

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY PAKISTAN

ARTICLE 9, PARAGRAPH 1 UNCAC

PUBLIC PROCUREMENT

PAKISTAN (THIRTEENTH MEETING)

The National Accountability Bureau (NAB) is empowered under section 33-C of the National Accountability Ordinance (NAO), 1999 to review the rules, and laws of the public institutions and propose reforms in their laws and procedures to promote transparency and curb corruption.

2. In light of the foregoing, the National Anti-Corruption Bureau (NAB) has established Prevention Committees in several public sector institutions to analyze systems and recommend reforms in laws, rules, and procedures to eliminate corruption in collaboration with the concerned institutions and all relevant stakeholders. The important recommendations of these committees are transmitted to the relevant ministries for implementation. Some of them are summarized below:

1.

Prevention Committee on Reformation in Housing Sector

- a. **Development of Website:** The NAB's following recommendation on the use of ICT for the land record, procurement and ownership has been implemented by the Capital Development Authority in their land sub-division rules, 2010:

"In order to provide for submission of a web-based application, allotment of plots etc. the Sponsors / Developer shall have a website as per approved format duly connected to Regulator site, containing details of land ownership, its location, approved map of the Housing Scheme, NOC and layout plan, detail of public amenities and total residential, commercial and amenity. The sponsors shall update the website regularly."

2.

Prevention Committee on Procurement Procedures of Khyber Pakhtunkhwa

E-Procurement: The implementation of the E-Procurement Regime in all departments of Khyber Pakhtunkhwa ensures an inherent evaluation process of Rules and Rates, as well as the capacity to generate analytical reports for the detection of violations/breaches, assuring transparency. Through the addition of relevant provisions in Section 14 (3) of the KPPPRA Act, 2019, the templates should be available in the system for Procuring Agencies to upload cost estimates/engineer estimates for the procurement and prices/quotes received in bid(s) to enable a clear transparent comparison.

3. Prevention Committee on Standardization of Terms & Conditions for Pre-qualification of Contractors, Tender / Bid Documents / Contract Agreements & Design / Specifications of Building, Projects

Creating a Real-Time Database of Blacklisted Suppliers in E-procurement System:

"The Pakistan Engineering Council (PEC) and the Public Procurement Regulatory Authority (PPRA) should jointly build a method for creating a real-time database of blacklisted suppliers, preferably in the E-Procurement System." The preventive committee's recommendation has been successfully implemented with the bidder evaluation system.

E-Procurement System: PPRA is in the process of moving away from manual tendering and e-procurement and toward an ICT-based procurement system. PPRA only published 14% of procurement announcements in newspapers this month, but E-Procurement platforms aim to eliminate all manual processing details and increase transparency in the system. The system will be based on AI and automatically functions under the PPRA rules. To maintain transparency, there would be an inbuilt evaluation procedure for Rules and Rates, as well as the ability to generate analysis reports for the detection of infractions/breaches, if any. The Procuring Agencies would be able to upload cost estimates/engineer estimates for the procurement as well as prices/quotes received in bid(s) to enable a clear transparent comparison.

**THEMATIC COMPILED 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".