



Annual Report 2012-2013



Public Procurement Regulatory Authority, Islamabad
FBC Building, 1st Floor, Sector G-5/2, Islamabad.

Vision Statement

Aspiring for competition, fairness and transparency to build confidence of contractors, suppliers and public on the procurement system.

Mission Statement

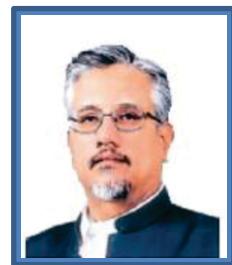
To regulate procurement of goods, services and works in the public sector to monitor overall performance of procuring agencies by providing level playing field to all National and International suppliers, contractors and consultants in accordance with the policies of Federal Government leading to improvement in governance, transparency, accountability and quality of public procurement.

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Chairman's Message



Public procurement is an integral part of public financial management system. In developing countries public procurement contributes about 15-20% of the GDP. Public procurement thus has a strategic role in Pakistan. Over the years the public sector has gone through changes worldwide and the views about public services delivery structure has also changed. In the changed scenario, public procurement has a pivotal role in the public service delivery and its performance.

2. Resources are becoming scarce day by day. On the other hand, the population explosion in the developing countries like Pakistan demands for judicious and prudent use of resources at hand. The procurement legal framework has a key relation between economy and socio economic development which ultimately leads to transparency, accountability and value for money.

3. Since its establishment, the Public Procurement Regulatory Authority (PPRA) has been performing its function as per the PPRA Ordinance, 2002. The Authority over the years has taken many initiatives to plug the loopholes in the legal framework. The Authority is revising the procurement rules and drafted first ever National Procurement Strategy in Pakistan. The Authority spearheads the Advisory Group on Public Procurement (AGPP). The Annual Report for the year 2012-13 which you are about to read is a resume of the efforts made by the Authority towards open competition and transparency in public procurement.

Dr. Waqar Masood Khan
Finance Secretary, Govt. of Pakistan/
Chairman, Public Procurement
Regulatory Authority Board



Managing Director PPRA

The Government of Pakistan spends billions of rupees on procurement of goods, works and services. It is the responsibility of the Government to build and ensure the confidence of the public in procurement process. The best procedure for procurement can be ensured by complying with Public Procurement Rules issued by Public Procurement Regulatory Authority (PPRA). Public Procurement must contribute towards development of a country by becoming more efficient, focusing on issues of sustainability, maintaining competition both locally and globally.

The economy of Pakistan is facing tremendous challenges. Inflation, expenditure on low profile conflicts, insurgencies and combating terrorism are few of the challenges which demand wise use of the resources at hand. The strict compliance of Public Procurement Rules can save precious resources and ensure transparency, quality, healthy competition and value for money.

The Public Procurement Regulatory Authority (PPRA) is imparting trainings to the officers/officials of the public sector organizations to familiarize them with procurement rules and to provide guidance to undertake procurement in a fair and efficient manner. Procuring agencies are uploading their tenders directly on the PPRA website. Any violation of the procurement rules is pointed-out to the organization so as to enable them to timely take, corrective measures. The Authority is also providing equal opportunity to the private sector for training, guidance and any clarification that they may require.

The inception of online query system in April 2010 has provided the stakeholders a level playing field and speedy responses regarding various issues pertaining to Public Procurement Rules 2004 and procurement procedures. So far, a rising trend of online queries has been noted since its inception and to date more than 1800 online queries have been replied by PPRA.

The authority appreciates the efforts and collective wisdom and support provided by its officers and staff and various organizations especially Cabinet Division for their administrative support and Finance Division for their budgetary support, Provincial and Federal Departments and Donor Agencies i.e. World Bank, ADB, and USAID etc. This report is being presented for release to the Public in terms of Section (17) of PPRA Ordinance, 2002 and it provides an overview of the activities for the period 1st July, 2012 to 30th June, 2013.

Nazrat Bashir
Managing Director
PPRA

Executive Summary

Transparency in Public Procurement is considered one of the most effective tool to curb corruption. It is a pre-condition for ensuring public officials' accountability. Creation of PPRA is primarily aimed at allowing the public widest possible access to information that would enable them to participate in public procurement. PPRA Ordinance, 2002, Public Procurement Regulations, 2004 and Public Procurement Regulations require that tender opportunities be adequately publicized.

During the FY 2012- 13 public sector entities continued to seek legal clarifications, interpretation of rules and regulations pertaining to different aspects of procurement such as selection of single qualified bidder, expiry of bid validity period, purchase of books, applicability of Public Procurement Rules, 2004 to public private partnership (PPP), insurance services, training matters and medical services, constitution of purchase committees, acceptance of conditional bids, determination of scoring ratio in evaluation of bids, payment of taxes imposed after declaring the lowest evaluated bidder, prequalification of suppliers / contractors and purchase of vehicles assembled in Pakistan etc. in this connection 239 legal advices were issued to the public procuring agencies during the reported year.

Capacity Building of stakeholders on Public Procurement Rules is one of the goal of the Authority and to achieve this goal, two days interactive training programs on 'Public Procurement Rules and Procedures' are organized on fortnightly basis for the officers of Government as well as private sector. During the FY 2012-13, PPRA trained a total of 405 participants by arranging 22 training programs for the capacity building of officials of the Public Sector as well as Private Sector.

One of the main functions of PPRA is to monitor public procurements to ensure its compliance with Public Procurement Rules 2004. For this purpose the Authority has established a web portal where tenders issued by all procuring agencies are uploaded for advertisement and wider circulation.

The violations of PPR, 2004 noted in the tenders of the procuring agency are also mentioned against the relevant tender of the concerned procuring agency on PPRA's website. The violations committed by procuring agencies during Financial Year 2012-13 were 21.90%.

During FY 2012-13 a total of 26121 tenders of Public Sector Organizations have been uploaded/ monitored, wherein 5721 deviations from the Public Procurement Rules 2004 have been pointed out to the heads of concerned procuring agencies, for taking remedial measures.

Public Procurement Regulatory Authority has also formed an Advisory Group on Public Procurement (AGPP) to share knowledge and experience among all PPRAs and harmonization of Public Procurement rules and procedures around recognized standards etc. The departments and provincial procurement regulatory authorities that are part of Advisory Group on Public Procurement include Public Procurement Regulatory Authority, Islamabad, Punjab Procurement Regulatory Authority, Sindh Public Procurement Regulatory Authority, Public Procurement Regulatory Authority, Khyber Pakhtunkhwa, Government of Balochistan, State of Azad Jammu and Kashmir and Government of Gilgit Baltistan. As part of endeavor of strengthening public procurement regime in Pakistan, PPRA in collaboration with Assessment and Strengthening Program-RSPN organized the inaugural meeting of the Advisory Group on Public Procurement on 1st and 2nd of April 2013.

During the FY 2012-13, PPRA received 238 complaints against the procuring agencies. The complaints received by PPRA mostly were related to Rule-10 "Specifications", Rule -12 "Methods of advertisement", Rule-13 "Response Time", Rule-23 "Bid Security", Rule 30 "Evaluation of Bids", Rule- 33 "Rejection of Bids", and Rule -48 "Grievance Redressal". The complaints were forwarded to the procuring agencies for submission of reports under section 16(1) of the PPRA Ordinance 2002.

During the FY 2012-13, 97 complaints were settled between the procuring agencies and the suppliers due to intervention of PPRA.

To keep the stakeholders informed about latest activities of the PPRA the first edition of the PPRA gazette was issued in July, 2009. The purpose of the Gazette is to create awareness among the stakeholders about procurement process and to inform about the activities of the PPRA.

This Newsletter is shared with more than 250 public sector procuring agencies. During FY 2012-13 four (04) editions of PPRA gazette have been published.

PPRA has also introduced an online supplier registration system. The response from suppliers is astounding, which goes to show that private sector is itching to go electronic. Up till now 1890 suppliers have been registered and for year under report 579 suppliers were registered.

THE AUTHORITY

Public Procurement Regulatory Authority (PPRA) was established in the year 2002, under the Public Procurement Regulatory Authority Ordinance 2002 (PPRA Ordinance, 2002), to build and strengthen Government capacity to develop a modern transparent and cost effective public procurement system and regulate public sector procurement of goods, services and works with a view to achieving transparency, accountability and quality of public procurement, improving governance and management.

Composition & Profiles

In terms of Section 6 of PPRA Ordinance, 2002, the Management of PPRA is vested in its Board, which is the apex decision making body for overall direction and administration of the Authority. The Board consists of the following members:-

(1) Secretary, Finance Division	Chairman
(2) Secretary, Ministry of Industries and Production	Member
(3) Secretary, Defence Production Division	Member
(4) Secretary, Ministry of Water and Power	Member
(5) Secretary, Ministry of Housing and works	Member
(6) Secretary, Ministry of Communications	Member
(7) Three Members from private sector	Members
(8) Managing Director, PPRA	Member

Three members from private sector are nominated by the Federal Government. The private sector members are appointed for a term of three years and shall be entitled to such terms and conditions as the Federal Government may determine.

Members of PPRA Board (as on 30th June, 2013)

Waqar Masood Khan
Chairman



Shafqat Hussain Naghmi
Member



Lt. Gen. Tanvir Tahir (Retd) HI(M)
Member



Saif Ullah Chattha
Member



Nasar Hayat
Member



Muhammad Arshad Bhatti
Member



Nazrat Bashir
Member / Secretary

Powers and Functions

Public Procurement Regulatory Authority (PPRA) was established under PPRA Ordinance, 2002 to regulate the Public Procurement Sector. The Authority is a body corporate mandated to improve governance, management, transparency, accountability and quality of procurement of goods, services and works in the public sector. Under Section 5 of the PPRA Ordinance, 2002 the Authority is entrusted with the following functions:

1. Subject to other provisions of PPRA Ordinance 2002, the Authority may take such measures and exercise such powers as may be necessary for improving governance, management, transparency, accountability and quality of public procurement of goods, services and works in the public sector.
2. Without prejudice to the generality of the powers conferred by sub section (1), above the Authority may
 - a) monitor application of the laws, rules, regulations, policies and procedures in respect of, or relating to, procurement;
 - b) monitor the implementation of and evaluate laws, rules, regulations, policies and procedures in respect of, or relating to, inspection or quality of goods, services and works and recommend reformulation thereof or revisions therein as it deems necessary;
 - c) recommend to the Federal Government revisions in or formulation of new laws, rules and policies in respect of or related to public procurement;
 - d) make regulations and lay down codes of ethics and procedures for public procurement, inspection or quality of goods, services and works;
 - e) monitor public procurement practices and make recommendations to improve governance, transparency, accountability and quality of public procurement;
 - f) monitor overall performance of procuring agencies and make recommendations for improvements in their institutional set up;
 - g) provide and coordinate assistance to procuring agencies for developing and improving their institutional framework and public procurement activities;
 - h) submit reports to the Government in respect of public procurement activities of procuring agencies;

- i) call any functionary of procuring agencies to provide assistance in its functions and call for any information from such agencies in pursuance of its objectives and functions; and
- j) Perform any other function assigned to it by the Federal Government or that is incidental or consequential to any of the aforesaid functions.

Sanctioned Strength

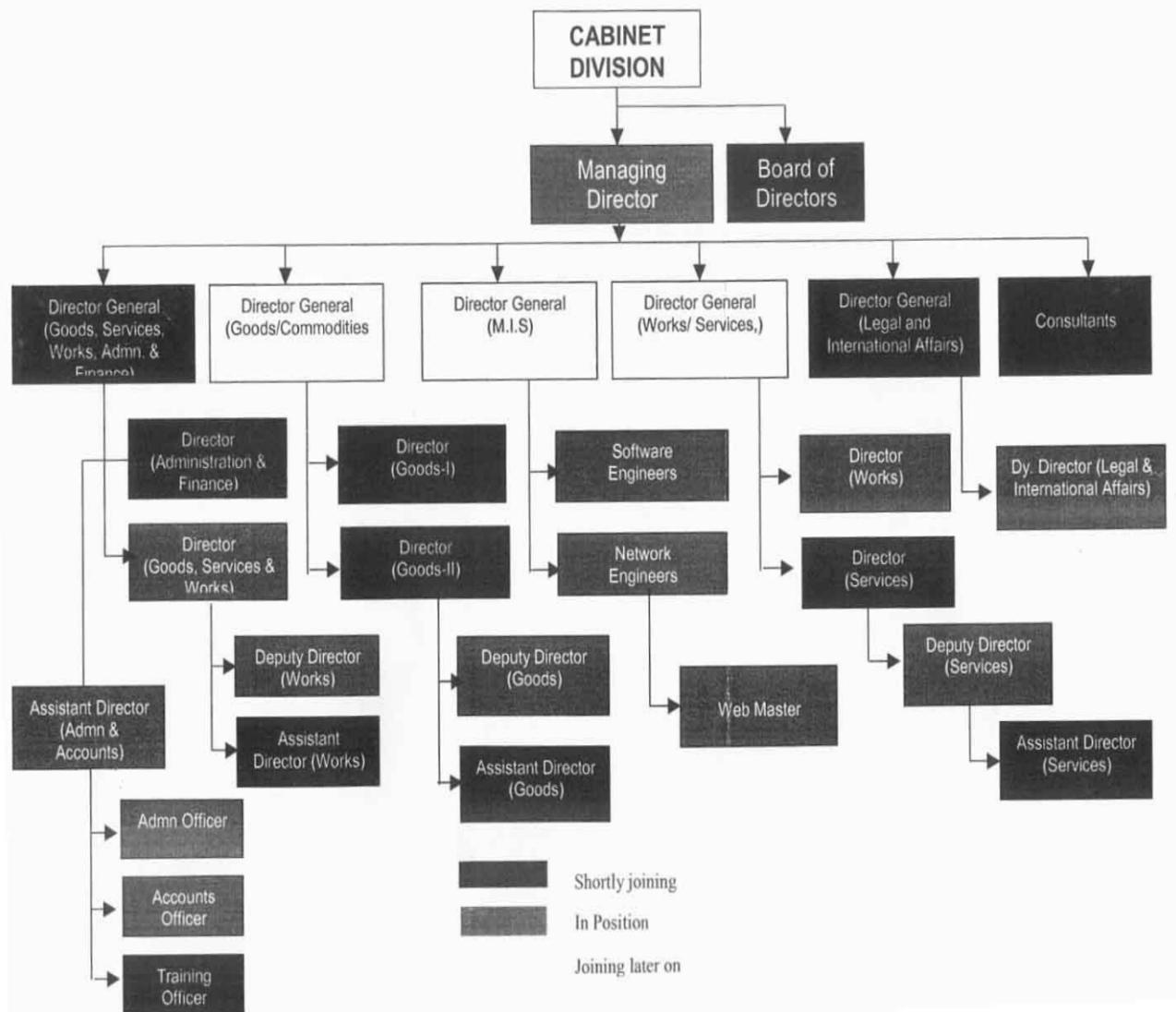
Serial No.	Designation	BPS	Sanctioned
1	Managing Director	PEG-I/BPS-22	1
2	DGs	PPG4/BPS-20	5
3	Consultants	PPG 4/BPS-20	1
4	Director	PPG 3/BPS-19	6
5	Deputy Director	PPG 2/BPS-18	4
6	Assistant Director	PPG 1/BPS-17	4
7.	Software Engineer	PPG 1/ BPS-17	1
8.	Web Master	PPG 1/ BPS-17	1
9	Private Secretary	PPG 1	7
10	Network Engineer	PPG 1/ BPS-17	1
11	Admn Officer	PPG 1/ BPS-17	1
12	Accounts Officer	PPG 1/ BPS-17	1
13.	Training Officer	PPG 1/ BPS-17	1
14	A/Admn Officer	PSG 6/ BPS-16	1
15	A/Accounts Officer	PSG 6/ BPS-16	2
16	A/Monitoring Officer	PSG 6/ BPS-16	1
17	A/Complaint Officer	PSG 6/ BPS-16	1
18	A / Legal Officer	PSG 6/ BPS-16	1
19	A/ Training Officer	PSG 6/ BPS-16	1
20	A/ IT Officer	PSG 6/ BPS-16	1
21	Web Designer	PSG 6/ BPS-16	1
22	Web Analyst	PSG 6/ BPS-15	1
23	Personal Assistant / Stenographer	PSG 6// BPS-15	17
24	Hardware Technician	PSG 5/ BPS-12	2
25	Cashier	PSG 5/ BPS-11	1
26	Assistant / Stenotypist	PSG 5/ BPS-12	18
27	UDC	PSG 4/ BPS-09	7
28	DEOs	PSG 4/ BPS-07	4
29	LDC	PSG 4/ BPS-07	26
30	DR	PSG 3/ BPS-04	2
31	DMO	PSG 3/ BPS-03	1

32	Driver	PSG 3/ BPS-03	14
33	Naib Qasid	PSG 1/ BPS-1	25
34	Sweeper	PSG 1/ BPS-1	2
	Total		163

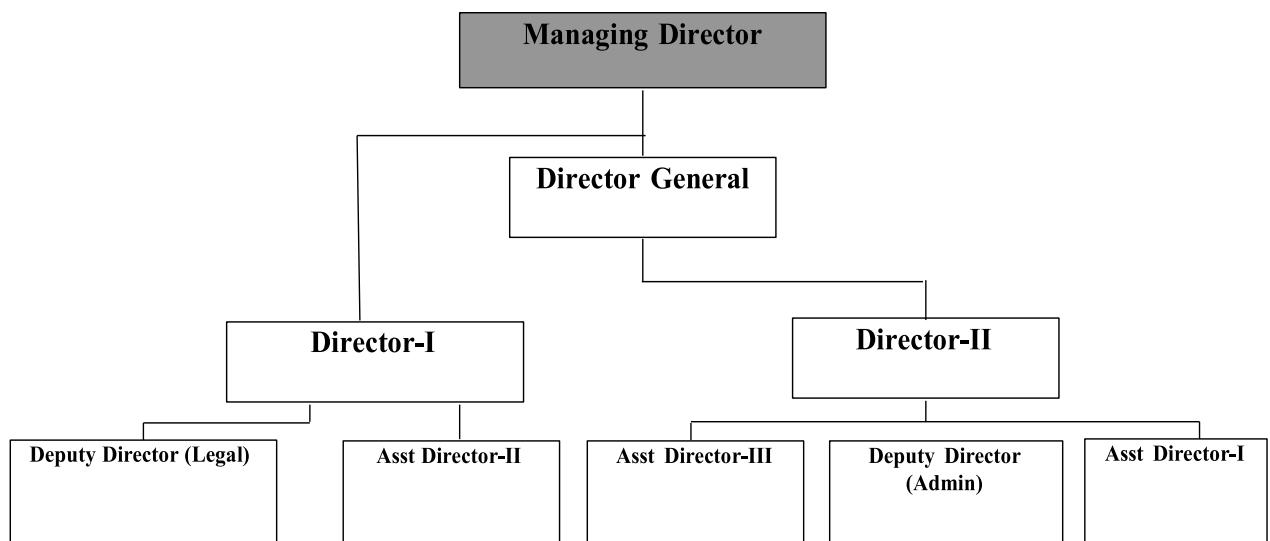
Existing Strength

Posts Filled/Existing Strength	Rank Wise/ Scale Wise Vacancies	
	Rank Wise/ Scale Wise Vacancies	Scale / PPRA Scale
1	Managing Director	BS 22/ PEG 1
1	Director General	BS 20/ PPG 2
2	Director	BS 19/ PPG 3
1	Deputy Director	BS 18/ PPG 2
3	Assistant Director	BS 17/ PPG 1
1	Private Secretary	BS 17/ PPG 1
1	Web Designer	BS 16/ PSG 6
2	APS	BS 16/ PSG 6
1	Web Analyst	BS 15/ PSG 6
1	Assistant	BS 15/ PSG 6
1	Stenographer	BS 15/ PSG 6
3	Stenotypist	BS 12/ PSG 5
1	Hardware Technician	BS 12/ PSG 5
4	UDC	BS 09/ PSG 4
1	Data Entry Operator	BS 07/ PSG 4
6	LDC	BS 07/ PSG 4
6	Driver	BS 04/ PSG 3
2	D.R	BS 04/ PSG 3
11	Naib Qasid	BS 1/ PSG 1
1	Sweeper	BS 1 / PSG 1
50	Total	

APPROVED ORGANOGRAM FROM PPRA BOD



Organizational Structure (Current)



ROLE OF PPRA IN PROCUREMENT SECTOR

The Public Procurement regime is well established at the federal level. The legal framework consists of PPRA Ordinance, 2002, Public Procurement Rules, 2004 and Public Procurement Regulatory Authority Regulations. The Public Procurement Regulatory Authority established under PPRA Ordinance plays an important role in achieving and ensuring good procurement process.

Regulatory efficacy demands functional independence which calls for the regulator maintaining an arm's length relationship from interest groups. Regulatory independence usually centers on distancing the design and execution of the regulatory function from political and administrative pressures of government. The key aspects of independence and autonomy include financial and administrative independence. PPRA as a regulator provides level playing fields to its stakeholders by ensuring competitive neutrality to achieve transparency, economy, efficiency, value for money and quality in Public Procurement.

Transparency in Public Procurement is considered one of the most effective tools to curb corruption. It is a pre-condition for ensuring public officials' accountability. Creation of PPRA is primarily aimed at allowing the public widest possible access to information that would enable them to participate in public procurement. Efficient and effective procurement activities require setting up of instruments of transparency. PPRA Ordinance, 2002, Public Procurement Regulations, 2004 and Public Procurement Regulations require that tender opportunities be adequately publicized. Such publicity requires the provisions of all necessary information that would enable eligible suppliers / contractors to make informed decisions for the submission of their bids. Procurement notices / bidding documents should depict exact details regarding the procurement method being sought, specifications of the required goods, works or services, timeframe of the bid submission, a clear indication of closing date and time of receiving for bids, and opening date and time of the same (which is supposed to be the same), any fees required to be paid to receive the documents (this is meant for administrative and production costs of bidding documents).

For the benefit of both the procurers and suppliers the Standard Bidding Documents provide guide to such information. Should bidders need clarification regarding the bidding documents, procuring entities are required to provide such clarification at least 15 days before the deadline for submission of bids. They are also expected to communicate any such clarification to all such bidders who have been provided with the bidding documents. Transparency of contract evaluation and award procedures on the other hand require an in-depth assessment of the received tenders. This is based on the provided specifications, qualification of suppliers / contractors, indicated cost etc. that best meet the needs of the procuring entity in accordance with the set criteria for evaluation. This is the role of evaluation committee.

Procurement process is susceptible to manipulation in a non-transparent selection process. The remedy is in the adherence to legal and regulatory provisions. Circumventing all or any of these provisions can rob the essential element of transparency from public procurement, its first toll is level playing field, then fairness, then it goes to harm the spirit of competition. It has a direct bearing on Foreign Investment and the country's position among the comity of nations.

A well-functioning procurement system ensures; better value for money, increased efficiency and effectiveness of delivery, reduces the potential for corruption, positive impact on a country's investment climate, non-discriminatory practices, transparency and accountability. Good governance encompasses a functioning regulatory system, as well as institutional set-up, well designed processes and proven capacity. Strategic approaches to procurement, as well as the knowledge transfer of good procurement practice and capacity building within procurement functions toward National government procurement entities assist in the development of good governance practices. PPRA has therefore a strategic role in Public Procurement Sector.

Enforcement of PPRA Rules

Public Procurement Rules, 2004 encompass the entire process of Public Procurement so as to ensure that procurement are made in a fair and transparent manner and brings value for money to the Government entities and that the process is efficient and economical. PPRA is extending guidance to all procuring agencies and the bidders in response to their queries. During the FY 2012- 13 public sector entities continued to seek legal clarifications, interpretation of rules and regulations pertaining to different aspects of procurement such as selection of single qualified bidder, expiry of bid validity period, purchase of books, applicability of Public Procurement Rules, 2004 to public private partnership (PPP), insurance services, training matters and medical services, constitution of purchase committees, acceptance of conditional bids, determination of scoring ratio in evaluation of bids, payment of taxes imposed after declaring the lowest evaluated bidder, prequalification of suppliers / contractors and purchase of vehicles assembled in Pakistan etc. All these requests of procuring agencies were promptly processed and legal advices were provided with the approval of the competent Authority. Quarter-wise detail of legal advices issued to the public procuring agencies and the bidders are as under: -

Sr.	Quarter of the Financial Year 2012 – 13	Number of Legal Advices Issued
1.	July – September, 2012	60
2.	October – December, 2012	55
3.	January – March, 2013	73
4.	April – June, 2013	51

TRAINING AND CAPACITY BUILDING

PPRA training activities were formalized through the establishment of National Institute of Procurement. Two-days interactive training programs on 'Public Procurement Rules and Procedures' are organized on fortnightly basis for the officers of government as well as private sector. During the FY 2012-13, PPRA trained a total of 405 participants by arranging 22 training programs for the capacity building of officials of the Public Sector as well as Private Sector. The participants mostly belonged to National Institute of Health (NIH), Pakistan Standards and Quality Control Authority (PSQCA), Audit and Account Training Institute (AATI), Pakistan International Airlines (PIA), Sui Northern Gas Pipelines Ltd (SNGPL), Sui Southern Gas Company (SSGC), Peshawar Electric Supply Company (PESCO), National Data base and Registration Authority (NADRA), Oil and Gas Development Corporation (OGDCL), National Assembly (NA), Pakistan National Shipping Corporation (PNSC), M/o Commerce, COMSATs Institute of Information Technology, Private Power & Infrastructure Board (PPIB), Civil Aviation Authority (CAA), Port Qasim Authority (PQA), Pakistan Atomic Energy Commission, Trade Development Authority, Federal Board of Revenue (FBR), Defence Science & Technology Organization (DESCO), Military Land & Cantonment Department (ML&C), National Accountability Bureau (NAB), and NUST School of Mechanical & Manufacturing Engineering. Moreover, during the FY 2012-13 PPRA also arranged 04 exclusive training programs for the officers of Pakistan Navy in which 80 Naval Officers participated. Similarly, an exclusive training program for State Bank of Pakistan (SBP) was arranged by PPRA in which 21 officers of SBP participated.

The feedback of the participants confirms that the course is very useful and are of the opinion that applicability of Public Procurement Rules, 2004 in letter and spirit is inevitable to bring transparency, economy, efficiency and value for money in Public Procurement.

Sr.	FY	Training Programs (T)	No of participants trained (TP)
1.	2012-13	22	405
Total			405



*Capt Niamatullah TI(M) Presenting a Memento to
MD PPRA Ms. Nazrat Bashir on behalf of COS
Pak Navy*



Engr. Kashif Sarwar

Engr. Kashif

Sarwar

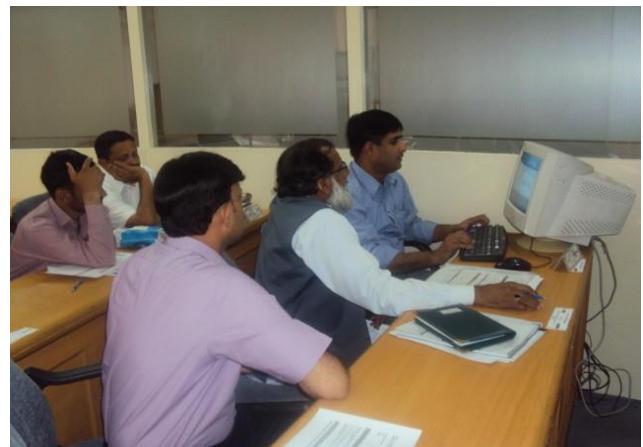
Deputy Manager, Pakistan
Civil Aviation
Authority, Karachi

"I had a pleasure attending the training course on Public Procurement Rules and Regulations at National Institute of Procurement (NIP), PPRA. The contents of the course were current, understandable and blended with relevant practical examples. I found completely new ways of thinking about Public Procurements and its associated activities that led to major progress on the procurements. I am managing, and ensuring them even more transparent. Very engaging, informative class with great instructors!"



MD PPRA Awarding Certificate to Lt. Sumbal Faheem, Pakistan Navy in the training program held on 23-24 Oct, 2012

Group Activities of the training program conducted at NIP





MONITORING AND EVALUATION

Under Rule 12 of PPR, 2004 it is mandatory for procuring agencies to advertise their procurements over one hundred thousand rupees on PPRA website. The agencies can directly upload the tenders as well as can send them through email, fax or letters to PPRA. The remaining tenders are obtained by IT Section of PPRA itself from newspapers to upload on Authority's website.

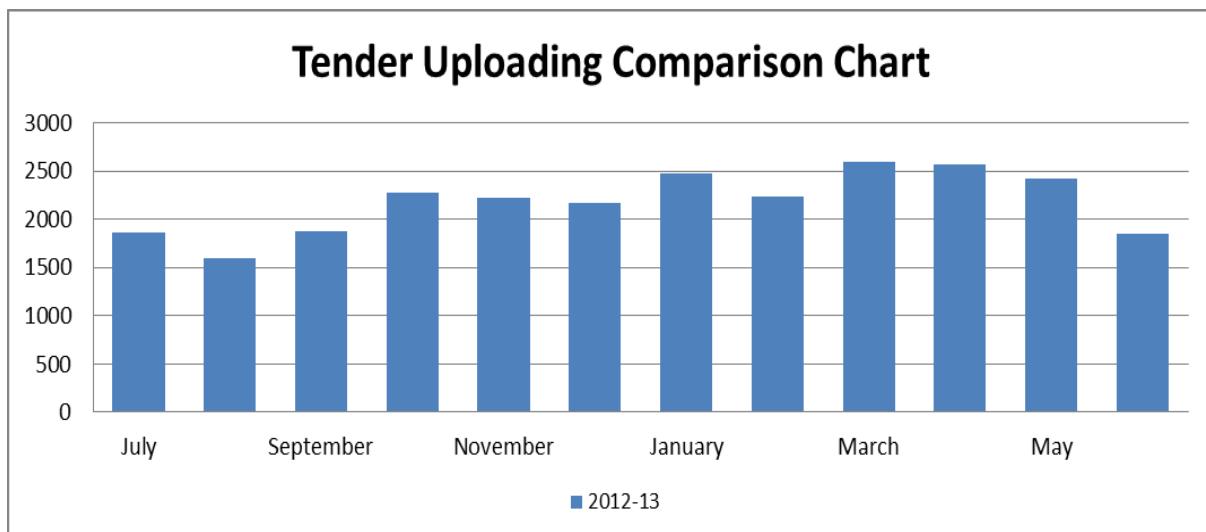
One of the main functions of PPRA is to monitor public procurements to ensure its compliance with Public Procurement Rules 2004. For this purpose the Authority has established a web portal where tenders issued by all procuring agencies are uploaded for advertisement and wider circulation. PPRA monitors these uploaded tenders in the light of PPR, 2004 on daily basis. The violations, if any of these rules are indicated to the procuring agencies immediately. The violations of PPR, 2004 noted in the tenders of the procuring agency are also mentioned against the relevant tender of the concerned procuring agency on PPRA's website. The violations committed by procuring agencies during Financial Year 2012-13 were 21.90%.

Additional feature of PPRA website is the development of web page for the suppliers. So far, a total of 1722 suppliers have been registered online. PPRA is monitoring all the advertisements relating to procurements, on real time basis, with a view to ensure compliance with Public Procurement Rules – 2004. Violations of Public Procurement Rules are identified and got rectified from the procuring agencies. During FY 2012-13 a total of 26121 tenders of Public Sector Organizations have been uploaded/ monitored, wherein 5721 deviations from the Public Procurement Rules – 2004 have been pointed out to the heads of concerned procuring agencies, for taking remedial measures.

S#	PERIOD	TENDER UPLOADED	VIOLATIONS INDICATED / LETTERS ISSUED	% OF VIOLATIONS
1.	01-07-2012 to 30-06-2013	26121	5721	21.90

Month-wise details are as follows:

Month	Procuring Agencies	Tender Uploaded	Average Daily Tenders	Violation Indicated	% PP Rules Violations
July-12	650	1858	62	393	21.15
August-12	650	1592	53	288	18.09
September-12	659	1880	63	326	17.34
October-12	666	2270	76	525	23.13
November-12	666	2224	74	690	31.03
December-12	668	2163	72	671	31.02
January-13	668	2475	83	600	24.24
February-13	675	2234	74	502	22.47
March-13	680	2592	86	524	20.22
April-13	682	2564	85	503	19.62
May-13	688	2420	81	406	16.78
June-13	689	1850	62	293	15.84
Total	8041	26122	871	5721	21.90

Month Wise Tenders Monitored and Uploaded on PPRA Website

ADVISORY GROUP ON PUBLIC PROCUREMENT

Public Procurement Regulatory Authority formed an Advisory Group on Public Procurement (AGPP) to share knowledge and experience among all PPRAs and harmonization of Public Procurement rules and procedures around recognized standards etc. The departments and provincial procurement regulatory authorities that are part of Advisory Group on Public Procurement include Public Procurement Regulatory Authority, Islamabad, Punjab Procurement Regulatory Authority, Sindh Public Procurement Regulatory Authority, Public Procurement Regulatory Authority, Khyber Pakhtunkhwa, Government of Balochistan, State of Azad Jammu and Kashmir and Government of Gilgit Baltistan. As part of endeavor of strengthening public procurement regime in Pakistan, PPRA in collaboration with Assessment and Strengthening Program-RSPN organized the inaugural meeting of the Advisory Group on Public Procurement on 1st and 2nd of April 2013.



Inaugural meeting of Advisory Group on Public Procurement, April 1st – 2nd, 2013

Reforms Agenda of PPRA

Assessment and Strengthening Program (ASP) – Rural Support Programs Network (RSPN) has been mandated capacity building role by the United States Agency for International Development (USAID). ASP-RSPN has offered to help PPRA in strengthening of the country procurement system. PPRA is also working on its own reform agenda and has initiated various initiatives for improving and strengthening the public procurement

system in the country. PPRA in collaboration with ASP-RSPN have been working together in the following areas:

Preparation of National Procurement Strategy

ASP-RSPN organized a workshop on “Stakeholders’ Consultation on Public Procurement Regulatory Regime in Pakistan” in March 2012 which was the first such opportunity for representatives of federal and provincial governments and development partners to come together and exchange ideas and discuss options for strengthening public procurement system in the country. One of the objectives of the workshop was to bring together all the stakeholders on one platform to create partnerships and coalitions for working together.

As a consequence of the March 2012 workshop, Advisory Group on Public Procurement was constituted by PPRA held its inaugural meeting on April 1st & 2nd 2013. A major agenda item of the workshop was presentation and discussion on the National Procurement Strategy which is being developed under the auspices of PPRA with technical assistance of ASP-RSPN. A team of procurement experts presented broad contours and features of the National Procurement Strategy to set the direction of public procurement regime in Pakistan and initiate sequential and sustained reform measures for public procurement systems at federal and provincial levels. All participants of the workshop gave their feedback and comments on the draft strategy during that interactive session.

The draft National Procurement Strategy (NPS) was forwarded to all stakeholders for their views / comments. Feedback from many organizations has been received which is being considered for incorporation in the draft strategy.

Revision of Public Procurement Rules, 2004

An exercise was carried out to revisit the Public Procurement Rules, 2004 and the relevant regulations made thereunder through a Consultant hired by USAID under the Assessment and Strengthening Program (ASP). The consultant submitted 1st draft of amended Public Procurement Rules, 2004 in May, 2013.

After the receipt of the draft they were provided a list of subjects which were not addressed in the existing rules. In addition, several meetings were held between the consultant and PPRA. Consequently, the consultant submitted his revised amended draft of Public Procurement Rules, 2004.

To examine the above proposed amendments, a number of internal meetings were held in PPRA, chaired by the Managing Director wherein the amendments proposed by the Consultant and officers of PPRA were thoroughly deliberated. Earlier, the Federal Cabinet in its meeting held on 24th March, 2010 had constituted a committee to propose amendments in Public Procurement Regulatory Authority Ordinance, 2002 and Public Procurement Rules, 2004. The recommendations of the committee approved by the PPRA were referred to Cabinet Division for placing before the Council of Common Interest (CCI) with prior approval of the Prime Minister in his capacity as Minister in-charge of Cabinet Division. The P.M's Office had desired that Cabinet Division may re-examine the proposed amendments in PPRA Ordinance, 2002 and Public Procurement Rules, 2004 and re-submit the case for approval.

Based on the amendments proposed by the Consultant, recommendations of the committee constituted by the Federal Cabinet and various amendments proposed under the guidance of the Managing Director PPRA, 1st draft of amended Public Procurement Rules, 2004 has been prepared which is ready for circulation to the Board members before circulation to all relevant stakeholders for comments.

Establishment of PPRA Monitoring and Evaluation System

PPRA in collaboration with USAID intends to develop Monitoring and Evaluation System of PPRA. The system will monitor each and every procurement from procurement planning to evaluation of bids and payment to the suppliers. It also includes online entry of following modules.

- **Procurement Planning.**
- **Tender Submission.**

- **Evaluation Reports/Procurement Contracts.**

The new system will indicate violation of PP-Rules during the tender data entry. Moreover following functions of PPRA will also be developed.

- **Complaint Redressal**
- **Exemption Cases**
- **Violation of PP Rules**
- **Legal Section**
- **Blacklisting of Companies**

The advance searching techniques and criteria will be available to search specific data from the system. The system will be capable to generate different reports as per requirement and criteria selected.

Training:

PPRA in collaboration with USAID is improving its existing training process by linking it through an integrated system. The system will maintain training schedule online in advance for the convenience of participants interested to attend the training program. The participants will get registered online for a specific program. The system will be able to generate Challan form / Invoices of training fee to be deposited in PPRA account by the applicant. Once fee is deposited the applicant should enter the Challan form / Invoice number to complete the registration. After registration, the system will show list of participants and a tentative list of participants selected for a particular training program subject to availability of seat. The system will also cater for the record of Photographs of each training program. Moreover, the system will maintain payment records, Link with Account Section / financial system etc.

PPRA in collaboration with USAID is introducing Learning Management System (LMS) to manage various types of training programs. The users will be able to get registered online for various programs. Online training modules will be developed on public

procurement and related areas. Audio / video lectures and assignments will be provided to the users online. At the end users will take online examination for a specific program. The LMS will consist of, but not limited to the following:-

- Management of various types of training programs
- Trainees/Users accounts and profile creation
- Bio-data and training application forms i.e. Online registration
- Trainings' contents management
- Resource Persons/Lecturers profile management
- Attendance management of the trainees
- Audio/video lectures and handouts for upload/download.
- Post training evaluations and scoring
- Online examination.
- System administrators can edit/delete/update policies.
- Generation of Customized Reports.

Revamping of PPRA Website

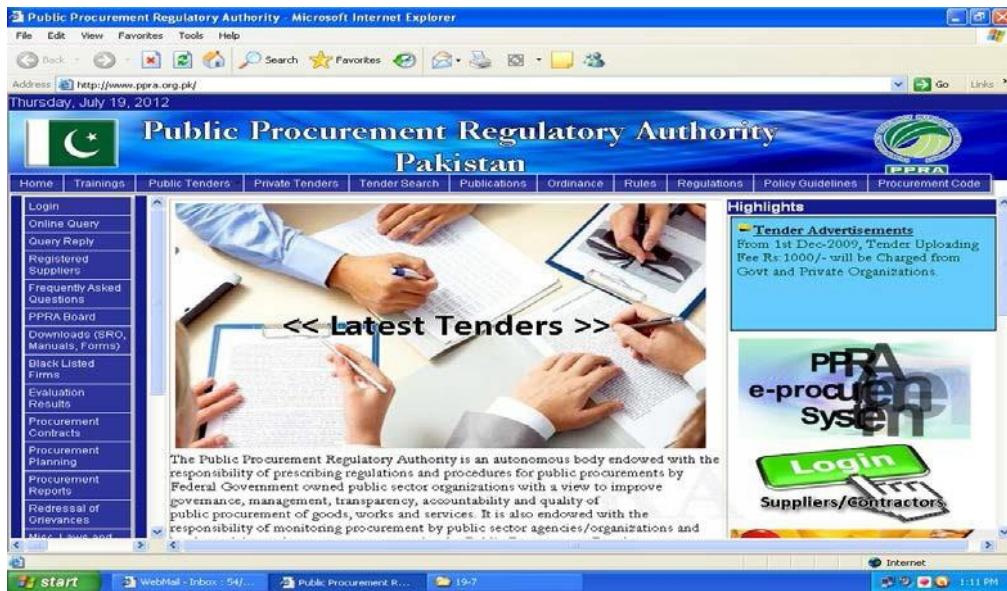
PPRA IT department was established in 2003. It is equipped with latest technology to support the PPRA officers and staff with Local Area Network (LAN). PPRA official website is one of the most active website in the Government departments which is updated on daily basis.

Following are the main features of the PPRA website:

- Public Tenders
- Document Downloading
- Online Tender Submission System
- Supplier Registration System

PPRA in collaboration with USAID is revamping its website with database containing detail of all procuring agencies with integration to procurement planning, evaluation

reports, M&E, grievance redressal mechanism etc.



Development of Grievance Redressal Mechanism

Under the PPRA Ordinance 2002 and the Public Procurement Rules (PPRA), 2004, PPRA does not enjoy any powers to address grievances of the bidders and suppliers before or after the award of the contract. Under Rule 48 of the PPRA, 2004 any bidder feeling aggrieved by any act of the procuring agency after submission of his bid may lodge a written complaint concerning his grievance not later than fifteen days after the announcement of the bid evaluation report with the procuring agency. However, in connection with their grievances, the bidders mostly approach PPRA directly for redressal of their grievances.

Under Rule 48 2 of the PPRA 2004, the bidders, who made complaints to the Authority, were advised to approach the procuring agencies directly for redressal of their grievances. Although grievances redressal does not come under the mandate of PPRA, however PPRA has been empowered to monitor public procurement practices under the PPRA Ordinance 2002, and any complaint received from the bidders is forwarded to the concerned procuring agency for submission of a report. The report so received is then analyzed to improve governance, transparency, accountability and quality of public procurement.

During the FY 2012-13, PPRA received 238 complaints against the procuring agencies. The complaints received by PPRA mostly related to Rule-10 "Specifications". Rule -12 "Methods of advertisement" Rule-13 "Response Time", Rule-23 "Bid Security", Rule 30 "Evaluation of Bids", Rule- 33 "Rejection of Bids", and Rule -48 "Grievance Redressal". The complaints were forwarded to the procuring agencies for submission of reports under section 16(1) of the PPRA Ordinance 2002.

During the FY 2012-13, 97 complaints were settled between the procuring agencies and the suppliers due to intervention of PPRA. The reports called from procuring agencies against 99 complaints are still awaited. 17 complaints received against procuring agencies were not processed further as they were out of the purview of Public Procurement Rules 2004. 16 complaints related to violations of Public Procurement Rules, 2004 committed by various procuring agencies. 09 complaints against procuring agencies PPRA issued letters to comply with Public Procurement Rules, 2004.

HR and Pay Role Module

Human Resource Management Information System will deal with all the processes related to HR. HRMIS will automate the user workflows for new job creation, recruitment process, disciplinary actions, honorarium/incentives, transfer & posting, leave record management and severance etc.

Review of the Bidding Documents for Civil Works

PPRA has adopted SBDs of Pakistan Engineering Council (PEC) under Regulation 3 of Public Procurement Regulations, 2008. A Procuring agency when engaged in procurement of works, shall use the standard form of bidding documents prescribed by the Pakistan Engineering Council constituted under the Pakistan Engineering Council Act, 1975 (V of 1976). At the moment, PPRA is yet to develop its own SBDs for works which will be developed and reviewed in consultation with the International Donors and other stakeholders. The review of the standard bidding documents of civil works is being revised by a consultation of ASP-RSPN.

Preparation of SBDs for Goods, Services

At the moment, PPRA is yet to develop its own SBDs for Goods and Services which will be developed and reviewed in consultation with the International Donors and other stakeholders which the assistance of ASP-RSPN appointed consultant.

Procurement Code of Ethics

PPRA in collaboration with ASP-RSPN intends to develop Procurement Code of Ethics for the procurement of goods, works and services. The Procurement Code of Ethics will identify the indicators to conduct procurement in an ethical, professional and accountable manner. The Suppliers as well as Procuring Agencies will operate and conduct procurement decisions with integrity and professionalism, optimizing the use of available resources. Honesty and due diligence are integral to all procurement activities between the Suppliers as well as Procuring Agencies. Confidentiality of information received must be respected and not used for personal gain. Procurement activities must be open and accountable. In particular, tendering, contracting and purchasing activities must be fair, transparent and conducted with a view to ensuring that public resources are used in a responsible, efficient and effective manner. The procurement decisions, will comply with this Code of Ethics and the legal framework in the form of PPRA Ordinance, 2002, Public Procurement Rules, 2004 and Public Procurement Regulations.

Miscellaneous Activities

PPRA besides its regular mandate has organized and participated in local and international events and started number of new initiatives which are detailed as under:

Training of Federal and Provincial Regulatory Authorities

Public Procurement Regulatory Authority in collaboration with Crown Agents Foundation UK arranged a training program on "Public Procurement in Pakistan: the Challenges and Solutions". The training program was held for four days from 30th April to 3rd May, 2013 at Serena Hotel, Islamabad. The training was attended by 30 participants from federal and provincial Procurement Regulatory Authorities and other major public sector organizations. The training program was conducted by renowned

international resource person Mr. Robert Graham along with reputed local resource persons having vast experience in the field of procurement regulatory framework at international level. In presence of such resource persons and professional environment, the reception of the course was overwhelming.



Group Photo of training program on "Public Procurement in Pakistan: Challenges and Solutions" organized by PPRA in collaboration with Crown Agents Foundation-UK

MD PPRA attended Conference in Beijing, China

Managing Director PPRA Ms. Nazrat Bashir participated in a regional conference on Use of Procurement Agents in Public Procurement organized by Asian Development Bank on 6-7 September 2012 in Beijing, China. The conference focused on the pros and cons of outsourcing the function of Public Procurement, the legal framework required, and the experiences of jurisdictions who have already implemented the system. It is felt that the use of Procurement agents could be one area of reform in Pakistan.



Regional Conference on Use of Procurement Agents in Public Procurement 6-7 September 2012 in Beijing China

MD PPRA attends conference in Brazil

Ms. Nazrat Bashir, MD PPRA attended the “15th International Anti-Corruption Conference” held from 7th to 10th November, 2012 in Brazil. The conference aimed at providing an international platform to officials for devising new ways to push for great transparency and accountability.



South Asia Regional Public Procurement Forum

The first South Asia Regional Public Procurement Forum was held in Kathmandu in April, 2011 sponsored by World Bank and the Asian Development Bank (ADB) and hosted by the Public Procurement Monitoring Office of Nepal. PPRA is already part of the GDLN discussion under the South Asia Regional Public Procurement Collaboration Group arranged through the Public Procurement Monitoring Office of the Prime Minister and councils of Ministries, Government of Nepal. The next forum with the participation of Procurement Authority of Regional country is tentatively planned in March, 2014. Pakistan was identified as a potential host for the next forum.

General knowledge about public procurement is common to all the public authorities across the countries. Understanding the fact that intense knowledge is supposedly necessary to entrance the performance of public authorities South Asia Region Public Procurement Forum was held on April 26 - 28, 2011 in Kathmandu. The proceedings of the forum made key decisions and plans of action to approach SAARC Secretariat for inclusion of procurement topics in ministerial committee of SAARC. The GDLN video conference on April 4, 2012 suggested the chair (Secretary, Public Procurement Monitoring office, NEPAL) to meet the SAARC Secretary General and request him to include cooperation among the SAARC Countries on public procurement reform and capacity building in its regional agenda. Besides, the experts from government procurement institutions have started sharing of information through GDLN video conference on a regular basis. A GDLN conference on Strategic Sourcing was held on May 21, 2013. MD PPRA also participated in the GDLN session. Similarly, GDLN session on Public Procurement Capacity Building – World Bank initiative in South Asia Region was held on 24 October, 2013.

Senior public procurement officials from Colombo, Dhaka, Kabul, Katmandu, Lahore, Male, New Delhi, Pristina, Thimphu participated in above mentioned GDLN session. DG PPRA and Assistant Director PPRA also participated in the above mentioned GDLN session.

PPRA News Letter

To keep the stakeholders informed about latest activities of the PPRA the first edition of the PPRA gazette was issued in July, 2009. The purpose of the Gazette is to create awareness among the stakeholders about procurement process and to inform about the activities of the PPRA. The gazette was published on monthly basis till December, 2011. Later on it was decided to publish the gazette on quarterly basis and it was re-named as PPRA Newsletter. The Newsletter contains information about performance in respect of monitoring, tender advertisement on website, capacity building programs and grievance redressal etc. This Newsletter is shared with more than 250 public sector procuring agencies. During FY 2012-13 four (04) editions of PPRA gazette have been published.

PPRA Procurement Code

To facilitate public sector organizations to have the procurement law, rules and regulations in a single document for ready reference, the Pakistan Procurement Code was printed in January, 2010. So far PPRA has published three editions of Pakistan Procurement Code. The soft copy is also available on the website www.ppra.org.pk.

It is felt by the Authority that since Provincial Governments have setup their own independent Regulatory Authorities as such the Procurement Code is now confined to Federal Government PPRA Law/Rules/Regulations. Procurement Code which was published in the last three editions under the title "Pakistan Procurement Code" has been renamed as "PPRA Procurement

Code" in its 4th Edition. The 4th Edition of PPRA Procurement Code is in final stages of printing.

Court Cases Relating to Public Procurement

Public Procurement Regulatory Authority (PPRA) was established under PPRA Ordinance, 2002 promulgated on 15th May, 2002. Section (23) of PPRA Ordinance, 2002 provides "Indemnity" that "no suit, prosecution, or other legal proceedings shall lie against the Authority, the Board, the Chairperson or any member, officer, servants, advisers or consultants of the Authority in respect of anything in good faith done or intended to be done under this ordinance or the rules and regulations made thereunder."

In the light of above legal provision, PPRA was not preparing para-wise comments on the Writ petition filed in the court of Law nor attending hearing of the cases. However after May, 2012 PPRA is submitting para wise comments and report on all the writ petitions where PPRA was made respondent. Simultaneously, it is also ensured that hearings of all courts of law are attended. All above legal affairs handling was started when there was acute shortage of officers and the Authority was functioning at its lowest ebb with just, one Deputy Director and three (03) Assistant Directors.

A complete list of cases pertaining to court matters has been compiled. A list of cases filed and heard in different courts of law pertaining to "Public Procurement" during the year 2012 – 13 are summarized below:

Sr.	Name of Court	No. of Cases Pending
1.	Supreme Court of Pakistan	03
2.	Islamabad High Court, Islamabad	12
3.	Lahore High Court, Lahore	02
4.	Sindh High Court, Karachi	07

5.	KPK High Court, Peshawar	01
6.	Balochistan High Court, Quetta	01
7.	Federal Tax Ombudsman, Lahore	01
8.	Session Courts, Islamabad	03
Total		30

Fixed Assets Management

There was no system in PPRA for the management of fixed assets. In the reported period, initiative was taken to get the physical assets verified from professionals to manage the assets of the Authority as per international standards. In light of the report submitted by the consultants, the assets of the Authority are being safe guarded and recorded accordingly.

Automation

Accounts of the authority were shifted from manual to automation in F.Y 2012-13. At present PPRA's accounts are fully automated and being maintained on accounting software.

E-Vouchers

The authority is maintaining data in hard copy as well as in soft copy by scanning the complete voucher starting from noting to copy of cheque. In this way accounts section data can be retrieved in seconds instead of weeks & months.

Budget & Accounts

PPRA reviews its accounts on quarterly basis and analyze the actual expenditure with budgetary provisions.

Reconciliation of Receivables since December, 2009

PPRA has started reconciliation of its receivables since December, 2009 for accuracy of record and improvement. This exercise will help the PPRA to clear the pending balance against the tenders uploaded on PPRA website of different departments.

Financial Management System

PPRA has taken the initiative to convert the accounts from manual accounting to computerized accounting being integral part of the system. The Financial Management system is aimed with the high quality output with minimum efforts. Under the Financial Management system, the accounts will be converted in line with the International Accounting Standards (IAS). The key feature of the system is the attachment of the related data with the specific transaction in electronic form creating electronic database of PPRA record. Similarly, FMS will strengthen the financial reporting by having daily, monthly, quarterly reports on expenditure. The proposed FMS will leave cash based accounting and will be based on dual entry book keeping and accrual based accounting system.

Suppliers Registration

PPRA launched Suppliers Registration System, which is the part of PPRA e-procurement system. A link is available for the suppliers at PPRA website home page where suppliers can be registered after filling the online registration form. A unique number is assigned to a newly registered supplier upon request. Business details are also available for the general public in registered supplier's link. PPRA also introduced supplier login portal where a supplier can update / modify his business details after logging in to a secure system. The same will be saved upon request and readily made available on the registered supplier's section. PPRA also aims at providing online bidding facility to the registered suppliers. The response from suppliers is astounding, which goes to show that private sector is itching to go electronic. Up till now 1890 suppliers have been

registered and for year under report 579 suppliers were registered.

Black Listed Firms

List of Suppliers / Contractors declared as blacklisted by the procuring agencies under rule (19) of Public Procurement Rules, 2004 is at **[Annex- I]**.

Constraints Faced By PPRA

The PPRA within its limited resource is trying to deliver its best. The Authority is facing number of challenges and constraints which are affecting the full potential of the Authority. Few of the constraints are detailed as under:-

- The PPRA Service Regulations and Financial Regulations are yet to be approved by the Establishment Division and Finance Division respectively. The absence of Service Regulations is resulting into non availability of best human resource for the Authority.
- The Authority is under staffed; there is insufficient budgetary grant and current year's budget can only meet the establishment charges. Against the PPRA budgetary demand of 96 million only Rs.43.5 million were sanctioned to PPRA budget 2012-13.
- The Authority is lacking its own office building. The payment to CDA for plot in Mauve Area, G- 09 is pending due to the reason that Planning Commission refused to include Rs.22 million in the current year PSDP.
- There is no market based competitive package for employees of PPRA.
- The PPRA is not enjoying full financial and administrative autonomy as envisaged in its Ordinance. The Authority is totally dependent on meagre financial grant of the Government in contrast to other authorities like NEPRA, OGRA etc.

Audit & Finance

In terms of Section 14 of the PPRA Ordinance, 2002, the Authority at the end of each financial year prepares a statement of accounts of the Authority which includes a balance sheet and an account of receipt and expenditure. The statement of account is presented to the Board for approval.

Annexure I

Black Listed Firms from 1st June, 2012 to 30th July, 2013

In term of Rule 19 of Public Procurement Rules, 2004, following (firms / contractors) were blacklisted after fulfillment of prescribed criteria. This list is also available on PPRA website.

Sr No	Name of Procurement Agency	Firm/Company Name	Address	From	To	Reasons	Type of Blacklisting
1	Pakistan Post, Office of the Postmaster General, Central Punjab Circle, Lahore	M/S Behzad Enterprises	47-B/24 Mohra Sharif Bund Road, Lahore	01-07-2013	30-06-2014	Non supply of furniture items.	Temporary
2	Pakistan Council of Scientific & Industrial Research (PCSIR), Lahore	M/S Delta Power Engineering Pakistan	55-N, Pepsi Cola Road, Gulberg II, Lahore	13-09-2013	-	Failure in completing the job, Repair of 313 KVA generator.	Permanent
3	Pakistan Steel Mills (PSM), Karachi	M/S Noble Resources Pte. Ltd. Singapore	M/S Pacific Charting & Trading Pvt. Ltd. (Local Rep) Pacific House C-17, block II Kehkashan, Clifton Karachi	13-09-2013	-	Fraudulently manipulated the supply of 50,000 metric tons of coal at extremely exorbitant price.	Permanent
4	Sui Southern Gas Company Limited (SSGC)	M/S Fatemi Traders	29, Kanchwala Building Opp. Risala Police Station Nishter Road, Karachi	07-08-2013	-	Non Supply of material within the order validity period.	Permanent
5	Pakistan Railways Sector I/11, Islamabad	M/S Donfgang Electric Corporation	45-B Habib Road Lahore Cantt.	21-06-2013	-	Failed to fulfill the contractual obligations and solve the chronic technical problems against the contract	Till further orders

6	Sui Southern Gas Company Limited (SSGC)	M/S Habibullah Associates (Pvt) Ltd.	3 rd Floor, Progressive Plaza Beaumont Road Civil Lines Karachi	21-06-2013	-	Failed to submit required documents for preparation of	Permanent
7	Pakistan Petroleum Limited	M/S Amanullah and Brothers	Old Sheikh Colony, Sui Town, District Dera Bugti, Baluchistan	21-02-2013	20-05-2013	Submitted Bank Guarantee was Found Fake/False	Temporary
8	Pakistan Petroleum Limited	M/S Ilyas and Compay	Near Govt Degree College Kandhkot, Distt, Kashmore, Kandhkot	21-02-2013	20-05-2013	Submitted Bank Guarantee was Found Fake/False	Temporary
9	HQ Frontier Corps (KPK)	M/S Dewan Mushtaq Motor Company Pvt. Ltd.	Block-A 7 th Floor Finance & Trade Centre (FTC), Mian Shahra-e-Faisal Karachi .	31-05-2013	-	Non Delivery of 113 x Double Cabin L-300 Mitsubishi.	Permanent
10	Pakistan Petroleum Limited	M/S Israr Enterprises.	Office Near Muslim General Store, TPS Colony, Guddu Barrage, Kashmore Sindh.	24-09-2012	23-03-2013	Submitted Bank Guarantee was Found Fake/False	Temporary
11	Pakistan Petroleum Limited	M/S Haris & Company.	Office No. 28, Bank Arkade, Saray Road, Karachi	09-08-2012	31-12-2012	Inability to Supply material against issued purchase order, defaulted execution of purchase order.	Temporary

Glossary of Acronyms

ADB	Asian Development Bank
ASP	Assessment and Strengthening Program
CAA	Civil Aviation Authority
CCI	Council of Common Interest
CDA	Capital Development Authority
GDP	Gross Domestic Product
IAS	International Accounting System
MD	Managing Director
HRMIS	Human Resource Management Information System
NAB	National Accountability Bureau
NEPRA	National Electric Power Regulatory Authority
NIP	National Institute of Procurement
OGDCL	Oil and Gas Development Company Limited
OGRA	Oil and Gas Regulatory Authority
PIA	Pakistan International Airlines
PPP	Public Private Partnership
PPR	Public Procurement Rules
PPRA	Public Procurement Regulatory Authority
PSDP	Public Sector Development Program
PSM	Pakistan Steel Mills
SNGPL	Sui Northern Gas Pipelines Limited
USC	Utility Stores of Corporation



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