

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. P.III

G A Z E T T E

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 25th APRIL, 2017.

**PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA**

NOTIFICATION

Dated Peshawar, the 25th April, 2017.

No. PA/Khyber Pakhtunkhwa/Bills/2017/14710.—The Khyber Pakhtunkhwa Public Private Partnership (Amendment) Bill, 2017 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 14th April, 2017 and assented to by the Governor of the Khyber Pakhtunkhwa on 21st April, 2017 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA PUBLIC PRIVATE PARTNERSHIP (AMENDMENT) ACT, 2017

(KHYBER PAKHTUNKHWA ACT NO. XI OF 2017)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 25th April, 2017).

**AN
ACT**

*further to amend the Khyber Pakhtunkhwa
Public Private Partnership Act, 2014.*

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Public Private Partnership Act, 2014 (Khyber Pakhtunkhwa Act No. XX of 2014), for the purpose hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Public Private Partnership (Amendment) Act, 2017.

(2) It shall come into force at once.

2. **Amendment of section 2 of the Khyber Pakhtunkhwa Act No. XX of 2014.**--- (1) In the Khyber Pakhtunkhwa Public Private Partnership Act, 2014 (Khyber Pakhtunkhwa Act No. XX of 2014), in Section 2,-

(i) for clause (a), the following shall be substituted, namely:

“(a) “Bidder” or “bidders” means a person, including a group or associations of persons or company as defined in section 80 of the Income Tax Ordinance, 2001 thereof, that participate in selection proceedings concerning any project;” and

(ii) for the existing clause (l), the following shall be substituted, namely:

“(l) “Person” means a company, an entity, a consortium, a firm, an association, a body of individuals, or a sole proprietor other than a Contracting Authority and includes an entity, agency, corporation, company, a consortium or other body or institution owned or controlled by the Federal Government or a Provincial Government;”.

3. **Insertion of section 28A to the Khyber Pakhtunkhwa Act No. XX of 2014.**--- (1) In the said Act, after section 28, the following new section shall be inserted, namely:

“28A. Special exemption.---(1) Notwithstanding anything contained in this Act or in the Public Procurement Rules, requirement of section 14 to 27 (both inclusive) and section 29 shall not apply to-

(a) projects that are undertaken in Public Private Partnership mode but where the Concessionaire is an entity, agency, corporation, company a consortium or other body or institution owned or controlled by the Federal Government of Provincial Government;

(b) projects where the Concessionaire is a person wherein the majority shareholder therein is state owned enterprise, entity, agency, corporation or company, owned or controlled directly or indirectly by a foreign state; and

(c) projects undertaken in result of international obligation, commitment or arrangement of the Government arising out of an international agreement or arrangement with a foreign state or states, or any international multilateral financial institution or a person.

(2) Provisions relating to competition, advertisement, and response time so provided in Public Procurement Rules shall not apply to the projects undertaken under this section.”.

**BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA**

**(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa**