

[Published in the Gazette of Pakistan, Extraordinary, Part-1, dated the 21<sup>st</sup> August, 2021]

ORDINANCE NO. XV OF 2021

AN

ORDINANCE

*to establish the Federal Government Properties Management Authority*

WHEREAS it is expedient to effectively manage and utilize assets of Federal Government through attracting private investment, from inland and abroad and to undertake special projects, if and when desired by the Government in collaboration with private investors, local or foreign and in so doing to generate revenue, facilitate job creation, develop Pakistan's human resource, enhance exports, bolster economic growth and improve service delivery to the people.

AND WHEREAS, the Senate and the National Assembly are not in session and the President of the Islamic Republic of Pakistan is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of powers conferred by clause (1) of Article 89 of the Constitution of Islamic Republic of Pakistan, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance: —

1. **Short title, application and commencement.**—(1) This Ordinance shall be called the Federal Government Properties Management Authority Ordinance, 2021.

(2) It shall apply to Government properties wherever they may be—

(3) It shall come into force at once.

2. **Definitions.**—(1) In this Ordinance, un-less there is anything repugnant in the subject or context,—

(a) “asset” means property and includes immovable property and shall include land, structure owned by the Government or any of its Ministries, divisions or any entity under the control of the Government, whether currently un-used or used for any purpose whatsoever;

(b) “Authority” means the Federal Government Properties Management Authority established under section 3;

(c) “Board” means the Board of Governors constituted under section 5;

(d) “Chairman of the Board” means the Minister in-charge of the Division concerned;

(e) “consultancy services” means services requiring adequate technical and financial expertise in undertaking specific assignment, investment or project and may be of an intellectual nature and may include—

(i) advisory and review services;

(ii) pre-investment or feasibility studies;

(iii) construction supervision;

(iv) management and related services;

- (v) other technical services or special studies; and
- (vi) design and surveys and investigations.
- (f) "development plan" means a comprehensive document outlining the details and design of development of assets, and any other matters pertaining thereto.
- (g) "Director General" means Director General of the Authority and includes any person performing the functions of the Director General appointed by the Federal Government;
- (h) "Division concerned" means the division to which the business of this act stands allocated;
- (i) "emergency" means operational emergency to be declared as such by the Authority;
- (j) "execution agreement" means a document mentioning details, terms and conditions agreed between the Authority and Project executor for implementing the project in line with provisions of the ordinance.
- (k) "finance" shall have the same meaning as assigned thereto in the Financial Institutions (Recovery of Finances) Ordinance, 2001 (XLVI of 2001);
- (l) "financial institution" shall have the same meaning as assigned thereto in the Financial Institutions (Recovery of Finances) Ordinance, 2001 (XLVI of 2001);
- (m) "Fund" means the Federal Government Properties Management Authority Fund created under section 14;
- (n) "Government" means the Federal Government;
- (o) "investment" means any transaction between the Authority and a Project Executor for implementing the project in line with provisions of the Ordinance.
- (p) "master plan" means an overarching planning document providing conceptual spatial, landscape, design and infrastructure layout for the development of assets.
- (q) "prescribed" means prescribed by rules or regulations made under this Ordinance, as the case may be;

- (r) "project" means an undertaking by the Authority to utilize the assets for any purpose in line with provisions of this Ordinance and includes any project handed over by the Government to the Authority for any purpose in line with provisions of this Ordinance;
- (s) "project executer" means any person or entity whether public or private participating in a project.
- (t) "proposal" means document mentioning details of the proposed project and may include proposed transaction related to the project.
- (u) "regulations" means regulations made under this Ordinance;
- (v) "rules" means rules made under this Ordinance;
- (w) "technically complex" means a project declared as such by the Authority;
- (x) "transferred Asset" means any asset approved by the Government to be transferred to the Authority; and
- (y) "un-solicited proposal" means any proposal which is not submitted in response to any procurement request, however is aligned with the mission and objectives of the procuring agency and is subject to competitive selection process by soliciting counter proposals through public tendering;

3. **Establishment of the Authority.**—(1) The Government, by notification in the official Gazette, shall establish the Federal Government Properties Management Authority.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power and functions to acquire, hold and utilize assets as per provisions of this Ordinance, and shall sue and be sued in the said name.

(3) The headquarters of the Authority shall be at Islamabad and it may, with the prior approval of the Government, set up as many offices all over the country as, when and where required.

(4) The Government may transfer any assets to the Authority and upon such transfer this Ordinance shall exclusively apply to the transferred assets.

(5) The Government may assign to the Authority any project involving private investment in any form whatsoever and at any stage of project lifecycle.

4. **Director General of the Authority.**—(1) The Government shall appoint a Director General of the Authority on such terms and conditions as may be prescribed by rules.

(2) The Director General of the Authority shall, subject to this Ordinance, hold office for a term of three years and may be re-appointed by the Government for an additional term of three years.

5. **Functions and powers of the Director General of the Authority.**—(1) The Director General of the Authority shall be the principal accounting officer of the Authority responsible for the management, administration and operations of the Authority and, subject to the provisions of this Ordinance, shall exercise all powers and discretions and perform all functions and duties of the Authority under this Ordinance.

(2) Subject to sub-section (3), the Director General of the Authority may declare a project as technically complex and engage, through direct contracting any entity or as a consultant, evaluator or an expert with approval of the Board.

(3) In case of engagement of an entity or individual under sub-section (2), the Director General of the Authority shall record in writing rationale for direct contracting and shall issue a certificate.

6. **Powers and functions of the Authority.**—(1) The Authority shall—
- (i) create a database of assets owned by various Government entities;
  - (ii) recommend to the Government such assets to be transferred to the Authority for investment;
  - (iii) take possession of any asset transferred to the Authority;
  - (iv) undertake all legal measures, to secure assets handed over to the Authority;
  - (v) identify Government assets suitable for the development of projects;
  - (vi) carry out marketing and promotion of the assets;
  - (vii) design and approve transaction structures for offering the assets for projects;
  - (viii) approve un-solicited proposals for development of projects;

- (ix) accept, develop and offer projects for investments;
- (x) develop projects for implementation by the Authority itself;
- (xi) lease, purchase, procure, exchange, mortgage, rent out or otherwise utilize any transferred asset;
- (xii) selection of investors, in accordance with stipulated procedures;
- (xiii) enter into investment agreements through lease, rental, partnerships or public private partnership, joint-ventures or any other suitable mode;
- (xiv) responsible for implementation, contract enforcement, contract management and operations of development projects undertaken;
- (xv) prepare mechanisms for supervision and monitoring of projects and carry out operations and oversee monitoring and evaluation of projects against set milestones, targets and outcomes;
- (xvi) recommend to the Federal or Provincial or Local Governments policies, laws and actions to enhance the investment potential of assets;
- (xvii) undertake or cause studies, surveys, experiments or research to be undertaken or contribute towards the cost of any such studies, surveys, experiments or research, to be undertaken by any other entity, public or private, for the development of assets;
- (xviii) prepare, amend and approve development plans, master plans or site plans of any asset including, spatial or town planning, infrastructure development, land use and building control regulations in consonance with the existing building and town-planning regulatory dispensation;
- (xix) develop rules and procedures for approving project proposals;
- (xx) engage third-party consultants, panels, evaluators etc. for the purpose of evaluating project proposals;
- (xxi) appoint legal experts, contract management specialists, procurement specialists and other kinds of experts to represent the authority in litigation, contract negotiations, contract management, procurement etc.;