

**A COMPARATIVE STUDY ON PUBLIC PROCUREMENT RULES (PPR),-2008,
BANGLADESH AND ASIAN DEVELOPMENT BANK (ADB) PROCUREMENT
REGULATIONS 2017: STRENGTHS AND WEAKNESSES**

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ABSTRACT: *This study mainly explores the strengths and weaknesses of ADB procurement regulations 2017 and PPR, 2008 followed by some recommendation. This comparison is done by reviewing the ADB Procurement Regulations 2017 and PPR, 2008. The PPR, 2008 delineates provisions of procurement plan, preparation of tender or proposal, committee, principles of public procurement, tender validity and security, specifications, standard, brand names, approval process, notification of award, contract administration and management, records and audit, joint venture, conflict of interest, complaint and appeal procedure, methods of procurement for goods and related services, works, physical services, processing of procurement, professional misconduct, e-Government procurement. The main spirit of PPR, 2008 are transparency, accountability, equity, fairness and open competition for ensuring value for money by using public fund. There are some strengths and weaknesses in some specific cases of regulations as well. Strengths in ADB procurement regulations include performance based*

procurement, bonus for performance, community based procurement, encouraging joint venture, procurement plan, pre-qualification, non-compliance, misconduct, settlement of dispute and so on. Using the strengths of ADB procurement regulations, the borrower can achieve the speedy procurement, fairness competition, accountability and value for money. The main weaknesses are absence of sustainable procurement, supply chain issues, whole life cycle cost, sustainability, strategic partnership with supplier and contractors, disposal policy and so on. The guidance in the ADB regulations and PPR, 2008 conform to some aspects and differ in others. Because of weaknesses in both guidelines and rules, sustainability and social aspects are compromised in public procurement which hampers long-term value for money. This paper explores the gaps of internationally accepted procurement standards and practices in PPR of Bangladesh and emphasizes improvement of regulatory framework by fostering strengths of both guidelines and rules in context of Bangladesh.

KEYWORDS: regulation, procurement planning, management, tender, proposal, validity

INTRODUCTION TO PPR, 2008

The public procurement practices in Bangladesh have evolved from the era of British and subsequently came to the sub-continent and Pakistan rule. Before enactment of Public Procurement Act (PPA) 2006, the legal instrument for public procurement in Bangladesh was based on British rule which was called Compilation of General Financial Rules (CGFR). In that time the public procurement and contracts were governed based on CGFR framework. Following CGFR principles and framework, different Government bodies, corporations, autonomous bodies developed their own rules for their procurement activities. After that, the public procurement was managed in Bangladesh by Public Procurement Regulations 2003 which were replaced through the enactment of Public Procurement Act (PPA) 2006. To guide the procurement and implement the Act the Government promulgated Public Procurement Rules (PPR) 2008 based on PPA 2006. Since, then the public purchases are carried out in accordance with the Public Procurement Act, 2006 and Public Procurement Rules, 2008. To carry out the purpose of these Act and Rules, Central Procuring Technical Unit (CPTU) was established under Implementation, Monitoring and Evaluation Division (IMED) of the Ministry of Planning.

Introduction to ADB Procurement Regulations 2017

There are 67 regional member countries of Asian Development Bank (ADB) on which 48 member countries are from Asia and Pacific region. ADB operations account for 32.2 billion USD in their regional member countries for development activities (ADB, 2017). Bangladesh is one of the recipients of ADB loan facilities. The ADB has developed its Procurement Regulations for ADB Borrowers, 2017 for procurement of goods, works, non-consulting and consulting services.

Review of Public Procurement Rules-2008

Salient Provisions of PPR, 2008 are outlined below:

Procurement planning

Rule-16 of PPR, 2008 stipulates procurement planning for procuring entity. Annual procurement plan shall be prepared with approval from Head of Procuring Entity (HoPE) by procuring entity in each year. This procurement plan shall be updated on quarterly basis. The procuring entity shall disclose the APP on notice board and, web site for the availability of prospective suppliers or contractors.

Preparation of tender or proposal, committee and other issues

Part one of chapter two of PPR, 2008 deals with preparation of tender or proposal. Rule-4 describes the preparation of procurement related documents and their contents following the standard tender documents described in schedule one. This rule also delineate the conditions of tender or proposal by procuring entity and precedence of contract documents, alternate design and process of tender preparation for lot-by-lot basis and item-by-item basis tender. Rule-5 discusses the procedure of tender price fixation using the price adjustment process, items for day-works as well as nominated contractors. Rule-6 includes the maintaining the records relating the procurement documents distribution using issue number, personal name and address, telephone, fax and e-mail number and any other relevant information.

Part two of the chapter two of PPR, 2008 stipulates the details about formation of committees for processing public procurement. According to rule-7, tender or proposal opening committee is to be formed with three members including chairperson by proper approval from approving authority. Rule-8 includes the constitution of evaluation committee and procedure of evaluation following schedule two. Rule-9 describes the qualification of external members of evaluation committee as well known person having relevant expertise who are not employee of procuring entity. Rule-10 discusses the chairmanship of evaluation committee. Rule-12 includes the delegated procurement process and approval by the executing agency that will be playing role as the procuring entity.

Principles of public procurement

Part one of chapter three discusses the principles to be followed in case of selection of procurement methods, application of procurement planning, splitting of multiple packages in a single work and competition in the public procurement. The Rules delineate the selection of procurement method on the basis of availability of local market, quantity, quality, necessity, kinds of goods, works and services, market risk, approval from HoPE or approving authority etc.

Tender validity and security

Tender validity and security are elaborated in part two of chapter three. Rule-19 generally identifies the validity of tender or proposal period ranging from 60 to 120 days. Within this period, tender or proposal shall be evaluated and contract should be performed (rule-20). With the approval of HoPE for the first time and higher authority approval for second time, validity period can be extended as per rule-21.

Specifications, standard, brand names and rejection of tender

Rule-29 to 32 outline technical specification considering the wide participation of procurement. It may be used for ensuring quality through standard of International Organization for

Standardization, International Electro technical Commission, Bangladesh Standard and Testing Institute or any other international standards. This part also mentions restriction of disclosure regarding the information of public procurement process and custody of accepted tender. The following three rules (33-35) discuss the procedure of rejection of tender, proposal or quotation, process of necessary action taken after rejection and informing the reason thereof.

Approval process, notification of award, contract administration and management, and records and audit

Rule 36 describes the approval procedure of public procurement followed by the disclosure of notice of contract performance in rule 37 as per schedule two. The procedure of contract management and administration regarding goods, works and consultancy services are detailed in part six of chapter Three gives. This part also discusses termination process of contract and dispute resolution. Key issues discussed in this part include the work planning and methodology, variation order, process of work supervision, verification of testing and laboratory, price adjustment process, payment procedure, grounds of liquidated damages (LD) and amount fixation process of LD, defect liability period and grounds of contract termination and so on.

Qualification of individual bidder and the provision of joint venture

Bangladesh public procurement legal framework emphasizes non-discrimination for ensuring the transparency and open competition. In order to achieve this goal, qualifications of persons and some important issues have clearly outlined such as, technical and professional qualification in case of professional and intellectual services, financial capability, legal documents, necessary documentary evidence in favor of qualifications of persons, amendment of specific requirement for a particular special tender like turnkey contract, applicable rules for pre-qualification (PQ), maintaining books and records of qualified suppliers or contractors by procuring entity which will be updated yearly and the provision of sub-contractor or sub-consultant appointment mentioning the lead partner or supplier or contractor.

Complaint and appeal procedure

An accountability mechanism has been in-built in public procurement legal framework through the provision of complaint and appeal procedure. Any aggrieved tenderer can lodge complain and appeal as per rule 56-60 of PPR within a specified time limit as mentioned in the second schedule.

Methods of procurement for goods and related services, works, physical services and their use

In all cases, the application of open tender method is preferred (Rule 61-62). Other methods like limited tender, direct contracting, two stage tendering method, one stage two envelop tendering method, , and quotation can be used with the approval of HoPE.

Processing of procurement

Rule-91 to 93 discuss pre-qualification for goods, works and related services. Pre-qualification is , generally needed for large and complex nature procurement like large construction works, large maintenance works, plant and equipment supply and installation, design and infrastructures

works, custom designed equipment manufacturing and management contract. This part of the chapter five also describes the tender processing for tender document selling, pre-tender meeting, amendment process of tender documents, preparation and submission of tender documents, tender opening process, and tender evaluation process, applicability of lottery for limited tender, negotiation for professional and intellectual services procurement and direct contracting, criteria for post evaluation process, approval procedure as well as notification of award and contract signing under rule-94 to 102.

Procurement of intellectual and professional services

This part of chapter six recognizes the methods of professional and intellectual service procurement under the rule-103 to 112. The main methods are as follows:

(a) Quality and Cost Based Selection (QCBS) (b) Fixed Budget Selection (FBS), (c) Single Source Selection (SSS), (d) Community Service Organization Selection (CSOS), (e) Individual Consultant Selection (ICS), (f) Selection Based on Consultant Qualifications (SBCQ), (g) Design Contest Selection (DCS)

e-Government Procurement

PPR, 2008 stipulates the provision of e-procurement and grants CPTU the authority to formulate the rules of electronic Government Procurement System (e-GP). If any conflict arises from PPR, 2008 to procure via e-GP System, then e-GP System will get prevail.

Strengths of PPR, 2008

PPR, 2008 regulates the public procurement in Bangladesh. There are some strengths in PPR, 2008 which are outlined below:

Independence of procurement committees

PPR, 2008 defines the various committees such as Tender Opening Committee (TOC), Tender Evaluation Committee (TEC), Technical Sub Committee (TSC), Proposal Opening Committee (POC), Proposal Evaluation Committee (PEC), Official Cost Estimate committee (rule-16), Committee for enlistment (rule-52), and Technical Inspection and acceptance committee (TIAC). All committees have different terms of references (ToR). The members of committees shall be independent and transparent to sign the respective assessment reports.

Avoidance of conflict of interest

The member of evaluation committee or any other committee shall avoid the conflict of interest in public procurement. Each member of TOC/TEC has to sign individually and collectively a letter of impartiality or no conflict of interest during conducting opening or evaluation of tender or proposal under the rule-8(12) of PPR, 2008.

Measures to prevent corrupted practices

The PPR, 2008 provides strong safeguard against corrupt, fraudulent, collusive, and coercive practices in the public in section 64 of PPA, 2006 and rule-127 of PPR, 2008. These legal provisions state that any of member, staff, person who are engaged in corruption/ fraudulent/ collusive/ coercive practices in the public procurement shall not be capable to participate further

procurement activities and they can be punished under the “Discipline and Appeal Rules-2018” or under “Anti-Corruption Commission Act-2004”, or under “The Prevention of Corruption Act-1947.

Non-discriminatory and confidential procurement process

Another spirit of PPR is to ensure free and fair competition through preventing scope for discrimination for ensuring value for money. PPR, 2008 is playing a vital role for encouraging equal participation for all prospect tenderer.

Confidentiality

Furthermore, rule 44 of the PPR-2008 and section 18 of the PPA-2006 emphasize maintaining confidentiality relating to procurement information up to awarding NOA or signing of the contract except for any explanation from the contractor for particular enquiry and the order of court.

Digitization of procurement system

Within the auspices of section 65 of PPA-2006 and rule 128 of PPR, 2008, Bangladesh is implementing immense improvement in public procurement through processing e-GP. e-GP was introduced in 2011. The digitization of public procurement system has brought about massive changes in respect of reduction in duration of procurement processing, increasing reliability and accountability, free and fair competition and decreasing the disputes.

Limitations/weaknesses of PPR, 2008

The study reveals some limitations of PPR, 2008 which are presented below:

Lack of provision for sustainable procurement

Three Ps such as People, Planet and Profit take the main stream for considering sustainability issues. PPR of Bangladesh lacks in sustainable procurement which may make society and environment vulnerable to degradation. Sustainable issues such as re-use, recycle, energy and end-of-life disposal are not stipulated in preventing wastage in goods and, works procurement.

Lacks in total cost ownership/ life cycle costing

PPR of Bangladesh did not consider best price or whole life cycle costing or total cost of ownership. The key aspects of life cycle costing like service, quality, management co-ordination, delivery, price and communication are not included in the PPR, 2008 for public procurement. Disposal of equipment or goods and works is the integral part of total cost of ownership which is not recognized by the PPR of Bangladesh in public procurement.

Use of lotteries

In the limited tendering method, there is an option to use lottery to select contractor when the lowest evaluated price is same in a tender more than one tenderer (Rule-98 of PPR 2008). There is an opportunity to limit the transparency and fair competition of public procurement process because of lottery.

Review of Asian Development Bank Procurement Regulations 2017

Salient provisions of the ADB procurement regulations are outlined below:

There are five basic general considerations of the procurement guideline for maintaining efficiency and economy of ADB financed project in the implementation of the project such as,

- i. ADB's loans or grants from special funds can be used for procurement of goods, works, and services produced in, and supplied from, developed member countries and ADB's ordinary capital or ADB-administered funds can be used for procurement of goods, works and services produced in, and supplied from, member countries,
- ii. Following the efficiency and economy in the implementation of the project,
- iii. Equal opportunity for the developed and developing countries to compete the bidding process,
- iv. Encouraging the domestic manufacturing countries,
- v. Transparency and open competition of the bidding and procurement process. In case of international competitive bidding, domestic preferences should be followed for the domestic contractors under prescribed procedures.

Principles of procurement

This chapter includes the procedure to review the borrower's procurement process, documents, bid evaluations and contracts to justify with agreed procedures. In this regard, procurement plan is to be reviewed and approved by ADB in respect of different categories of procurement. If the borrower does not consider the ADB procurement regulations to procure goods, works and services with the financing agreement of ADB, then ADB will be declared as non-compliance.

Procurement plan

As per ADB regulation, the borrower of ADB financed projects or contracts will prepare the procurement plan which will be reviewed regularly and taken approval from ADB.

Bid opening, evaluation and award of contract

Following procedures are stipulated in the regulation:

- a. A reasonable time for preparation of bids is to be given to the bidders which is normally not later than 6 weeks from the date of invitation. In an exceptional circumstance, a longer period may be allowed.
- b. All bids are to be opened at a predetermined time and place and in public in presence of the bidders or their representatives, if any.
- c. After opening of bids, all forms of related information are kept confidential. After notification of contract award, it can be published publicly.
- d. The bids are to be examined based on the criteria mentioned in the bidding documents. Any bidding document which is non-responsive because of material deviation is not considered later on.

Methods of procurement

The ADB procurement regulations contain the following methods of procurement: open competitive bidding (OCB), two-stage bidding or two-envelope, limited international bidding (LIB), national competitive bidding (NCB), shopping is another procurement method, direct

contracting, force account, procurement from specialized agencies, procurement agents, inspection agents, procurement in loans to financial intermediaries, procurement under BOO/BOT/BOOT, under performance-based procurement (PBP), procurement under loans guaranteed by ADB, community participation in procurement, under procurement under disaster and emergency assistance.

Pre-qualification of bidders

Pre-qualification may be needed for the borrower for complex projects or turnkey contracts on the consideration of experience and past performance on same projects, capabilities with respect to construction or manufacturing facilities and financial position.

Validity of bids and bid security

Borrowers have option for the requirements of bid security with the period of validity of bid. If borrower wants bid security for specific bid by mentioning the bidding documents in consideration of evaluation of bids, review the recommendation of award with ADB (if prior review is required), and obtain all approval for awarded of contract. The borrower shall maintain the period of bid security of four weeks beyond the validity period of the bids.

Standards and use of brands names

Standards can be used for the wide competition and equitable for the all bidders for the procurement of goods, works and services. International standards can be encouraged which is certified by International Organization for Standardization (ISO) for the equipment or materials or workmanship.

Procurement processing

For ensuring the open competition or competitive bidding, timely notification is required and the borrower is required to prepare a general procurement notice to submit ADB containing borrower information, amount and purpose of the loan, scope of procurement under ICB and the name, telephone number, email address or fax number and address of borrower's agency responsible for procurement and the address of the website of the borrower.

Applicable law and settlement of disputes for complaint and appeal

For settlement of disputes, there shall be provisions of dispute review board. In this connection International Commercial Arbitration may also be used for settlement of disputes.

Strengths of ADB Procurement Regulations-2017

There are some strengths of ADB procurement regulations- 2017 which are outlined below:

Bonus clauses

There is a bonus provision in ADB procurement regulations for earlier completion of contract.

Performance based procurement

ADB procurement regulations recognizes the performance or output based procurement which can improve or incentivize the suppliers or contractors for earlier completion of contract or project.

Brand Names

Specific brand name or manufacturer name is prohibited to mention in the tender documents and to use brand name or catalog number by ADB procurement guidelines

Community participations procurement

The involvement of local entrepreneurs or community can be encouraged to participation in the procurement process. It widens the local ownership.

Weaknesses of ADB procurement regulations 2017

Sustainability issues

ADB procurement regulations remained silent regarding sustainable or eco-friendly procurement.

Whole life costing in procurement

ADB procurement guidelines do not consider whole life costing in the pre-requisite conditions. As a result, value for money may not be achieved.

Ignoring supply chain issues

Supply chain takes the chain of multiple tiers of supplier and user or customers to achieve customer satisfaction in terms of value for money. Strategic relationship of supplier and customer recognize the agility, economy, efficiency and effectiveness for any procurement of goods, works and services. ADB procurement regulations are more restrictive and ignore the supply chain issues.

Auction policy

Auction and reverse auction policy are not included in the ADB procurement regulations which are pivotal for ensuring better value for money.

Comparison between PPR, 2008 and ADB Procurement Regulations 2017 in the context of Bangladesh

The following table represents a comparison between ADB procurement regulations and public procurement in Bangladesh with focusing on the strengths and weaknesses of the said procurement documents:

S.L. No.	Issues	PPR, 2008	ADB Procurement Regulations 2017	Strengths in the context of Bangladesh	Weaknesses in the context of Bangladesh
01	Procurement plan	Annual procurement plan (APP) is mandatory by procuring entity (PE) for development or non-development budget at the beginning of every year	Annual procurement plan is mandatory for all projects by borrower.	Supplier or contractor make plans and take strategic decision for particular procuring entity.	It is difficult to implement procurement plan.
02	Procurement processing	Tender document selling, pre-tender meeting, amendment scope in tender documents, clear tender opening, and evaluation process, applicability of lottery for limited tender, negotiation for professional and intellectual service procurement and direct contracting, criteria for post evaluation process, approval procedure as	For ensuring the open competition or competitive bidding, timely notification is required and ADB financing project, the borrower is required to prepare a general procurement notice to submit ADB containing borrower information, amount and purpose of the loan, scope of procurement under ICB and the name, telephone number, email address or fax number and address of borrower's agency responsible for	-Domestic preference. -Fair competition. -Negotiation for professional and intellectual services procurement. - Publication of the notice. - Notification of award and contract signing.	-Direct contracting option. -Lottery option for limited tendering method.

		well as notification of award and contract signing.	procurement and the address of the website of the borrower. ADB will take arrangement to publication of the notice.		
03	Principle of procurement	Means of communication, application of procurement planning, splitting of multiple packages in a single work and competition in the public procurement. Selection of procurement method on the basis of availability of local market, quantity, quality, necessity, kinds of goods, works and services, market risk, approval from HOPE or approving authority etc.	Review the borrower's procurement process, documents, bid evaluations and contracts to justify with agreed procedures. In response to the borrower's failure to comply with ADB procurement guidelines, ADB may declare it as non-compliance.	-Means of communication. - Work packages - Splitting -Cross discount -No Objection Certificate from ADB	The borrower may not implement ADB's regulations due to lack of knowledge of procuring entity.
04	Specification, standard and use of brands	Technical specification considers the wide participation of procurement. It can ensure	Specific brand name or manufacturer name is prohibited to be mentioned in tender documents and to use brand	-Ensuring wide participation. -Ensuring fair competition. -Ensuring value for money	Its really a trick issue to have quality products without mentioning brand name.

		quality through standard of International Organization for Standardization, International Electro technical Commission, Bangladesh Standard and Testing Institute or any other International standard.	name or catalog number by ADB procurement regulations.		For ensuring competition brand name should be avoided.
05	Bid validity and security	Bid validity period: minimum 60 days and maximum 120 days on the justification of nature of procurement and bid security shall be 1 to 3% of submitted price of contractor which is defined to the documents as fixed amount rounded by procuring entity beyond 28 days of the bid validity period.	Bid security is required to submit beyond four weeks of the bid validity period that shall be mentioned in bidding documents.	-Time limit the for bid validity -Bid security	In reality, it is difficult to implement procurement activities within specified time period.
06	Methods of procurement	Open tender (national) is preferred. Other methods like	Methods like Two-Stage Bidding, Limited	- Open tender - Two-Stage Bidding, Limited	Use of other methods may not ensure free

		limited tender, direct contracting, two-step tender, and one step two envelop, and quotation can be used with the approval of HoPE.	International Bidding (LIB), National Competitive Bidding (NCB), Shopping, Direct Contracting, Force Account, Procurement from Specialized Agencies, Procurement under BOO/BOT/BOOT, Concessions and Similar Private Sector Arrangements, Performance-Based Procurement (PBP), Community Participation in Procurement, Disaster and Emergency Assistance.	International Bidding (LIB) Performance-Based Procurement (PBP) -Community participation in procurement	and fair competition.
07	Opening, evaluation, approval and NOA process	Time-bound approval procedure and disclosure of notice of contract performance of standard format. Contract management and administration regarding goods, works and consultancy services: work	A reasonable time for preparation of bids is to be given to the bidders, not later than 6 weeks from the date of invitation. After opening of bids, information is kept confidential. After notification of contract award, it can be published publicly. Bidding documents clarify	-Publication of NOA -Reasonable time for evaluation -Price adjustment option	Low capacity of procurement personnel.

		planning and methodology, variation order, process of work supervision, verification of laboratory testing and price adjustment process, payment procedure, grounds of liquidated damages and amount fixation process of LD, defect liability period and grounds of contract termination.	the evaluation criteria depending on which evaluation will be made. In case any arithmetical errors can be corrected. During evaluation and price comparison CIF, CIP, Tax and other duties are taken in to cognizance.		
08	Joint ventures	Domestic preference for making joint ventures by Bangladeshi firms.	Joint venture by domestic or abroad firms with joint or several liabilities which shall not be mandatory.	-Allow Joint ventures	Legal process of JVCA is sometime difficult.
09	Complaint and appeal	Complaints submitted to the administrative authority for dispute resolution; Review panel for hearing final appeals.	Dispute review board; International Commercial Arbitration may also be used for settlement of disputes.	- Administrative authority -Review panel	-Inadequate functional review panel.
10	Code of conduct and misconduct	The PPR-2008 describes the professional	ADB financed procurement or contract, ADB	Strictly follow the code of conduct and	Lack of knowledge regarding

		misconduct and offence relating procurement regarding corrupt practices, fraudulent practices, collusive practices, and coercive practices.	anticorruption policy should be followed by the borrowers, suppliers and contractors.	ethics guidelines between the procuring entity, borrower and the supplier or contractor.	ethics of procurement, various coercive practices among contractors, presser groups etc.
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Table 1: Comparison between PPR, 2008 and ADB procurement regulations 2017

A comparison around code of conduct and ethical issues of public procurement that exist in the ADB procurement regulations and PPR, 2008 is illustrated below:

SI No	Issues	ADB Regulations	PPR, 2008
01	Conflict of Interest	Yes (ADB Procurement Policy, Para-11)	Yes (Rule-55)
02	Non-discrimination	Yes (ADB Procurement Policy, Para-7)	Yes (Rule-47)
03	Fair Competition	Yes (ADB Procurement Policy, Para-5)	Yes (Rule-90)
04	Domestic preference	Yes (ADB Procurement Guidelines, Para - 2.55)	Yes (Rule-83)
05	Gifts	No (ADB Procurement Policy & Guidelines)	No (Rule-127)

Table 2: A comparison relating to code of conduct and ethical issues

Some other points of comparison are presented below:

Market survey for official estimates

This is important to prepare official estimates for a particular procurement with current market price. In the ADB procurement regulations, there is no option to justify the market price of goods and works. In contrast, PPR 2008, has allowed procuring entity to prepare official cost estimate with justification of market survey for public procurement (Rule 15 and 16 of PPR).

Bonus clauses

There is a provision bonus in ADB procurement guidelines for earlier completion of contract, which is absent in PPR.

Performance based procurement

ADB procurement guidelines have given independence of supplier or contractor for completion of delivery or completion of works by output based procurement for national or international procurement. There is no provision of performance based procurement in PPR.

CONCLUSION AND RECOMMENDATION

This study scrutinized the strengths and weaknesses in various aspects of the ADB procurement regulations 2017 and PPR, 2008 based on an extensive review of these operational guidelines. The study suggests that there are strengths and weaknesses in both ADB procurement regulations and PPR, 2008. More specifically, PPR is designed on the basis of socio-economic structure of Bangladesh where as ADB procurement regulations is developed considering the global impact or 67 regional ADB member countries. The study also shows that there are some important qualitative changes in the public procurement in Bangladesh after implementation of PPR. In order to overcome the limitations further amendments need to be made in PPR. Areas of improvements are as follows:

- Streamlining procurement methods,
 - Finding alternative to lotteries; or transparency in use of lotteries, and
 - Incorporate sustainable procurement, disposal process and project life cycle costing.
- Moreover, the PPR can be improved by taking in positive aspects from ADB procurement regulations such as:

- Bonus for performance,
- Declaration of non-compliance,
- Performance-based procurement, and
- Community participation in procurement.

Furthermore, the following present pressing issues need to be incorporated in both regulations and rules.

- Sustainable procurement,
- Whole life costing for procurement,
- Auction policy,
- Strategic partnership with supplier and contractor,
- Past performance measurement process,
- Supply chain issues,
- Enrich enforcement capacity,
- Creation of separate law wing for clarification regarding procurement issues.

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