to the contractor for rectification. In case of Final Invoice, the concerned / authorized person shall rout the same to the Chair/approving authority of the Procuring Agency for e-Approval.

(2) The concerned / authorized person shall rout the approved invoice to the nominated Drawing and Disbursing Officer (DDO) for filling the standard entries of the FABS-Controller General of Accounts (CGA) System in case of all procurements of the Ministries / Divisions and attached departments including Public Sector Development Programme (PSDP) funded projects of the autonomous bodies. The CGA shall make payment in accordance with their procedure.

(3) The concerned / authorized person shall rout the approved invoice to the nominated DDO (Drawing and Disbursing Officer) for filling the standard entries of the Accounting System, in case of procurement of autonomous bodies, except PSDP funded projects. The Accounts Section shall make payments accordingly.

Provided that, notwithstanding anything contained in sub-regulations (1) to (3), the Procuring Agency and Bidder shall use all documents including invoices, authentication reports, interim certificates and work completion certificates etc. in PDF file and shall upload the same till the availability of Dynamic Forms.

17. Blacklisting System.- (1) The Authority through the system shall generate the report prescribing the category, type, duration and deadline of debarment of the bidders / firms. The Authority shall update the report on each working day on the basis of record available which includes the record of the bidders blacklisted by the International Organizations and Foreign Countries' public sector entities.

(2) The Blacklisting System shall be linked with the Eligibility Matrix System. The Authority / Procuring Agency through the system shall not allow the prospective bidders to participate in any procurement proceedings until and unless its department period is expired as per the list configured in the Blacklisting System.

(3) The Procuring Agency through the System shall generate report regarding deviation from the commitment (made in the Bid Securing Declaration) or indulgent of the bidder(s) in corrupt and fraudulent practices or performance failure during execution of contract (after exhausting the arbitration forum).

(4) The Procuring Agency through the System shall generate alert for the Chair of the Blacklisting Committee who will prepare the charge sheet against the respective bidder(s)/firm(s) comprising the list of allegation(s), and the Procuring Agency shall issue the charge sheet to the respective bidder(s) within thirty (30) days of alert. The charge sheet may include the relevant information and documents from which the deviation from commitment or performance failure or the corrupt and fraudulent practices are / may be established. The Charge Sheet shall include the maximum penalty period of debarment in accordance with the proportionality of the allegation. The Charge sheet may include the option of volunteer debarment of

reduced period without facing the blacklisting proceedings. The Chair of the Committee may initiate investigation including investigation on technical aspects of the procurement or investigation with the objective of collection of evidence in case of indulgence in corrupt and fraudulent practices.

(5) The Procuring Agency through the System shall accept the response of the representative of the respective bidder(s) within thirty (30) days of issuance of Charge sheet unless the time is extended on the request of the bidder(s) / firm(s).

(6) After the receipt of the response, the Chair of the Blacklisting Committee shall issue the electronic notice(s) to the Procurement Committee or Contract Management Unit for hearing and recording of the evidences, and cross examination on the produced evidences from both sides.

(7) The blacklisting Committee of Procuring Agency shall upload the Record of the hearing proceedings on the dashboard of the Blacklisting System allotted to the Procuring Agency.

(8) The Blacklisting Committee shall announce the decision regarding the outcome of the proceedings including acquittal from the allegations or proportionate debarment period, and upload the same for onward communication to the Authority.

(9) The Authority through the System shall examine the record of the debarment proceedings, and in case of observing no violation of debarment mechanism, the standard entries of the Blacklisting System shall be filled by he Authority.

(10) The Bidders through the System shall file a review petition electronically before the Authority within thirty (30) days, after uploading the proof of payment of fee. The Authority through the System shall auto generate the notification to the Procuring Agency, along with the copy of petition for submitting its response within fortnight.

(11) The Authority through the System shall prescribe the hearing dates on the dashboard of the Authority on Blacklisting System.

(12) The Authority shall upload Short orders (if any) within three (03) days of last hearing proceedings.

(13) The Authority shall upload the final decision on the Blacklisting System within fifteen (15) days of last hearing.

(14) The Authority through the System shall exclude or amend the entries of the bidders/firms from Blacklisting System in accordance with the decisions of the Authority on review petition.

Provided that, notwithstanding anything contained in sub-regulations (1) to (14), the Authority and Procuring Agency shall use all documents related with the blacklisting of the bidders including decision of debarment of Procuring Agency, Authority's Notifications, Time & Duration of Blacklisting, Decision of Review Petitions etc. in PDF file and shall upload the same till the availability of Dynamic Forms.

18. Past Performance Information Retrieval System (PPIRS).- (1) The PPIRS is a web-enabled System that provides pertinent contractor's past performance information to the Procuring Agency to be helpful during evaluation phases including EOI or prequalification phases. The information retrieved from the system may be helpful for direct contracting or negotiated (limited) tendering in terms of provisions of Rule 42 of the Public Procurement Rules, 2004. The Authority shall develop a system comprising of information collected from various Procuring Agencies as well as from the pertinent contractors.

(2) The Authority shall gradually update PPIRS on annual basis and contain the information regarding the completed projects of the Procuring Agencies.

(3) The Authority through the System collecting information from Procuring Agencies, shall have minimally the following information:

(a) Goods Contracts:

i. Information regarding in-time delivery of the goods and deviation from the schedule, if any;

ii. Additional features offered and provided by the supplier;

iii. Deviation from the technical specifications or requirements, if any;

iv. Information regarding the up-gradation ability of the equipment and machinery;

v. Information regarding the performance of the suppliers regarding after sales services in case of pro-active, preventive and reactive maintenance; and

vi. Information regarding frequency of reactive maintenance etc.

(b) Consultancy Services Contracts:

i. Information regarding in-time delivery of the services and deviation from the schedule, if any;

ii. Information regarding optimization of resources in case of reimbursable part of services;

iii. No. of Variation Orders based on design revised by the consultant during execution of engineering works contracts;

iv. Non-conformance Notices issued to the service provider;

v. Information regarding economical engineering designs without compromising on safety (in case of engineering design consultancy services);

vi. Information regarding in time completion of engineering contracts under the supervision/management of the consultant;

vii. Information regarding accuracy of the results in case of engineering analysis services;

viii. Information regarding impact of the engineering analysis and management study reports including environmental study reports, management study reports and financial study reports for getting the desired results; and

ix. Information regarding the success factors in technical/scientific and legal services in getting the best possible results in case of national and integration arbitration awards etc.

(c) Works Contracts (including EPC and EPCC Contracts):

i. Information regarding in-time delivery of the project and deviation from the critical path schedule, if any;

ii. Information regarding optimization of resources for work completion before the scheduled time;

iii. Variation orders triggered by the contractors i.e. Filled Change Requests (FCR);

iv. Non-Conformance Notices issued in case of deviation from the schedule or required specifications;

v. Efficiency for rectification of the non-conformances; and

vi. The assessment reports issued by the Procuring Agency or independent stakeholders.

(4) The Authority through PPIRS shall also collect following information of the past contracts of particular suppliers and contractors for the last few years in accordance with the procedure as specified by the Authority

(a) Number of contracts awarded to the particular contractor in its capacity as single entity.

(b) Number of contracts awarded to the particular contractor in its capacity as the partner of the Joint Venture (JV) with specified percentage of the shares.

(c) Number of successfully and timely completed projects of particular contractors both in individual as well as combined capacity.

(d) Number of contracts completed with delay defining the deviation from the actual period.

(e) Number of Non Conformance Notices issued during execution of contracts.

(f) Number and amount of incentives received by the contractors.

(g) Number of litigations and arbitrations of particular contractors along with the fate of decided cases.

(h) Information regarding the period of blacklisting or debarment on the basis of deviation from commitment, performance failure and indulgent in corrupt and fraudulent practices:

Provided that, notwithstanding anything contained in sub-regulations (1) to (4), the Authority and Procuring Agency shall use all documents related with Past Performance including Number of Contracts Successfully Completed, Number of Contracts Completed with Delay, Non-Conformance Notices, Litigation and Arbitrations etc. in PDF file and shall upload the same till the availability of Dynamic Forms.

19. Regulatory Monitoring and Evaluation.- (1) The Authority through the System shall extract information from the data of the various sub-systems of the e-PADS, and derive the requisite statistics (in the form of valuable information), present various analytical trends and graphical charts. The Authority through the System shall also extract information from the data of various sub-systems and derived statistical information and trends from statistical analysis with the help of Statistical Package for Social Sciences (SPSS) configured in the System, to support its regulatory functions.

(2) The Authority through the System shall minimally produce or generate the following information:

(a) Basic Information:

(i) Proportion of allocated funds for various categories and sub-categories of procurement.

(ii) Proportion of the number of procurements through national and international competitive bidding.

(iii) Proportion of funds allocated for national and international competitive bidding.

(iv) Proportion of procurements (in general and in terms of category and sub-category wise) planned and executed through petty purchase, Request for Quotation (RFQ), (national / international) competitive bidding direct contracting, negotiated bidding, force account, direct contracting with SOEs, unsolicited proposals and framework agreement in terms of numbers and funds.

(v) Proportion of procurements (in general and terms of category and sub-category wise) planned and executed through different bidding procedures.

(vi) Proportion of procurements (in general and terms of category and sub-category wise) planned and executed through different selection techniques.

(vii) Proportion of procurements (in general and in terms of category and sub-category wise) planned and made through adopting EOI or Prequalification process.

(b) Deviation from Planned Schedule:

(i) Proportion of procurements (category and sub-category wise) executed without any deviation from procurement plan with and without utilizing float periods, prescribing the float utilization purpose (i.e. extension in application / bid submission deadline and redressal of complaint / grievances.

(ii) Calculation for average and standard deviation from the procurement plant in terms of timelines, and identification of Procuring Agencies to be the cause of variability.

(iii) Calculation for average and standard deviation (in general and in terms of category and sub-category wise) from the procurement plan in terms of determining deviations between cost estimate, and agreed contractual value, between agreed contractual value and actually incurred expenditures, and between cost estimate and actually incurred expenditures.

(iv) Calculation of average period of bid validity for various categories and sub-categories of procurement, and identification of Procuring Agency asking abnormally low or higher bid validity period.

(v) Proportion of procurement proceedings completed within initial bid validity period.

(c) Adequacy of Procurement Documents:

(i) Number of complaints against different aspects of EOI, prequalification and bidding documents.

(ii) Proportion of queries raised (in general and in terms of category and sub-category wise) against various segments and sub-segments of the procurement documents, both after floating of bidding documents in general and as part of pre-bid conference.

(iii) Proportion of queries leading towards amendments in the respective segments or sub-segments of the procurement documents.

(iv) Proportion of complaints (in general and in terms of category and sub-category wise) against the various segments of the procurement documents (in terms of Rule 48(2) of the Public Procurement Rules, 2004 regarding eligibility parameters or any other terms and conditions (in terms of deviation from Rule-24 and 32 of the Public Procurement Rules, 2004), technical and general specifications (in terms of deviation from Rule-10 of the Public Procurement Rules, 2004), evaluation criteria (in terms of deviation from Rule 29 of the Public Procurement Rules, 2004).

(v) Proportion of complaints resolved against complaints received (in general and in terms of category and sib-category wise) by the Procuring Agency at GRC or PPRA level in terms of Rule 48(2) and 48(7) read with 48(2) of the Public Procurement Rules, 2004, and leading towards amendment in the respective segments or sub-segments of the procurement documents.

(vi) Proportion of Appeals before authority decided against the GRC decision in both cases, wherein, the GRC decision was wither in favour or against the complainant.

(d) Adequacy of Procurement Proceedings (except Deviation from Schedule):

(i) Number of grievances filed against Procurement Evaluation Committee (in general and in terms of category and sub-category wise) in terms of Rules 48(3) to 48(6) of the Public Procurement Rules, 2004.

(ii) Proportion of grievances decided by the GRC against the Procurement Evaluation Committee.

(iii) Proportion of Appeals before Authority decided against the GRC decision in both cases, wherein, the GRC decision was either in favour or against the aggrieved bidders.

(e) Adequacy of Procurement Contracts:

(i) Proportion of procurement contracts (category and sub-category wise), wherein, there is no deviation from the committed specifications, committed delivery schedule or implement plant with reference to the bidding documents and technical proposals.

(ii) Number and proportion of variation orders triggered from the Procuring Agency (or Consultant on behalf of Procuring Agency) and contractor side.

(iii) Number and proportion of both type of variation orders leading towards change in the cost of the procurement/project, and identification of Procuring Agency having variation higher than the prescribed financial limits.

(iv) Proportion of goods and services contracts offering installation services.

(v) Proportion of goods and services contracts offering various periods of after sales services.

(vi) Proportion of (complex) goods with upgrade ability.

(vii) Proportion of contract covering various aspects of sustainable procurement including mitigation of impact on the environment.

(viii) No. and proportion of (category and sub-category wise) contracts completed without escalation of cost or any price adjustment having relation with the duration of the contract.

(ix) No. and proportion of (category and sub-category wise) contracts completed within initially defined period.

(3) The Authority through the System shall generate various types of questionnaires to be floated to the Procuring Agencies suppliers and general public to respond the questions in terms of clicking the various options and qualitative response (where applicable).

(4) The Authority through the System shall make statistical analysis by utilizing the information both from the information extracted from the various sub-systems as well as from the response of the questionnaire.

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