

# PUNJAB PROCUREMENT REGULATORY AUTHORITY



**ANNUAL REPORT 2014-15**

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## INTRODUCTION

Laying out clear mechanism for Public Procurement is a part of the thrust area of the new procurement regime to match with the imperatives of a growing and liberalized economy. Government undertakes procurement activity for variety of goods, services and works to carry out its public service functions. Involvement of public funds in the procurement makes it public procurement. With increase in the size and activities of the Government, the procurements considered to be the lifeline of public sector functioning have also burgeoned in there out lay making them a substantial part of the annual budget (40% to 50%). The procurements due to heavy expenditure involvement have become an important tool for achieving economic, social and other objectives. The procurement of goods, works and services is as core element of the operations of Government, enables it to secure the inputs required for fulfillment of its tasks and to substantively impact key stake holders in society. Open, transparent and non-discriminatory procurement is generally considered to be the best tool to achieve 'value for money' as it optimizes competition among suppliers. Transparency and accountability in a public procurement system essentially covers important aspects of the procurement system that includes stakeholders as part of the system. It requires an enabling environment, an institutional framework, management capacity and a legislative framework. This necessitated a public procurement environment with cross functional activity that works in a multi-faceted challenging field.

The procurement regime in the Punjab has undergone three stages evolution. Prior to 1985 the public sector procurement was conducted by the Procurement Wing of Industries Department. Due to increasing quantum of procurement the setup has gone to almost a stale level which necessitated shifting to decentralize mode. Allowing for the grown requirements the Punjab Government through purchase manual decentralized the procurement system. The Public Sector Organization was allowed to make their purchases at their own level through their purchase committees headed by Administrative Secretaries of the Department or head of the Organization. The purchase manual was revised in 1988 to meet the requirements. However, the system had certain ills such as non-transparent procurement procedures, bid negotiation which lead to kick-back and also discouraged bidders to quote their best price etc. such ills, thwart genuine business. In order to vitiate the defects in the procurement system and to achieve best value for money, efficiency, transparency, accountability, fair competition and good governance, new procurement system has been brought in by enacting the Punjab Procurement Regulatory Authority Act 2009 and consequent rules under the Act. The new system not only responds to the international best practices, it also provides a harmonized procurement setup throughout the country, equality of opportunities to all the contractors and is a source of effective efficiency. It, however, requires further refinement to achieve the target of best value for money.

# EXECUTIVE SUMMERY

Public procurement management in the Punjab like in most developing countries needs a lot of improvement. Act, rules and regulations are either non-existent or scarcely implemented or enforced. Capacity and morale of the work force is low due to variety of reasons. Public procurement practitioners face challenges from both external and internal environment. The former include legal, political, economic, business and socio-cultural environments, later relates to three factors: people who make procurements decisions, processes which provide guidance to the practitioners and controls which ensures probity, transparency and accountability. For dealing effectively with the challenges coming from both these environments, it is imperative that the public procurement regime in the province must have robust institution to oversee procurements, adequate independent control and audit mechanism, proper balance between the financial audit and the performance audit and internal control mechanism in procuring agencies.

In Pakistan, current procurement regime started functioning in 2002 when Government of Pakistan created PPRA at Federal level through an Ordinance. The system was strengthened by making the Public Procurement Rules 2004 and Public Procurement Regulations 2008. The Punjab adapted the system in 2007 through an Ordinance which was under the same nomenclature was converted into an Act in 2009. Punjab Procurement Rules 2009 were also notified in the same year to beef-up the procurement system in the province. The enforcement of the law, however, remained passive due to absence of proper functioning of the Punjab Procurement Regulatory Authority. The enforcement of any law requires its proper awareness and orientation. In order to achieve this, an extensive capacity building programme has been launched ambitting all the public sector organizations including local governments. Amendments in the Act and rules are under active consideration so as to bring them inconformity with the public sector organization's requirements without straying from the international best practices. New procurement related documents are under consideration such as procurement regulations, code of ethics for public procurement, model standard bidding document and model procurement contracts. In order to facilitate the procuring agencies, procurement checklist, standard tender and specification format have been made available on PPRA website.

Increased expenditure and quantum of procurement has created an opportunity for abuse of power and waste of public funds. In order to vitiate and minimize the chances of the malpractices, innovative ideas to eliminate or reduce discretionary decision making are required. These ideas, once given the form of a policy, will require to be implemented through amendments in the Act, rules and making of new regulations.

The main focus of these laws are to ensure transparency and effectiveness through efficiency and accountability as the same is key inducement to individual and instructional probity, a key deterrent to collusion and corruption, and a key prerequisite for procurement credibility. The salient features of the current procurement system include a regulatory body mandated to monitor the public procurement activities, legal framework elaborating a mechanism as well as procedure on public acquisition of goods, works and services by the public sector enterprises, establishment of grievance redressal / appeal mechanism exclusively for settlement of complaints on the contract management issue, a mechanism for wide dissemination of Government policy decision, procurement opportunities and results of evaluation exercises for award of contracts and regulatory arrangements for ensuring access to information on the public procurement system.

## **CHAPTER I**

### **PUBLIC PROCUREMENT LEGAL FRAMEWORK**

Punjab Procurement Regulatory Authority Ordinance was initially promulgated in 2007. A new Ordinance with the same nomenclature was promulgated in 2009 which was later on converted as Act after it was passed by the Provincial Assembly and assented to by the Governor in November 2009. The Act is in fact a replica of Federal PPRA Ordinance except with a few changes such as addition in functions (establishment of performance indicator for the procuring agencies, assistance of capacity building and preparation of standard documents for public procurement), a larger Board of Management (13 members), and audit of PPRA by a chartered accountant firm.

Some of the salient features of the procurement law are:

- a) Procurement Planning;
- b) Delegation of Powers to devise Procurement Mechanism;
- c) Procurement Advertisement;
- d) Prequalification, Qualification and Disqualification;
- e) Open Competitive Bidding;
- f) Different Procurement Procedures;
- g) Bid Opening and Evaluation System;
- h) Award of Contract;
- i) Redressal of Grievances Mechanism; and
- j) Access to Information / Transparency.

## CHAPTER II FINANCIAL STRUCTURE AND ALLOCATION OF FUNDS

The Punjab Procurement Regulatory Authority was constituted through a project which, with the enactment of PPRA Act 2009, was converted into regular mode of funding through SNE. The Budget Allocation (Revised) for the F. Y. 2014-15 was **Rs. 41.610** million and the total expenditure for the F. Y. 2014-15 was **Rs. 21.742** million including Pay & Allowances which stand reconciled and verified by the Treasury office and Accountant General, Punjab.

The Budget for F.Y. 2015-16 stands approved carrying **100** posts (**21** post of officers and **79** posts of officials) with the budgetary allocation of **Rs. 118.368** million. An amount of **Rs. 101.678** million has been released for the 1<sup>st</sup> quarter with the following bifurcation:

*(Rs. In millions)*

Particulars	Original Budget Approved for 2015-16	Economy cut @ 15% on 3/4 of the Non-salary Budget	Budget allocation after 15% Economy cut	Budget released for 1 <sup>st</sup> quarter			Budget released for the Purpose of EBPR Project	Budget released for 2 <sup>nd</sup> quarter (Non-Salary)	Total Budget released
				Salary (100%)	Non-Salary/ Operational components (25%)	Total (1st Quarter)			
Pay & Allowances	70.431	-	70.431	70.431	-	70.431	-	-	70.431
Non-Salary	47.937	3.337	44.600	-	12.670	12.670	18.577	4.373	35.620
<b>TOTAL</b>	<b>118.368</b>	<b>3.337</b>	<b>115.031</b>	<b>70.431</b>	<b>12.67</b>	<b>83.101</b>	<b>18.577</b>	<b>4.373</b>	<b>106.051</b>

## CHAPTER III PPRA ADMINISTRATIVE STRUCTURE

All administrative matters of Punjab Procurement Regulatory Authority in term of Section 3 & Section 5 of PPRA Act 2009 are regulated through Board of Management (major decisions) and by Managing Director, PPRA. The PPRA administrative structure consists of BOM and Authority. The structure of BOM includes the following:

### BOARD OF MANAGEMENT

Sr. No.	Name & Designation	Status
1.	Chief Secretary to the Government of the Punjab	<b>Chairperson</b>
2.	Secretary to Government, Energy Department	<b>Member</b>
3.	Secretary to Government, Finance Department	<b>Member</b>
4.	Secretary to Government, P&D Department	<b>Member</b>
5.	Secretary to Government, Health Department	<b>Member</b>

6.	Secretary to Government, Irrigation Department	<b>Member</b>
7.	Qazi Adnan Fareed MPA PP-268 Bahawalpur	<b>Members</b>
8.	Malik Muhammad Ali Khokhar, MPA PP-199 Multan	
9.	Mrs. Azma Zahid Bukhari MPA W-318, Lahore	
10.	Kh. Shahzeb Akram, LCC&I,	<b>Members</b>
11.	Sh. Muhammad Hafeez, RCC&I	
12.	Kh. Mehboob-ur-Rehman, MCC&I	
13.	Managing Director	
		<b>Secretary/Member</b>

#### CHAPTER IV FUNCTIONS OF THE AUTHORITY

Section 5 of the Act of 2009 stipulates the following mandate and responsibilities of the Authority:-

- The Authority may take measures and exercise powers as may be necessary for improving governance, management, transparency, accountability and quality of public procurement;
- Monitor application of the laws, rules, regulations, policies and procedures in respect of, or relating to the public procurement;
- 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;
- Provide assistance and coordinate with the Procuring Agencies for developing and improving their institutional framework and public procurement activities;
- Prepare standard documents to be used in connection with public procurement;
- Recommend to the Government revisions in or formulation of new laws, rules and policies in respect of or related to public procurement;
- Make regulations and lay down codes of ethics and procedures for public procurement, inspection or quality of goods, services and works;
- Establish performance indicators for procurement performance of the Procuring Agencies and monitor compliance with these indicators through



independent third party evaluation and make recommendations for improvement of procurement performance of the Procuring Agencies;

- Issue guidance and instructions regarding the interpretation and implementation of the Act, rules and regulations
- Present an annual report to the Government regarding the overall functioning of the public procurement system, including recommendations on measures to be taken by the Government to enhance the quality of procurement work;
- Call a functionary of a Procuring Agency to provide assistance in its functions and call for information from a Procuring Agency pursuant to its objectives and functions;
- Develop, promote and support training and professional development policy of officials and other persons engaged in public procurement;

And

- Perform other function as may be assigned to it by the Government.

#### CHAPTER V PERFORMANCE DURING 2014-15

During the Financial Year 2014-15, Punjab Procurement Regulatory Authority achieved its targets and objectives and accomplished the functions assigned by the Govt. of the Punjab with the limited Human Resource, **29** officers/officials against 100 posts, as under:-

Sr. No.	Designations	No. of Employees worked
<b>Officers</b>		
1.	Managing Director	01
2.	Accounts Officer	01
3.	Web-Developer	01
4.	Superintendent	01
<b>Officials</b>		
5.	Assistant	01
6.	Stenographer	02
7.	Cashier Care Taker	01
8.	Accounts Clerk	01
9.	Junior Clerk	05
10.	Other Class-IV	15
<b>Total:</b>		<b>29</b>

Public procurement is a fundamental and integral part of the public financial management system and is always taken as a source to judge the creditability, efficiency and effectiveness of a Government in the paradigm of good governance. Therefore, it has to be used strategically for socio-economic development of the province. Procurement system under PPRA is a new initiative of the Province to ensure efficiency in procurement process to make it transparent and non-discriminatory and to fetch value for money by optimizing competition among suppliers / bidders. The new procurement regime is mandated to take such measures and exercise such powers as may be necessary for improving governance, management, transparency, accountability and quality of public procurement, prior to the introduction of procurement regime there was an acute dearth of transparency and fair play in procurement and contract administration ranging from the development of policy to the management of the functions. Dismal capacity in procuring agencies, regulatory authorities and accountability institutions hampered the efficiency, economy, transparency and accountability of the procurement system. The panacea to the ill was the capacity building of the procurement entities in general and their functionaries in particular.

To vitiate the defects in the procurement system, PPRA took the following initiatives:

- 1) **Commencement of capacity building programme:** A comprehensive capacity building programme has been launched to enhance the capacity of the procurement entities and the employees by orientating them on new procurement laws (Act and rules). So far, ninety (90) workshops have been conducted whereby around five thousand four hundred (6500) (approx.) public functionaries have been trained on PPRA laws. This includes twenty nine (29) workshops in Management & Professional Development Department (MPDD). Thirty one (31) institutions exclusive workshops in Punjab Education Foundation, GC University Lahore, C&W department, Urban Unit, CDG Lahore, Lahore Chamber of Commerce & Industry (LCCI), TEVTA, HUD & PHE, PVTC & ICMAP. Thirty (30) workshops in the committee room of PPRA office which were attended by a good mix of officers of different institutions, administrative department, field offices, local governments and courts.

Since major number of department, institution serves at Divisional/District level, hence, capacity building programme has been launched for public functionaries serving at Divisional/District level. PPRA laws have also been made part of the training syllabus of fresh intake of Provincial Officers and financial management courses being conducted by different training institutions like Management and Professional Development Department.

- 2) **Framing of checklist and its uploading on PPRA website:** A Checklist has been prepared and uploaded on PPRA website to facilitate the procuring

agencies to ensure that they have performed all the required steps and procedure formalities as per PPRA laws while conducting the procurement for their Organization prior to grant approval of the procurement and payment. The checklist where helps the procuring agencies to accomplish the procurement task in accordance with the legal requirements there, it also ensures that the PPRA laws are implemented virtually without any lapse. In addition to this, standard tender and specification format have also been made available to the procurement entities on the PPRA website. Certain formats like smart tender, procurement sequence etc. are also available on PPRA website for the convenience of procuring agencies.

- 3) **Establishment of portal:** A procurement portal [ppra.punjab.gov.pk](http://ppra.punjab.gov.pk) has been established for the convenience of the procuring agencies to seek guidance and consult the procurement laws whenever needed while conducting the procurement. The procuring agencies, in terms of rules 12, 37 & 55 of the Punjab Procurement Rules 2014, are required to upload their advertisements for procurement, evaluation report of the bids and contract award respectively. This will ensure transparency in the procurement system. The portal though tab of FAQ (Frequently Asked Question) also provide quick advice to procuring agencies.
- 4) **Allotment of usernames and passwords:** All the Procuring Agencies ranging from provincial level down to local governments have been allotted their usernames and password individually for using the PPRA website for their procurements related issues. This has facilitated them to upload their tenders and evaluation reports etc. A great deal of economy and efficiency has been achieved in this way.
- 5) **Availability of advisory forum:** Frequent consultation is being provided to all the Procuring Agencies on issues related with procurement. Besides verbal/written advices, assistance is being provided to them in formulation / preparation.
- 6) **Input on PPRA laws:** The Procuring Agencies are faced with comprehension syndrome as to the PPRA laws. Procuring Agencies frequently approaches the PPRA for seeking advice on PPRA laws as they face difficulties to understand the new procurement system. The necessary assistance is being provided to the Procuring Agencies. More than 250 meetings have been convened by different departments on procurement issues wherein PPRA was invited for technical/expert advices on PPRA laws. Various meetings have been conducted with World Bank and advisory group on procurement. The advisory group includes members from all the five PPRAs and relevant departments. The forum has been established to harmonize the procurement process and system in the country. PPRA is also contributing its role by

interpreting the procurement laws and advising the higher authorities on procurements.

7) **Frequent violations:** The Procuring Agencies, as a result of their capacity lapse and comprehension problem, commit violation of PPRA laws while conducting the procurements. The violations are mostly committed in the following areas of procurement: -

- Procurement planning (rule 8);
- Formulation of specifications (rule 10);
- Delegation of powers to the downstream officers (rule 11);
- Response time (rule 14);
- Prequalification of the prospecting bidders (rule 16);
- Blacklisting of suppliers and contractors (rule 21);
- Bid security (rule 27);
- Formulation of evaluation criteria (rule 31);
- Rejection of bids (rule 35);
- Announcement of evaluation reports (rule 37);
- Procedures for selection of contractors (rule 38);
- Difference between emergency and urgency, constitution of grievance redressal committee (rule 67);
- Publication of evaluation of bids and award of contract.

Necessary guidance and advices are being regularly doled out to the concerned procuring agencies and interventions are made to minimize the quantum of violation.

8) **MIS Project Performance:** The PPRA, Government of Punjab in collaboration with World Bank has developed Management Information System (MIS) under Punjab Public Management Reform Program (PPMRP) with the ambition to improve expenditure management. Currently MIS has been developed to address issues regarding missing data, which will help to measure and evaluate procurement process, rules and trends. However it has ability to change in full Electronic Procurement (E-Procurement) System over the time. Most of process will be carryout electronically without manual input.

PPRA has one DLI-5 along-with IR indicator 3.3 & 3.4 under PPMRP. In the first year MIS was designed, developed & tested successfully under DLI-5 and IR 3.3. Meetings have been held to collect data and to get feedback on each to every stage to testing from targeted users. The target of the 2nd year i.e. 2014-2015 was to roll out of MIS among 25 organizations of seven target department of this program. PPRA has role out MIS in 45 organizations and hence achieved more than required. E-Procurement modules for petty

purchases has been developed under IR 3.4 and piloted in PITB successfully. Now PITB is using these modules for petty purchases without manual system.

## CHAPTER VI NEW INITIATIVES / WAY FORWARD

- 1) **Procurement Management Information System:** With the increase in the size of activities of the Government, the procurement which is considered to be the life line of the public sector functioning, and a source of creditability have also burgeoned in its outlay. Procurements are a cross functional activities that work in a multifaceted environment and as such are prone to abuse of power and collusiveness. In order to minimize the chances of malpractices and to facilitate the procuring agencies to conduct their procurement in uniform manner under a harmonized procurement environment, availability of relevant rules/ regulations, standard bidding documents etc. is essential.

PPRA has also taken a footstep in precedence to other PPRA in Pakistan to ensure transparency information require by procuring agencies, quickness and effectiveness by launching the Procurement Management Information System (PMIS), a unique system in the Punjab and an initiative towards e-procurement. MIS are typically computer systems used for managing to manage their procurement effectively and efficiently. The six primary components of an MIS are: hardware, software, firmware, data (information for decision making), procedures (design, development and documentation), and people (individuals, groups, or organizations). PMIS will capture the major features of procurement performance (procurement plans, invitation for bids, tender documents, evaluation and award summary and contract information, days from tender to award, number of bidders, final price versus bid price, nature of contracts, nature of bidders, contract completion times, kinds of procurement processes adopted, etc.) of major procuring agencies of targeted departments. PMIS will immediately address the issue of lack of data and help measure the procurement performance of all the procuring agencies, market responses, and robustness of rules, and identify trends in public procurement. It would also serves as a key performance indicator for a public sector organization. The Punjab Procurement Regulatory Authority, in collaboration with World Bank, has developed PMIS system under the Punjab Public Management Reform Program (PPMRP) with the aim to improve expenditure management. Currently, PMIS is developed to address issue of missing data which help measure and evaluate procurement process, rules and trends. However, it has provisions to integrate in full

electronic procurement system (e-procurement) over time where most of processes will be carried out electronically without manual input. PMIS provides information that organizations require to manage themselves efficiently and effectively. MIS Project Target of the year 2015-2016 is to roll out MIS in more 25 organizations and also to maintain previous 25 organizations. Resultantly 50 organizations will be using PPRA MIS at the end of this year.

2) **E-Procurement:** Our existing paper-based procurement processes have the following issues:

- Paper based procurement processes cannot be made 100% transparent;
- Uncoordinated buying across procuring agencies with different procuring agencies having different contracts and different prices for the same goods;
- High process costs associated with testing the market;
- Out dated market intelligence;
- Maverick spending (off contract);
- Inefficient payments processes;
- Obsolete audit information; and
- Error-prone contract management tracking.

World Bank has got conducted two studies on public procurement in Pakistan and came up with two detailed strategies for public procurement training and adaption of e-procurement system in Pakistan. E-procurement system is a success story in many countries including India, Bangladesh and Kazakhstan. Senior Procurement Specialist of the World Bank shared these documents and their summaries with PPRA. The e-Procurement system can be developed in web environment using open-standards and open architecture facilitating interoperability with national, regional and international applications, payment and messaging systems, and procurement processes having components such as content management, access control management, workflow management, and system integration with external interfaces etc. The commercial principles of authentication, authorization, confidentiality, integrity and non-repudiation are also required to be addressed within the risk management framework, along with virus protection and other security threats. The system, once implemented, will create an e-market in Pakistan worth trillions of rupees. The software need to have inbuilt PPRA compliance system. It is likely to reduce cost of procurements by providing a real time competition for procurement of standard goods, works and services. It will be easy to conduct procurement audits. PPRA will monitor the system 24-7 in order to make it a workable system. A process

has already been initiated to turn this dream into reality by seeking assistance from Planning and Development Department for initiating it as a development project.

3) **Public Procurement Training Strategy:** Proposed training strategy of PPRA is based three components:

(i) Existing Public Procurement Officers/Officials

The major focus is on training of the existing government officers/officials. There would be a suite of courses of varying lengths; a free online course for basic procurement information will be developed, half day course for Senior Approving Authorities, a three to five day separate training programs for mid-level officers, and procurement execution and support officers. PPRA will develop these courses and place them with various training institutions/academia preferably in public sector. All of these courses conclude on certification after due diligence. The respective departments shall be responsible for sending their relevant staff for these procurement trainings, using their departmental training budget. It is envisaged that once these courses are fully operational, the departments would be required to ensure under an agreed action plan that procurement is conducted by only certified procurement officers.

(ii) Entry Level Public Procurement Officers/Officials

There would be a procurement module for the new inductions of government officers to be taught at the relevant training institutions like Management and Professional Development Department. PPRA will develop this course and provide resource persons for conducting it.

(iii) Long term engagement and higher level courses

As a long term and continued education aspect, PPRA would engage with universities to provide specialized courses in supply chain management, project and contract management, intellectual property rights, incoterms etc. Inclusion of procurement as a course in law, engineering and management degree courses would also be very helpful in developing better procurement understanding in professionals in public as well as private sector. PPRA will coordinate with universities as well as HEC for such facilitation.