

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS AND
RURAL DEVELOPMENT DEPARTMENT



NOTIFICATION

Peshawar, dated the March....., 2016

No. /2016. In exercise of the powers conferred by section 112 of the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013) the Government of Khyber Pakhtunkhwa is pleased to make the following Rules, namely;

**THE KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT (WORKS) RULES, 2016.**

PART -1

PRELIMINARY

- 1. Short title and commencement :-** (1) These rules may be called the Khyber Pakhtunkhwa Local Government (Works) Rules, 2016.
(2) They shall come into force at once.
- 2. Definitions.-** (1) In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013).
 - (b) "Administrative approval" means the approval of the competent

authority to the desirability and suitability of the work from the administrative point of view, and the incurring of the proposed expenditure thereon;

- (c) "Competent Authority" means the authority as defined in the Khyber Pakhtunkhwa Delegation of Financial Powers and Powers of Re-Appropriation Rules, 2001 and also includes authority delegated by the Secretary Local Government & Rural Development to the Local Government Officers of attached departments and field formations, from time to time;
- (d) "Chief Engineer Local Council Board" means the officer appointed by the Chairman Local Council Board, Khyber Pakhtunkhwa and vested with the technical sanction powers equivalent to the Officers in BPS-20 of Works and Services Department or Public Health Engineering Department of the Government,
- (e) "Local Government Engineer" means a qualified Engineer and appointed, as such, by the Government;
- (f) "Technical Sanction" implies the scrutiny of the estimates from the technical point of view and denotes that the estimates sanctioned are technically in order and correct; and
- (g) "Works" means work executed in accordance with rule 3 of these rules.

(2) The words and phrases used but not defined in these rules shall have respectively the same meanings as assigned to them under the Act or any relevant law for the time being in force.

PART-II

CLASSIFICATION OF WORKS

3. Classification of Works:- (1) For the purpose of these rules, works may be classified as follows:-

- a) Original Works, which means any new construction, whether of

entirely new work, or involving material addition or alteration to an existing work.

- b) Maintenance works, which means any operation undertaken to maintain an existing work in proper condition and repair.
- c) Petty works, which means a work, the estimated cost whereof does not exceed one hundred thousand (100,000) rupees or as may be specified by a Local Council from time to time.
- d) Minor Works, which means a work, the estimated cost whereof is less than two hundred fifty thousand (250,000) rupees or as may be specified by a Local Council from time to time;
- e) Major works, or a work, the estimated cost whereof is above two hundred and fifty thousand rupees (Rs 250,000) or as may be specified by the Local Council, or as may be specified by a Local Council from time to time:
- f) Other works, which means works funded by the development partners, or agencies, both under emergency or regular programmes, to be executed by the local governments, subject to terms and conditions to be agreed for the purpose.

Provided that subject to the policy instructions issued by the Planning and Development Department of the Government, the Local Council Shall determine the classification of scheme to be exclusively undertaken by the Local Councils in accordance with the provision of Local Government Act-2013.

PART-III

PLANNINGS OF WORKS

- 4. Planning of Works:-** (1) The works to be undertaken or to be planned by the Administration section of the local government to be established by the Government for the performance of the functions as specified against the serial number (xxiv) of Part-A of the First Schedule of the Act.
- (2) The works proposed by the devolved Government Departments at the

District level through District Officers shall be planned by the Administration section as mentioned in sub-rule (1) and got approved from the District Officer concerned.

(3) The works proposed by the members of a Council shall be processed through the respective Local Council and shall be prepared by the engineering section of Local Government.

(4) The works proposed by the members shall be prioritized in the light of planning and development guidelines and sectoral priorities issued by the Planning and Development department from time to time.

(5) The Local Council may:-

- a) approve the works; or
- b) for reasons to be specified, refuse to approve the works; or
- c) Approve the works with such modifications as may be specified.

(6) Every work approved under these rules shall be published for general information of the public in such manners may be specified by the Local Council.

(7) While approving the work or, the concerned Local Council or the Development Committee, as the case may be, shall determine the agency for execution of the works, as per Rule of Business for the time being in force and the manner by which the works are to be executed i.e. to say:-

- (a) by open tenders;
- (b) through consultants;
- (c) departmentally; and
- (d) any other mode approved by the Government as per policy.

PART-IV

ESTIMATES AND PLANS

- 5. Estimates and Plans.-** (1) The agency determined by the concerned Local Council or Development Committee for undertaking original or major work shall prepare an estimate according to the requirements of the Central Public Works Department Code for the time being in force, as adopted by the Government.

- (2) The cost estimates shall be prepared on Market Rate System (MRS) as notified by the Finance Department of the Provincial Government from time to time.
- (3) When an item of work is not covered in Market Rate System, then it shall be analyzed by engineering staff duly approved by the concerned competent forum, authorised by the Government.
- (4) All estimates on the basis of which works are to be undertaken shall be subject to Availability of funds, administrative approval, and technical sanction, in accordance with the provisions of rules.
- (5) The authorities competent to grant administrative approval for the projects shall be the Deputy Commissioner, the Tehsil or Town Municipal Officer and the Secretary Village or Neighbourhood Council for their respective City District, District Government, Tehsil or Town Municipal Officer Administration and Village or Neighbourhood Council, as the case may be.
- (6) Works out of the Local Fund shall be approved by such forum as specified in the bye-laws of the Local Council.
- (7) In case of the works funded out of Provincial District Funds, the works shall be sanctioned by the District Officer of the concerned department according to the powers delegated under the Khyber Pakhtunkhwa, Delegation of Financial Powers and Powers of Re-appropriation Rules, 2001, or any other rules in this behalf for the time being in force, or by such officer of the Local Council Administration who is so empowered by the Local Council, keeping in view the powers of the officer of the equivalent status in the Communication and Works Department and Public Health Engineering Department of the Government respectively.
- (8) In case, no qualified officer is available with the Local Council Administration, the work shall be got sanctioned by the District Officer of the concerned Works Department of the District or Tehsil, as may be notified by the Government, and the officers, so designated, shall examine and sanction such cost estimates of the works, subject to completion of all codal formalities.
- (9) The competent authority to grant administrative approval or technical sanction, as the case may be, may approve or sanction the estimate subject to such modification as may be specified.

(10) The Secretary to Government of Khyber Pakhtunkhwa Local Government Department, shall, through official notification, determine the technical sanction powers in respect of Officers of Chief Engineers, Local Council Board, Tehsil Officers (Infrastructure and Services) and Director Technical of Directorate General of Local Government, Khyber Pakhtunkhwa and Assistant Engineers in the offices of Assistant Director Local Government, from time to time.

PART-V

ANNUAL WORKS PROGRAMME.

- 6. Annual Works Programme.-** (1) The Annual Works Programme for the Provincial District Funds shall be prepared by the concerned District Department and shall be forwarded to the District Nazim through the Deputy Commissioner and the District Nazim shall include the same in the annual budget to be presented before the District Council.
- (2) The Annual Works Programme for the Tehsil Council shall be prepared by the concerned Tehsil Officer (Infrastructure) of the Tehsil or Town Municipal Administration and submit the same to the concerned Nazim for approval and inclusion in the annual budget to be presented before the Tehsil or Town Council.
- (3) The Annual Works Programme for the Village or Neighborhood Council shall be prepared by the engineering staff, authorised as such by the Government, of concerned Village or Neighborhood Council and submit the same to the concerned Nazim for approval and inclusion in the annual budget to be presented before the Village or Neighborhood Council as the case maybe.
- (4) The Annual Works Programme shall contain works related to Provincial District Funds, Annual Development Plans, Local Councils funds, and any other programme or projects for which separate fund provisions shall be made in accordance with policy circulated by the Government from time to time.

(5) The Annual Development Plans (ADP) of the Village or Neighborhood Council, if any, shall be prepared by the concerned staff of Assistant Director LG&RDD and submit the same to the concerned Nazim for approval and inclusion in the annual budget to be presented before the Local Council as the case may be.

(6) The Secretary of the Local Council shall lay on the table of the House the monthly progress reports about the implementation of the Annual Works Programme.

(7) No new original works shall be executed unless it is included in the Annual Works Programme; Provided that the Nazim may, in the event of emergency, subject to availability of fund, order any work may be executed in anticipation of its inclusion in the Annual Works programme, which later on got approved from the local council.

PART-VI

CONTRACTORS

7. Registration of Contractors :- (1) any person, who claims to be qualified to undertake a construction work, may apply to the Enlistment Committee, constituted by the concerned Department of the Government from time to time, for the registration of his name as a contractor or firm for a specific class or category as determined by the Pakistan Engineering Council (PEC).

(2) The person seeking registration shall state his qualifications and experience as contractor, his financial antecedents, and other requirements as may be notified by such Enlistment Committee, from time to time, who shall follow the policy of Government.

(3) No tender or quotations shall be issued to any contractor who has not been registered or who has not renewed his registration which should be on yearly basis and renewable in each financial year.

(4) Notwithstanding anything contained in sub-rule (2), in case of procurements like machinery or any other specialized works, wherein the prospective bidders may not be registered, may be allowed to participate in the

bidding process, subject to condition that he shall have to register himself later on with the concerned department, if declared as successful bidder.

(5) Every application for registration shall be accompanied by a Registration Fee of the same amount as is fixed by the Government for categories of PK-1 to PK-10 respectively.

(6) The Enlistment Committee may, for cogent reasons to be recorded, refuse registration, renewal or may be order revocation of any registration already issued.

(7) Any person aggrieved by any order of the enlistment committee of the concerned department in respect of Non registration or cancellation of registration shall file an appeal before the next higher authority of the concerned department, whose decision thereon shall be final and shall not be called in question.

PART-VII

WORK ORDERS & CONTRACTS

8. Work orders and Contracts.-(I) Subject to any general or specific guide lines issued by Government, all the work orders are to be issued and contracts signed and executed strictly in accordance with the provisions of the Central Public Works Account Code as adopted by Government, and the West Pakistan Building and Roads Code, whenever applicable, subject to prescribed forms of the Khyber Pakhtunkhwa Public Procurement and Regulating Authority.

(2) Any instructions issued by the Khyber Pakhtunkhwa Public Procurement and Regulating Authority specifying terms and conditions of the contracts, or prescribing a manner in which an agreement or a contract is to be signed and executed shall be binding on the Local Governments in the Province for all the transactions, involving agreements or contracts as the case may be.

PART-VIII
DEVELOPMENT PLANS

- 9. Development Plans.-** (1) Subject to the policy framed by the Government, the District Officer concerned shall prepare a development plan and get the approval of the Nazim for inclusion of the same in the budget to be presented by him before the Council.
- (2) The Works included in the development plan shall be funded and executed in the manner determined by the Government.
- (3) Notwithstanding anything contrary contained in these rules, the Manual of Instructions and Planning & Development Guidelines 2015, circulated by the Government shall be binding on the local governments for the purpose of planning, sectoral prioritization, funding, execution and monitoring of their development plans.
- 10. Repeal and Saving.-** (1) The Khyber Pakhtunkhwa Local Government (Works) Rules 2001 are hereby repealed.
- (2) Notwithstanding the repeal of the said rules, any instructions issued and orders made under the repealed rules shall continue to remain enforced until altered, amended or withdrawn by the competent authority.

Secretary
Local Government, Elections
& Rural Development, Department,