

## **BIDDING PROCEDURE - TAM**

### **1. General**

- a) Bidding will be held under Section 19 of PEMRA Ordinance 2002 (Amendment Act-2007), when the number of applicants exceeds the maximum number of registration to be granted
- b) The bidding process shall be conducted by the Bidding Committee constituted by the Competent Authority.
- c) Bidding shall be held at such time, place and date as determined by the Committee.
- d) Only authorized attorneys of the applicant company (as per **Annex-I**) shall be allowed to participate in the bidding process and make bids on behalf of the applicant company.
- e) Bids shall be made on the form provide in **Annex-II** of this bidding procedure.
- f) The bidding shall consist of following two rounds:
  - I. **First Round:** Through Sealed Bids.
  - II. **Second Round:** Through open outcry.

#### **I. First Round: Sealed Bids**

- a) The Committee shall invite the shortlisted bidders to submit the sealed bids for the registration of TAM/TRP services in Pakistan.
- b) Base price for registration of TAM/TRP will be Rs. 5.0 Million.
- c) Shortlisted bidders shall submit **Earnest Money** not less than **15%** of the Base Price in the form of Pay Order or Demand Draft drawn on PEMRA along with the Sealed Bids (valid for a minimum period of ninety days).
- d) Bids without required earnest money shall be rejected.
- e) Bid offered less than the base price shall not be accepted.
- f) The sealed bids shall be dropped in the box reserved for this purpose along with Earnest Money in presence of the Bidding Committee.
- g) No subsequent addition, deletion and alteration in the sealed bid shall be acceptable.
- h) The Bidding Committee shall open sealed bids in the presence of authorized representatives of the bidders. The Bidding Committee shall announce:
  - i. The Offered /Quoted price of each bidder;
  - ii. The Highest Bid Price; and
  - iii. The names of Qualified Bidders for the Next Round
- i) The bids shall be given in Pak Rupees.
- j) Conditional bids, having '**ifs**' and '**buts**', shall out-rightly be rejected.

## **II. Second Round-Open Outcry**

- a) The qualified bidders of the first round shall be eligible to participate in the second round (open outcry).
- b) The highest bid amount concluded in the first round shall be the base price for open outcry bidding for that category in the second round.
- c) To make a bid, the minimum incremental value for next higher bid shall be multiple of Rupees two hundred thousand.
- d) Each eligible bidder shall raise hand before offering the bid.
- e) Each bidder shall cry-out his bid, write it on a prescribed form (**Annex-II**) duly signed by the authorized representative and hand it over to the Bidding Committee who shall announce it.
- f) Authorized Representative of a Bidder shall not be allowed to participate in any activity on behalf of any other Bidder during the bidding process.
- g) The Bidding Committee shall continue the open outcry session till the time it is not further contested.
- h) Each highest bid will get a maximum time of three minutes comprising three announcements each of one minute duration. Only once during the entire bidding process, each bidder may be granted a timeout not exceeding ten minutes, if requested.
- i) The Bidding Committee shall have the right to change the above time duration before start of bidding process with prior announcement.
- j) When the bid offered by a bidder is not contested within given time, the Bidding Committee shall announce the highest bid and bidder.
- k) The highest bidder shall be considered successful bidder and the amount quoted shall become 'Applicable Registration Fee (ARF)'.  
  
l) The Earnest Money of the successful bidder or bidders as the case may be, for any particular category shall be adjusted towards the applicable registration fee (ARF) while the Earnest Money of the unsuccessful bidders shall be released on request within thirty (30) working days of the bidding date without bearing any liability by the Authority towards interest, indexation, inflation etc.
- m) The successful bidder shall deposit the difference between the earnest money already deposited and **15%** of the 'Applicable Registration Fee' as balance earnest money within fifteen (15) working days from the date of bidding. The mathematical representation is as follows:  
  
Balance Earnest Money to be Deposited w/in 15 days After Bidding = 15% of the Applicable Licence Fee "minus" Earnest Money (15 % of Base Price) already deposited.
- n) The successful bidder shall be obliged to deposit the balance 'Applicable Registration Fee' along with Security Deposit equal to 03% of the Applicable Registration Fee as

per schedule notified by the Authority. Security deposit shall be refundable after successful operation of one year.

- o) In case the successful bidder fails to meet the requirement of clause (m) or (n), he shall be considered in-eligible and the deposited earnest money and all other amount paid in this regard shall be forfeited and the Company and its Directors shall be black listed for future licensing.
- p) Highest bids shall be valid for a period of two years from the date of bidding. No claim whatsoever shall be entertained /maintainable after this period.
- q) The TAM/TRP registration shall be granted to successful bidders after completion of all the legal requirements, including, inter alia, approval of the Authority and payment of registration fee etc.
- r) In case of any dispute during the bidding process, decision of the Bidding Committee shall be final.

## **2. Disqualification:**

Without prejudice to any other remedy that may be available to it, the Competent Authority reserves the right, on the recommendation of the Bidding Committee, to disqualify any Bidder and forfeit its deposited amounts, for any of the following reasons:

- a) If a Successful Bidder abandons the bid or fails to deposit the balance amount of earnest money equal to 15% of the Applicable Licence Fee within fifteen (15) days of the bidding date;
- b) Inaccuracy or misrepresentation of any fact in any part of the Expression of Interest/Application/Bid;
- c) Indiscipline, disruption during the bidding process, or indulgence in improper attempts to influence the outcome, or delay the process;
- d) Any “corrupt practice” meaning the offering, giving, receiving or soliciting of anything of value to influence any official of the Authority in relation to the bidding process; or
- e) Any fraudulent practice or misrepresentation of facts in order to influence the results of the bidding process;

## **3. Reservation of Rights**

- a) The Authority reserves the right to reject any or all the bids after recording reasons in writing.
- b) The Authority reserves the right, in its sole discretion, to take any action, which it deems necessary to ensure that the Bid process occurs in a fair, open and transparent manner, in accordance with law and discourage collusion and destructive bidding that may block the entry of potential bidders into the bidding process.
- c) No suit, prosecution or other legal proceeding shall lie against the Authority or any member of Bidding Committee or employee of the Authority in respect of anything done or intended to be done by the Authority in good faith in connection with bidding process.

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