# Lecture 41

MAINTENANCE OF RECORD AND FREEDOM OF INFORMATION

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# 46.       Record of procurement proceedings.-

(1)        All procuring agencies shall maintain a record of their respective procurement proceedings along with all associated documentation for a minimum period of five years.

(2)        Such maintenance of record shall be subject to the regulations framed in this regard from time to time.

# 47.       Public access and transparency.-

As soon as a contract has been awarded the procuring agency shall make all documents related to the evaluation of the bid and award of contract public:

            Provided that where the disclosure of any information related to the award of a contract is of proprietary nature or where the procuring agency is convinced that such disclosure shall be against the public interest, it can withhold only such information from public disclosure subject to the prior approval of the Authority.

REDRESSAL OF GRIEVANCES AND SETTLEMENT OF DISPUTES

# 48.       Redressal of grievances by the procuring agency.-

(1)        The procuring agency shall constitute a committee comprising of odd number of persons, with proper powers and authorizations, to address the complaints of bidders that may occur prior to the entry into force of the procurement contract.

(2)        Any bidder feeling aggrieved by any act of the procuring agency after the submission of his bid may lodge a written complaint concerning his grievances not later than fifteen days after the announcement of the bid evaluation report under rule 35.

(3)        The committee shall investigate and decide upon the complaint within fifteen days of the receipt of the complaint.

(4)        Mere fact of lodging of a complaint shall not warrant suspension of the procurement process.

(5)        Any bidder not satisfied with the decision of the committee of the procuring agency may lodge an appeal in the relevant court of jurisdiction.

# 49.       Arbitration.-

(1)        After coming into force of the procurement contracts, disputes between the parties to the contract shall be settled by arbitration.

(2)        The procuring agencies shall provide for a method of arbitration in the procurement contract, not inconsistent with the laws of Pakistan.

# 50.       Mis-procurement.-

Any unauthorized breach of these rules shall amount to mis-procurement.

# 51.       Overriding effect.-

The provisions of these rules shall have effect notwithstanding anything to the contrary contained in any other rules concerning public procurements:

Provided that the prevailing rules and procedures will remain applicable only for the procurement of goods, services and works for which notice for invitation of bids had been issued prior to the commencement of these rules unless the procuring agency deems it appropriate to re-issue the notice for the said procurement after commencement of these rules.