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BALOCHISTAN PROVINCIAL ASSEMBLY 'SECRETARIAT |
NOTIFICATION

Dated Quetta, the 05" September, 2013.

No: PABILegis: V(04)/2013- 2511, The .. Balochistan © Public
Procurement Regulatory Authority (Amendment) Bill, 2013, Bill No. IV of 2013,

'having been passed by the Provincial.Assembly of Balochistan on 30" August,

2013 and assented'to by the Governor, Balochistan on 04" September, 2013 is
hereby published as an Act of the Balochistan Provincial Assembly.

BALOCHISTAN PUBLIC PROCUREMENT REGULATORY AUTHORITY
, (AMEOMENT ACT NO. IV OF 2013) .

ACT NO. IV OF 2013 —

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ACT

... further to amend the Balochistan Public Procurement Regulatory Authority Act, 2009 (Act No. VIII of 2009). i "és

Preamble. — WHEREAS it is expedient to amend the
, Balochistan Public Procurement Regulatory Authority Act, 2009
(Act No. VIII of 2009); for the purpose hereinafter appearing;

It is hereby enacted as follows:-

Short Title and * (1) This Act may be called the Balochistan
Commencement. Public Procurement Regulatory Authority (Amendment)
: Act, 2013

(2) ~* It shall come into force at once.

- Amendment of ' 2. In the' Balochistan Public. Procurement Regulatory Authority
' Section 2, Act VIII —Act, '2009-{Act No. VIII of 2009), hereinafter referred to as the said

of 2009. _ Act, in Section 2, after clause (g) the following new clause shall be
inserted, namely:-

“(g-a) Managing Director” means the Managing
Director of the authority Appointed under Section 7A of this

Act;”

Amendment in ' 3. Inthe said Act, in Section 5, ; ;
Section 5 Act VIH (a) in sub-section (2), after clauses (g), the following new -
of 2009. clauses shall be inserted, namely:-

“(g-a) develop, promote and support the capacity
building of personnel of procuring agencies:

“(g-b) maintenance of website which may enable
the procuring agencies to upload ‘and
disseminate the information - of . their
procurement activities as prescribed,”: and

(b) after sub-section (2), as so amended here above, the

following new sub section shall be added, namely:-

'B) If any misprocurement by any procuring

agency comes into the notice of the Authority, it may call for assistance of the Auditor General of Pakistan to ascertain the gravity of such misprocurement, and may involve Provincial Anti-Corruption Department for investigation and fixation of criminal liability upon the employees of such procuring agency under any law for the time being in force".

Amendment of 4. In the said Act, in Section. 6,-

' Section 6, Act VIII

of 2009. (a) for sub-section (2), the following shall be substituted namely:-

"(2). The "Board shall consist of the following members,

(1)

(2)

(3)

(4)

. (6)

(7)

(8)

namely:- . -

°.

- the Chief Secretary Balochistan ©

Chairperson

the Additional Chief Secretary Member

(Development) Planning and

Development Department

two members. of Provincial Assembly- Member ©

one each from the treasury and opposition

benches to be nominated by the Speaker

Secretary Finance. Member

Secretary Law and Parliamentary affairs Member

Department

f Secretary Communication and Works Member

Department ; * me

Secretary industries and Commerce. Member

Department

Secretary tiesation' and Power Department _ Member

(b)

(d)

Amendment of

'Section 7, Act VIII

of 2009.

4

(9) Secretary Information Technology Department Member

(10) .. a representative of the Auditor General a Member of Pakistan = :

(11) a nominee of the Chamber of Commerce Member .

(12) °anominee of Pakistan Engineering Council Member

-. (13) a renowned professional from Management "Member , and Finance sector:by the Government

, (14). two Tiembers from Civil Society nominated .Member by the Government i

(15) Managing Director 2 Pea Member
to att: "Section (3), the following shall be subininmted -

"(3) The Managing Director shall also act as the . - Secretary of the Board".; | -

namely:-

"(6) A reenter from the private sector may be.
writing in his hand addressed to>the Chairman,
'resign from his offica'..-and:

after sub-section (6), ; as so amended here above, the following new section shall be added, mane ly -

"(7) _ A causal vacancy ofa private sector member shall be filled by appointment of another member from ° the private sector, for the remaining term of his predecessor'.

5. In the said Act, in Section 7, for Subsection (1) and (2) the

following shall be substituted, namely:-

~ "(4) The meeting of the Board: shall be presided over Pe the chairperson of the Board". -

“(2) Ten members shall constitute. the quorum for a

"meeting requiring a decision by the' Board including the.

chairperson:”

for sub-section (9). ‘the following shall be substituted, —

Insertion of new
Section 7A and
7B, Act VIII of 2009:

5

6. "In the said Act, after Section 7, the following new "Sections .

shall be inserted, -namely:-

"TA. Seneclee: Director-(1) The Government shall select and appoint 4 full-time Managing Director as Chief Executive Officer of the Authority for such period and on such terms and conditions as

-the Government may determine. .

(2) The Managing Director shall be appointed for three years and he will be eligible for re-appointment but his total tenure shall in no case exceed six years.

(3) No person shall be appointed or continue as Managing Director, if he:-

(a) has been convicted of an offence involving moral turpitude;

(b) has been removed from service for misconduct;

(c) has been adjudicated as insolvent;

(d) is incapable of discharging his duties by reasons of physical or mental incapacity and has been so declared by a Medical Board appointed by the Government; or ;

(e) fails to disclose any conflict of interest at or within the time provided for such disclosure by or under this Act or contravene any of the provisions of this

Act.

(f) the Managing Director — at any time, resign from his office by writing under his hand addressed to the Government.

(g) the Managing Director shall be paid such salary and allowances as the Provincial Government may determine but his salary and allowances shall not be varied to his disadvantage during his term of Office.

(hy the tested Director shall not; during the term of |

his office, engage himself to any other service, business, vocation or employment-nor shall he before the expiry of one year thereof enter into employment or accept 'any advisory or consult relationship. with any person: engaged in public ___ procurement activity: ;

- Provided that where the Managing Director is a Government servant. -

there shall be no such restrictions on his employment after he has retired or 'aneletied from the post of Managing Director;

_. Provided further that where he is from private sector he shall not have

.° «= any direct or indirect financial interest or have any connection with any company.

*+ ~- ' engaged in public procurement activity for so long as he holds office and for a * period of one year thereafter.

7B. Powers and Responsibilities of fWsnaging Director:-

The Managing Director shall have power and responsibilities to,-

(a) exercise gdh etiative contro! over the persone! of the

Authority;

(b) exercise, in respect of the Authority, such other managentent, . administrative and financial powers as deemed appropriate by _

the authority;

(c) submit the annual budget proposals of the Authority' to the..

'Board;

(d) prepare the annual report of the Authority for the 'Board and.

the Government.

(e) exercise such powers as the Board may delegate to him; and

act-on behalf of the Authority, in any emergency, subject to -

' obligation to report such action to the Board at its next meeting and to seek the Board's ratification of any action so taken:

(f exercise and perform all such powers and functions as

"prescribed | in Rules and Regulations."

--Amendment of e 7. In the said 'Act, 'in. section 14, for the words "Director

Section 14, Act VIII_ General Audit Balochistan" the words "Auditor. General of

_ of 2009. Pakistan” shall be substituted.

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_ Amendment of 8: In the said Act, in Section 18, after the words “functions

Section 19 Act VIII_ or powers to”, the words “Managing Director’ shall be inserted.
of 2009. | a ,

Insertion of new — 9. In the said Act, after Section 25, the following new sections

Section 25A and ___ shall be inserted, namely:-
25B Act VIII of 2009. ar

_ “25-A. overriding effect, the provisions of this Act shall
have overriding effect notwithstanding anything to the contrary
contained in any other Law for the time being in force?

“25-B:.Indemnity-No suit, prosecution -or other legal
proceedings shall lie against any member or officer of the
Authority or and other person for anything done in good faith in the
performance of his duties or functions or exercise of powers under
this Act.” ‘i

Secretary.