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Procurement of electrical equipment**CCP issues opinion to address anti-competitive concerns**

**ISLAMABAD:** The Competition Commission of Pakistan (CCP) has issued an opinion under Section 29 of the Competition Act, 2010 containing its recommendations in the matter of procurement of electrical equipment by the public sector procuring agencies to address recurring anti-competitive concerns regarding certain restrictive, exclusionary and discriminatory terms and conditions in tenders.

The conditions, prima facie, denied a level playing field to the prospective bidders thus inhibiting competition from reaching its maximum potential. The opinion follows an open hearing held on the matter on 17 February 2015.

The recommendations have been formulated to serve as a guideline for the procurement agencies while designing the tender documents to ensure that no clauses therein restrict or impede competition. The CCP has sent the opinion to all

the stakeholders including the Ministry of Water and Power, WAPDA, NTDC, DISCOS, Ministry of Finance, Public Procurement Regulatory Authority, business undertakings, and international financial institutions for information and necessary action.

Following are the recommendations of CCP:

With regard to the issue of type-test reports, only generic and internationally known quality control checks should be applied at the bidding stage to allow for maximum participation of bidders.

In relation to lumping of goods, arrangement of equipment in lots should be avoided. There should be no discrimination based on country of origin.

Reference to a specific brand should be avoided; products should be defined through quality and performance standards.

There should be no lag between the announcement of a tender and availability of tender documents as lack of information only favours the existing suppliers.

Domestic price preference should be avoided as it rewards inefficiency.

Any changes that are brought about in the existing specifications for procurement of equipment must be carried out by technical experts and in a transparent fashion.

Fresh entry should be encouraged through educational order in the yearly procurements for new entrants. In addition, policy level changes may be approached to devise substitutes for prohibitively long educational orders.

It would be pertinent to mention that public procurement in Pakistan is valued at around

25-30% of the GDP. With such a large volume of public procurement, it is extremely crucial to protect against anti-competitive behaviour in the sector. Competition in the government/public procurement sector is essential to ensure that public money is used in an efficient and effective manner. It goes without saying that the electric power sector is a very important economic sector, providing the essential input to almost all industrial and commercial activity. Competition and efficiency in the procurement activities in this sector will directly benefit the overall business climate and activities in the country, and contribute towards considerable savings to the public exchequer.

CCP has warned that if such measures are ignored and not carried out in earnest, they could lead to sub-optimal utilization of public funds, discourage growth of local industry, hamper foreign investment and consequently lead to an undesirable impact on national economy and public welfare. The procuring agencies, by means of this opinion, have thus been advised to devise an immediate action plan to address the concerns raised, failing which CCP would be moved to take action against such in accordance with law.

This action is the latest in a series of enforcement and advocacy efforts by CCP since the Federal Government appointed the Chairperson and a new Member in December 2014. It must be noted that since these appointments, the CCP has conducted 13 hearings, issued 8 orders, given clearance to 16 mergers, granted 24 exemptions, and initiated 15 new investigations.—PR

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## CCP seeks removal of barriers in power sector procurements

By Ahmad Fraz Khan

LAHORE: The Competition Commission of Pakistan (CCP) has stated that there were certain restrictions for new entrants in power sector procurements which needed to be avoided.

In a report "Opinion on Competition Concerns in Public Procurement of Electrical Power Equipment," the CCP says that public procurement constitutes 15 to 25 per cent of gross domestic product, or approximately \$38 to \$63 billion.

The procuring agencies, mainly power distribution companies (Discos) and National Transmission and Dispatch Company (NTDC) insert certain conditions that preclude competition at the bidding stage. This needs to be pre-empted, otherwise, the commission would move according to the law concerned.

Reference to specific brands, restrictions regarding the country of origin, domestic price preference, biased development of specifications and experience clauses were some of the barriers, the report mentioned.

Apart from the above-mentioned areas, requirement to submit type-test reports, arrangements in lots (lumping), provision of insufficient delivery time and lack of information for participation in the bidding process also inhibit competition in the sector.

"These may be in the form of discrimination on the basis of national origin or restrictive conditions for entry, such as grouping of equipment in a

"These may be in the form of discrimination on the basis of national origin or restrictive conditions for entry, such as grouping of equipment in a way that only a select few can cater to, or introducing the conditions for conforming to tests whose scope, as per local specifications, a condition that cannot be fulfilled early enough to participate in a tender if required as a prerequisite for bidding.

"All these concerns have one thing in common that they inhibit competition from reaching its full potential," it maintained.

"With regard to discrimination based on the country of origin, we advise that competition should not be foreclosed to the existing or potential entrants by limiting procurement to certain countries, but instead specifications should be developed that are reflective of performance expected by the procuring agency," it said.

With respect to domestic price preference, the CPP report said that it does not encourage it in any shape or form.

With regard to "biased development of specifications," the CCP is of the view that any change that is brought about in the existing specifications must be carried out by technical experts.

These measures require a "uniform policy on the part of procuring agencies (NTDC and Discos) to attain best price and quality outcome in successive procurements.

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Public procurements

# CCP suggests steps to address anti-competitive practices

Asks power firms to avoid discrimination, encourage new entrants

OUR CORRESPONDENT  
 ISLAMABAD

The Competition Commission of Pakistan (CCP) has highlighted anti-competitive issues in public procurement by government agencies, advising them to refrain from advertising restrictive, exclusionary and discriminatory terms and conditions in public tenders.

The CCP on Thursday issued an opinion carrying its recommendations pertaining to procurement of electrical equipment by public-sector agencies in order to address recurring concerns.

It asked all power distribution companies and the National Transmission and Dispatch Company (NTDC) to apply only generic and internationally known quality control checks at the bidding stage to allow for maximum participation of bidders.

It also recommended that lumping of goods and arrangement of equipment in

lots should be avoided.

There should also be no discrimination based on the country of origin, it added. Reference to a specific brand should be avoided and products should be defined through quality and performance standards, it said.

It advised that there should be no lag between the announcement of a tender and availability of tender documents as a lack of information only favours existing suppliers. Domestic price preference should also be avoided as it rewards inefficiency.

Any changes in existing specifications for the procurement of equipment must be carried out by technical experts in a transparent fashion and only on recommendation of a committee.

It also asked public sector power companies to encourage fresh entrants.

The CCP warned that if such measures were not implemented, it could lead to sub-optimal utilisation of public funds, discourage growth of local industry, hamper foreign investment and consequently lead to an unde-

**Discriminatory conditions have denied a level-playing field to prospective bidders, inhibiting competition from reaching its maximum potential**

sirable impact on national economy and public welfare.

The CCP estimated the value of public procurement at around 25% to 30% of gross domestic product or Rs7.2 trillion to Rs8.8 trillion. With such a large volume, it is extremely crucial to protect against anti-competitive behaviour in the sector.

Competition in public procurement is essential to ensure that public money is used in an efficient and effective manner, the CCP remarked.

It asked procuring agencies to devise an immediate action plan to address the concerns raised. If these recommendations were not taken seriously, the CCP may take action against such organisations in accordance with the law.

The CCP said the discrimi-

natory conditions have denied a level-playing field to prospective bidders, inhibiting competition from reaching its maximum potential. The recommendations came after an open hearing on the matter on February 17.

They were formulated to serve as guidelines for the procurement agencies in designing tender documents to ensure that no clauses restrict or impede competition.

The CCP has sent its opinion to all stakeholders including the Ministry of Water and Power, Wapda, NTDC, distribution companies, Ministry of Finance, Public Procurement Regulatory Authority, business undertakings and international financial institutions for necessary action.

It described electric power as a very important economic sector, providing the essential input for almost all industrial and commercial activities. Competition and efficiency in procurement activities will directly benefit the overall business climate and activities in the country, and contribute to savings in the public exchequer.

## CCP asks stakeholders to place quality checks

### Our correspondent

ISLAMABAD: The Competition Commission of Pakistan (CCP) has recommended all stakeholders for procurement of electrical equipment for placing internationally known quality checks to allow maximum participation of bidders.

The CCP has issued an opinion under Section 29 of the Competition Act 2010 containing its recommendations in the matter of procurement of electrical equipment by the public sector procuring agencies to address recurring anti-competitive concerns regarding certain restrictive, exclusionary and discriminatory terms and conditions in tenders.

The conditions, prima facie,

denied a level playing field to the prospective bidders thus inhibiting competition from reaching its maximum potential. The Opinion follows an open hearing held on the matter on 17 February 2015.

The recommendations have been formulated to serve as a guideline for the procurement agencies while designing the tender documents to ensure that no clauses therein restrict or impede competition. The CCP has sent the Opinion to all the stakeholders including the Ministry of Water and Power, Wapda, NTDC, Discos, Ministry of Finance, Public Procurement Regulatory Authority, business undertakings, and international financial institutions for information and necessary action.

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## CCP for ensuring competition in power equipment procurements



**OUR STAFF REPORTER**  
ISLAMABAD

The CCP has issued an opinion under Section 29 of the Competition Act, 2010 containing its recommendations in the matter of procurement of electrical equipment by the public sector procuring agencies to address recurring anti-competitive concerns regarding certain restrictive, exclusionary and discriminatory terms and conditions in tenders.

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Following are the recommendations of CCP: With regard to the issue of type-test reports, only generic and internationally known quality control checks should be applied at the bidding stage to allow for maximum participation of bidders. In relation to lumping of goods, arrangement of equipment in lots should be avoided. There should be no discrimination based on country of origin. Reference to a specific brand should be avoided; products should be defined through quality and performance standards. There should be no lag between the announcement of a tender and availability of tender documents as lack of information only favors the existing suppliers.

Economy Watch  
17 April 2015

# CCP issues recommendations for procurement of electrical equipment

STAFF REPORTER

ISLAMABAD—The Competition Commission of Pakistan (CCP) has issued an Opinion under Section 29 of the Competition Act, 2010 containing its recommendations in the matter of procurement of electrical equipment by the public sector procuring agencies to address recurring anti-competitive concerns regarding certain restrictive, exclusionary and discriminatory terms and conditions in tenders. The conditions, prima facie, denied a level playing field to the prospective bidders thus inhibiting competition from reaching its maximum potential. The opinion follows an open hearing held on the matter earlier in February.

The recommendations have been formulated to serve as a guideline for the procurement agencies while designing the tender documents to ensure that no clauses therein restrict or impede competition. CCP has sent the Opinion to all the stakeholders including the Ministry of Water and Power, WAPDA, NTDC, DISCOS, Ministry of Finance, Public Procurement Regulatory Authority, business undertakings, and international financial institutions for information and necessary action. Following are the recommendations of CCP: -With regard to the issue of type-test reports, only generic and internationally known quality control checks should be applied at the bidding stage to allow for maximum participation of bidders. In relation to lumping of goods, arrangement of equipment in lots should be avoided.

There should be no discrimination based on country of origin.- Reference to a specific brand should be avoided; products should be defined through quality and performance standards. There should be no lag between the announcement of a tender and availability of tender documents as lack of information only favors the existing suppliers.-Domestic price preference should be avoided as it rewards inefficiency.-Any changes that are brought about in the existing specifications for procurement of equip-

ment must be carried out by technical experts and in a transparent fashion. Fresh entry should be encouraged through educational order in the yearly procurements for new entrants. In addition, policy level changes may be approached to devise substitutes for prohibitively long educational orders.

It would be pertinent to mention that public procurement in Pakistan is valued at around 25-30% of the GDP. With such a large volume of public procurement, it is extremely crucial to protect against anti-competitive behaviour in the sector. Competition in the government/public procurement sector is essential to ensure that public money is used in an efficient and effective manner. It goes without saying that the electric power sector is a very important economic sector, providing the essential input to almost all-industrial and commercial activities. Competition and efficiency in the procurement activities in this sector will directly benefit the overall business climate and activities in the country, and contribute towards considerable savings to the public exchequer.

CCP has warned that if such measures are ignored and not carried out in earnest, they could lead to sub-optimal utilization of public funds, discourage growth of local industry, hamper foreign investment and consequently lead to an undesirable impact on national economy and public welfare. The procuring agencies, by means of this opinion, have thus been advised to devise an immediate action plan to address the concerns raised, failing which CCP would be moved to take action against such in accordance with law.

This action is the latest in a series of enforcement and advocacy efforts by CCP since the Federal Government appointed the Chairperson and a new Member in December 2014. It must be noted that since these appointments, CCP has conducted 13 hearings, issued 8 orders, given clearance to 16 mergers, granted 24 exemptions, and initiated 15 new investigations.

## CCP issues guidelines for public procurement of electric power equipment

### Staff Report

**KARACHI:** Competition Commission of Pakistan (CCP) has issued an opinion under Section 29 of Competition Act 2010 containing its recommendations in matter of procurement of electrical equipment by public sector procuring agencies to address recurring anti-competitive concerns regarding certain restrictive, exclusionary and discriminatory terms and conditions in tenders.

The conditions, prima facie denied a level playing field to prospective bidders thus inhibiting competition from reaching its maximum potential. The opinion follows an open hearing held on matter on February 17, 2015.

The recommendations have

been formulated to serve as a guideline for procurement agencies while designing tender documents to ensure no clauses therein restrict or impede competition.

CCP has sent opinion to all stakeholders including Ministry of Water and Power, Water and Power Development Authority, National Transmission and Despatch Company, power distribution companies, Ministry of Finance, Public Procurement Regulatory Authority, business undertakings and international financial institutions for information and necessary action.

Only generic and internationally known quality control checks should be applied at bidding stage to allow for maximum participation of bidders.

In relation to lumping of

goods, arrangement of equipment in lots should be avoided. There should be no discrimination based on country of origin.

Reference to a specific brand should be avoided and products should be defined through quality and performance standards.

There should be no lag between announcement of a tender and availability of tender documents as lack of information only favours existing suppliers.

Domestic price preference should be avoided as it rewards inefficiency.

Any changes that are brought about in existing specifications for procurement of equipment should be carried out by technical experts and in a transparent fashion.

Fresh entry should be

encouraged through educational order in yearly procurements for new entrants. In addition, policy level changes may be approached to devise substitutes for prohibitively long educational orders.

Pakistan is valued at around 25-30 percent of Gross Domestic Products. With such a large volume of public procurement, it is extremely crucial to protect against anti-competitive behavior in sector.

CCP has warned if such measures were ignored and not carried out in earnest, they could lead to sub-optimal utilisation of public funds, discourage growth of local industry, hamper foreign investment and consequently lead to an undesirable impact on national economy and public welfare.

مسابقتی کمیشن کی الیکٹریک پاور آلات کی پبلک پرو کیورمنٹ میں غیر مسابقتی خدشات پر رائے جاری

اسلام آباد (نمائندہ خصوصی) مسابقتی کمیشن پاکستان نے پبلک سیکٹر پرو کیورمنٹ ایجنسیز (NTDC, DISCOs وغیرہ) کی طرف سے الیکٹریکل آلات کی پرو کیورمنٹ میں غیر مسابقتی خدشات (جیسا کہ ٹینڈر میں محدودیت، استثنائی اور غیر امتیازی شرائط) پر رائے جاری کر دی ہے جس میں تجاویز بھی دی گئی ہیں۔ یہ شرائط

بادی النظر میں ٹینڈر میں ممکنہ بولی دینے والوں کو برابری کے مواقع دینے میں حائل ہوتی ہیں اور مسابقت پہ اثر انداز ہوتی ہیں۔ یہ رائے 17 فروری 2015 کو اس معاملے پر کی گئی عوامی سماعت (Open Hearing) کے بعد جاری کی گئی ہے۔ رائے مسابقتی ایکٹ 2010 کے سیکشن 29 کے تحت جاری کی گئی۔



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## برقی آلات کی سرکاری خریداری، مسابقتی کمیشن نے رائے دیدی

تجاویز پروکیورمنٹ ایجنسیز کے لیے گائیڈ لائنز کے مقصد سے تیار کی گئی ہیں

پانی و بجلی، خزانہ کی وزارتوں، واپڈا، این ٹی ڈی سی، ڈسکوز و دیگر اداروں کو ارسال

کراچی (بزنس رپورٹر) مسابقتی کمیشن پاکستان نے پبلک سیکٹر پروکیورمنٹ ایجنسیز (این ٹی ڈی سی، ڈسکوز وغیرہ) کی طرف سے الیکٹریکل آلات کی پروکیورمنٹ میں غیر مسابقتی خدشات (ٹینڈر میں محدودیت، اسٹیٹی اور غیر اشتیازی شرائط) پر رائے جاری کر دی ہے جس میں تجاویز بھی دی گئی ہیں۔ یہ شرائط بادی النظر میں ٹینڈر میں نکتہ بولی دینے والوں کو برابری کے مواقع دینے میں حائل ہوتی ہیں اور مسابقت پر اثر انداز ہوتی ہیں، یہ رائے 17 فروری 2015 کو اس معاملے پر کی گئی عوامی سماعت کے بعد جاری کی گئی، یہ رائے مسابقتی ایکٹ 2010 کے سیکشن 29 کے تحت جاری کی گئی اور اس میں دی گئی تجاویز اس انداز میں مرتب کی گئی ہیں کہ وہ پروکیورمنٹ ایجنسیز کے لیے گائیڈ لائنز کا کام دے سکیں تاکہ ٹینڈر کے کاغذات تیار کرتے وقت یہ یقینی بنایا جاسکے کہ اس میں کوئی ایسی شق شامل نہ ہو جو مسابقت پر اثر انداز ہو۔ مسابقتی کمیشن نے یہ رائے تمام متعلقہ اداروں میں پانی اور بجلی کی وزارت، واپڈا، این ٹی ڈی سی، ڈسکوز، وزارت خزانہ، پیپرز، کاروباری اداروں اور بین الاقوامی مالیاتی اداروں کو معلومات اور ضروری کارروائی کے لیے بھجوا دی ہے۔ سی سی ٹی نے کہا ہے کہ بولی دینے والے مرحلے پر صرف عالمی سطح پر تسلیم شدہ کوآپٹی کنٹرول پنکس کو ہی اختیار کیا جائے تاکہ زیادہ سے زیادہ شرکت داری کو یقینی بنایا جاسکے۔ لمپنٹ کے معاملے پر سی سی ٹی نے تجویز دی کہ آلات کی لاٹوں میں درآمد کی حوصلہ شکنی کی جانی چاہیے، کسی خاص برانڈ یا ملک کو ترجیح نہ دی جائے بلکہ آلات کی درآمد میں معیار اور کارکردگی کو مد نظر رکھا جائے، ٹینڈر کے اعلان اور ٹینڈر کے ڈاکیومنٹس کی موجودگی میں کوئی گپ نہیں ہونا چاہیے کیونکہ یہ موجودہ سپلائرز کو فائدہ اور نئے آنے والوں کے راستے میں رکاوٹ کی وجہ بنتی ہے، ڈومیسٹک پرائس پرفارمنس کو بالائے طاق رکھنا چاہیے کیونکہ یہ غیر فعالیت کو جنم دیتی ہے، اگر موجودہ تخصیصات میں تبدیلی مطلوب ہو تو یہ تکنیکی ماہرین کے ذریعے کی جائے اور اس میں شفافیت کو یقینی بنایا جائے، نئے ہڈرز کی سالانہ پروکیورمنٹ کے ایجوکیشنل آرڈر کے ذریعے حوصلہ افزائی کی جائے۔ سی سی ٹی نے متنبہ کیا ہے کہ اگر ان تجاویز پر عمل درآمد نہ کیا گیا تو عوامی پیسے کا ضیاع، مقامی صنعت کی ترقی نہیں رکاوٹ، بین الاقوامی انویسٹمنٹ میں کمی، معیشت اور عوام کی زندگیوں پر پڑتا ہے۔

کراچی (بزنس رپورٹر) مسابقتی کمیشن پاکستان نے پبلک سیکٹر پروکیورمنٹ ایجنسیز (این ٹی ڈی سی، ڈسکوز وغیرہ) کی طرف سے الیکٹریکل آلات کی پروکیورمنٹ میں غیر مسابقتی خدشات (ٹینڈر میں محدودیت، اسٹیٹی اور غیر اشتیازی شرائط) پر رائے جاری کر دی ہے جس میں تجاویز بھی دی گئی ہیں۔ یہ شرائط بادی النظر میں ٹینڈر میں نکتہ بولی دینے والوں کو برابری کے مواقع دینے میں حائل ہوتی ہیں اور مسابقت پر اثر انداز ہوتی ہیں، یہ رائے 17 فروری 2015 کو اس معاملے پر کی گئی عوامی سماعت کے بعد جاری کی گئی، یہ رائے مسابقتی ایکٹ 2010 کے سیکشن 29 کے تحت جاری کی گئی اور اس میں دی گئی تجاویز اس انداز میں مرتب کی گئی ہیں کہ وہ پروکیورمنٹ ایجنسیز



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## الیکٹریکل آلات کی لاٹوں میں درآمد کی حوصلہ شکنی کا مطالبہ

خاص برانڈ یا ملک کو ترجیح دینے کے بجائے معیار مد نظر رکھا جائے، مسابقتی کمیشن

اسلام آباد (دنیا رپورٹ) مسابقتی کمیشن پاکستان نے پبلک سیکٹر پروکیورمنٹ ایجنسیز (NTDC, DISCOs) وغیرہ کی طرف سے الیکٹریکل آلات کی پروکیورمنٹ میں غیر مسابقتی خدشات پر اسے جاری کر دی ہے جس میں تبادیل بھی دی گئی ہیں۔ سی سی پی نے کہا ہے کہ بولی دینے والے مرحلے پر صرف عالمی طور پر مانے جانے والی کوالٹی کنٹرول چیکس کو ہی اپلائی لمپٹنگ کے معاملے پر آلات کی لاٹوں میں درآمد کی حوصلہ شکنی، کسی خاص برانڈ یا ملک کو ترجیح نہ دی جائے بلکہ آلات کی درآمد میں معیار اور کارکردگی کو مد نظر رکھا جائے، ٹینڈر کے اعلان اور ٹینڈر کے ڈاؤنٹس کی موجودگی میں کوئی GAP نہیں ہونا چاہیے، اگر موجودہ specifications میں تبدیلی مطلوب ہو تو یہ تکنیکی ماہرین کے ذریعے کی جائے، نئے آنے والے پڈرز کی سالانہ پروکیورمنٹ کے ایجنٹسٹل آرڈر کے ذریعے حوصلہ افزائی کی جائے، سی سی پی نے متنبہ کیا ہے کہ اگر ان تبادیل پر عمل درآمد نہ کیا گیا تو عوامی پیسے کا ضیاع، مقامی صنعت کی ترقی میں رکاوٹ، بین الاقوامی سرمایہ کاری میں کمی جیسے مسائل کا سامنا کرنا پڑ سکتا ہے۔

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## سی سی پی کی پبلک پروکیورمنٹ میں غیر مسابقتی خدشات پر رائے جاری

2015 کو اس معاملے پر کی گئی عوامی سماعت کے بعد جاری کی گئی، سی سی پی نے کہا ہے کہ بولی دینے والے مرحلے پر صرف عالمی طور پر مانے جانے والی کوائٹی کنٹرول چیکس کو ہی اپلائی کیا جائے تاکہ زیادہ سے زیادہ شراکت داری کو یقینی بنایا جاسکے لہذا کے معاملے پر سی سی پی نے تجویز دی ہے کہ آلات کی لاٹوں میں درآمد کی حوصلہ شکنی کی جانی چاہئے، کسی خاص برانڈ یا ملک کو ترجیح نہ دی جائے بلکہ آلات کی درآمد میں معیار اور کارکردگی کو مد نظر رکھا جائے۔

اسلام آباد (کامرس ڈیسک) مسابقتی کمیشن پاکستان نے پبلک سیکٹر پروکیورمنٹ ایجنیز (این ٹی ڈی سی، ڈسکوز، وغیرہ) کی طرف سے الیکٹریکل آلات کی پروکیورمنٹ میں غیر مسابقتی خدشات (جیسا کہ ٹینڈر میں محدودیت، استثنائی اور غیر امتیازی شرائط) پر رائے جاری کر دی ہے جس میں تجاویز بھی دی گئی ہیں، یہ شرائط بادی النظر میں ٹینڈر میں مکمل نہ بولی دینے والوں کو برابری کے مواقع دینے میں حائل ہوتی ہیں اور مسابقت پہ اثر انداز ہوتی ہیں، یہ رائے 17 فروری