

## Responses from Stakeholders for the PPP Act 2010 and AAS Program

Amima Saiyid and Naveed A. Shaikh

### Option A – Preferred

**Service: Service means any of professional activities concerning imparting of public benefits in publicly owned institution/facility and/or programme related or ancillary to the objective of that facility (s) and institution (s).**

### Option B-

Service means an act of support that may be intellectual, technical or strategic in nature required to ensure quality of a project, programme, facility or institution. Examples of services may include intangible products such as consultancy, planning, expertise, training, strategy development, marketing, transportation, procurement, etc. Sectors listed in Schedule I will have domains of work for which specific professional services may be required.

### Option C –

Service as defined in PPRA rules

**AshgarSoomro( EFS)**

Dear Sania,

Please refer to our today's (Nov 25<sup>th</sup>2013) meeting on PPP and Adopt A School program at RSU. Please find below my comments, shared in the meeting, for incorporation in the minutes:

In response to a comment regarding EFS status I clarified that EFS is not part of PWC but a separate company set up under section 42 of the Companies Ordinance, 1984. The EFS's is not a project, however, its initial funding is for 3 years but it will continue to work as an independent organisation in future.

Since we are not legal experts therefore I presented a suggestion that all proposed amendments to PPP ACT 2010 should be consulted with legal experts before submitting them to Law Department for vetting. Moreover, I suggested that definition of civil society organisation (CSO) should be included in the proposed amendments. In this connection please find below a definition of CSO which I have borrowed from the World Bank website:

**A) Civil Society Organizations (CSOs) are non-governmental and not-for-profit organisations.**

**B) CSO refers to a wide of array of organizations: community groups, non-governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations”.**

Thanks Baela. There is a long list of acts under which CSOs are registered therefore I just proposed broader definitions. However, please find below the required list; most common acts are in red colour:

**The Societies Registration Act, 1860**

λThe Religious Endowments Act, 1863

λ**The Trusts Act (II OF 1882)**

λThe Charitable Endowments Act (VI OF 1890)

λThe Mussalman Wakf Validating Act, 1913

λThe Charitable and Religious Trusts Act, 1920

λThe Mussalman Wakf Act, 1923

λ**The Cooperative Societies Act, 1925**

λThe Mussalman Validation Act, 1930

λ**The Voluntary Social Welfare Agencies (Registration And Control Ordinance 1961)**

λ**The Companies Ordinance 1984**

Hope this is helpful.

**Farhana Iqbal (TEF/FPCCI)**

Dear Baela,

Assalamoalaikum!

Please refer to your numerous emails and the discussions in the meeting held on November 8, 2013 at SEF on the above subject. In the first instance, we would like to share with you the comments and views in his attached email on the said PPP Act of Engr. Anwar-ul-Haq Siddiqui, who is Advisor on Science, Technology & Technical Education to CSR of FPCCI, for information and appropriate action. He is a senior Fellow of Institute of Engineers Pakistan and a Chartered Mechanical Engineer. He has done his Masters in Educational Planning & Management and attended many professional training courses in Pakistan and abroad. We suggest that he may please be invited in the next meetings for giving his valuable input.

We have tried to go through the subject Act and would like to share some of our additional views and suggestions in this regard as follows:

<b>S. No.</b>	<b>Page No.</b>	<b>Chapter &amp; Article No.</b>	<b>Suggestions &amp; Comments</b>
1.	5	Ch. I & Art. 3	i) Insert para (3) as: The Government and its Agencies shall provide adequate funds for different types and levels of maintenance of Schools on regular basis. ii) Change existing para Nos. 3 to 4 and 4 to 5.
2.	5	Ch. II & Art. 4	The private sector representatives and sector specialists for the Policy Board shall be nominated by the President, Federation of Pakistan Chambers of Commerce & Industry (FPCCI) or Pakistan Engineering Council, as the case may be.
3.	7	Ch. II & Art. 5.III	Replace 6 months with 2 months.
4.	14	Ch. III & Art. 16 (5)	Replace six months with two months.
5.	14	Ch. III & Art. 17 (2)	Insert in 3 <sup>rd</sup> line after submit it: first to Pakistan Engineering Council for its clearance and then
6.	19	Schedule I	Social Services may be added at the end.

With kind regards.

Farhana Iqbal  
Member,  
Advisors Group on Social Sector to FPCCI

## The Sindh Public Private Partnership Act 2010

**Anwar Siddiqui/through TEF/FPCCI**

To Mefarhanaiqbalms.Mohammad Siddique Sheikh and 2 More...

Today at 11:06 PM

Dear Ms Farhana Iqbal,                      Assalam o Aleykum

I have through this Act critically, there is hardly a partnership concept in this legislation. It is no different from a normal contract award or concession award with all formalities and tangles involved with central control with the PUBLIC PARTNER. It will never achieve the desirable objectives of efficiency, economy, effectiveness of the Private Sector project approach. There is no specific provision for Critical Path Method (CPM), Project Evaluation & Review Technique (PERT), SMART planning, Logical Framework etc some of the hallmarks in the Private Sector project management.

The Act has been typically well worded legal language and there is no need to go into semantics for inclusion of 'service' or 'service delivery' here and there. Just get the Schedule-I amended as under:

- Education facilities **and services;**
- Health facilities **and services;**
- Information **& Communication** Technology **facilities and service**

It will cover the 'service' and 'service delivery' in the main body text.

Though Education covers all types of education including Universities, yet there is no harm in make explicit case for :

- **Special Education;**
- **Technical & Vocational Education and Training, and**
- **Women Social Development sector.**

Meanwhile in Section 2, sub clause (q) the definition of Person, the last portion ' **or a sole proprietor other than an Agency**' be deleted, and it should read:

**"Person" means a company, entity, firm, association or a body of individuals;**

This may check the loophole for corruption of individuals, though, it can be effectively plugged if the prior Pre-Qualification includes the registration of the "Person" with the Pakistan Engineering Council for desirable categories of works.

Kind regards

Anwar Siddiqui

**SZABIST - Nov 25th**

Dear Baela,

I was about to come for the meeting, just now I had some emergency and have to travel immediately, regret for missing this opportunity and share SZABIST point of view but definitely I went through the whole documents you sent me , specially the MOU for AASP. I appreciate the efforts and would like to add that:

1. point 3.3 must be considered thoroughly as in various schools there is an imbalance of teachers in proportion to students, so instead of hiring some transfer idea can be considered.
2. Project manager idea is well appreciated.
3. In 5.1 addition of adopter is appreciated
4. focus for adoption is usually on providing infrastructure or financial aid from the adopter to school instead quality outcome must be considered along with strict monitoring on resource leakages

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## **Prof. Anita Ghulam Ali - Sindh Education Foundation**

### **HISTORY**

The AASP was launched by SEF in 1997, with the approval of Government of Sindh, to support public sector schooling system through the involvement of the private sector. It was conceived by Prof. Anita Ghulam Ali (S.I)

### **PROGRAM SUCCESSES**

- Program running successfully since 15 years.
- Significant contributions in government schools by adopters (Infrastructure, teachers, extra curriculum facilities)
- Mobilizing support from the private sector.
- AASP currently has 167 adopted schools in 12 Districts and 50 plus in the pipeline (that has been screened out this year). This has come a long way from only 7 schools in 1998.
- Program Budget of approximately 2 Million in 2013
- School support visits
- Field visits in interior Sindh by AASP team to carry out Need Assessments.
- Teachers trainings and Students Assessments
- Work plans and School Development Plans.
- Transparency in the form of Need Assessment, Screening and Steering Committee Meetings.
- Old adopters come back for more school adoption

### **CONCERNS OF THE ADOPTERS**

- The adopter should have more freedom/power in running of the school in terms of curriculum, hiring and firing of teachers, HT and HM.
- Strategies should be made to better improve the relation between HT/HM and adopter.
- More (direct) funds should be made available from the government to the adopter for running/maintenance of the school
- Action should be taken against inactive adopters, as to remove them from the list of adopters.
- Adoption time should not be restricted to 3-10 years.
- Adoption process is too long and tedious. It should be made shorter.
- Delays take place at the district administration level. Therefore greater support from their side should be mobilized
- As per SNE, gatekeeper and sweepers are not available in the primary schools. Hence provisions should be made accordingly.
- There should be more subject teachers available at the secondary level
- A process should be made to consolidate the schools that have a requirement.
- Encroachment in all schools should be removed. They cause obstructions for teachers, students staff and adopters.

## **RECOMMENDATIONS**

SEF is successfully running AASP since 15 years. The proof is in the before and after pictures of schools and students. SEF is willing to continue to run it and continue facilitating the Education Department in every possible manner. SEF only requests the government to address the concerns of adopters.

SEF wants to expand this program by:

- Focusing on opening more Higher Secondary schools.
- Co-branding and tie-ups with other schools that transfers our students in private sector. (E.g.: Get 10 brilliant students annually from underprivileged areas and give them scholarships)