THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY PAKISTAN

ARTICLE 9, PARAGRAPH 1 UNCAC

PUBLIC PROCUREMENT

PAKISTAN (SECOND MEETING)

Article 9: Public procurement and management of public finances

The government of Pakistan had promulgated an Ordinance on May 15, 2002 called the Public Procurement Regulatory Authority Ordinance 2002. The Ordinance extends to the whole of Pakistan and has come into enforce on the same day of promulgation.

The Ordinance has established a Public Procurement Regulatory Authority at the Federal Level. The Ordinance has also been adopted by two federating Units (The Punjab and Sindh) with some modifications. However, substance of the law has remained the same. The Ordinance consists of 6 Chapters and 28 Sections that sufficiently deals with ensuring clean and transparent public procurement.

The Authority has the powers to make rules for achieving purposes of the Ordinance and rules were made in 2004 accordingly. The Federal Government machinery is subject to follow these rules in letter and spirit.

NAB has been interacting with PPRA since its inception. This interaction is in two spheres; one to ensure that public procurement is done according to these rules, and two, to process the contracts for criminal investigations if procurements were made in violation of this statute leading to loss public money. For this purpose, NAB and PPRA had jointly produced a Contract Evaluation Proforma that is completed and returned to PPRA and NAB along with contracts documents by the contracting departments.

Further more, section 33B of NAO-1999 makes it mandatory for all three tiers of government to forward all public procurement contracts exceeding Rs. 50.00 million are sent to NAB for evaluation. The Section is reproduced as under;

Section 33B: Reporting of public contracts.

"All Ministries, Divisions and Attached Departments of the Federal Government, all departments of Provincial and local governments, statutory corporations or authorities established by the Federal Government or Provincial Government and holders of public office shall furnish to NAB a copy of any contract, entered into by such Ministries, Divisions, and Attached Departments of the Federal or Provincial Government or such holder of public office on its behalf, as the case may be, of the minimum monetary value
of fifty million rupees or more, within such time as is reasonably practicable from the date of signing such contract". 