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ON THE TOPIC OF

"REGULATORY FRAMEWORK FOR PROCUREMENT IN PAKISTAN"

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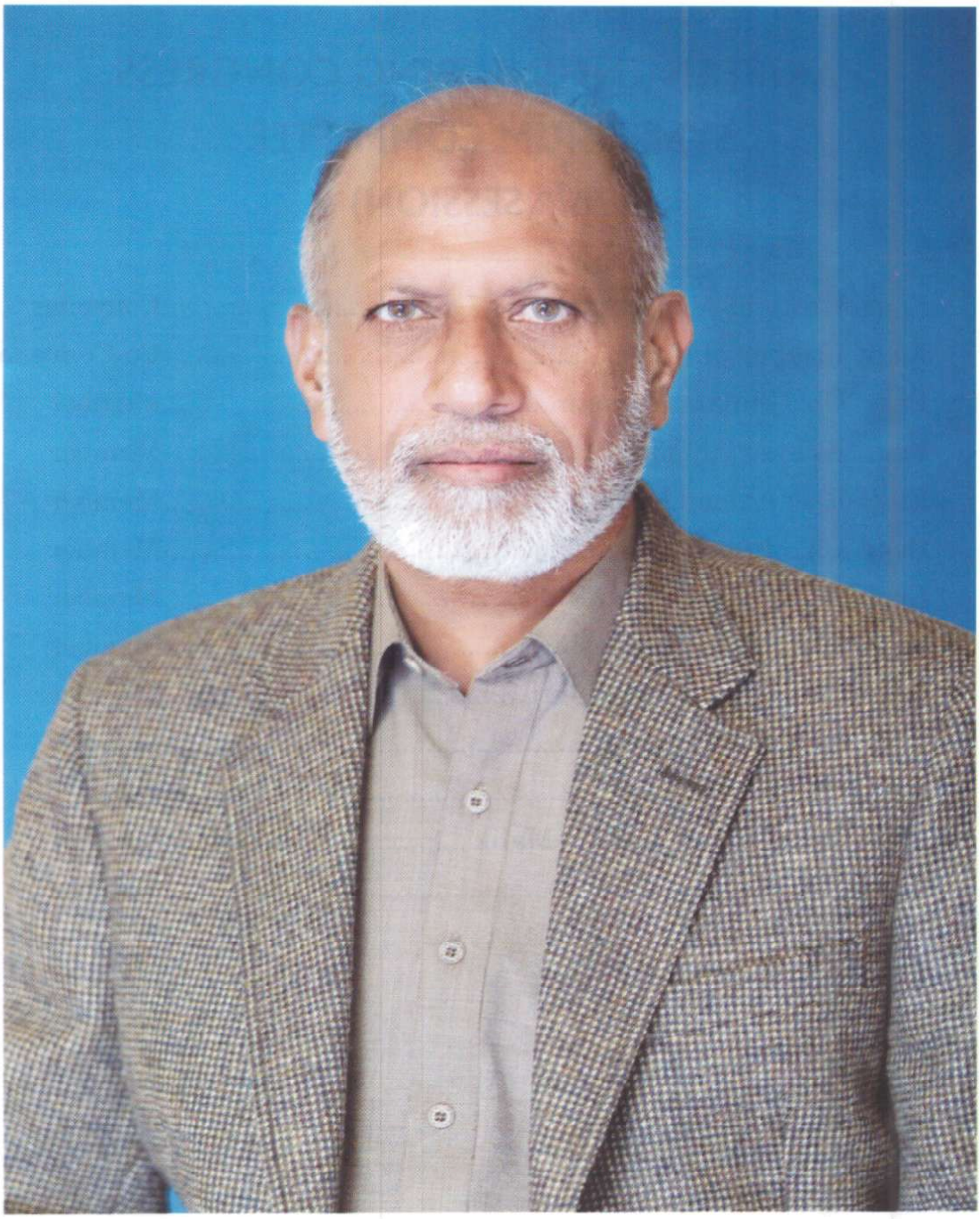
AN INTRODUCTION

I acquired the degrees of B.Sc. Civil Engg. and MSc in Hydraulics and Irrigation Engg. from University of Engineering and Technology Lahore in 1985 and 2001, respectively. I started my career from a consulting firm, then joined WAPDA as Junior Engineer and served there for a period of 16 months. Thereafter, joined Irrigation Department in 1987 and served the Deptt. till Feb. 2021 in various capacities and retired as Chief Engineer. Presently, I am working as freelance Consultants and imparting my input on ADB financed water sector projects.

I have track record of 35 years of working experience ranging from operation and maintenance of century old irrigation system to planning, designing, procurement and implementation of Mega projects of canal systems and Punjab barrages. Appreciations letters were issued by the Govt. in favor of mine on timely completion of projects on MR Link and BS Link Canals.

During the period 2007 to 2021 (Feb.), I served PMO-Punjab Barrages as Deputy Project Director & Head/Project Director performing role of Employer/Client as defined in the FIDIC documents of contracts. I have remained involved in preparation of feasibility and detailed design studies, project approval processes and procurement of consultants and contractors. I assisted Punjab Govt. during loan negotiations with the World Bank and ADB for barrage projects. Being core team member and Head of PMO Punjab Barrages managed implementation of Jinnah, New Khanki, Suleimani, Trimmu and Panjnad Barrages projects through various NCB, ICB works and Consultancies contracts. I got opportunities of getting local and foreign trainings in the fields of Procurement of goods, works and services, Alternate Dispute Boards, Project Cycle Management etc.

Besides my professional activities, I have been participating in the organizational activities of Pakistan Engineering Congress (Established in 1912) and in these days holding office of President Pakistan Engineering Congress for the 76th session.



Engr. Amjad Saeed
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KEY NOTE ADDRESS

KEY NOTE ADDRESS

ON THE THEME OF REGULATORY FRAME WORK FOR PROCUREMENT IN PAKISTAN

By

Engr. Husnain Ahmad[1]

Public procurement in Pakistan is complex – with numerous procuring entities across the country operating concurrently. It is a grossly underestimated function, mostly regarded as a back-office discipline subservient to the core disciplines of the organisation. Some of the issues that have been highlighted by many include:

- Procuring entities do not publish their procurement plans in a rigorous manner which limits the ability of suppliers to better plan for Government fulfilment and for the Ministry of finance to disburse funds in a timely manner when needed.
- Goods/services being procured are not identified using any standard nomenclature or taxonomy thereby limiting the ability to understand aggregated unit consumption or specifications of goods being procured. This also makes it very challenging for the procuring entities to reuse information gathered for similar goods by sister organizations.
- There is no single source that houses all the information on procured items that could help better identify future procurement needs and plan for better budgeting.
- There is a need for capability development among procuring entities so that tenders are logically structured with the right combination of goods and services when floated soliciting a response from the right supplier group.
- Procuring goods its challenging, but procuring services is even more problematic. The ability to draft accurate Terms of References, devising outputs, defining the eligibility criteria and mechanism to short list the apt supplier for services to be procured – are all a part of the procurement cycle – and not given due attention.

Lately, leading organisations have embraced procurement as a key lever of value addition, which can be instrumental in improving performance. Additionally sound internal controls in the procurement process bring transparency in engaging third parties.

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[1] Vice-President / Convenier Symposium Committee

Revolutionary management concepts, impact of new technologies and cutting-edge digital technologies have highlighted the importance of procurement as strategic to business. From merely a requisition processing function to spend management powerhouse, modern procurement has evolved to constantly innovate sourcing strategies, inventing new ways of looking at internal demand, relationship management and discovering new methods of approaching the marketplace. In short, procurement has transformed from tactical to strategic delivery.

PPRA Rules were initially promulgated in 2004 and have been updated at various intervals since then. Based on the UNCITRAL model, PPRA Rules have been adopted by both the federal and provincial governments at all levels. Public procurement roughly accounts for upto 30% of GDP, and it is in this context that PPRA Rules have achieved a central position as the overarching governance framework.

It is heartening to see that Pakistan Engineering Congress has chosen the important and much ignored topic of "Public Procurement Regulatory Framework" as the theme for its Annual Symposium 2021. The Symposium provides a unique opportunity for professionals in both private and public sector to discuss the important issues pertaining to public procurement. We are fortunate that some of the leading experts on procurement are presenting their papers today. The first paper authored by Kashif Mustafa Warraich deals with the topic of "Divergent State Procurement Edicts Put Aside the Notion of Belt Tightening" and comprehensively discusses the evolution of procurement from Roman times to modern days.

The next paper presented by Shahid Karim explores the extremely interesting and relevant subject of "Accountability and Public Procurement Regulatory Framework." It introduces the important issue of behaviours brought about by an aggressive accountability regime in Pakistan and whether the modification of prevailing PPRA Rules is needed to improve accountability in public procurement. We'll then hear the presentation by Tariq and S. Fawad on his paper titled "Critical Review of Quality-Base Selection of Consultancy Services in Complex Projects". The paper debates the selection criteria framework while choosing consultants for major projects.

The next paper is written by Tauqeer Nazim Siddiqui and discusses the Role of Experts in International Construction Arbitration. This will make a very interesting read owing to recent arbitration awards against the state of Pakistan. Moving on, we'll then hear M. Mazhar-ul-Islam talking about his paper on 'Regulations for Procurement of Engineering Consulting Services" which in a way is linked to the paper presented by Tariq and S. Fawad, presented earlier.

The final paper is presented by Engr. Dr. Javed Yunas Uppal on the important topic of "A Journey from the Corrupt to Transparent System of Procurement." I am sure you'll find all these papers intellectually stimulating and adding to the important discourse of Public Procurement Regulatory Framework. I thank you all for your participation.

Paper No. 353

DIVERGENT STATE PROCUREMENT EDICTS PUT ASIDE THE NOTION OF BELT TIGHTENING

Kashif Mushtaq Warraich

DIVERGENT STATE PROCUREMENT EDICTS PUT ASIDE THE NOTION OF BELT TIGHTENING

By

Kashif Mushtaq Warraich[1]

The Universe not only came into being under an integral system but also is subject to it. Almighty Allaha has blessed prophets with Laws (Shareats) specifically in personam nature (except the Laws for the last messengers') which might be different with each other however, the rudimentary philosophy of all such Laws will never against the Laws of the Nature. The Law does not fail in showing Justice and it always dislikes delay, it never forces to do vain or useless things. The Law looks forward, not backward. Provisions in a statue are presumed not to have retrospective effect unless that is the clearly expressed intention of the legislatures. Law speaks to all with one mouth and aids the watchful not the sleeping. Law favors a good rather than a bad construction, where the words used in a document are vulnerable of two meaning, the Law, the former (later in time) should be adopted. Law is derived from the aggregation of legislation, judicial precedents, accepted legal principle & administrative action. It may be defined or recognized as allowing or prohibiting certain action. The concept of Law is based on the principles of fairness, equality, transparency and due process.

The Public Procurement in the Country were legislated by the concerned assembles including National Assemble of Pakistan unconventionally and preamble of the Public Procurement Regularity Authority Ordinance 2002 (PPRA Ordinance) stipulates an Ordinance, "to provide for the establishment of Public Procurement Regulatory Authority for regulating public procurement of goods, services, works and disposal of public assets in the public sector and for matters connected therewith or ancillary thereto". The cognitive of Punjab Public Procurement Regularity Authority Act, 2009 (Punjab PPRA Act) is slight dissimilar witch expresses, "Whereas it is expedient to provide for the establishment of the Procurement Regulatory Authority for regulating procurement of goods, services and works in the public sector and for matters connected therewith." The Khyber Pakhtunkhwa Public Procurement Regularity Authority Act, 2012 (KPK PPRA Act), Sindh Public Procurement Act, 2009 (Sindh PPRA Act) and Balochistan Public Procurement Regulatory Authority Act 2009 (BPPRA Act) were legislated, "to provide the legal and regulatory framework for public procurement, and other matters connected therewith or incidental thereto.

Public Procurement has to do with how Tax Payers' money, spent by Public Entities/ Procuring Agencies to procure works, goods and services. In general, public procurement means the acquisition of goods, works and services at the best possible total cost of ownership, the right quantity and quality, at the right time, in the right place for the direct benefit or use of Governments, corporations, or individuals, generally via a

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[1] Chief Law & Procurement Officer of Punjab Safe Cities Authority, Lahore

contract and other defined processes. "Cambridge" dictionary defines Public Procurement as, "the buying of goods and services by government organizations". Public procurement is defined by worldbank.org that, "the process of purchasing goods, services or works by the public sector from the private sector. The range of economic sectors concerned by public procurement is as wide as the needs of a government to properly function and deliver services to its citizens." According to Section 2 (I) of the PPRA Ordinance, "public procurement, means acquisition of goods, services or construction of any works financed wholly or partly out of the public fund and includes disposal of public assets and commercial transactions between procuring agency and private party, in terms of which the private party is allowed to, perform a procuring agency's assigned functions, including operations and management, on its behalf; assume the use of public asset; or receive a benefit either from budget or revenue of the Federal Government or from fees or charges to be collected by the private party for performing the procuring agency's function or any combination thereof". Public Procurement is defined in Punjab PPRA Act as, "means procurement of goods, works or services by a procuring agency wholly or partly financed out of the Provincial

Consolidated Fund or the Public Account of the Province or funds of a procuring agency" KPK PPRA Act, states that, "public procurement" means acquisition, temporary or permanent or on lease, of goods or services, or undertaking of works by contractual means, financed wholly or partly out of Fund by any procuring entity". Whereas, BPPRA Act defines that "the public procurement, means acquisition of goods, services or construction of any works financed wholly or partly out of the Public Fund, unless excluded otherwise by the Provincial Government". Sindh PPRA Act speaks that, "public procurement" means acquisition of goods, services or construction of any works financed wholly or partly out of the Public Fund, including projects of public-private partnership, unless excluded otherwise by Government". Moreover, Azad Jammu and Kashmir Public Procurement Regulatory Authority Act, 2017 (AJK PPRA Act) outlines that, "Public Procurement" means procurement of goods, works or services by a procuring agency wholly or partly financed out of the Azad Jammu and Kashmir Consolidated Fund or the Public Account of the State or funds of a procuring agency".

Of course, a basic definition may have vexed you much and you would not want to read this assessment any further but hold on, a long list is in queue next to make you chaotic. Just ponder for a moment about the snags for those who are the stakeholders of public procurements, specially the venders and concerned officers of the Procuring Agencies/ Entities. But then again listen and do not quit, being the student of procurement and law we should try to explore something not tangle and with less irritation to move forward. This article may not be robust and cover all the aspect of the decent procurement process and might disregard someone having otherwise views but rest sure that at the concluding the true reader and eager observer shall not be disappoint. Life is name of a constant struggle. What I have perceived is just a little bit of my opinion, which is not pertinent for any person. Those who need to use this reference are counselled for self-research, as the procurement laws are very stringent and elusive. Man, always makes mistakes and of course it happened to me in this editorial deliberately or inadvertently. I beg you all to forgive and forget in advance, if there is any mistake such as wide of the

mark reference, although I have tried to my level best for true credentials and any objection or suggestion to improve my-self shall be greeted in this respect.

Public procurement covers the supply in public institutions and agencies as well as publicly owned entities and is characterized by taxes which represent a major source of funds. The objectives of sound supply management in the public sector are effective contribution to organizational goals and assurance of value for money spent. Arrowsmith (2010) posits that public procurement refers to the government activity of purchasing the goods and services needed to perform its functions. According to Odhiambo and Kamau (2003), public procurement is broadly defined as the purchasing, hiring or obtaining by any contractual means, goods, construction works and services by the public sector. It involves the purchase of commodities and contracting of construction works and services, if such acquisition is effected with resources from state budgets, local authority budgets, state foundation funds, domestic loans or foreign loans guaranteed by the state, foreign aid and revenue received from the economic activity of state. The keyword in the current international approach to public procurement is value, which involves making taxpayers' money go further in meeting user requirements. Value can be further broken down to three popular ideas of public procurement goals: economy, efficiency, and effectiveness. Economy is concerned with minimizing the cost of resources acquired or used, having regard for the quality of inputs. Efficiency is concerned with the relationship between the outputs of services and the resources used, while effectiveness is concerned with the achievement of targets, not only in terms of quantity but also quality (Stainer and Stainer, 1998). The sheer magnitude of the public procurement dollar expenditure outlay has a dramatic impact on the economy, and, thus, needs to be well managed. Indeed, in all countries in the world, estimates of the financial activities of government procurement managers are believed to be in the order of 10%-30% of the GNP.

The concepts of transparency and accountability are nowhere more significant in public administration than in procurement, which may account for more than a third of a government's annual outlays. Although these attributes are paramount with regard to good governance, they do not on their own distinguish procurement from many other activities of public process. However, there are many other elements that combine to make public procurement particularly cryptic, one of the least understood and most vulnerable areas of public administration. Public procurement refers to the Government activity of purchasing goods, works and services needed to carry out its operation. Public procurement is the term commonly used in English language for this activity. In Pakistan, the terminology is the same however, the World Trade Organization and the USA system refer to Public procurement as Government contracts or Public contracts. In Pakistan public procurement being decentralized sub feet is conducted under the specific legal frameworks formulated by the federation and federating units etc. provinces enacted to harmonize public procurement processes in the Public Service to ensure secure judicious, economic and efficient use of state resources. Additionally, Public Procurement Act/ Rules / Regulations presents a comprehensive legislative framework designed to eliminate the shortcomings and organizational weaknesses, which were inherent in public procurement. Public procurement as such is the process by which organizations acquire goods and services using public funds. It includes

planning, inviting offers, awarding contracts and managing contracts. For procurement to achieve its goals, it should follow these two (2) principles: Professionalism and Value for Money. Professionalism is the discipline whereby educated, experienced and responsible procurement officers make informed decisions regarding purchase operations. The role of procurement professionals is pivotal critical to Country's economic development. The public procurement inherently a political sensitive activity because it involves significant accounts of public money. Today in many parts of the world, the public procurement Laws / Rules / Regulations are governing public procurement.

For the better understanding, the concise history of the procurement is being expressed. Historically, the practice of sourcing material, production of value-added goods is so long as the civilization. It begins with the ancient Greek, Rome, Chines and Mesopotamian civilization leading up to the middle ages, the industrial revolution and finally to the global supply chain of the late twentieth century. Evidentiary, the trade relation between the Greek city-states and China was established in the period of 3000 BC. The wheel, weapons, tools and glass etc. were developed during the Sumerian period and were export to other parts of the world. Many of the ancient trade routes are still exist today in one form or another. In Egypt, scribes responsible for pyramid design and also functioned as clerks, using papyrus to record the amount of labor and material needed for construction. In 215 BC, during an invasion of the area that is now Spain, Legions of

Rome Soldiers found themselves in desperate need of suppliers. This task was "outsourced" to rescue the soldiers by negotiating contracts with merchant ships first time in history as per available record. In Great Britain, history of procurement dates back to William the Conqueror, who wanted a concise way to record tax collection. The practice involved to incorporate goods and services with the rise of British Empire and its colonial pursuits. The Procurement received the greater important during the industrial revolution when the practice became more than part of a worker's skill set, but a job function all its own. Nevertheless, the historic importance of goods, services and works can trace back from Mesopotamian Civilization to the modern times. But, there are unique differences between the early and presently procurement system. In 1966 United Nation Commission on International Trade Laws was established with the purpose of furthering the progress harmonization and unification the Law of International trade any interests of all people particularly for the developing countries. In 1994 through regulation model laws on Procurement of goods, construction and services was published and this model law became an important international bench mark in Procurement laws.

The United Nations Commission on International Trade Law (UNCITRAL) has, from an early stage, recognized the significance of many of the issues of online commerce. UNCITRAL model law for e-commerce has guided many government e-procurement laws in existence today. UNCITRAL deliberations and recommendations for this area have been of particular relevance because they have sought to articulate government-to business (G2B) requirements in terms of governance and user confidence. There has been an evolution of UNCITRAL understanding that has paralleled that of many practitioners. UNCITRAL issued its original Model Law on e-commerce in 1996 following extensive consultation and analysis of the policy issues that arise in introducing and

using government e-procurement systems, and all of its articles might be applied to e-procurement. That Model Law embraced the concept of technological neutrality. In 2001, UNCITRAL modified some of its criteria, and enacted another model law, this time on e-signatures. This e-signature model law implied a PKI technology-based scheme. However, UNCITRAL changed its approach again and in 2005 prepared an International Convention for contracts between different countries. (United Nations Convention on the Use of Electronic Communications in International Contracts, 2005). That Convention is more than a model law, it is a legal text that may be endorsed by countries. The Convention adopted an open approach to electronic signatures, consistent with the technological neutrality promoted in the first model law of 1996. The UNCITRAL Convention (2005), now consistent with the technological neutrality principle, accepts in principle any authentication method that allows the determination the identity of a person and the establishment of the personal involvement of such person. Importantly, it also "admits agreements between parties, antecedents and the proportionality between means and purposes, including the further proof, thus admitting the scope for activities to be risk rated in determining the approach to authentication". Risk rated processes are more consistent with functionally equivalent traditional methods and frequently more efficient. The UNCITRAL 2005 Convention thus implicitly recognized that conventional PKI is not a standard and that there may be competing authentication technologies that are less costly, better fit-for-purpose, and more easily understood by business users, and equally or more 'enhanced' (www.sourcesuite.com/procurement.articles. National Procurement Strategy).

The UNCITRAL Working Group in this area recognized that acceptance of e-procurement systems requires user confidence in the systems to be used, and the confidence of procuring entities in system performance attributes. Issues affecting user acceptance go beyond legal aspects of authentication and security confidence and include value for money as well as convenience in its adoption. The Working Group also recognized that, inter alia, the model Law should not act as an obstacle to the greater use of e-procurement, and avoid non-essential user complexity, inconvenience or costs, with the consequential disincentive to user adoption. In an implied reference to the tendency of governments to legislate for PKI technological solutions, Nicholas (2010) also noted that a lack of technological neutrality has promoted a tendency to overregulate or prescribe new techniques or tools in procurement, which ultimately make their adoption more difficult and tend to lock in technological obsolescence. The recognition that the technical solution needs to harmonize with the business application, that the technical solution cannot sensibly be assessed simply in technical terms, while reasonably self-evident and essentially a restatement of the fitness for purpose principle, is as discussed below, often forgotten. The revised UNCITRAL framework (2005) encourages enacting States to consider the costs and benefits of the solutions they adopt, bearing in mind the types of checks that have been traditionally used to check handwritten signatures. In other words, the text advises countries to legislate this area from a basis of evidence and understanding of the issues, costs, risks and benefits (i.e. to adopt a fit-for-purpose approach). However, in the intervening years many countries had developed e-government laws based on specific technology, namely the application of conventional PKI based digital signatures, and despite the revision, some countries, in need of such legislation, have continued to copy those pre-existing laws. This outcome

has persisted partly because some advisors originate from those PKI legacy countries, and partly because the UNCITRAL 2005 guidelines have not been as prescriptive and have required more background research and expertise to understand, thereby posing an obstacle to good practice particularly in many low and middle income countries. In addition, the institutional structures that have been based on the early model are often difficult to unwind, and even act as an incentive to adopt methods regardless of fit-for purpose. Further, despite the guidelines, principles and advice, many jurisdictions continue to reveal a weak understanding of the methods and best practice, and in fact place specific technological requirements and 'safeguards' on the use of communications in general and e-tenders in particular. UNCITRAL guidelines explicitly provide for risk-rated means. Risk-based considerations are capable of simplifying many of the applications. For example, some systems have sought to avoid the technical consequences of requiring an electronic document to be "signed" by referring to such documents simply as being capable of authentication – the Kazakhstan e-procurement system requires tender securities to be provided with tender submissions, but arranging banking transfers for this purpose is largely redundant (it is only relevant to the winning bid), so Kazakhstan has sensibly required only scanned evidence of a security from a banking document. This scan is required to be matched with the original by the winning bidder, and failure to do so would result in debarment: this represents an entirely adequate fit-for-purpose low "tech" solution to what otherwise would be an unnecessary complexity and cost, and likely to have significantly delayed the release of that service.

Procurement in Pakistan According to World Bank (2003) reports, Punjab has accumulated considerable and valuable experience on public procurement under civil and military administrations. In the pre-independence era, that is prior to 1957, there was a public procurement policy in which public procurement was treated as part of the colonial administrative process in the British Empire. The colonial administration engaged Public Works Department (PWD) for procurement of works and Crown Agents for procurement of goods. From Independence (1957) to 1967, Government relied less frequently on Crown Agents for procurement of goods and procured goods directly through Ministries, Departments and Agencies (MDAs). For procurement of works, Government set up Punjab National Construction Corporation (GNCC) to carry out works and reduced the force account component of PWD. In 1960, the Government established the Punjab Supply Commission (GSC) for procurement of goods for all public institutions. Essentially GSC took over the functions of Crown Agents. In 1976, the Government established Punjab National Procurement Agency (GNPA) for procurement of bulk items such as sugar, fertilizers, auto parts, etc. for sale to public and private sectors. GSC and GNPA had purchasing manuals for their use. In 1975, the Architectural and Engineering Services Corporation (AESC) was established to carry out consulting services for works contracts. Except for SOEs, public institutions were mandated to use GSC, GNPA GNCC and AESC for public contracts (World Bank, 2003). In 1967, the Government set up Central, Regional and District Tender Boards as advisory bodies for works contracts and subsequently, in 1996, changed them to contract-awarding authorities. After consulting with the stakeholders (World Bank, multilateral donors and Government of Pakistan) it was decided to establish Public Procurement Regulatory Authority (PPRA) at the federal level under the Public Procurement Regulatory Authority Ordinance, 2002 followed by promulgation of Public

Procurement Rules in 2004. In 2004 World Bank (WB) published "Guidelines Procurement under IBRD Loan and IDA credits which was revised in 2006 & May 2010. Now recently WB issued Bank Policy on Procurement in IPF and other operational Procurement matters on June 28th 2016. In Sindh, first Ordinance regarding Sindh PPRA was promulgated on 30th November, 2006 subsequently 2009, the Sindh PPRA Act was passed, and notified, thereafter the Sindh PPRA Rules were notified in 2010. The Standard Bidding Documents were also notified by Sindh PPRA on 21st December, 2011.

The procurement regime in Punjab has undergone three stage evaluation prior to 1985 the public sector procurement was conducted by procurement wing of Industries Department that was a centralized mode of procurement. The public sector organizations were allowed to make their procedures at their own level through the purchase committee under the purchase manual till 2007. In order to vitiate the ills existing in procurement system, Punjab Procurement Regulatory Authority Ordinance was promulgated in 2007, Punjab Procurement Regulatory Authority was established and thereafter in 2009, the Punjab Procurement Regulatory Authority Act and Punjab Procurement Rules (PPR-14) Rules were framed and notified. In Balochistan the Public Procurement Act was promulgated in 2009 whereas in KPK the Rules were notified in 2014. (World Bank, 2004). Hence, the Public Procurement Authority' Annual Report of 2007 clearly articulated the purpose of the public procurement reforms in Punjab as to mainstream "good practices" into the procurement of goods, works and services, which transcend into the achievement of savings and value- for- money. The objective of this scheme was for large public and private organizations to join forces to buy products and processes that help reduce the carbon footprint of private and public actors. Organizations would not only bundle their demand, but also develop joint roadmaps of future demand, sending clear signals to the industry to both induce the generation of innovations and to accelerate the diffusion of new products and services. The signatories of the Procurement Compact commit themselves to changing their buying behavior, i.e. to increasing the sustainability standards in their purchases and to introducing, the carbon targets in future requests for quotes.

Procurement means, the entire process of purchasing goods that includes the purchasing decision, the selection of the goods, and the payment made by the buyer to purchase the goods. It involves;

a) Planning the purchase,
b) Determination of the standards,
c) Development of specifications,
d) Researching and selecting the supplier,
e) Analysis of the value,
f) Financing,
g) Negotiating the price,
h) Purchase,

i) Supply contract administration,

j) Controlling the inventory and

k) Disposals.

In BUISNESS Dictionary, Procurement is defined that the process by which an organization buys the products or services it needs from other organizations. BLACK's LAW Dictionary defines the Procurement in Black's Law Dictionary, Sixth Edition: "*The proximate cause; the cause originating a series of events which, without break in their continuity, result in the accomplishment of the prime object.*" IN COMMERCE procurement definition is "*Procurement is the sourcing and purchasing of goods and services for business use from an external source. Individual businesses set procurement policies that govern their choice of suppliers, products and the methods and procedures that are going to be used to communicate with their suppliers*". There is a difference in PURCUREMENT and PURCHASING, Procurement involves the process of selecting vendors, establishing payment terms, strategic vetting, and selection, the negotiation of contracts and actual purchasing of goods. Procurement is concerned with acquiring (procuring) all of the goods, services, and work that is vital to an organization. Many people use the terms *purchasing* and *procurement* interchangeably, but despite their similarities, they do have different meanings. Let us clarify any confusion on the difference between procurement and purchasing. Procurement involves the process of selecting vendors, establishing payment terms, strategic vetting and selection, the negotiation of contracts and actual purchasing of goods. Procurement is concerned with acquiring (procuring) all of the goods, services, and work that is vital to an organization. Procurement is, essentially, the overarching or umbrella term within which purchasing can be found. (http:/blog.procurify.com/).

In Pakistan the public sector, excluding interest payments and defense accounts for approximately 10% of GDP. This represents approximately Ra 2300 billion for the 2013/14 financial year. Of this, about 30% is for non-salaries and wages. As a result of the introduction of e-Procurement, different countries have reported substantial savings ranging from 5-30% of public expenditure in public procurement. Even if it is assumed only 1% saving were made for Pakistan, this would mean approximately Ra 7000 million / year could be saved. Public procurement is continuing to progress both conceptually and organizationally. That evolution accelerated during the 1990s as governments at all levels came under increasing pressures to "do more with less." Indeed, all governmental entities of rich and poor countries are struggling in the face of unrelenting budget constraints; government downsizing; public demand for increased transparency in public procurement; and greater concerns about efficiency, fairness, and equity. Additionally, public procurement professionals have faced a constantly changing environment typified by rapidly emerging technologies, increasing product choice, environment concerns, and the complexities of international and regional trading agreements. Further, policy makers have increasingly used public procurement as a tool to achieve socioeconomic goals. In this environment, public procurement has become much more complex than ever before, and public procurement officials must deal with a broad range of issues. They have been walking on a tightrope in: Balancing the dynamic tension between (1) competing

socioeconomic objectives, (2) national economic interests, and (3) global competition as required by regional and international trade agreements.

Compounding the issues implied by political and business dimensions are wide-spread misunderstandings and even gross ignorance within the executive structures of governments as to what procurement actually entails (Coggbum, 2003; OECD/DAC, 2003). There is often little understanding of what skills are required and what risks are implied as well as what opportunities may be available (GAO, 2000). Failure of awareness and expertise at this level commonly represents a real risk to good governance, even creating the anomaly whereby public procurement may sometimes be characterized as transparent although not accountable(see Isaac (1997) on the Cave Creek disaster).

Procurement officials have to constantly weigh the trade-offs between conflicting procurement objectives, for example: Quality and Cost Trade-off. Public procurement officials constantly face difficult choices between cost and quality. Should they pick Firm A, which proposes $25,000 for an item at a quality of 90 percent of the best item available in the market, or Firm B, which proposes $27,000 for a similar item at a quality of 97 percent of the best item available? Quality cannot be considered without regard to cost, just as cost cannot be considered without regard to quality. Timeliness and Cost Trade-off. Assume that a public procurement official has two offers for an item. Firm A, a local firm, proposes $50,000 for a contract and will deliver the item within two days after receiving an order, and Firm B, located in another part of the state, proposes $45,000 for the same item, and it takes him or her two extra days as compared with Firm A. Which firm should receive the contract? Risk and Cost Trade-off. Public procurement officials may decide to pay a higher price to a responsible firm than gamble on a firm that cannot affirm its responsibility. Likewise, public procurement officials may decide to pay a higher award price to a firm which based on an evaluation of his or her relative technical and business management strengths is more likely than a competitor to succeed in meeting the government's objectives. There may also be an inverse relationship between the goals of minimizing risk and maximizing competition. If minimizing technical risk were the only procurement goal, public procurement officials would tend to award only to firms who successfully performed the same or similar work on their previous contracts. Socioeconomic Objectives and Cost Trade-off. Government entities often pay a premium, explicitly or implicitly, to accomplish socioeconomic goals. They authorize government entities, under certain circumstances, to pay a higher price for domestic made goods vis-à-vis foreign-made goods. On the other hand, socioeconomic programs, despite their cost, have arguably contributed to accomplishing other procurement goals. The small business program, despite its cost, has provided considerable work for small businesses and in doing so can be said to have been effective in creating new sources of supply, thus maximizing competition.

Acts of corruption have been with us since time immemorial and are all too familiar throughout civilization since classical antiquity. The first documented cases of bribery date back to 3000 BC (Noonan, 1984), which provides us with a myriad of situations, contexts, and actors. It is a widespread phenomenon whose manifestations have changed over time and in different cultures; nonetheless, it has not allowed us to reach agreement on a single, commonly held definition (Amundsen. 2000). The globalization of

economic exchange between countries has aided the transmission of corrupt models and the transfer of criminal profits. Similarly, techniques used to extend corruption are also exported, spreading out beyond national frontiers. The perception of corruption as having international implications (Rose-Ackerman, 1997; Stessens, 2001) has led to significant changes in the measures applied to combat it. This is one of the reasons why addressing corruption in public procurement is an important component of any active anticorruption strategy, though it is not the only one. Of all the government activities, public procurement is the one most vulnerable to corruption. One of the causes of the spread of these practices is found in the turnover of procurement contracts in the public sector: procurement of goods, works, and other services by public bodies alone amounts on average to between 15 percent and 30 percent of gross domestic product (GDP). These percentages of total public expenditure earmarked for public procurement constitute an incentive for firms to position themselves more favorably relative to their competitors through the use of corrupt practices (Stapenhurst and Langseth, 1 997).Such that, whenever criminal acts are present in the selection of the tenderer, the tender will not presumably be awarded to whoever offers the best conditions for price and quality, but to whoever is more skilled, in a word, at using corrupt channels and corrupt practices. The result is a loss of competitiveness in the procurement process. In the absence of any real competition, the execution of public works, the procurement of goods, or the delivery of services become more costly for the public purse and brings to light a significant derailment of resources. According to Strombom (1998), the costs added to the contract can even reach 20 percent or 25 percent, but in some cases can climb as high as 50 percent of the total cost of the contract (Evenett and Hoekman, 2005). The reason for this extra cost is evident: the firms recoup from the contract costs the payments made as bribes to the government officials, technicians, or politicians who have a hand in the award of the contracts.

The public procurement now in many part of the world are governed by public procurement rules and regulations prepared specially for public procurement. These aforementioned rules and regulations having its own sphere of action, are seek to ensure the conditions for real competition between firms in the award of tenders by the contracting authorities, so that these acquire goods and services under the best possible terms — the primary objective (Arrowsmith, 2005). However, it also pursues the achievement of other objectives, secondary or non-commercial goals (Schooner, 2002), and the fact is that public procurement does not solely constitute a form of supply. It is also a powerful legal tool at the service of contracting authorities to meet other public ends, among which environmental protection, the promotion 01 social policies, and the fight against corruption are all worth highlighting, the fight against corruption are through two sets of measures—the first is of a general nature and refers to the legal framework and, the second, which one could say has more of a specific nature, is aimed at promoting probity among those economic operators who wish to become contractors (Bovis, 2006).

A clear and comprehensive regulatory framework for the conduct of public procurement is a fundamental prerequisite for curbing corruption in public contracting (ADB/OECD, 2006). A legal framework that contemplates objective procedures for awards, based on the principles of publicity and transparency, and that provides for subsequent

supervisory mechanisms over the awards through the incorporation of elf active review procedures will contribute to restricting the space for corrupt practices, as it implies a barrier against corruption and other illicit uses of public resources. This idea is underlined in Article 9 of the United Nations Convention against corruption.

The Public Procurement system can be operated affectively, efficiently or otherwise depending on its basic four dynamic poles that are: procurement organization, procurement laws, procurement workforce and the process of the procurement. Often while working in procurement sector the relevant person may be lethargic, in different owing to poor procurement skills and best understanding of the relevant provisions. Public sector procurement may be manipulated with more objective, outcomes and the stake holders than the private sector. Generally it is argued that the public procurement is more complicated and less standardized than the private procurement. It is infect the lack of knowledge regarding the rules / laws and to avoid the learning process. By following the rules, procedure the public procurement definitively achieve the maximum benefit. The process of procurement is very simple still the Government staff should know about basic rules by applying the generic specification for the desirables. Further, imparting the training to the officials should not be limited to those in central Government but also to all other parts of the Government offices such like Semi-Government, attached department and autonomous bodies etc. The source is needed for technical assistance to help for preparation procurement planning effectively and comprehensively.

Clearly, there is not always compatibility among the various objectives government procurement policy can potentially serve. Ultimately, a degree of policy trade-off therefore seems inevitable. It is unlikely, for example, to simultaneously attain value for money and the redistribution of wealth through preferential procurement policies or offsets.

Principles of Procurements;

According to Rule 4 of PPR-14, a procuring agency, while making any procurement, shall ensure that the procurement is made in a fair and transparent manner, the object of procurement brings value for money. All PPRAs has the same rule regarding the Principles of Procurement there. It is important that procuring agencies while applying PPRA rules should consider the following principles of procurement as the guiding force, which have been laid down in said rule of Punjab Procurement Regulatory Authority:

1. Transparency
2. Efficiency
3. Fairness
4. Economy
5. Value for money
6. Healthy Competition.

The current International approach to public procurement is value, which involves making taxpayer's money go further in meeting user requirement. Value can be further

broken down to three popular ideas of procurement that is economy, efficiency and effectiveness. Economy is concerned with minimizing the cost of resources acquired. Efficiency is concerned with the relationship between the outputs of services and resources used while effectiveness is concerned with the achievement of targets, not only in terms of quantity but also quality. The concept of transparency and accountability are nowhere more significant in public administration then in procurement which may account for more than a third of the Government's annual outlays. Public procurement is inherently a political sensitive activity, not least because it involves significant amounts of public money even within the context of National Economy. Public procurement is continuing to evolve both conceptually and organizationally. That evaluation accelerated during the previous decades and Government at all levels came under increasing pressure to do more with less. All the Governments whether those are rich or poor countries demand for increasing transparency in public procurement having great concerns about efficiency, fairness and equity. In this environment the public procurement has become much complex than ever before and the public officers have to be walking on a tightrope to balancing the demand and supply. Acts of corruption have been with us since time age-old and now are well familiar throughout the civilization. Historically first documentary evidence regarding the bribe date back to 3000 BC (Noonan, 1984) which provide us with a myriad of situations, context and actors. The public procurement in many part of the world are being governed by public procurement rules / regulations prepared specially for public procurement and the aforementioned fundamental principles are the key rule to ensure the value for money for the people of the state. A clear and comprehensive regulatory framework for the conduct of the public procurement is a fundamental pre-requisite for curbing corruption in public procurement to the procuring agency and the procurement process is efficient and economical.

The nature of public procurement is such that it involves discretionary decision-taking on behalf of government at all levels. Value for money is therefore not a choice of goods or services which is based on the lowest bid price but a choice based on the whole life costs of the project or service. The aim of the study is to find out ways of ensuring value for money in public procurement. The objectives of the study among others include; identify the challenges in ensuring value for money and measures to ensure value for money in the procurement of goods and services. The main data collection instrument employed in this study is the data pertaining to procurement of insecticides to combat dengue. The study employed the Personal interview law/ rules requirement for effecting and efficient, economical and effective procurement by evolving fair and transparent methods on equal opportunity basis. The finding revealed that inadequate skilled personnel in the procurement sector and inadequate measures for monitoring and evaluation of the procurement policy to ensure VFM are major challenges in the public procurement.

This explains the need for Annual Procurement Plans and provides guidance on how they may be produced. Annual Procurement Plans will help in setting focused, realistic and achievable objectives. The drawing and disbursing officer (DDOs) is primarily responsible for the submission of proposed non-development budget for the financial year in accordance with the terms of provisions and instructions. He is the person to carry out exercise for need assessment and put up the procurement plan with estimated

proposed budget. On approval of the budget estimated by the concerned after due process for the next financial year the procurement plan shall be forwarded to the PPRA for uploading on its website. According to the Public Procurement Legal framework public procurement is the acquisition of goods, works and services at the best possible total cost of ownership, in the right quantity and quality, at the right time, in the right place for the direct benefit or use of governments, corporations, or individuals, generally via a contract defined process. There are three type of procurement process that are;

a. Restricted Procurement
b. Open Competitive Bidding Process
c. Direct Contracting

The detail shall be followed in this study with the independent chapter however the restricted procurement is also known as pre-qualification process in the PPRA. This process does not mean that it is without publication or due process but its name is restricted due to pre-procurement process for ascertains the reasonable well versed and sounded firms / individuals who may only participate in the preceding process of procurement. Open competitive is the principal method of procurement that has to be followed in all procurement if otherwise the issue false with the ambit of alternative methods of procurement provided in PPRA.

Now, let's start to compare some important points of the procurement provided in Pakistani Procurement laws. In Punjab PPRA Rules Annual Procurement Plaining shall be uploaded by the procuring agency within one month from the commencement of a financial year, for all proposed procurements with the object of realistically determining the requirements of the procuring agency, within its available resources, delivery time or completion date and benefits that are likely to accrue to the procuring agency in future. Limitation on splitting of procurement is further provided there in Punjab that a procuring agency shall announce in an appropriate manner all proposed procurements for each financial year and shall proceed accordingly without any splitting or regrouping of the procurements so planned. Moreover, the procuring agency shall advertise in advance annual requirements for procurement on the website of the Authority as well as on its website.

FEDRAL, Sindh, Baluchistan, AJ&K and KPK Rules;

In Punjab PPR-14, the procuring agencies are bound to publish the procurement plan, within one month of each financial year. However, this conditions is not provided in Federal PPR-04 and Aj&k PPRA. In Punjab PPR-14 procuring agency is under obligation to device annual procurement plan in the first month of every financial year. However, this requirement is not provided in KPK PPR-14 but is given under section 22 of KPRA Act-12. In Sindh PPR-10 the procurement plan may revised and updated during the life of the project but in Punjab PPR-14 this facility is not given. Further, the condition of uploading on the website of the Authority within one month from the commencement of Financial Year is not given in Sindh PPR-10 which is provided in Punjab Procurement Rules-14. In Baluchistan PPR-14 the procurement plan may revised and updated during the life of the project but in Punjab PPR-14 this facility is not given. Further, the condition of uploading on the website of the Authority within one

month from the commencement of Financial Year is not given in Baluchistan PPR-14 which is provided in Punjab PPR-14.

Pre-qualification in the procurement is a process provided in the law of procurement. Open tendering is the standard form of Procurement method but with valid reasons the procuring can restrict the tendering process to a few suppliers through pre-qualification. Pre-qualification is a process of selecting potential suppliers for evaluation instead of selecting every supplier and evaluating him in a lengthy open competitive bidding. This saves time and resources spent on the Procurement process and also enhance the morale of selected bidders that they are among the selected few and stand good chances of winning the contract in a limited competition. Furthermore, when dealing with a group of similar contracts, the need for repeated pre-qualification procedures can be avoided and also allow a bidder to be pre-qualification up to certain value of size. Open tendering is the standard form of Procurement method but with valid reasons the procuring can restrict the tendering process to a few suppliers through pre-qualification. Pre-qualification is a process of selecting potential suppliers for evaluation instead of selecting every supplier and evaluating him in a lengthy open competitive bidding. This saves time and resources spent on the Procurement process and also enhance the morale of selected bidders that they are among the selected few and stand good chances of winning the contract in a limited competition. Furthermore, when dealing with a group of similar contracts, the need for repeated pre-qualification procedures can be avoided and also allow a bidder to be pre-qualification up to certain value of size. The decision to restrict competition depends on financial value and the technical complexity of the Procurement. Therefore, besides its application in the single stage tendering, prequalification comes as a natural Procurement method in two stage tendering as well which involves projects that are technically complex and carry heavy financial investments. As a first step in the pre-qualification process a notice about the project and a bit of description about the required goods, works or routine services is published. This serves as an introduction to the project and calls for the proposals highlighting how the bidders would manage the contract. The main purpose of this exercise is to spot bidders who have adequate capacity and possess experience relevant to the project. This becomes evident from the documentary evidence that is submitted by the bidders alongside the proposals. Based on this information, the procuring agency selects and issues detailed bidding documents to the capable bidders to compete in the next stage.

In Punjab PPR-14 under rule 16 (6) of PPR-14 only P&D Department is given the mandate to shortlist the individual consultants and firms for the consultancy services. Any other department/procuring agency may use the facility of these shortlisted individual, firms or companies as per requirement only for consultancy services. For the procurement of goods, works or services no department/ procuring agency is allowed to shortlist the contractors for a specific period under the PPR-14. For each procurement the procuring agency has to pre-qualify the contractors in accordance with rule 16 of

PPR-14. Further that instructions regarding the enlistment of the contractors with subject "measures for prevention of corruption in public procurement process for transparency and meritocracy" circulated to all Ministries/Divisions/ Departments/Regulatory Bodies and Corporations including all Heads of Procuring Authorities by the National Accountability Bureau with advises to abide the instructions mentioned in the letter to

ensure transparency in public procurement process. Such practice should be discouraged which minimizes the competition. Moreover, while formulating the bidding documents/ request for proposals, the procuring agencies should establish an appropriate, comprehensive and specified evaluation criteria/ terms & conditions to explore the suitable, experienced and the best supplier/contractor. The procurement legal framework provides pre-qualification procedure and methodology for each procurement instead of enlistment. The procuring agencies should divert to prequalification mode under rule 16 of PPR-14 or open competitive bidding process mentioned in rule 22 read with rules 38/45 of PPR-14. There is no other legal basis for enlistment of contractor other than rule 16 (6) of PPR-14.

In Federal PPRA Rules, the pre-qualification of suppliers and contractors is mentioned in rule 15 however, the criteria for pre-qualification of consultants is given in regulations of consultancy 2010. In Punjab PPR-14 the procuring agency is under compulsion to prequalify the contractors / consultants in case of procurement of goods of one hundred million rupees or above and large consultancy. The procuring agency may dispense with the requirement of pre-qualification with reason and justification under rule 16 (2) & (5). The remaining understandings of both rules are same.

In KPK PPRA Pre-qualification of suppliers under rule 16 (Pre-qualification of contractors) pre-qualification of supplier for goods, the total worth of the contract more than 10 million however, in Punjab PPR-14 the cost of one hundred million rupees and above for the goods is given for the pre-qualification for the procurement of goods along with large consultancy.

SINDH PPRA-2010 Pre-qualification of Suppliers and Contractors, there is no provision that bound the procuring agency to pre-qualify the bidders in case of goods, with the cost of one hundred million or above and large consultancy. However, the understanding that pre-qualification would be only for specific procurement contract and applicable to that particular assignment is given whereas this provision isn't mentioned in Punjab PPR-14. In Punjab PPR-14 Planning and Development can only pre-qualified / shortlist the consultants for a year however, this mandate isn't provided in Sindh PPR-10 to any department. Same situation is in Balochistan PPRA rules. However, the understanding that pre-qualification would be only for specific procurement contract and applicable to that particular assignment is given whereas this provision isn't mentioned in Punjab PPR-14. In Punjab PPR-14 Planning and Development can only pre-qualified / shortlist the consultants for a year however, this mandate is not provided in Balochistan PPR-14 to any department.

Bidding documents are required for open tendering, restricted tendering and RFP method. In order to minimize the chance of poorly drafted, incomplete or inaccurate documents of the wrong format being used, Procurement units must make use of Standard Bidding Documents (SBD). These can be the bidding documents already in use by the procuring agency, provided the documents are consistent with PPRA rules, or those notified by the PPRA in accordance with PPRA Rules. The procuring agency should select the appropriate Standard Bidding Documents from the list of SBDs notified by the PPRA and consult with the end-user, and technical specialists if required to finalize specifications depending on whether it is for goods, works or services.

Framework Contract; Punjab Rules; A procuring agency may procure goods, services or works through framework contract in order to ensure uniformity in the procurement. The procuring agency shall adopt any of the methods of procurement mentioned in these rules for purposes of entering into a framework contract.

Federal PPR-2004 Relevant Rule Title; 16A &16B. In Federal PPRA recent amendment inserted with the name of Procurement of common use items, services and commodities through framework agreement and price adjustment for framework agreements vide Notification No. S.R.O 442(1)/2020 dated 15th may 2020 having a good notion.

KPK PPR-2014 Relevant Rule Title; 31A & 31B._The provision is proposed to beintroduced via Rule 31A & 31B in KPK PPR-14similar to Federal amendments.

Sindh PPR-2010 Relevant Rule Title; This provision isn't provided in Sindh PPR-10 Balochistan PPR-2014 Relevant Rule Title; No specific provision is provided in Balochistan PPR-14

AJK PPRA-2017Relevant Rule Title; such rule not found however after amendment in Federal PPRA it may be incorporated in the AJK PPRA laws.

In International law, procurement, framework contract/agreement between the groups can acknowledge that they can't reach full agreement on all issues but are willing to observe a structure by which this agreement can be resolved. The practice of entering into framework agreement originated in the 1950s with an agreement regarding asylum between Colombia and Peru. A framework agreement isn't an interim agreement. It is more detailed then a declaration of principle but is less than full fledge treaty. Its purpose is to establish the fundamental compromises necessary to enable the parties to flesh out and complete a comprehensive agreement that will end the conflict and establish a lasting peace. Framework agreements are used widely in the public and utility sectors to facilitate frequent buying instead of doing "one-off" purchase orders and minimizing reputation purchasing tasks. The framework agreement refers the basics of how business will be done (particularly relating to price, delivery and quality of service) but specific details added later (such as quality, scope of service or number of hours) once the framework agreement has been established, the terms of agreement should include instructions on how call off contracts should be awarded. The contracting authority may also produce further guidance for the identified user of the framework contract.

Procurement Procedures Manual by University of the West of Scotland. Framework agreement explained as "a mini competition to identify the best supplier for needs". According to Fenwick Elliott by Jeremy Glover, "framework agreement often known as an umbrella agreement, an agreement which reached between two parties to cover in long term collaborative agreement. Framework agreement are used typically where an employer has a long term program of work in mind and it is looking to setup a process to govern the individual construction or supply packages that may be necessary during that framework term.

Under UNCITRAL Model Law on public procurement framework, agreement procedure means a procedure conducted in two stages: first stage to select a supplier or a contractor to be a party to a framework agreement with a procuring agency and second stage to award a procurement contract under the framework agreement to a supplier or

contractor party of the framework agreement. There are further five types of framework agreement including Closed Framework Agreement, open Framework Agreement, Framework Agreement, Framework Agreement Procedure with second stage competition and framework agreement without second stage competition. Recently Federal & KPKPPRAs has introduced the call off order, closed and open framework ideas which are near to International approach and practice but not cater for the whole concept as given in UNCITRAL Model Laws as mentioned above. Nevertheless, it is a good development which a student of procurementwas expected as it was discussed in first edition of this book.

Frame work is a procedure introduced in the PPRA Rules under rule 15 to facilitate the procuring agency to carry out the procurement in a uniform manner. As the very name indicates, the contract of procurement would include frames of the procurement to be made covering the quantity and time line segments of the procurement. Though most of the procurement agencies consider frame contract and rate contract to be the same procedure; but the two are entirely different from each other. Where frame work contract includes specific quantity, specific period, specific cost and specific supply frames as its main ingredients on the other hand, the rate contract is devoid of specific quantity, period and supply frames. Therefore, the two cannot be taken as one and same procedure for procurement. In Federal Laws the concept of open & close frame work is very realistic and it may be invoked by the procuring agencies in its procurement not only in common use items but in case of works as well, because internationally frame work procurement is being invoked/ utilized in major/ large procurements but for that guidelines are required by the PPRA. The methodology of procurement through frame work contract has been incorporated in the procurement rule to facilitate the procuring agencies to carry-out their procurement in economical and uniform manner without disrupting the supply chain. Some of the benefits of frame work contract are:

a) To ensure constant supply.

b) To ensure uniformity of the rates throughout the year (close & open).

c) Ensures consistency in quality of the goods.

d) To ensure accountability and creation of deterrence for the supplier by enhancing his financial stake involved in performance guarantee/bid security.

e) It over-comes the difficulty being faced by the procuring agency due to broken annual budget (quarterly basis)

f) To ensure economy, as quantity always determine the cost and in case of procurement through frame work contract the quantity/requirement for the whole year since remains intact so the procuring agency attracts more favorable rates as compared to broken procurement made on quarterly basis.

g) To ensure prompt and consistent service delivery by ensuring consistent provision of logistic support to the procuring agency.

h) Avoid compatibility issue of goods and rates difference.

Method of advertisement in Punjab PPRA is that a procuring agency shall advertise procurement of more than one hundred thousand rupees and up to the limit of two million rupees on the website of the Authority in the manner and format specified by regulations but if deemed in public interest, the procuring agency may also advertise the procurement in at least one national daily newspaper. Subject to rule 13, any procurement exceeding two million rupees shall be advertised on the website of the Authority, the website of the procuring agency, if any, and in least at two national daily newspapers of wide circulation, one in English and one in Urdu. A procuring agency shall ensure that the information posted on the website is complete for purposes for which it has been posted, and such information shall remain available on that website until the closing date for the submission of bids.

FEDERAL AND AJ&K PPRA; In Punjab PPR-14 the publication of procurement up to two million rupees the procuring agency shall upload the same on its own website if any along with the website of the Authority. In Federal PPR-04 this optional is not provided. Remaining rule is the same.

In KPK PPR-14 rule 11 for the advertisement for the procurement of goods the amount starts upto 2.5 million that shall be posted on the procurement entity's website or PPRA or both. However, under sub-clause 2 of rule 11 of Kpk PPRA the advertisement shall be published on **electronic media** (English & Urdu).

In KPK PPR-14 rule 19 relates with the advertisement for non-consultancy services with the financial limit from one lac to 2.5 million for posting on the procuring entities website, authority website or both along with publication on newspaper if necessary.

For the advertisement of consultancy services rule 25 covers the expression of interest.

In Punjab PPR-14 only single rule (12) indicates the advertisement and financial limit.

In Sindh PPR-10 the publication on the website of the Authority is up to one million rupees from one hundred thousand whereas in Punjab PPR-14 this limit is up to two million rupees. Further, in Sindh PPR-10 the advertisement in print media / newspaper is mandatory through three newspapers including **sindhi** and in case of International procurement the publication in one Internationally known website dedicated for procurement and International English Newspaper is mandatory. However, this condition is not provided in Punjab PPR-14.

In Sindh PPR-10 rule 17 the information for the notice / invitation is briefly provided and this contention is not given in Punjab PPR-14.

The procurement more than one million rupees aren't provided in the rules however, there may be regulations that are still not available.

In Baluchistan PPR-14 the publication on the website of the Authority is up to one million rupees from one hundred thousand whereas in Punjab PPR-14 this limit is up to two million rupees. Further, in Baluchistan PPR-14 the advertisement in print media / newspaper is mandatory in case of International procurement the publication in one internationally known website dedicated for procurement and International English Newspaper is mandatory. However, this condition is not provided in Punjab PPR-14.

In Baluchistan PPR-14 rule 15 the information for the notice / invitation is briefly provided and this contention is not given in Punjab PPR-14. Further, in Baluchistan PPR-14 if any entity is restricted by circumstances beyond its control shall seek exemption from authority to procure without publication whereas this condition isn't provided in Punjab PPR-14.

Response time for quotations / bids that provision meets the international requirement to generate a healthy competition while publishing the tender in daily newspaper and website of the authority. The procuring agencies should use those means of communication that are in common use, by suppliers or contractors in the context of the particular procurement to ensure the information and coeval participation in the process. However, for making include the process of international competitive bidding process but making a good competition; the advertisement in case of international procurement should be published through international newspaper or magazine. In case after prequalification through open competitive bidding, there is no need of re-publication of the tender or uploading in the website. Sufficient time should be given to the shortlisted / qualified bidders / contractors to complete their bids and to post. The days when the tender was uploaded or published in daily newspaper and the opening date of the tender may be considered as a day to calculate the response time. In case of utilizing the alternative method of procurement or complex projects the advertisement or to meet the response time isn't required. But, in case of consultancy services after short listing the consultants minimum two weeks' time is required to submitting the proposals vide rule 48 of Punjab PPRA.

Response Time. The procuring agency may decide the response time for receipt of bids or proposals (including proposals for prequalification) from the date of publication of an advertisement or notice keeping in view the complexity of the procurement, availability and urgency but, in no circumstances, the response time shall be less than fifteen days for national competitive bidding and thirty days for international competitive bidding from the date of publication of advertisement or notice.

(2) All advertisements or notices shall expressly mention the response time allowed for the procurement along with the information for collection of bid documents which shall be issued till a given date, allowing sufficient time to complete and submit the bid by the closing date but the time limit shall not apply in case of an emergency procurement.

(3) The response time shall be calculated from the date of publication of the advertisement in a newspaper or on the website, whichever is later.

In Federal PPR-04 it is provided that the response time limit shall not applicable in case of emergency and the response time shall be calculated from the first publication of the advertisement in a newspaper or posting on the website, as the case may be. In Punjab PPR-14 the response time shall be calculated from the date of publication of the advertisement in a newspaper or on a website, which is later.

The remaining provision is same. In KPK PPR-14 the response time is calculated from the date of first publication of the advertisement in a newspaper or posting on the website however, in Punjab PPR-14 the response time is calculated from the later

advertisement in print media or publication on website. The remaining conditions are same. In Singh PPR-10 the response time for National competitive bidding is fifteen calendar days and forty five for International bidding after the publication first in newspaper or website. However, in Punjab the calendar days isn't mentioned and for the International procurement thirty days are given after the publication in newspaper or website of the Authority whichever is later. The remaining rule is same.

In Baluchistan PPR-14 the response time for National competitive bidding is fifteen calendar days and forty five for International bidding after the publication first in newspaper or website. However, in Punjab the calendar days isn't mentioned and for the International procurement thirty days are given after the publication in newspaper or website of the Authority whichever is later. Further, in Baluchistan PPPR-14 the procurement up to 1 million rupees shall be hoisted on Authority's website as well as in newspaper before the date of issuance of bidding document is added.

Consultancy services starts from Expression of Interest; In the first step who qualify or short listed only those were issued the Request for Proposals for the second round and on basis of the proposals against the Request for Proposals all such bidder securitized on technically and then financially as per the given criteria and who acquire the highest secure awarded with the contract. Quality and Cost Based Selection (QCBS0 is the most commonly used method as it gives weight to both quality of the proposal and cost of the services. This method is used where quality is the prime consideration while cost is a secondary consideration and where it is possible to clearly define the terms of reference. QCBS is used for highly specialized and complex assignments where it is difficult to define TORs precisely as the assignment can be carried out in different ways. Quality of services is the only factor that is taken into consideration because of the impact that quality can have on the outcome of the assignment. This is the preferred method for selecting consultants for assignments of standard or routine nature such as audit, simple engineering designer supervision of non-complex works, where the well-established practices and standards exist. Direct Selection shall be adopted in exceptional cases, when it has clear advantage due to following factors:

a. For tasks which are natural continuation of previous assignments and where it is unavoidable to continue technical services.

b. Where only one consultant is qualified or has experience of exceptional worth.

c. In complex projects should engage in direct contracting with an organization owned or controlled by the Government, the Federal Government or any other Provincial Government after the prior approval of the Government.

Methods for Selection of Consultants in Punjab Procurement Rules;

(1) A procuring agency may utilize one of the methods mentioned in succeeding sub rules for selection of a consultant.

(2) LEAST COST SELECTION:

This is the preferred method for selecting consultants for assignments of standard or routine nature such as audit, simple engineering design or

supervision of noncomplex works, where the well-established practices and standards exist.

(3) QUALITY AND COST BASED SELECTION:

This method may be used where:

(a) quality is the prime consideration while cost is a secondary consideration;

(b) terms of Reference are well defined;

(c) the financial proposals of only those technically responsive bidders who obtained minimum sixty five percent marks shall be opened;

(d) a combined evaluation of the technical and financial proposals is carried out by weighting and adding the quality and the cost scores;

(e) the weight for quality is normally of eighty percent with twenty percent given to cost and more than twenty percent weight to the cost of the services is justified only in relatively routine and straightforward assignments (such as design of simple structures), whereas in no cases it should exceed thirty percent and the consultant obtaining the highest combined score is invited for negotiations;

(4) QUALITY BASED SELECTION:

This system may be used for highly specialized, innovative and complex assignments, where quality is the predominant factor.

(5) Subject to sub-rule (6), a procuring agency may, in a complex project and with the prior approval of the Government, engage, through direct contracting, an organization owned or controlled by the Government, the Federal Government or any other Provincial Government.

(6) In case of engagement of an organization under sub-rule (5), the procuring agency shall: (a) record reasons in writing for direct contracting and shall issue a certificate of reason-ability of the negotiated price of consultancy based on the principles of procurement contained in rule 4; and (b) obtain approval of the Authority to the extent of declaring the project as complex project.

(7) A procuring agency may, after recording reason in writing, use any method for selection of consultant other than least cost selection.

Complex Project;

The parameters / criteria to declare a project as a complex project is circulated by PPRA Punjab that includes;

Eligibility Criteria to Declare a Project as Complex;

1. Complex or highly specialized assignments for which it is difficult to define precise Terms of Reference (TORs);

2. Tasks for which the client expects the consultants to demonstrate innovation in their proposals;
3. Assignments that have a high downstream impact and in which the objective is to have the best expertise available;
4. Assignments that can be carried out in substantially different ways, such that proposals will not be comparable;
5. Projects where variety of expertise is needed and tasks involve multidisciplinary/ multi-sectorial specialties preferably available within single organization/consultancy firm;
6. Consultancy assignment where after bidding process no responsive or satisfactory bid is received;
7. Tasks/projects where quality is considered to be the predominant factor and the timelines planned for the project are compressed;
8. Projects that are security sensitive

In Punjab PPR-14 the methods for selection of consultants on quality and cost base are provided in rule 45 whereas in Federal Regulations detail of quality base, quality and cost base and cost base selection is provided separately through clause 3 of the Regulations.

Single source or direct selection method is provided in rule 46, 46-A of Punjab PPR-14 for the individual consultant and consultancy firm respectively, under rule 59 of Punjab PPR-14 direct contracting/ negotiable tendering is allowed under the conditions mentioned therein as well as in consultancy along with the goods, works & services.

Fixed budget, its definition or procedure is not provided in Punjab PPR-14. The criteria mentioned in Punjab PPR-14 are wider than the Regulations of Federal regarding the quality and cost base selection method. Further, under rule 45 (5) & (6) of Punjab PPR14 a provision of complex project is provided for the procuring agency to complete the assignments without adopting the open competitive bidding process.

In KPK PPR-14 the provision of additional supplies from the contractor or supplier is mandatory from that contractor with reasons of standardization or because of need of compatibility with existing goods, price etc. in case of emergency, small assignments amounting up to 500,000 or in case of one consultant the procuring entity may consider as a single source or direct selection. The provision of fixed budget is additionally provided in KPK PPRA. However the notion of complex project in Punjab is in me judice, only to give rewards someone special, it might be in the name of government owned company of by utilizing the shoulders of such company to any private consultant that may be witnessed.

Restricted Method;

In Punjab Rules, the decision to restrict competition depends on financial value and the technical complexity of the Procurement. Therefore, besides its application in the single stage tendering, pre-qualification comes as a natural Procurement method.

In KPK PPR-14 the provision of additional supplies from the contractor or supplier is mandatory from that contractor with reasons of standardization or because of need of compatibility with existing goods, price etc. in case of emergency, small assignments amounting up to 500,000 or in case of one consultant the procuring entity may consider as a single source or direct selection. The provision of fixed budget is additionally provided in KPK PPRA. In Punjab PPR-14 the PPRA may complex such project that falls within the defined parameters.

In Sindh PPR-10 the provision of direct selection method, fixed budget, design contest, consultant's qualification selection method and selection process individual consultant are provided. However, in Punjab PPR-14 the selection of individual consultant, the qualification of consultant are provided separately further, the minimum technical requirement for the selection of consultancy is 65% and normally the weight for quality is normally 80% with 20% of cost that is not given in Sindh PPR-10. In Punjab PPR-14 the project may be declared as complex project and the procuring agency may engage in direct contracting with Govt. owned or controlled organizations, such provision is not provided in Sindh PPR-10.

In Baluchistan PPR-14 the provision of direct selection method, fixed budget, design contest, consultant's qualification selection method and selection process individual consultant are provided. However, in Punjab PPR-14 the selection of individual consultant, the qualification of consultant are provided separately further, the minimum technical requirement for the selection of consultancy is 65% and normally the weight for quality is normally 80% with 20% of cost that is not given in Baluchistan PPR-14.

In Punjab PPR-14 the project may be declared as complex project and the procuring agency may engage in direct contracting with Govt. owned or controlled organizations, such provision is not provided in Baluchistan PPR-14.

Negotiations are carried out to discuss and finalize certain details of a contract with the successful bidder, prior to contract placement. Negotiation should lead to a contract which is acceptable to both parties and should therefore reduce the likelihood of disputes or the need for contract amendments. Negotiations cannot be held to alter the nature of procurement or for obtaining price reductions from the lowest evaluated responsive bidder, but only for settling minor technical, contractual or logistical details. For instance, negotiations can be undertaken for minor alterations to technical details, mobilization arrangements, inputs required from the PA, finalizing payment arrangements etc.

Punjab PPR-2014 Rule No. 53.

Negotiations in consultancy services;

(1) Notwithstanding the provision under rule 57, the procuring agency may negotiate with the highest ranked bidder for consultancy regarding methodology, work plan, staffing, contract price and special conditions of the contract.

(2) In case of failure of negotiations, the procuring agency may invite the next ranked bidder.

(3) A committee of the procuring agency shall negotiate with the consultant and negotiation by a single person on behalf of the procuring agency shall not be allowed Federal PPR-2004 Relevant Rule Title; 10. Extent of Negotiations or discussions

Federal, AJ&K and KPK; Both are identical the content price may be negotiated in Punjab PPR-14 but federal regulations are silent in this regard. KPK PPR-2014 Relevant Rule Title; 42. Post bid negotiation. In KPK PPR-14 the negotiation on the rates quoted by the bidder is not allowed.

SINDH PPR-2010 7 BALOACHTAN; The only difference in Sindh PPR-10 that the rates quoted by the bidder shall not change however, in Punjab the negotiation is allowed in blanket.

Baluchistan PPR-2014 Relevant Rule Title; 76.Extent of Contract Negotiation The only difference in Baluchistan PPR-14 that the rates quoted by the bidder shall not change however, in Punjab the negotiation is allowed in blanket.

The procuring agency may engage in procurement by means of request of proposals with dialogue with the highest ranker in consultancy services only. The procuring agency assesses that dialogue with the highest ranker consultant is needed to obtain the most satisfactory solution to its procurement needs such as research, experiment, study or development or commercial via-ability and development cost. This may be an urgent need for the subject procurement to meet the timelines involvement.

Limitation on Negotiations for acquiring Goods etc.

PUNJAB PPR-2014 RULE NO. 57. (1) Save as otherwise provided in these rules, a procuring agency shall not negotiate with any of the bidders.

FEDERAL AJ&K; Rule 40 of Federal PPR-04 is the same as rule 57 of Punjab PPR-14 and AJ&K as well. In Federal PPR-04 the negotiation shall be subject to the regulations issued by the Authority which are not still available.

KPK PPR-2014 relevant rule title; Only rule 42 of KPK PPR-14 provide the clause of post bid negotiation with the highest rank bidder regarding methodology, work plan, staffing and special conditions of the contract but rates shall not be negotiated.

SINDH PPR-2010 relevant rule title; 52. bar on negotiations is Same however, In Punjab PPR-14 under rule 57 the explanation of goods of high technical nature is mentioned.

BALOCHISTAN PPR-2014; RELEVANT RULE TITLE; 46.limitation on negotiations is same, but no regulation is visible regarding the negotiation in Baluchistan PPR-14.

Negotiation is prohibited in the procurement of goods, works and services and discouraged but internationally under the UNCITRAL Model Law on Public Procurement request for proposals with dialogue / consecutive negotiation, competitive negotiation are the methods of procurement. In Pakistan no PPRA allows the procuring agencies to negotiate with any bidder whether he is lowest evaluated bidder or otherwise. However, if the lowest evaluated bidder after participating the open competitive bidding process, voluntarily offers rebate to the procuring agency regarding his financial offer then the procuring agency may consider his offer and the rules does not object. In case, the

process was not followed under the rules, then such concession or offer would violate all the process and is not acceptable at any cost. Negotiations may normally relate to the following area:

- minor alterations to technical details, such as the terms of reference, i.e. scope of work, the specification or drawings;
- minor amendments to the Special Conditions of Contract;
- finalizing the payment arrangements:
- mobilization arrangements;
- agreeing final delivery or completion schedules to accommodate any
- changes required by the procuring agency;
- the proposed methodology or staffing;
- inputs required [rom the procuring agency;
- clarifying details that were not apparent or could not be finalized at the time of bidding;
- The bidder's tax liability in Pakistan. It the bidder is a foreign company. Negotiations must not be used to:
- substantially change the technical quality or details of the requirement, including the tasks or responsibilities of the bidder or the performance of the goods;
- substantially alter the terms and conditions of contract stated in the invitation document;
- reduce unit rates or reimbursable costs;
- reduce work inputs solely to meet the budget; or
- Substantially alter anything which formed a crucial or deciding factor in the evaluation of the tenders or proposals.

Propose time, date and location for negotiation. It is important not to make any contractual commitment in the invite letter or during the negotiation.

The evaluation committee recommends the successful bidder subject to any qualification and negotiations required. Approval of the RA is required for the completed evaluation report. No communications accepting or rejecting any tender, or indicating which the successful tender is, must be sent to any bidder before this approval is obtained. In accordance with PPR-2004 Rule 35', all PAs must announce the results of bid evaluation ¡n the form of a report giving justification for acceptance or rejection of bids at least ten days prior to the award of procurement contract. The successful bidder is issued a Notice of Acceptance followed by a contract award for procurement conducted under Open tendering, Negotiated tendering and Direct Contracting methods. Where procurement is to be conducted under RFQ method, the successful bidder is issued a Purchase Order. The preparation and issuance of award of contracts is discussed in the

next stage. Negotiation/ discussions may be required under the Open Tendering, Restricted Tendering and RFP methods (in consultancy services). Negotiation/ discussions may also be held under the Two-Stage Tendering, Negotiated Tendering and Direct Contracting methods. Negotiation/ discussions should not be held under the

RFQ method (other than Consultancy Services). The purpose of negotiation; Discussions is to discuss and finalize certain details of a contract with the successful bidder, prior to contract placement. Negotiation/ discussions should lead to a contract which is acceptable to both parties and should therefore reduce the likelihood of disputes or the need for contract amendments. Negotiation/ discussions are not held with the intention of making considerable changes to a contract or of obtaining price reductions from the lowest evaluated responsive bidder, with the exception of negotiations following an evaluation using the Quality Based Selection methodology, where there has been no competition on price. The results of any negotiation? Discussion, and the resulting recommendations, must be approved by the RA before announcement of evaluation report or any contract award or other commitment is made to any bidder. A record of any negotiation! Discussions must be completed and kept on the procurement file at a minimum, this record must include:

The name of the bidder with whom negotiation! Discussions were held and the names of the bidders representatives;

The names of all staff involved in the negotiation/ discussions;

The time, date and location of the negotiation? Discussions;

The areas subject to negotiation/discussion and the main points or requests made on each side; the final agreement reached on each area of negotiation;

Any points where agreement was not reached or further discussion is required. The record of the negotiation? Discussions must be signed by all staff of the procuring agency involved in the negotiation! Discussions.

Any other correspondence or information relating to the negotiation! Discussions must also be kept on the procurement file, including letters inviting the bidder to negotiate and the procuring agency's preparation of its negotiating position.

Conflict of Interest;

It is important that members of the RA should not be involved in conducting negotiations, but only ¡n approving the results and recommendations. If members of the RA are selected as negotiators, they will be in conflict of interest because they will then end up reviewing and approving their own work, the negotiation work should be conducted by one group of people, and the approvals must be sought from another group, so that the one can check the work of the other. Conflict of Interest is provided in Baluchistan Procurement laws and in varios provisions in Fedral, Sindh, Punjab, Kpk and Aj&k procurement laws. No person/ employee/ member of procurement unit allowed to participate in procurement process or through their partners and this act is a crime that may be impeached in accordance with applicable laws.

Alternative Methods of Procurements; Alternative method of the contract is another option for the procuring agencies. This is an optional provision that may be invoked by the procuring agency under the conditions fulfilment. In case if the procuring agency is satisfy to utilize the alternative method of procurement then there is no need to advertise the tender as per relevant clause. The procuring agency may use the electronic media to get information and to award the contract to the relevant contractor. This is the pure domain of the procuring agency to decide as per its requirement to follow the open competitive bidding process or alternative method of procurement under the conditions. This provision is circumventing to the open competitive bidding / due process and while invoking any clause of said provision the procuring agency should watchful to complete its procurement.

As per PPR-14. a procuring agency may utilize the alternative methods in procurement of GOODS, SERVICES AND WORKS:

Petty purchases:

(a) A procuring agency may provide for petty purchases where the object of the procurement is below the financial limit of seventy five thousand rupees and such procurement shall be exempted from the requirements of bidding or quotation of prices; the procuring agency shall, however, ensure that procurement of petty purchases is in conformity with the principles of procurement;

(b) Petty purchases through quotation: A procuring agency may provide for petty purchases through at least three quotations where the cost of the procurement is more than seventy five thousand rupees but less than three hundred thousand rupees and such procurement shall be exempted from the requirements of bidding procedures; the procuring agency shall, however, ensure that such procurement is in conformity with the principles of procurement;

(c) Direct contracting: A procuring agency shall only engage in direct contracting if any of the following conditions exist:

  (i) The procurement concerns the acquisition of spare parts or supplementary services from original manufacturer or supplier when the same are not available from alternative sources;

  (ii) Only one manufacturer or supplier exists for the required procurement but in such a case, the procuring agency shall specify the appropriate fora which may authorize procurement of proprietary object after due diligence; and

  (iii) Where a change of supplier may result in acquisition of material having different technical specifications or characteristics that may cause incompatibility or disproportionate technical difficulties in operation and maintenance; and the contract does not exceed three years in duration;

  (iv) Repeat orders not exceeding fifteen percent of the original procurement;

(v) In case of an emergency but the procuring agency shall specify appropriate fora vested with necessary authority to declare an emergency;

(vi) When the price of goods, services or works is fixed by the Government or any other authority, agency or body under the law; and

(vii) For purchase of motor vehicle from local original manufacturers or their authorized agents at manufacturer's price.

(d) Negotiated tendering: A procuring agency may engage in negotiated tendering with one or more contractors with or without prior publication of a procurement notification but this procedure shall only be used when:

(i) the supplies involved are manufactured purely for the purpose of supporting a specific piece of research or an experiment, a study or a particular development;

(ii) for technical or artistic reasons, or for reasons connected with protection of exclusive rights or intellectual property, the supplies may be manufactured or delivered only by a particular supplier;

(iii) for reasons of extreme urgency brought about by events unforeseeable by the procuring agency, the time limits laid down for open and limited bidding methods cannot be met, however, the circumstances invoked to justify extreme urgency must not be attributable to the procuring agency; and

(iv) The Provincial Cabinet, for reason to be recorded in writing, approves any specific procurement to be made on urgent basis and shall fix the time for such urgency.

From Public Manufacturing Units procurement of "GOOD" without adopting open competitive process up to one million rupees under rule 61 of PUNJAB PPRA.

In Federal AND AJ&K; rule 42 of Federal PPR-04 is the same as rule 59 of Punjab PPR14. Other than the financial limit of petty purchase i.e. seventy five thousand and three lac in Punjab PPR-14 against the Federal PPR-04 i.e. one hundred thousand and five lac. The financial limit of petty purchase for the Board of autonomous bodies is five hundred thousand rupees. This provision to the Board of autonomous bodies is not given in Punjab PPR-14. Same situation in AJ&K PPRA Rule No 42 as delivered in Federal PPRA. Now in Federal PPRA, some amendments are incorporated such as fixed budget, G2G procurement.

DIFFERENCE FROM KPK PPRA; In Punjab PPR-14 the provincial cabinet may after recording reasons on urgent basis fixed the time for procurement under 59 (d)(iv). In KPK PPRA less than three quotations for the petty purchase of 50,000 to 100,000 is acceptable on justification. The tax shall be added in the quotation. Repeat order within a period of six month with 15% exceeding. The Procurement through Govt. Organization

is allowed through direct contract the remaining paras of rule 10 is the same with rule 59 of Punjab PPR-14. For the procurement of civil works under section 18 of KPK PPR-14, the same contractor may be engage subject to limitation of repeat or variation orders. The variation orders or equal to repeat order up to 15 % of the principal procurement.

SINDH PPRA AND PUNJAB PPRA; In Punjab PPR-14 the petty purchase less than fifty thousand without quotation and one lac with three quotations is different from Sindh PPR-10 where petty purchase up to twenty five thousand without quotation is provided. Further, in Sindh PPR-10 the request for quotation other than consultancy services for the procurement of one hundred thousand rupees and above the financial limit of petty purchase three quotations are required. Further, in case of direct contract the Head of the department in writing or any other officer of (BS-20 or above) may declare emergency. Whereas in Punjab PPR-14 it is the procuring agency who notify a fora for declaring the emergency or direct procurement from sole proprietor. In Sindh PPR-10 the procurement of critical items from a particular supplier as a condition of performance guarantee and in case of civil works from the earlier contractor on basis of economical and to ensure compatibility of results in terms of quality is provided to engage direct contracting by the procuring agency. Further, the provision of force account is also provided in Sindh PPR-10. These conditions are not available in Punjab PPR-14. In case of repeat order that is up to 15% in both rules the provision of same financial year and on the same price as agreed in the original contract is provided in Sindh PPR-10 and this contention is not mentioned in Punjab PPR-14. Further, in case of works the repeat order may be during the currency of the project or scheme provided in Sindh PPR-10 only. Further, in Punjab PPR-14 the availability of negotiated tendering is provided but this provision isn't added in Sindh PPR-10.In case of direct contract the Head of the department in writing may declare emergency. Whereas in Punjab PPR-14 it is the procuring agency who notify a fora for declaring the emergency or direct procurement from sole proprietor.

In Baluchistan PPR-14 the procurement of critical items from a particular supplier as a condition of performance guarantee and in case of civil works from the earlier contractor on basis of economical and to ensure compatibility of results in terms of quality is provided to engage direct contracting by the procuring agency. Further, the provision of force account is also provided in Baluchistan PPR-14. These conditions are not available in Punjab PPR-14. In case of repeat order that is up to 15% in both rules the provision of same financial year and on the same price as agreed in the original contract is provided in Baluchistan PPR-14 and this contention is not mentioned in Punjab PPR-14. Further, in case of works the repeat order may be awarded during the currency of the project or scheme provided in Baluchistan PPR-14 only.

This rule explains the procedure for barring of contractors from participating in any procurement process of the procuring agency. It is the power of the procuring agency to debar any bidder / contractor after following the procedure provided in the schedule. PPRA may only hear the appeals in case of blacklisting filed by the aggrieved person. However, the Managing Director PPRA may take any action under sub clause 3 of said rule such as to debar a bidder or contractor of any procuring agency from participating in any public procurement process. The procuring agency may only debar the bidder / contractor to the extent of their procuring agency but can't announce such order that the

bidder or contractor is being blacklisted throughout all the procuring agencies. This power lies only with the Managing Director of PPR

Blacklisting Mechanism under Punjab Procurement Rules;

(1) A procuring agency may, for a specified period, debar a bidder or contractor from participating in any public procurement process of the procuring agency, if the bidder or contractor has

(a) Acted in a manner detrimental to the public interest or good practices;

(b) Consistently failed to perform his obligation under the contract;

(c) Not performed the contract up to the mark; or

(d) Indulged in any corrupt practice.

(2) If a procuring agency debars a bidder or contractor under sub-rule (1), the procuring agency:

(a) Shall forward the decision to the Authority for publication on the website of the Authority; and

(b) May request the Authority to debar the bidder or contractor for procurement of all procuring agencies.

(3) The Managing Director may debar a bidder or contractor of any procuring agency from participating in any public procurement process of all or some of the procuring agencies for such period as the Managing Director may determine

(4) Any person aggrieved by a declaration made under rule 20 or a decision under sub-rule (1) of this rule may, within thirty days from the date of the publication of the information on the website of the Authority, file a representation before the Managing Director and the Managing Director may pass such order on the representation as he may deem fit.

(5) Any person or procuring agency aggrieved by an order under sub-rule (3) or (4) may, within thirty days of the order, file a representation before the Chairperson and the Chairperson may pass such order on the representation as he may deem appropriate.

(6) The mechanism or process for barring a bidder or contractor from participating in procurement process of a procuring agency, procuring agencies and a representation under this rule is specified in the Schedule appended to these rules.

In Punjab PPR-14 are detail about the blacklisting, its procedures/ mechanism and the limitation of appeal is provided through rule 21 and schedule. These rules are embedded with a Schedule that is an attempt to make it comprehensive and clear to avoid the ambiguity and litigation. This schedule have a comprehensive mechanism and procedure that how a procuring agency shall start the blacklisting process by issuing a showcase notice giving a minimum 7 days' time to respond and after affording proper hearing to the parties shall take any decision. A two layer appellate forum is also

provided in these rules for objections against the orders accordingly. In Federal PPR-04 it is the procuring agency who shall specify the mechanism and manner for the blacklisting. An amendment is now incorporated in Federal PPRA rules whereby, the punishment and period of blacklisting is provided and the forum of appeal is designed. In KPK PPR-14 the procuring entity shall specify the mechanism for blacklisting however, in Punjab PPR-14 the mechanism / procedure has been given in detail with the provision of applied authority against the blacklisting under rule 21 and section 17-A of PPRA Act 2009. In KPK PPR-14 the applied is the administrative secretary of the procuring entity. In Sindh PPR-10 the conditions for blacklisting is slight different from Punjab PPR-14 and the aggrieved contractor may file a presentation / appeal before the Authority who shall refer the matter to the review penal establish under rule 31 for decision.

However, in Punjab PPR-14 the MD is the Authority to decide the appeal and the aggrieved may file presentation before the chairman i.e. Chief Secretary. In Punjab PPR-14 the mechanism and procedure is given in rules and added as a schedule that isn't available in Sindh PPR-14. In Baluchistan PPR-14 the conditions for blacklisting is slight different from Punjab PPR-14 and the aggrieved contractor may file a presentation / appeal before the Authority. However, in Punjab PPR-14 the MD is the Authority to decide the appeal and the aggrieved may file presentation before the chairman i.e. Chief Secretary. In Punjab PPR-14 the mechanism and procedure is given in rules and added as a schedule that isn't available in Baluchistan PPR-14. In Aj&k the procuring agency may debar a bidder for a specific period in a prescribed manner as provided in section `18 read with rule 21 of Aj&k rules of procurement. These are the replica of federal ordinance 02 and rules 04 on procurement.

These above definitions and procedures are applicable in Pakistan under the pillar of applicable laws on procurement whereas, being a part of the procurement if one is vender potential bidder or any stakeholder always found him is muddle therefore, a comprehensive analyses is necessity to harmonize the entire procurement laws throughout the Country as we can only be able to get the maximum benefit of procurement laws in Public procurement. In addition to that it is also need of the hour that Pakistan Engineering Council By-Laws may be revised keeping in view the applicable rules of procurement specially when the bidding documents are formulated the confused clauses should be consistent with the procurement laws. Same problem is also noted when the procurement case are investigated by the Auditor General office and other accountability forums the other ancient notifications or circulars are utilized for audit. The General Financial Rules and the Delegation of Financial Powers Rules are needed to be revised in accordance with the procurement rules/ laws although the procurement rules clearly stated that in case of any confusion with any other law, the procurement laws/ rules should be prevail, having over riding effect.

Accepted Wisdom;

The inter alia suggestion to improve the procurement process and to acquire the enormous profits in Public procurement may be following;

Amendment And Revision of Rules; The legal framework may be reviewed and amended periodically to address the gaps and weaknesses, improve transparency and

facilitate efficiency and economy in procurement processes. The legal framework could be made more robust and solid by addressing the following areas:

a) Mandatory posting of all the important documents relating to public procurement;

b) Code of ethics for procurement officials and staff of regulatory authorities;

c) Guidance on value for money assessments;

d) Enabling provisions for managing critical decisions and exercise of discretion though collective decision making bodies (such as procurement committees, inspection committees etc.);

e) Creating space for oversight of procurement processes by Civil Society;

f) Prescribing timelines for different steps in procurement processes;

g) Allowing for consideration of quality aspect in case of procurements of goods, works and Services;

h) Incorporating guidance on framework contracts especially in case of works procurement;

i) Enabling provisions for e-procurements by formulating SOPs;

j) Setting up procurement units manned by specialized staff;

k) Allocation of an appropriate quota for the small contractors/ firms, which may serve as an incentive for the new businesses to enter market, thus expanding the supplier base and leading to improved procurement outputs due to increased competition;

l) Specifying consequences of mis-procurement and specific penalties for bid rigging or use of corrupt, fraudulent, collusive or obstructive practices in procurement;

m) Second tier grievance redressal mechanism and effective anti-corruption measures;

n) Bringing public auctions within the domain of public procurement laws.

o) Conduct of procurement post reviews by the PPRAs. They may also refer cases to Auditor General and NAB (anti-corruption organization) where material noncompliance of PPRA Rules is suspected.

p) Authorization the power of declaring the mis-procurement and its mechanism (SOP).

q) Staff arrangements for procurement and restriction on their transfers from the procurement sells if otherwise not found involve in any malpractice.

r) Annual procurement plaining revision with approval of competent authority with justifications.

s) Independent chapter for the procurement of work (short, medium & large) projects incorporation in Rules with SOP.

t) Contract management and its SOPs with detail.

u) International procurement protocols and procedure.

v) Mandatory trainings to the procurement officers/ officials and templates such as bidding documents, contracts and termination of contracts.

w) Details about the Committees (bid Opening, technical & financial evaluation).

x) Approval mechanism and financial authorization.

y) Detail about the forum of imposing alternative method of procurement viz, emergency and urgency.

z) Detail against each type of procurement as public by USA through its "The Federal Acquisition Regulations".

aa) Response time in simple procurement must be revised keeping in view the desirables and 15/ 30 days should be there in case of the procurements of work or high cost technical equipment. ab) Definitions in all PPRA Laws throughout the country should be same along with the methods of procurements

Traditional Procurement; Problems inherent in traditional paper-based procurement processes include incomplete management information, inefficient procedures, high compliance costs for suppliers and departments, simplistic and inferior procurement methodologies, and a profound lack of transparency.

Contracts And Different Prices; Clumsy buying across government with different departments having different contracts and different prices for the same goods in High process costs associated with testing the market; Out dated market intelligence; Unusual spending (off contract); Inefficient payments processes; Obsolete audit information; Error-prone contract management tracking.

Relevancy in Management; In this traditional environment, many opportunities for improved social and economic outcomes are invisible because the relevant management and planning information is inaccessible. Many of these issues can be partly or largely addressed thought the effective use of information technologies

International Experience; International experience has varied widely with, in some cases, e-procurement being rolled out and adopted quickly, while in other cases rollout has been followed by only slow take-up if at all. In Andre Pradesh, e-bidding was mandated and implemented without a transition period. In Bangladesh, a significant phase-in process over several years is currently underway for the complete system, and in Kazakhstan an e-procurement system is being phased in terms of individual functions. A partial system is being phased in by Nepal. Across the European Union (EU) as a whole, the development and application of e-Procurement has been slow by international standards.

Good Decisions Required; The development of policy gives important direction to the procurement environment and its transformation. Policy should include issues such as value for money, open competition, risk management, local business, economic

development, public procurement performance, and integrity and ethics. It should also be applied to the development of e-procurement systems and their interfaces to other corporate systems. a policy driven approach to procurement gives broad direction as to what outcomes government procurement should achieve without over specifying how it is done.

Public Key Infarsture (PKI); It is common to encounter public officials both in developing and developed country governments, who haven a belief that the straight (PKI) digital signatures used in some government e-procurement systems are vital in e-Procurement due to the security sensitivity of users of e-procurement, revealing presumptions amongst these officials and even some consultants and advisors that this application of PKI provides security, and that no alternatives of equal or superior performance exist. There is intrinsically a presumption that PKI represents a standard, even the sole standard, rather than a technology. PKI may be in connection of Transparency, Efficiency, Integrity, Development of private sector and System performance. The measurement process can be incorporated into the e-Procurement System, which should enable automated monitoring of KPIs for stakeholders. The achievement against the targets should be reported to the PSC. PPRA which is using 'Notice Inviting Tender') In addition, the recently constituted Advisory Group on Public Procurement (AGPP) - a voluntary association of all PPRAs in the country established under the aegis of Federal PPRA - shall lead the initiative for harmonization of procurement laws and procedures as applicable at the federal and provincial levels. The harmonization will give a positive signal to the private sector participants, reduce barriers to participation, increase competition and help create synergies.

Strengthening Of PPPRA' Through Operational Independence And Financial Sustainability; In order to transform the PPRAs into autonomous, neutral and independent regulatory bodies, the mechanism for constitution of PPRA Boards may be reviewed. Inclusion of representatives of private sector stakeholders (such as trade bodies), Civil Society, Auditor General, NAB, PEC, a representative of opposition members in the National Assembly may be considered. The Managing Director may also be selected from public/private sector through open competitive process.

Threats on Procurement from NAB; Throughout the Country every authorized persons or members of procurement team(s) are avoiding to initiate any procurement process due to constant intimidations of NAB or other inquires after the completions of procurement. All such officers felt them in hot waters in case of procurement and always like to quit such post of procurement with rational that in case of procurement they would be implicated so it is more appropriate to get a simple transfer or an audit para of surrender of funds. It is proposed that there should be a mechanism to check the process of procurement by some experienced experts separately through modern devoices but not through typically interrogation system through the investigation officer having no experience about the public procurement or concept of public procurement. Accountability should be accomplished in transparent manner and no one should be allowed to contravene law but, for the public holding office bears a separate forum in consisted with experts rather the same persons conducting enquires on simple offences essential to design. Prior to taking any action against the Public Servants a detail inquiry should be conducted without publication and after such investigation the case should be

register. If some officer found guilty through inquiry it should not be public prior to any penalty from the court however he must be departed from such official business. There is crucial need to revise the NAB laws to the extent of Public Servant for benevolent and stretch courage to do the official business.

Establishment of Second Tier Grievance Redressal Forum; PPRAs shall make arrangements to develop a second (independent) tier for redressal of grievances. This will help the public procurement system in better process management and accountability of public officials which will ultimately lead to efficiency in procurements. PPRA Boards may deliberate and decide on the contours of such a tier. There could be three options for this:

Option 1: An Ombudsman similar to the Tax Ombudsman is created who specifically addresses complaints on public procurement or creating a special cell within the existing Ombudsman office which should only cater to complaints regarding public procurements. Such an office should be provided with skilled and experienced procurement staff.

Option 2: Based on Turkish Model, three members from either the existing Boards of PPRAs or additional members, may constitute a forum specifically responsible for handling complaints. These members shall have expertise in law and public procurement and be willing to devote time for handling the complaints.

Option 3: Setting up an appellate forum headed by retired judge of High Court and comprising two other members a retired senior civil servant having sufficient expertise in public procurement and an independent expert/professional having specialization in procurement.

In order to ensure that the public procurements do not suffer inordinate delays, a timeframe could be given within which these complaints can be filed. The PPRA Board can also consider a standstill period which will mean that if a complaint is filed within this period, the Board could bar the procuring agency from signing the contract till the complaint is resolved. The second tier office should duly publicize its decisions and keep a record of the complaints for identification of common issues and persistent aberration from the rules/ norms.

Development of Regulations, Standard Bidding Documents and Manuals; The PPRAs shall develop procurement regulations, standard bidding documents and model manuals for goods, works and services. These regulations, SBDs and manuals may be developed in consultations with the stakeholders and already developed SOPs & Bidding Documents must be revised.

Introducing E-Procurement; International experience suggests that technological innovations such as e-procurements and electronic reverse auctions can enhance the efficiency of procurement, eliminate bid rigging, strengthen transparency and achieve value for money. The digitalization of procurement processes eliminates the direct interface between procurement officials and bidders and thereby significantly reduces the chances of bribery and corruption. Another/ adverse opinion is also very strong in its arguments that due to lack of technical hands and adopting any well designed software

how it can be possible when the admiration of any office always change its requirements and non-provision of timely public funds is always in practice.

Capacity Building of Procurement Staff; It will be useful and constructive that the federal and provincial regulatory authorities develop a training strategy which encompasses all the dimensions and facets of procurement. Especially for those employees of Auditor General Office who always deputed from their respective offices for conducting audit of the procuring agencies with a calculated mind to enhance the numbers of audit paras.

Irregular and Illegal Process; Procurement rules should be segregated keeping in view the severe-ness of the violence of procurement rules as the definition of mis-procurement is generic even a minor violation cannot be rectified by any authority in case it is made without any mala-fide intention or due to an errata or typo mistake. Moreover, no rule is provided that empowered any person/ authority to declare mis-procurement and forum/ competent authority to regularize such mis-procurement.

National Procurement Strategy; The PPRAs may consider partnering with higher education institutions (LUMS, IBA etc.) and specialized training institutions (NIMs, PIM etc.) for developing training modules which cover full range of courses that are required for building procurement skills of procurement officials.

The Government may encourage training in public procurement as part of the national education policy. It may also encourage and advise the institutions of higher learning especially the Engineering Universities to develop public procurement demand driven training curricula targeting specific procurement functions.

E-Learning; Multiple channels of delivery may be explored. The concept of e-learning may also be considered as it allows an opportunity to improve skills and professional credentials through on-line accessible training. Besides, e-learning can be easily updated (if designed appropriately) as the system matures and develops.

Procurement Certification; Certification be made mandatory for those officials who have to deal with procurement and shall be a pre-condition for postings against procurement assignments. The certification requirements shall be based on level of responsibility of the procurement personnel. The design and development of hierarchy of certifications (certificate course, diploma, degree course etc.) will require special attention.

Training of Suppliers And Other Stakeholders; As part of its obligation to enhance the capacity of bidders to submit responsive bids, PPRAs may take the initiative of training the potential bidders in the important provisions of the PPRA Rules and Regulations as well as the procedures for the Procurement of goods, works and services. In addition, training courses may be developed for other stakeholders such as Auditors (of Auditor General of Pakistan), investigators (of anti-corruption bodies), civil society, and media etc Good Practice Guidance by PPRA: Several countries such as Ireland, Austria, France, Italy, Denmark envisage

Role of Civil Society; Public Procurement Reforms in Philippines considers the role of civil society organization as pivotal to any strategy aimed at reforming the country

procurement regime. Oversight and Control Mechanism: Jansen and Meckling (1976) observe that the principal can limit divergences from his interest by establishing appropriate incentives for the agent and by incurring monitoring costs designed to limit the aberrant activities of the agent39. In the context of public procurement Ohad Soudry40 also highlights the importance of oversight and effective control mechanisms (both ex ante41 and ex post42) in resolving the Principal

Methods of Procurement in Goods, Services and Works; Procurement starts at the beginning of a new financial year once the annul Procurement plan has been finalized. Procurement has to commence early because all Procurement are not simple and complex Procurement may take a year to complete therefore, this concept of annual procurement plaining may be advanced with the time period with more than a year plaining.

Step-By-Step Process of Raising a Requisition; After the approval of requisition form, the end user prepares a detailed description of goods, works or services. The description of requirements, or specification, is a key document which is used throughout the Procurement process and saves a variety of purposes. By forming a part of the bidding document, it defines the salient features of items to be supplied and the technical standard against which the items supplied can be inspected, prior to acceptance.

Generic; While preparing the description, the end user needs to keep it standard. This means they should not include references to brand names, model numbers, catalogue numbers or similar classifications. However, the word "equivalent" should be excluded from the law because comparison with offered goods is very difficult and it creates doubt which resultantly made a case of accountability. Every procuring agency should develop its resources and formulate the specifications without referring any brand.

Comparable; If the end user is convinced that the use of or a reference to a brand name or a catalogue number is essential to complete an otherwise incomplete specification, the use of reference shall be qualified with the words "or equivalent". For technically complex goods, a technically qualified person should provide the specifications. If such a person is not available then a consultant should be hired for this purpose. Also, while preparing the descriptions, it should be kept in mind that the Procurement is meant to fulfil minimum possible requirement and is by no means an extravagant affair. The bidding document should be user-friendly, self-contained and unambiguous. Terminology used should be simple such as in common parlance in the industry. The eligibility criteria (past performance, financial position, technical capability etc.) should be specified. Similarly the procedure for preparing and submitting the bidders; deadline for submission; date, time and place for public opening of tenders; criterion for determining responsiveness; tenders evaluating and ranking of tenders and criteria for acceptance should be incorporated in the tender documents in clear terms. Any condition which was not incorporated in the tender document should not be brought into consideration while evaluating the tenders.

Equality; The tenderer must have a reasonable opportunity to question the tender conditions and / or rejection of its tender and are not permitted to alter or modify the tenders after expiry of the deadline for receipt of tenders. Negotiation with tenderers is

severely discouraged. The name of the successful tenderer should be properly notified and informed to the general public also.

Respond Time; The general rule is that any tender above a value of Rs. 3,000,000 (Two Million) must be through invitation by public advertisement. It must be published in a national newspaper having wide circulation and should also be published in the website of the organization and Public Procurement Authority. An international tender requires the tender notice to be published in international newspapers. The exception to the general rule of advertisement is provided in cases when the demand is certified urgent by the competent authority in the organization, then the nature of the urgency and reasons why it could not be anticipated earlier should be stated, reasons are given as to why it will not be in public interest to procure the goods or services through advertised tender enquiry; and lastly when the sources of supply are definitely known and the feasibility of fresh sources beyond those being tapped are remote. In such cases a procuring agency can procure through direct contracting. However, there should be such rules that in case of simple, general or standard procurement where no technical involvement or simple work required than only seven (7) days for response is enough.

Receiving of Bids; Bids should be received either through a tender drop box or hand delivered to the nominated officials. The guidelines provide that entry of all tender details in registers, duly signed, numbered and initialed by the authorized officials thus ensuring transparency. Each page of the price schedule shall also be initialed along with date. All tenders received in time shall be opened in the presence of authorized representatives of the tenderers whilst announcing the salient features of the tender at the designated date, time and place immediately after the deadline of receipts with minimum time gap in between. One side we are emphasizing to E-procurement and other hand we are being scrutinized on the basis of these understanding by the auditors so it need to be revised.

Evaluation Of Bids; All aspects which are to take into account for evaluating the tender, including the method to be adopted for determining the responsiveness, are to be incorporated in the tender enquiry in a clear manner without any ambiguity. Preliminary examination is the first step to see whether the bids meet the basic requirements of the tender and those which are not satisfactory to be treated as unresponsive and ignored however, the bid opening committee may not disqualify any bid at that stage. The process of bid evaluation should be part of bidding documents and reference in law of procurement as well.

Negotiations; Negotiation with bidders is discouraged but can be used strictly only as an exception if bid price is not reasonable in case of consultancy according to Punjab

PPRA Rules. If all the necessary requirements were not fulfilled by the procuring agency then the tender should be reissued / re-floated after rectifying the deficiencies. However, if all aspects were fully taken care of and the quoted price is reasonable the contract may also be placed on that one responsive tenderer. Recently Federal PPRA has introduced the negotiation/ discount offer with the lowest evaluated bidder but that was stroked down although it was a good attempt. Voluntary offer should always be welcomed and that should be some legal backup to protect the procuring agencies as by this way the public exchequer is saved. Study has shown that the term 'value for money' seems abstract and subjective, and not every Public Procurement Official can be

presumed to be implementing it given that there is a lack of understanding of what it means. A clearer definition of Value for Money is therefore required in order to facilitate its effective implementation in Public procurement.

Limit The Corruption; The theory of corruption have been with us since time ancient and are all too acquainted through evolution since traditional ancient times. The first recognized cases of corruption date back to 3000 BC (Noonan, 1984) i, which affords us with a myriad of states, frameworks, and performers. It is an extensive phenomenon whose displays and have changed over time and in different humanities; however, it has not allowed us to reach contract on a single, usually held definition (Amundsen. 2000)

Why talking corruption and to overcome it in public procurement is an imperative factor the simple answer to safe the public exchequer. Public procurement is the one most helpless and developing part of the Govt. that needs due care as between 15 percent and 30 percent of gross domestic product (GDP) is being wastage through the corruption in various style. These percentages of total public spending reserved for public procurement establish a motivation for firms to place themselves more constructively relative to their competitors through the use of the corrupt practices (Stapenhurst and Langseth, 1 997) Public procurement in numerous portion of the world are oversaw by public procurement rules and regulations equipped particularly for public procurement. These rules and regulations having its own scope and are seeking to ensure the circumstances for real competition between firms/bidders for the best possible solution that is the primary objective (Arrowsmith, 2005) 1. A strong and complete regulatory framework to conduct the public procurement is an essential requirement for limitation the corruption in public contracting (ADB/OECD, 2006). In the first place, it is need of awareness of procurement laws and necessary for the procurement related concerned including the bidders as well as the govt. As we all know, tend to side with the powerful and the law has practically lost much of its meaning in our country. The implementation of these laws is likely to be extremely limited in this regards. This is tragic. It creates the trouble gulf that exists between the process of procurement and the govt. Entities. This rings true for others having lack of connected knowledge and no means/ability to defend themselves against the auditor's observations (paras) and worst actions of competent authorities against such procurement officers. The procurement units of any procurement agency always violate the PPRA.

Comfortable to the Objections; The bidder must be given reasonable chance to question the bidding conditions and prompt information of its tender rejection. For the purpose pre-bid meeting should be, arrange to able a good, comprehensive and acceptable document, which ensure the slandered procurement. However, no bidder should be allowed to alter or change the tenders after finish of the limit.

Evaluation Through Independent Committee; Independent committees should be notified for the evaluation except taking into account the technique to be espoused for decisive the receptiveness, are to be combined in the tender query in a vibrant way without any uncertainty.

Market Price Analyzing; Before initiating the biding process and accepting or executing the contract with the winner, it should be safeguarded that the current market price of the same/similar goods.

Government Policies; It is suggested that to ensure value for money at all stages of management should be encouraged and the procurement regulatory authorities in partnership with public units must ensure compliance of PPRA Rules through hard checking and evaluation of the procurement policy to save the public exchequer.

Encouragement to Sporting Staff of Procurement; Organization supports for VFM programmers at all heights of management should be cheered. There should be incentives for those staff and recognition certificates that shall boost their confidence.

Rotational Training; Procurement regulatory authorities (Public Procurement Authority) must conduct trainings for all procuring agencies concerned persons regularly not with in their offices but with the collaboration of some renowned institutions or organizations including the private venders. DECENTRALIZED PROCUREMENT; As centralized procurement is against the aim of procurement rule, which empowered the categories one officer to procure its desirable at his own level while using its financial delegated powers. It is also evident that in case of big procurement throughout the province centralized procurement may be done, as it is not disallowed by PPRA if the study shows the benefit of saving the public exchequer.

Framework Contract; In International law, such agreement between the groups can acknowledge that they cannot reach full agreement on all issues but are willing to observe a structure by which this agreement can be resolved. The practice of entering into framework agreement originated in the 1950s with an agreement regarding asylum between Colombia and Peru. A framework agreement is not an interim agreement but it refers the basics of how business will be done (particularly relating to price, delivery and quality of service) but specific details added later on (such as quality, scope of service or number of hours).

Empowerment To The PPRA and Separate Courts; As PPRA is a regularity authority and its role is independent but unfortunately, it is still under the control of (BABUES) Bureaucrats that frequently favors their colleagues in case of any violation of these rules. There is crucial need of technical experts in all PPRA offices rather to collect the raw material such typical clerks and officials/ officers. It is strongly recommended that in PPRA offices a team of engineers, legal experts and special trainers should be added to enhance the capacity of this office otherwise no positive results are expected. On the other hand, this office should be given such powers that it may refer the matter directly to the NAB for the investigation. But, prior to that MD PPRA should be empowered to take cognizance in any matter pertain to procurement and made a judgement and pass instructions to the procuring agency in case if he found any irregularity or mis-procurement in any procurement process. Three should be a special bench in each High Courts of the Provinces where the Hon'ble Judges well versed with these Laws dispose such matters quickly without adopting the lengthy process of herring as in previous year only in Punjab Lahore High Court Lahore about 140,000 were pending for adjudication. There should be a mechanism for appeals against the decisions of the procuring agencies/grievance redrassal committees and Orders of the Managing Directors of PPRA but that period should be mentioned keeping in account the sensitivity of the subject but in no case all such process should be more than a month maximum limit.

DEPARTING DECLARATION;

Allowing to apropos observation and suggestions it may be culminated that the harmonization of all PPRA Act(s) and Rule(s) is the critical need, the deficiencies of the different PPRA Laws should be rectified and international change in the procurement sector should be incorporated and made a part of Pakistani procurement laws. The burning issue within the topic is paucity of qualified and experienced staff and officers in PPRA office and one of the hot among the others is lack of Government courtesy/attention towards this pivotal and most important regularity authority. An effective media/awareness program should be organized for the people about the procurement understanding and in such way; we definitely able to save the public money and it shall be more beneficially if made announcement the honor for the people who highlight such violation in any procurement especially for the bidders/venders. The important gadget, without that you cannot able to make a respectable public procurement is, provide protection and confidence to the procurement related public officers/ officials and it should not be gained without modifying the NAB laws and government fortification/ ownership. The Government high bureaus and Parliamentarians should be well aware about the public procurement Laws and only this way the public exchequer may be save if a check and balance mechanism is developed.