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PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN

PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY ISLAMABAD

NOTIFICATION

Islamabad, the 21st June, 2023

PEMRA ELIGIBILITY CRITERIA AND BIDDING PROCEDURE FOR GRANT OF FM RADIO LICENCES IN THE MERGED DISTRCITS (EX-FATA) OF KHYBER PAKHTUNKHWA PROVINCE

S. R. O. 1324(I)/23.—In exercise of the powers conferred under Subsection (3) of Sections 4 read with all other enabling provisions of the Pakistan Electronic Media Regulatory Authority Ordinance 2002 as amended by PEMRA Amendment Act 2007, the Pakistan Electronic Media Regulatory Authority (PEMRA) hereby notifies the PEMRA (Eligibility Criteria and Bidding Procedure for FM radio Licensing) in Merged Districts (Ex-FATA) in Khyber Pakhtunkhw a Regulations 2023 for information and guidance of the companies interested in applying for grant of FM radio licences in the Merged Districts for a period of 10 years:

Price: Rs. 40.00

[1504(2023)/Ex. Gaz.]

ELIGIBILITY CRITERIA

1. **Definitions:**(1) Terms and expressions used herein shall have, unless it appears repugnant to the context or provided otherwise, following meanings:

(a) "application form" means the application form as contained in **Schedule-A;**

(b) "applicable licence fee" for the respective licence means the highest bid price determined through bidding;

(c) "base price" for FM radio licence shall be as provided in the **Schedule-B;**

(d) "Channel" means the set of frequencies that a broadcast station occupies for broadcasting;

(e) "Code" means the code of conduct for electronic media prescribed by the Authority under section 19 (5) of the Ordinance;

(f) "company" means a company as defined in the Companies Act 2017;

(g) "copyright" means copyright as defined in the Copyright Ordinance 1962 (XXXIV of 1962);

(h) "foreign content" means the content that is produced under the creative control of foreigners, foreign company or foreign broadcaster;

(i) "foreign broadcasting service" means a broadcasting service which is uplinked from outside Pakistan and is down linked / received in Pakistan;

(j) "frequency" means the frequency of the electromagnetic waves measured in Hertz;

(k) "licence" means a licence issued by the Authority to establish and operate a broadcast media or distribution service;

(l) "licensee" means a person to whom the Authority has issued a licence;

(m) "Ordinance" means the Pakistan Electronic Media Regulatory Authority Ordinance, 2002(XIII of 2002) as amended from time to time;

(2) Words and phrases used but not defined herein, unless the context otherwise requires, shall have the meanings assigned to them in the Ordinance, the rules and regulations made thereunder.

2. **Who May Apply**

i. Any company registered under the Companies Act 2017 having paid up capital of not less than Rs. 0.5 million can apply for a FM radio licence in the Merged Districts (Ex-FATA). In the event, the company is applying for more than one licence, or already holds a FM radio licence, the paid up capital should be enhanced by Rs. 0.250 million for each additional licence.

ii. The applicant company must not be holding, directly or indirectly, a distribution service licence (except landing rights permission).

iii. Maximum number of FM radio licences that a person can hold, directly or indirectly, is four. Therefore, those applicant companies who are already holding four FM radio licences, directly or indirectly, are not eligible to apply.

iv. An applicant company cannot apply for more than one FM radio licence in the same area / Merged District i.e. one company can only apply for one licence in a particular Merged District (Ex-FATA).

v. The management, control and majority shareholding of the applicant company must vest in the local nationals in compliance with section 25 of the Ordinance.

vi. A company having a distribution service licence of the Authority shall not be eligible for FM radio licence.

vii. The object clause of the applicant company shall allow entry into the business of electronic media or FM radio.

viii. The applicant company or any of its directors or shareholders must not be defaulter of PEMRA, any financial institution, tax authorities or Government of Pakistan or any provincial/regional government.

ix. The applicant company must be in compliance with the relevant provisions of the PEMRA Ordinance 2002, as amended by PEMRA

(Amendment) Act, 2007 PEMRA Rules 2009, regulations made thereunder and as amended from time to time and licence terms & conditions.

x. The applicant company shall undertake to abide by the bidding procedure.

3. **Ineligibility for Grant of Licence**

A licence shall not be granted to:

(a) a person who is not a citizen of Pakistan or resident in Pakistan;

(b) a foreign company organized under the laws of any foreign government;

(c) a company the majority of whose shares are owned or controlled by foreign nationals or companies whose management or control is vested in foreign nationals or companies; or

(d) any person funded or sponsored by a foreign government or organization.

4. **Documents Required:** The applicant company shall submit following documents, preferably, in the same sequence:

i. Duly filled application form **(Schedule-A).**

ii. Board Resolution of the applicant company authorizing filing of the application for grant of FM radio licence.

iii. Certificate of Incorporation from SECP, Statutory Returns and Forms regarding ownership/management of the applicant company (e.g. Form-A, Form 29 and Form 3 etc.).

iv. Names and detailed CVs of the directors and shareholders of the applicant company.

v. Attested copies of CNICs and Passports of the directors and shareholders of the applicant company.

vi. Relevant experience certificates of the directors and shareholders of the applicant company (if any).

vii. Details of other businesses of the applicant company alongwith total assets, annual turnovers and annual reports of the company, if any.

viii. Audited financial statements for last two years of the applicant company where applicable.

ix. Copy of NTN certificate of the applicant company and its directors and shareholders.

x. Income tax returns of the applicant company for last two years and income tax filer certificate of the applicant company and its Directors / shareholders. In case of a new company the income tax returns and income tax filer certificate of the directors and shareholders of the company shall be provided.

xi. Affidavit of applicant company that neither the applicant company nor any of its directors or shareholders are defaulter of PEMRA, any financial institution, or government and tax authorities **(Schedule-C).**

xii. Affidavit of applicant company that it shall abide by all PEMRA Laws, the Rules, Regulations, Code of Conduct, licence terms & conditions and directions issued by the Authority from time to time **(Schedule-D).**

xiii. Affidavit of the applicant company that neither the applicant company nor any of its directors and shareholders are directly or indirectly, holding a distribution service licence (except landing rights permission) **(Schedule-E).**

xiv. Affidavit that the applicant company is in compliance with Section 25 of the PEMRA Ordinance 2002 **(Schedule-F).**

xv. Affidavit that the applicant company or any of its directors and shareholders has never been black listed **(Schedule-G).**

xvi. Demand Draft or Pay Order in favor of PEMRA amounting to rupees ten thousand as application processing fee which shall be non-refundable.

xvii. Technical feasibility containing information as per checklist given in **Schedule-H.**

xviii. Financial feasibility containing information as per checklist given in **Schedule-I.**

xix. Undertaking from the applicant company that it shall abide by the bidding procedure as notified by the Authority.

5. **Pre-Qualification of Applicant companies and bidding**

i. The applicant companies shall be pre-qualified as per the above criteria on the basis of the documents/information provided by them. Incomplete applications may not be entertained.

ii. Pre-qualification of applicant company, however, shall not guarantee grant of licence. The licence shall be granted to the successful bidder only after fulfillment of all legal requirements.

iii. Pre-qualification does not include security clearance, public hearing, provincial concurrence and allocation of frequency. These shall be done after completion of the bidding process and before grant of the licence.

iv. The Authority reserves the right to seek any information and clarification from any applicant company within such time as the Authority may deem fit. If the applicant company fails to provide such information & clarification its application may be rejected without any further processing.

v. The pre-qualified applicant companies shall be invited to participate in the bidding. The applicant company shall participate in the bidding as per bidding procedure provided in Schedule-J.

6. **Licence categories:**

i. All the FM radio licences will be awarded for commercial category which shall be allowed to carry advertisements only in accordance with the PEMRA Ordinance, rules & regulations, licence terms & conditions as amended from time to time.

7. **Reservation of rights**

i. If at any time either before grant of licence or after grant of licence, it comes to the notice of the Authority that the applicant company or any of its representative had provided any false or misleading

statement/information, advertently or inadvertently, the application shall be rejected immediately and the earnest money shall be forfeited; and if the licence has already been issued, the licence shall be revoked and security deposit and other dues deposited by the applicant company or licensee shall be forfeited.

ii. The profiles of successful bidder companies will be referred to the Ministry of Interior for security clearance. The licence will be granted only after fulfillment of all legal requirements including approval of Authority, receipt of NOC from the Ministry of Interior, successful provincial consultation, public hearing, allocation of frequency and payment of applicable licence fee & security deposit.

iii. The schedule for payment of applicable licence fee shall be as determined by the Authority. In case of non-compliance with the schedule of payment given by the Authority, the earnest money and all other sums deposited by the applicant company shall be forfeited.

iv. The provisions of the PEMRA Ordinance 2002, PEMRA Rules 2009 and Radio Broadcast Stations Operations Regulations 2012 shall have effect notwithstanding anything contained in this notification.

v. Any subsequent request for change in area either before grant of licence or after grant of licence shall not be entertained.

vi. The Authority reserves the right to revise the annual fee in accordance with the PEMRA Ordinance 2002, the rules, regulations etc.

vii. In the event successful bidder fails to fulfill the legal requirements for grant of FM radio licence within a period of two years from the date of bidding, the Authority may reject its application by recording reasons in writing; and the Authority may, in its discretion, grant opportunity of meeting the highest bid price to the second highest bidder or re-bid the licence.

viii. The Authority may issue determinations for clarification or revision of any of the provision of this notification.

SCHEDULE-A

NON-TRANSFERABLE
Ref. RADIO EOI-____ /_____

PEMRA

PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY
Headquarters (Licensing BM Wing), Mauve Area, Sector G-8/1, Islamabad

APPLICATION FOR THE LICENCE TO INSTALL AND OPERATE FM RADIO BROADCAST STATION

(To be submitted in duplicate)

1. **1.1 Name/Title of (Company)**_____
1.2 Postal Address _____
1.3 Telephone No. _____, **Fax No.** _____
1.4 E.mail Address. _____, **Web-site** _____
1.5 Business Address_____
1.6 Telephone No. _____, **Fax No.** _____
1.7 E.mail Address. _____,
CEO's Name, NIC & NTN Nos._____
_____
1.3 Registration No.(of corporate body) _____
1.4 National Tax No.[of Company]_____
1.5 Date of establishment/incorporation _____

2. **Web-site** _____

3. **Category of licence required [See Rule 4]** ☐ Local Area/Community based,
☐ Specialized Service (for statutory educational institutions only),

3.1 **Radio Broadcast Station:** Frequency Modulation [**FM**] Band

4. **Duration of Licence:** 10 Years

5. **Expected date of commencement of project**_____

5.1 **Location/site of the project** _____

6. **Amount of the application fee paid [See Rule 6]** _____
Bank Draft/Pay Order No. _____
(Attach copy of the payment document)

7. **Programme Concept and Policy:**

(Types of programmes proposed to be produced, commissioned or distributed)

7.1 **Proposed languages of the Programmes:**

Sr. No.	Languages	Hours, Minutes per week
1	Urdu	
2	English	
3	Regional	
4	Other(Please specify)	

7.2 **The Programme Mix which the applicant plans to adopt:**

S.No.	Programme category	Hrs/Mnts per week	Percentage

8. Organizational set-up:

8.1 Details regarding Ownership/Control of the Company:
[Information regarding CEO, Directors and shareholders]

S.No.	Name Position in Company	NIC No.	Extent of Shares holding	Financial interest in other Print/Electronic Media

8.2 Names and addresses of the ultimate beneficial ownership of the Company:

S.No.	Name, address, NIC Number

(Attach duly attested affidavit, as per specimen given in the SOQs,)

9. Technical Information:

9.1 **Site Information**

a. Name of Station_____
b. Address of Station _____
c. Date of start Broadcasting_____ d. Special sign of Tx:_____
e. Co-ordinates
Longitude:_____ Degrees_____ Minutes:_____Seconds_____
Latitude:_____ Degrees:_____ Minutes:_____Seconds:_____
f. Distance fron the nearest aerodrome/airport
g. Call Sign _____ h. Area of Service (Sq. Km)_____
[Add contour Maps of coverage]

9.2 **Equipment Data:**

a. Type of Antenna: _____
b. Transmission Frequency _____

c. Max Radiated Power(dbW):_____
d. Transmission: ☐ Mono ☐ Stereo
e. Working Schedule(PST):_____

9.3 **Supplementary information** (if any):_____

_____

_____

10. Financial aspects:

Sr. No.	Source of Funding	Yes/No
1	Self-Financing	
2	Government Grants	
3	Foreign grants/assistance	
4	Advertising	
5	Others(Please Specify)	

(Cash flow statement for 5 years, Pay-back period, expected return on investment) Attach details

11. Socio-economic effect:

(Attach brief note on the social benefits or objectives sought to be achieved by the project)

UNDERTAKING

I/We _____, the applicant(s) do hereby declare that the above facts are correct in all respects. I/We, if granted a licence, also undertake to:

(a) respect the sovereignty, security and integrity of the Islamic Republic of Pakistan;

(b) respect the national, cultural, social and religious values and the principles of public policy as enshrined in the Constitution of the Islamic Republic of Pakistan;

(c) if ensure that programmes and advertisements do not encourage violence, terrorism, racial, ethnic or religious discrimination, sectarianism or hatred;

(d) comply with rules and regulations made under the PEMRA Ordinance and the Code of Conduct annexed to this form;

(e) broadcast programmes in the public interest specified by the Federal Government or the Authority in the manner indicated by the Government or, as the case may be, the Authority,

(f) comply with the codes of Conduct for programmes and advertisements approved by the Authority;

(g) abstain from broadcasting any programme or advertisement in violation of copyright or other property right;

(h) obtain permission/type approval from PEMRA before import of any transmitting apparatus for broadcasting; and

(i) abstain from selling, transferring or assigning any of the rights conferred by the licence without prior written permission of the Authority.

Signature of Applicant

Place _____

Date _____

.....

FOR OFFICIAL USE ONLY

Receipt:

Date of filing the application:_____

Pay order No. _____ date _____

Amount _____

For

Pakistan Electronic Media Regulatory Authority,

Islamabad

SCHEDULE-B

S.No.	District	Base Price Rs. In Million	Licences to be auctioned	Annual Fee (In Rupees)
	(1)	(2)	(3)	(4)
1	Khyber	0.3	02	0.1Million
2	Kurram	0.3	02	0.1Million
3	Mohmand	0.3	02	0.1Million
4	North Waziristan	0.3	02	0.1Million
5	Orakzai	0.3	02	0.1Million
6	South Waziristan	0.3	02	0.1Million
7	Bajaur	0.3	02	0.1Million

SCHEDULE-C

NON-DEFAULTER STATUS AFFIDAVIT

(TO BE ATTESTED BY OATH COMMISSIONER)

I, _____ S/o _____

(Designation) _____ of

M/s _____ (hereinafter referred as "the applicant company") do hereby solemnly state and affirm on oath that neither the applicant company nor any of its CEO, Directors and shareholders are defaulter of PEMRA, any financial institution, tax authorities or the Government of Pakistan or any provincial and Local Government.

DEPONENT

VERIFICATION:

I, the above named deponent do hereby solemnly affirm on oath that the contents of the above affidavit are correct and true to the best of my knowledge and nothing has been concealed therein.

DEPONENT

SCHEDULE-D

AFFIDAVIT FOR COMPLIANCE

(TO BE ATTESTED BY OATH COMMISSIONER)

I, _____ S/o _____

(Designation) _____ of

M/s _____ (hereinafter referred as "the applicant company") do hereby solemnly state and affirm on oath that the applicant company and its CEO, Directors and shareholders shall abide by the PEMRA Ordinance 2002, the Rules, Regulations, licence terms & conditions, guidelines, eligibility criteria, bidding procedure, Code of Conduct made thereunder and as amended from time to time as well as the directions issued by the Authority from time to time. I also undertake to pay the applicable licence fee, annual fee as provided in the Schedule-B of the eligibility criteria and bidding procedure, security deposit or as amended by the Authority from time to time.

DEPONENT

VERIFICATION:

I, the above named deponent do hereby solemnly affirm on oath that the contents of the above affidavit are correct and true to the best of my knowledge and nothing has been concealed therein.

DEPONENT

SCHEDULE-E

AFFIDAVIT - CROSS MEDIA OWNERSHIP

(TO BE ATTESTED BY OATH COMMISSIONER)

I, _____ S/o _____

(Designation) _____ of M/s _____

(hereinafter referred as "the company") do hereby solemnly state and affirm on oath that neither the applicant company nor any of its CEO, Directors or shareholders directly or indirectly own, operate or manage any distribution service network which may disqualify for getting a broadcast media licence in terms of Rule 13 of the PEMRA Rules 2009.

DEPONENT

VERIFICATION:

I, the above named deponent do hereby solemnly affirm on oath that the contents of the above affidavit are correct and true to the best of my knowledge and nothing has been concealed therein.

DEPONENT

SCHEDULE-F

AFFIDAVIT - FOREIGN MEDIA OWNERSHIP

(TO BE ATTESTED BY OATH COMMISSIONER)

I, _____ S/o _____

(Designation) _____ of M/s _____

(hereinafter referred as "the applicant company") do hereby solemnly state and affirm on oath that the applicant company is not ineligible for grant of licence in terms of Section 25 of the PEMRA Ordinance 2002 as amended from time to time or as provided in the eligibility criteria and bidding procedure.

DEPONENT

VERIFICATION:

I, the above named deponent do hereby solemnly affirm on oath that the contents of the above affidavit are correct and true to the best of my knowledge and nothing has been concealed therein.

DEPONENT

SCHEDULE-G

AFFIDAVIT FOR NO BLACKLISTING STATUS

(TO BE ATTESTED BY OATH COMMISSIONER)

I, _____ S/o _____

(Designation) _____ of M/s _____

(hereinafter referred as "the applicant company") do hereby solemnly state and affirm on oath that neither the applicant company, nor any of its Directors and shareholders has ever been blacklisted by PEMRA or any organization of Government.

DEPONENT

VERIFICATION:

I, the above named deponent do hereby solemnly affirm on oath that the contents of the above affidavit are correct and true to the best of my knowledge and nothing has been concealed therein.

DEPONENT

SCHEDULE-H

CHECKLIST FOR TECHNICAL FEASIBILITY OF THE APPLICANT COMPANY

S. No	Details	Provided	Not provided
1	Name of FM transmitter to be used		
2	Technical parameters of the transmitter		
3	Detail of Aerials , pattern of transmission		
4	Detail of studio Equipment / technology to be used		
5	Editing facilities, delaying techniques and equipment		
6	Proposed location of broadcast station		
7	Details of In-house monitoring mechanism		
8	CVs of the professional/technical staff		

SCHEDULE-I

CHECKLIST FOR FINANCIAL FEASIBILITY OF THE APPLICANT COMPANY

S. No	Details	Provided	Not provided
1	Financial feasibility study of the project: a. Project Cost with breakup b. Documentary Evidence to support the project cost (Bank Statement of the Company/Directors and/or any other financial arrangement to support the project) c. Audited Report of the company (if applicable) d. Tax Return of the company/directors for the two most recent years		

SCHEDULE-J

BIDDING PROCEDURE

1. **General**

i. Bidding will be held under Section 19 of PEMRA Ordinance 2002, when the number of applications exceeds the number of FM radio licences to be granted.

ii. The bidding process shall be conducted by the Bidding Committee constituted by the Chairman.

iii. Bidding shall be held at such time, place and date as determined by the Committee.

iv. Only authorized representative of the pre-qualified/ shortlisted applicant companies (specimen for authority letter is given in **Schedule-K**) shall be allowed to participate in the bidding process and make bids on behalf of the companies.

v. Bids shall be made on the form provided in **Schedule-L** of this bidding procedure.

vi. The bidding shall consist of following two rounds:
First Round: Through Sealed Bids.
Second Round: Through open outcry.

vii. The bidding proceedings shall be video recorded by PEMRA.

2. **First Round: Sealed Bids**

i. The Authority shall invite the shortlisted applicant companies to submit the sealed bids for the FM radio broadcast station licence.

ii. Base price for various districts for award of FM radio broadcast station licences is given in the **Schedule B**.

iii. Shortlisted applicant companies shall submit **Earnest Money** not less than **15%** of the Base Price in the form of Pay Order or Demand Draft drawn on PEMRA (valid for a minimum period of ninety days) along with the Sealed Bids.

iv. Bids without or less than required earnest money shall be rejected.

v. Bid offered less than the base price shall not be accepted.

vi. The sealed bids shall be dropped in the box reserved for this purpose along with Earnest Money in presence of the Bidding Committee.

vii. No subsequent addition, deletion or alteration in the sealed bid shall be acceptable.

viii. The bids shall be given in Pak Rupees.

ix. Conditional bids, having **'ifs' and 'buts'**, shall out-rightly be rejected.

x. The bidders who have successfully complied with the above conditions shall be considered as qualified bidders for the second round.

xi. The Bidding Committee shall open sealed bids in the presence of authorized representatives of the bidders. The Bidding Committee shall announce:

a. The Offered /Quoted price of each bidder;
b. Amount of earnest money
c. The Highest Bid Price; and
d. The names of Qualified Bidders for the Next Round

3. **Second Round: Open Outcry**

i. The qualified bidders of the first round shall be eligible to participate in the second round (open outcry).

ii. The highest bid amount concluded in the first round for a particular area /district licence shall be the base price for open outcry bidding for the second round.

iii. In case only one bid is received for a FM radio broadcast station licence in a particular district/area, the bidder shall be considered provisional successful only if the bid amount is not less than the base price provided the bidder fulfills all other conditions of bidding process.

iv. To make a bid, the minimum incremental value for next higher bid shall be multiple of Rupees Fifty Thousand.

v. Each eligible bidder shall raise hand before offering the bid.

vi. Each bidder shall cry-out his bid and shall write on the prescribed form (Schedule-L) the final bid amount offered by the authorized representative of the company and after signing it, hand it over to the Bidding Committee who shall announce it.

vii. Authorized Representative of a bidder shall not be allowed to participate in any activity on behalf of any other bidder during the bidding process.

viii. The open outcry session shall continue till the time the highest bid is not further contested.

ix. Each highest bid will get a maximum time of three minutes comprising three announcements each of one minute duration. However, each bidder may once be granted a timeout not exceeding ten minutes, if requested.

x. When the bid offered by a bidder is not contested within given time, the Bidding Committee shall announce the highest bid and bidder.

xi. The highest bidder in a particular district/area shall be considered provisional successful bidder and the highest bid shall become 'Applicable Licence Fee (ALF)' for the respective licence.

xii. The Earnest Money of the successful bidder or bidders, as the case may be, for any particular category shall be adjusted towards the applicable licence fee (ALF) while the Earnest Money of the unsuccessful bidders shall be released within thirty (30) working days of the bidding date without bearing any liability by the Authority towards interest, indexation, inflation etc.

xiii. The successful bidder for a particular district/area shall deposit the difference between the earnest money already deposited and 15% of the 'Applicable Licence 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 within 15 days After Bidding = 15% of the Applicable Licence Fee "minus" Earnest Money (15 % of Base Price) already deposited

xiv. The successful bidder for a particular district/area shall be obliged to deposit the balance 'Applicable Licence Fee' alongwith Security Deposit equal to 3% of the Applicable Licence Fee (which shall be refundable or adjustable in annual fee on the request of licensee after successful operation of one year) and advance tax if applicable as per government policy within thirty (30) days when asked as follows:

a. Upfront: 100% of the balance of applicable licence fee as a one-time upfront amount
OR

b. Installments: an upfront payment of the balance 50% (i.e. 50-15) of the applicable licence fee, and the remaining amount in 10 years in 10 equal annual installments with a cumulative mark up rate at KIBOR, applied from the period of the date the upfront payment iis due to the payment date. The successful bidders may pay the remaining balance of the applicable licence fee at any time in advance of the schedule installment, along with payment of cumulative mark up to such date of payment.

xv. In case the successful bidder fails to meet the requirement of clause (xiii) or (xiv), he shall be considered in-eligible for grant of licence and the deposited earnest money and all other amounts paid in this regard shall be forfeited.

xvi. The highest bidders for any particular district/area licence shall be allowed to withdraw their bid after lapse of two years from the date of bidding. No claim whatsoever towards interest, indexation, inflation etc. shall be entertained /maintainable after this period.

xvii. The FM radio broadcast station licences shall be awarded to successful bidders after completion of all the legal requirements, including approval of Authority, security clearance from the Ministry of Interior, Consultation with the Provincial Government where the Station is to be established, Public Hearing, allocation of frequency and payment of licence fee and security deposit.

xviii. In case of any dispute during the bidding process, decision of the Bidding Committee shall be final.

4. Disqualification

Without prejudice to any other remedy that may be available to it, the 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:

i. 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.

ii. Inaccuracy or misrepresentation of any fact in any of the documents & bid.

iii. Indiscipline, disruption during the bidding process, or indulgence in improper attempts to influence the outcome, or delay the process.

iv. Any "corrupt practice" including the offering, giving, receiving or soliciting of anything of value to influence any official of the Authority in relation to the bidding process.

v. Any fraudulent practice or misrepresentation of facts in order to influence the results of the bidding process.

5. Reservation of Rights

i. The Authority reserves the right to reject any or all of the bids after recording reasons in writing.

ii. The Authority reserves the right, in its sole discretion, to take any action, which it deems necessary to ensure that the bidding 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 biding process.

iii. 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.

SCHEDULE-K

AUTHORITY LETTER

(To be submitted on Stamp Paper of Rs. 500, duly attested by Oath Commissioner, accompanied with Board Resolution)

M/s _____ (the Applicant company) hereby authorize Mr./Ms._____ S/o/ D/o_____holding CNIC No._____ Designation:_____ of the applicant company to submit licence application for grant of FM radio licence for _____, to PEMRA and make any statement or give any undertaking on behalf of the company. The said Mr./Ms. _____, is fully authorized to participate in the bidding process and to take such on-the-spot decision or give bids which shall be binding on the Applicant company.

_____ (the Applicant company)

_____ (Attorney)

Designation _____

Seal/Stamp of the Applicant company

Date:_____

Witnesses:

1. Name:_____ CNIC No._____ Signature _____

2. Name:_____ CNIC No._____ Signature _____

SCHEDULE-L

BID FORM

Name of Bidder /Applicant company _____

Name of Authorized Representative _____

Bid Amount in Figures Rs._____

Bid Amount in Words Rs._____

_____

I solemnly declare that this bid for the grant of FM radio broadcast station licence is unconditional, irrecoverable and is valid for two years from the date of its submission and the bidder/applicant company undertakes to comply with all other conditions of the bidding process.

_____

Signature of Authorized Representative of Applicant Company

Date: _____

[F. No. PEMRA-1(09)/Secy./Gazette/2023/42.]

SARDAR ARFAN ASHRAF KHAN,
SDG/Secretary to the Authority.

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