

"If a free society cannot help the many who are poor, it cannot save the few who are rich."

~ John F. Kennedy

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Editor's Note: BIBLICAL FLOODS, AFTERMATH AND PUBLIC PROCUREMENT

The aftermath of floods of Biblical proportions would entail an earnest, swift and massive reconstruction effort. Much of it would be in the form of goods, works and services, procurement of all of these would be strictly subjected to Public Procurement Rules which lay down elaborate methods of procurement. Apprehending that some procuring agencies would call this a tall order and unleash unqualified criticism in crying out imagined impediments created by PP Rules. Time constraint and emergency are two sides of a coin; therefore it needs to be explained at the very outset in the perspective of public procurement. 'Emergency' is any circumstance caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or by any inherent defect due to defective construction, or when the immediate preservation of order of public health is necessary by reason of unforeseen emergency, or when the restoration of a condition of usefulness of any public building, equipment, road or bridge appears advisable, or in the case of a public utility when there is a failure of any machine or other thing used and useful in the generation, production or distribution of electricity, water or natural gas or in the transportation or treatment of sewage. In a nutshell, when the delay incident to obtaining competitive bids could cause adverse impact upon the governing authorities to limit or avoid damage to person, property or the environment.

An emergency procurement may be made when an emergency condition arises and the need cannot be met through normal procurement procedures. It must be as a result of a situation that was unforeseen or unanticipated. In other words, an emergency procurement is an acquisition of good, service, or construction essential to meet an emergency situation. However, it is very difficult to justify an emergency procurement if the situation is resultant of poor planning, overlooked requirements, inaccurate usage of history data or incorrect/lack of forecasting.

Rule 42 C (v) of Public Procurement Rules 2004 lays down the following mechanism to cope with disasters: Procuring agencies may invoke direct contracting in case of emergency provided that the procuring agencies shall specify appropriate fora vested with necessary authority to declare an emergency; Rule 42 d (iii) of Public Procurement Rules 2004 deals with such conditions in the following manner:

"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. The circumstances invoked to justify extreme urgency must not be attributable to the procuring agency: Provided that any procuring agency desirous of using negotiated tendering as a method of procurement shall record its reasons and justifications in writing for resorting to negotiated tendering and shall place the same on record".

The floods have brought untold miseries to millions, this slow Tsunami caused a largest exodus of mankind since our independence, reconstruction requires urgency, transparency, compassion, and a high sense of honesty in this moment of trial. Public procurement Rules provide an honest solution to be followed in the right spirit of integrity provided the required conditions are met.



"Fear comes from uncertainty. When we are absolutely certain, whether of our worth or worthlessness, we are almost impervious to fear. Thus a feeling of utter unworthiness can be a source of courage."

~ Eric Hoffer

"True repentance entails constant regret of your sins. Without remorse, good deeds, be they abounding, could be eclipsed by pride that follows piety. Remorse for a sin is superior to good works. Never forget your transgressions to save yourself from conceit."

~ The Kashf al-Mahjub
Syed Ali bin Uthman al-Hujwari



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CAPACITY BUILDING PROGRAM AUGUST 3-4, 2010:

PPRA conducts fortnightly two-day procurement training sessions regularly at National Institute of Procurement (NIP) Islamabad. The nominations are sought from all federal government entities. For diversity of participants procurement related experience two to three nominations are invited in their turn. If the group is close to a score in number PPRA holds special sessions as well. In the month of August, due to the holy month of Ramazan, only one training program was held on August 3-4, 2010 at National Institute of Procurement (NIP). Participants from IBA-Karachi, AMF, MRF, KARF, PAF, CAA, PIA, HIT, M/o Railways, MVRDE and IB attended. Brig. Raja Imtiaz, former Joint Secretary (Cabinet Division) was the Chief Guest. The chief guest hoped that this training workshop will benefit the procuring agencies in achieving quality procurements for the country's development. The Chief Guest distributed certificates to the participants on successful completion of the course.

GRIEVANCE REDRESSAL COMPARISON: AUGUST 2009-2010

The comparison with August 2009 indicates a rise of 76% in the number of complaints received and disposed off in August 2010 (Graph). Most of the procuring agencies on the direction of PPRA have formed "Grievance Redressal Committees" to speedup dispute resolution. Up to now 128 such committees have been formed and placed on PPRA website for the convenience of stakeholders.



MONITORING

It appears from the table below that due to the worst ever floods in Pakistan about 17% less tenders have been floated by the procuring agencies. Nonetheless, it is heartening to note that a 3% lesser violations have been made by the procuring agencies in August 2010 in comparison to August 2009. It is feared that a cut in development expenditure will further reduce economic activities relating to long term projects and government procurements.

Table: Comparison: August 09 Vs. August 10

Heads	Aug 09	Aug 10
Tenders Uploaded	1466	1220
Violations Indicated	267	183
% of Violation	18%	15%

PPRA ONLINE QUERY SYSTEM

To facilitate stakeholders an "Online Query System" a new feature of PPRA website has been launched where users can submit their queries related to predefined title online which is promptly replied.

An online link is available at PPRA website where a user can submit query by filling out an online form with specific list of query. After submission a unique ID assigned which can be searched easily for ready reference.

User can also view PPRA reply by searching query from the query reply link. The status of a query is also displayed on PPRA web portal. Once the query of a specific title is uploaded it has a "Waiting Status" and the same is changed to a status of "PPRA Reply" once it is replied.

PPRA EMBARKS ON ePROCUREMENT

eProcurement is the acquisition of Goods, Works and Services via internet. The phenomenon is collateral to the economic development of a country and contributes 15 to 20 % of the GDP. eProcurement has revolutionized the modern world and entails extensive reengineering of public sector management, service design and delivery, legislation and implementing procurement reform strategy through use of information technology. Over time a strong need has been felt in the public sector to develop an e-Procurement system for Pakistan to achieve economies of scale,

transparency, economy, quality and efficiency in public procurements. The growth of Public and Private sector are equally important for a stable economy. Their need to be on the same page revitalizes the essence of e-GP system.

PPRA has developed e-GP implementation strategy which is sensitive to all elements that distinguish one jurisdiction from another including PPRA' management, PPRA Ordinance, PP-Rules 2004, PP- Regulations 2008, PPRA Guidelines, Infrastructure and web services, SBDs and Private Sector viz a viz Government Sector active participation. Accordingly an e-GP implementation strategy, like any reform strategy, has been developed, customized and owned by each jurisdiction. PPRA E-GP implementation strategy includes four phases: Phase 1 entails information services related Tender uploads, Procuring Agency registration, and E-Tender forms. Phase 1 has been launched. Phase 2 is in the initial implementation phase and includes Document downloads, SBDs / Contract Forms related Goods, Works and Services. Phase 3 includes Supplier Registration and Catalogue purchasing and Phase 4 shall cater the bid qualification, procedure for online bidding, bid Processing / evaluation and finally Bid evaluation results shall be uploaded in the near future.

RULES CORNER:

PP Rule-19:- Blacklisting of suppliers and contractors.- The procuring agencies shall specify a mechanism and manner to permanently or temporarily bar, from participating in their respective procurement proceedings, suppliers and contractors who either consistently fail to provide satisfactory performances or are found to be indulging in corrupt or fraudulent practices. Such barring action shall be duly publicized and communicated to the Authority:

Provided that any supplier or contractor who is to be blacklisted shall be accorded adequate opportunity of being heard.

PPRA Goings on:

PPRA launches e-procurement

PPRA officers and staff has contributed one day salary for flood relief