

ALTERNATIVE PROCUREMENT ARRANGEMENTS

**CAPACITY BUILDING AND ASSESSMENT METHODOLOGY TO DETERMINE
THE ACCEPTANCE OF AN AGENCY'S ALTERNATIVE PROCUREMENT
ARRANGEMENT FOR PROCUREMENTS FINANCED BY THE WORLD BANK
UNDER INVESTMENT PROJECT FINANCE**

Working Draft



The World Bank

OPERATIONS RISK MANAGEMENT - OPSOR

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Abbreviations

AC	Audit Committee
ADB	Asian Development Bank
AfDB	African Development Bank
APA	Alternative Procurement Arrangement
APM	Accredited Practice Manager
BMZ	German Federal Ministry for Economic Cooperation and Development
CMU	Country Management Unit
CODE	Committee on Development Effectiveness
CPAR	Country Procurement Assessment Report
CPO	Chief Procurement Officer
CSO	Civil Society Organizations
DFID	Department for International Development
EBRD	European Bank for Reconstruction and Development
EIB	European Investment Bank
ERG	Efficiency and Reform Group
FIDIC	International Federation of Consulting Engineers
GGP	Governance Global Practice
GGPM's	Governance Global Practice Managers
GP	Global Practice
GPA	Government Procurement Agreement
IADB	Inter-American Development Bank
ISPMS	Indicators of the Strength of Public Management Systems
LDC's	Least Developed Countries
MAPS	Methodology for Assessing Procurement Systems
NASPO	National Association of State Procurement Officials
NCB	National Competitive Bidding
OECD	Organization for Economic Co-operation and Development
OGC	Office of Government Commerce
OPRC	Operational Procurement Review Committee
OPSOR	Operations Risk Management
PAD	Project Appraisal Document
PCA	Procurement Capability Assessment
PCR	Procurement Capability Reviews

PEAT	Procurement Efficiency Assessment Tool
PEFA	Public Expenditure and Financial Accountability
PFM	Public Financial Management
PforR	Program for Results Financing
PPDA	Public Procurement and Disposal of Public Assets Authority
PRMP	Procurement Risk Mitigation Plan
PSM	Public Sector Management
RAS	Reimbursable Advisory Services
UNCITRAL	United Nations Commission on International Trade Law
UNDP	United Nations Development Programme
UNOPS	United Nations Office for Project Services
WB	World Bank
WBG	World Bank Group
WTO	World Trade Organization

Introduction

The World Bank submitted proposals to the Committee on Development Effectiveness (CODE) and Audit Committee (AC) on September 30 2013 to reform the current procurement policies for World Bank financed projects. One proposal was to utilize alternative procurement arrangements in World Bank financed projects where appropriate at all levels of procurement (beyond current National Bidding provisions).

It is proposed that the World Bank would identify and agree on acceptable alternative procurement arrangements (APA)¹. APA refers to procurement arrangements that could be used for procurement in investment projects financed, either in whole or in part, by the World Bank, using a procurement arrangement other than the Regulations and Procedures for Borrowers of the World Bank.

Currently the World Bank supports use of a borrower's national and agency procurement arrangements, acceptable to the World Bank, for procurement that is only advertised at the national level, if it is below certain value thresholds it does not currently contemplate the use of borrower's procurement arrangements for other procurement beyond that. As such, an APA, if agreed would be utilized for procurements financed by the World Bank.

The initial APA's are those of:

- i) The procurement arrangements of other multilateral development banks (MDBs), subject to the conclusion of agreement by Management with other MDB's or bilateral institutions (Memoranda of Understanding that set out partners' agreed roles and responsibilities);
- ii) Procurement arrangements of full members of the World Trade Organization (WTO) Government Procurement Agreement (GPA) for covered expenditures / agencies (this applies to both donor and borrower members), subject to a successful review of implementing agency capacity (subject to Board approval for its use in each project, this will be detailed in the PAD); and
- iii) Procurement arrangements of any implementing agency that has successfully been reviewed and approved by the Bank using its assessment framework (subject to Board approval for its use in each project, this will be detailed in the PAD).

In recent years it has been increasingly recognized that strengthening and using national procurement arrangements is a key factor in scaling up for more effective aid. The Paris Declaration and the Accra Agenda for Action have reaffirmed commitments to carry out diagnostics, develop sustainable reforms and monitor implementation, as well as commit sufficient resources to support and sustain medium and long-term procurement reforms and promote capacity development. In addition, the Busan Partnership for Effective Development (2011) called on donors to initiate a process that eventually leads to the full use of a national system.

¹ Low value or procurement at the national level are not subject to this specific assessment methodology

The assessment of an agency's alternative procurement arrangements will help the agency to identify strengths and weaknesses in its procurement arrangements that can then be addressed to improve performance. It also enables the agency to use its own arrangements for procurements financed by the World Bank.

The use of any APA is subject to the following conditions:

- Appropriate implementation capacity in the implementing agency;
- Open advertisement of procurement opportunities;
- Open to eligible providers from any country;
- Appropriate application of the Bank's debarment list;
- Contracts with an appropriate allocation of responsibilities, risks and liabilities;
- Application of the World Bank's sanction policy (fraudulent and corrupt practices provisions will be maintained through the financing agreement and shall require that providers submitting bids/proposals present a signed acceptance of the provisions);
- Publication of contract award information;
- Rights for the World Bank to review procurement documentation and activities;
- Effective and independent complaints mechanism;
- Maintenance of records of the procurement;
- Clearance of the proposed alternative procurement arrangement by the World Bank's Chief Procurement Officer; and
- Approval by the Board in each project PAD.

The performance assessment tool used to agree on acceptable procurement arrangements shall:

- **Evaluate the implementation capacity of the agency**, the adequacy of procurement and related arrangements in place for use with World Bank financed projects;
- **Assess the risks** (institutional, organizational, procedural, market, supply chain etc.) that may impact the ability of the agency to carry out the procurement process;
- Develop an **action plan** to be implemented to address any deficiencies detected during the assessment of the APA by the World Bank, prior to its use either in whole or in part; and
- Propose a suitable Bank **procurement support and supervision** plan compatible with the relative strengths, weaknesses and risks revealed by the assessment.

The principles governing Alternative Procurement Arrangements consider whether agency procurement arrangements, agency performance and the governance framework provides reasonable assurance that the financing proceeds will be used for the intended purposes, with due attention to the World Bank Core Procurement Principles. The key performance measures focus on the following outcomes (Core Principles).

- Value for Money

- Economy
- Integrity
- Fit for Purpose
- Efficiency
- Transparency
- Fairness

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Assessment of Alternative Procurement Arrangements Framework

The Alternative Procurement Arrangements Framework (assessment framework) is a set of indicators that assess procurement capacity and capability, and the performance of the procurement arrangement at an agency level, with relevant consideration of the overarching public procurement framework at the national level. The assessment framework will assist World Bank staff to determine the degree to which the procurement arrangement of an agency is consistent with the World Bank's Core Procurement Principles as stated in its Procurement Policy and if it is robust enough to be used for World Bank financed projects in whole or in part.

As an international, multi-lateral organization the World Bank shall be able to justify its decisions to permit the use of an APA for use in investment projects it finances. The assessment framework takes into consideration that public procurement has multiple stakeholders and is characterized by many variables including institutional capacity, legal/administrative system, political economy, market conditions and budget, among others. This framework uses the OECD Methodology for Assessing Procurement Systems (MAPS) as its core, augmenting this appraisal with additional indicators and performance review and a revised methodology to provide appropriate assurance to the World Bank in its decision making on the use of an APA for procurement in the investment projects it finances.

There are no internationally agreed common standards for public procurement performance measurement; however, there are some existing benchmarks and indicators that can be used to determine good procurement practices. Taking into consideration the specific capacities and issues that exist in the country and agency, the tool proposed by the Word Bank identifies the strengths and weaknesses of the procurement arrangement at an agency level, in conjunction with the country's national governing procurement/legislative framework. If, after the completion of the assessment, an agency's procurement arrangement is not approved for World Bank financed projects, a development plan would be advised by the World Bank to assist the agency in addressing the capacity and capability gaps identified to improve the respective procurement arrangement. However, if an agency is approved for an APA, then their procurement arrangements would be utilized in part or full for procurement financed by the World Bank, with review/audit by the World Bank to determine performance and ongoing use of the agency's arrangement.

This framework will be used by the World Bank to identify any gaps and possible improvements that should be made in policy and procedures to improve the' performance of the APA. It will also be used to identify bottlenecks and weaknesses in the APA that requires further study. Finally, the assessment framework would also assist the World Bank to draw overall conclusions regarding the APA, bearing in mind that each indicator alone only gives a partial picture and is not sufficient on its own.

This methodology for assessment is primarily aimed at supporting World Bank decision making in support of utilizing an APA in investment projects financed by the World Bank. Therefore this assessment is focused on justifying the delegation of authority regarding procurement activities financed by the World Bank, it can however also be used to support the broader issue of capacity building in the procurement process.

Methodology

The methodology for the assessment of an agency's capability to utilize their own procurement arrangement for procurement's under Work Bank Investment Project Finance has six stages:

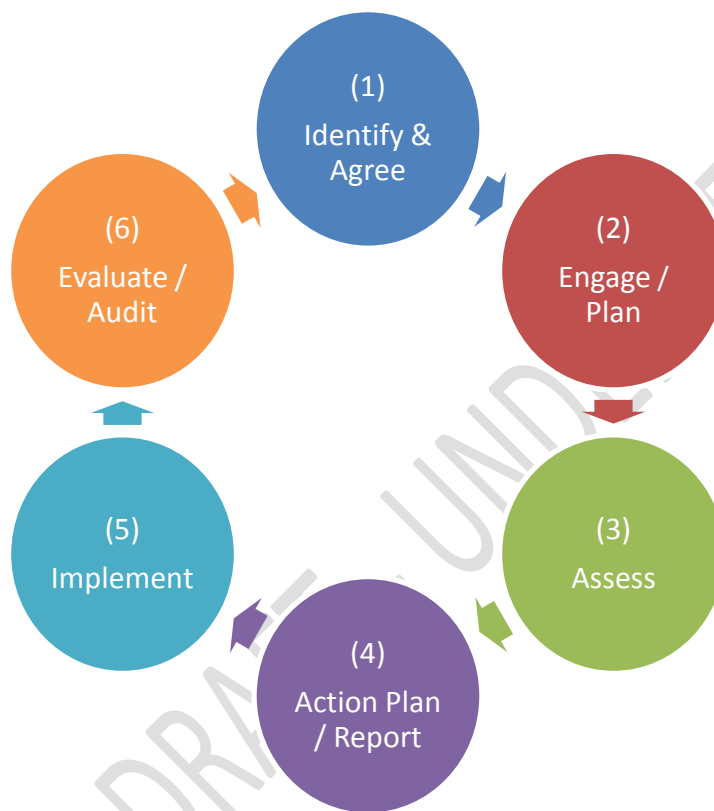


Figure 1: Methodology Cycle

Stage One – Identify & Agree

The first stage of the assessment is the identification of agencies that should be assessed by the World Bank. In the first instance, agency's from country's that are members of the Government Procurement Agreement (GPA), where the World Bank has projects in its pipeline, will be identified and prioritized for assessment – subject to their agreement.

To identify which agencies should be assessed from non-GPA member countries, the information from the 4-6 yr program outlined by the Country Partnership Framework (CPF)², which shapes the sectors and

² Country Partnership Framework-World Bank. Available in <http://www.worldbank.org/en/projects-operations/country-strategies#1>

areas where the World Bank can take action to reduce poverty and increase share prosperity, will be used.

Once an agency has been identified the Accredited Practice Manager (APM) from the Governance Global Practice (GGP) will work in coordination with the Global Practice (GP) and Country Management Unit (CMU) to identify the resource requirements, partnership and to determine the time frame of the assessment. The GGP and the CMU will inform the Chief Procurement Officer (CPO) about agencies that will be assessed. The process is outlined below.

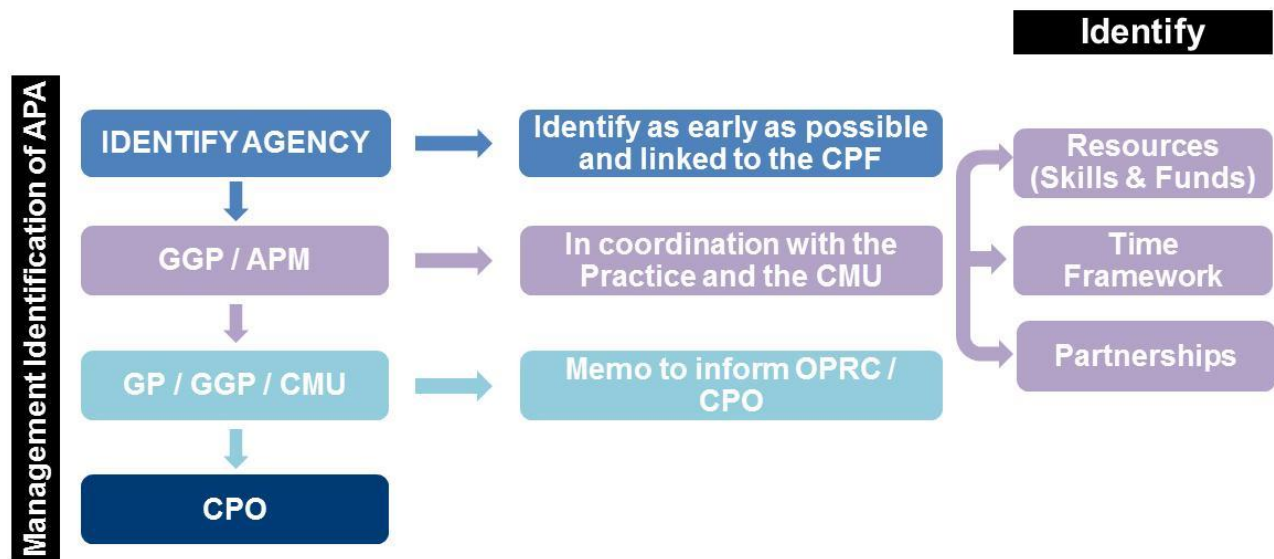


Figure 2: Identifying agencies to be assessed for APA

Stage Two - Engage / Plan

The second stage of the assessment is to engage the identified agency and assess their procurement arrangements and performance to determine if it is acceptable to be used in investment projects financed, either in whole or in part, by the World Bank. Following engagement and the agency's agreement to proceed with the assessment, the Practice Manager and Procurement Specialist from the Governance Global Practice would start the necessary detailed engagement with key agency and country/government stakeholders to plan the work. Various external stakeholders will have different levels of interest and influence on the assessment of alternative procurement arrangements and capacity development. Stakeholders will vary from situation to situation including, but not limited to:

- National Institutions (Public Procurement Oversight Organizations);
- Ministry of Finance;
- Other Ministries;
- Civil Service Commission;
- Private sector trade bodies (such as Chambers of Commerce, FIDIC);
- Private sector organizations (such as contractors, suppliers, consultants, NGO's (Transparency International);
- Audit Commission;
- The procuring agency;
- Donors; and
- MDB's.

As appropriate, identified stakeholders will be taken through the assessment process and clearly explained what is required from them and the agency being assessed in order to conduct an effective assessment. Agreement will need to be reached with key stakeholders on the timing of the assessment and the make-up of the core team undertaking the assessment.

Advanced planning is needed to arrange for the collection of the information required and to identify external stakeholders and companies to be interviewed or surveyed.

Identifying a qualified assessment team is critical to the credibility and reliability of the assessment. Assessment teams should preferably be seasoned public procurement practitioners with ample knowledge of the institutional and operational aspects of the subject and of internationally accepted procurement practices.

The availability, reliability and integrity of records and data needs careful consideration during the planning phase as it may impede a full assessment of the procurement arrangement. It will be difficult for the assessment to take place if such information is not available.

The agency would need to confirm that they meet the minimum criteria in Annex B and if they hold the data required to complete part of the third step of the assessment. See page 20, Step C - Evidence Based Analysis.

Two core types of data are needed to measure the performance dimension:

1. Selection process data; and
2. Contract execution data.

The data required may be classified as essential or desirable. There are 13 data fields that are essential to measure the performance of the procurement arrangement. There are 10 additional data fields that are desirable. The 13 essential data fields are highlighted and underlined below. To the extent possible, the collected data should cover a critical mass of procurements over a period of time, around four years prior to the assessment or as agreed with the World Bank, to ensure robust results.

- Selection Process Data
 - **Type of procurement (goods, works, consultants, services) - Essential**
 - Brief description of the goods, works, general services or consulting services to be procured
 - **Selection method - Essential**
 - Selection process identification number
 - **Date of publication of the specific procurement notice or delivery of invitations for:**
 - **Prequalification, if applicable - Essential**
 - **Expression of interest - Essential**
 - **Bids/proposal - Essential**
 - Date of publication of prequalification or shortlisting results, if applicable
 - Date of bid/proposal opening
 - Number of bids/proposal received and names of providers that submitted bids/proposals
 - **Date of complaint filing, if any - Essential**
 - **Date of response to complaints, if any - Essential**
 - Type of complaint (bidding documents, pre-bid conference, award)
 - **Date of notification of contract award - Essential**
 - Date of contract signature
 - **Official estimated cost - Essential**
 - **Contract award price - Essential**
- Contract Execution Data
 - Contract identification code or number
 - **Final contract price - Essential**
 - **Original contract completion date - Essential**
 - **Actual contract completion date - Essential**
 - Price amendments, if any
 - Contract extensions, if any

Typically, these two sets of data are collected by different information systems: e-procurement systems usually gather selection process data; whereas contract management information systems gather contract related data.

The challenge to collect this data cannot be overstated, at an agency level this information is often more readily available; as part of planning the assessment, a quick appraisal of the likely success of gathering this information must be made. The World Bank approach of focusing the assessment of performance and determination of an APA at an agency level is intended to make data gathering easier and more focused. Generally, well performing agencies have effective IT systems and can monitor and report on the data required by the World Bank.

In addition to data, the assessment also includes indicators that cover policies and procedures that need to meet minimum criteria acceptable to the World Bank for use of their procurement arrangement. These indicators will also need to be discussed and communicated at the engagement stage so that the agency can quickly determine the likelihood of success. If these criteria are not present then the agency would not be assessed as they would not meet the requirements of the World Bank. It is suggested that World Bank staff provide to the agency proposed for assessment, the details of the minimum criteria as detailed in Annex B, in order for a quick determination of likely success can be made to minimize nugatory work.

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Stage Three – Assess

This section outlines the methodology that will be used to assess an agency to determine if their procurement arrangement is to be used in part or full for investment projects financed by the World Bank. A separate detailed guide for the assessment team will be developed that outlines how to complete the assessment and what is expected from the assessment team. This guide will include a dynamic template to assist the assessor in capturing the required information.

Stage three of the methodology to complete the assessment. The assessment comprises three key steps:

- Step A – National Assessment, focusing on key aspects of the operating environment of the agency under assessment
- Step B – Agency Assessment
- Step C – Evidence Based Assessment

The assessment is to be carried out by the cross functional team identified in the planning stage, but should include the Governance Global Practice Procurement Specialist, agreed third parties and staff from the agency being assessed. The assessment may also be conducted by an independent procurement consultant. It is estimated that the assessment would take about two weeks to complete, excluding the 'Results Analysis Stage'.

The assessment will examine relevant aspects of the national procurement arrangements as they relate to the agency under assessment such as legislative framework. However, the main focus of the assessment is on the implementing agency to determine the effectiveness and performance of the agency procurement arrangement and its associated legal/regulatory/policy framework. The assessment is designed to gather information by asking set questions and by reviewing key policies and documents such as procurement plans, market research and analysis, and selection documents). The information is examined to determine how effective the policies and procedures are and their effectiveness will be examined by data analysis and through a survey.

The assessment includes both quantitative and qualitative indicators, including perceptions (feedback through surveys and/or interviews of NGO's, businesses and others). Indicators are focused on the following aspects:

- **Action Worthy** - to help identify improvement linked to desired performance outcomes
- **Actionable** - designed to identify and address specific bottlenecks and specific enough to point to policy actions that can be taken to make improvements.
- **Behavioral** - rely on multiple dimensions to track changes in the functioning of public institutions. This would include individual behaviors in the public sector (e.g. public official's accountability for process and results) and the private sector (e.g. providers interest in participation)
- **Replicable** - Indicator is transparent and would be able to be replicated

- **Feasible** - Indicator could be measured by a large number of countries

The Assessment Methodology is founded on the Methodology for Assessing Procurement Systems (MAPS) of the Organization for Economic Co-operation and Development's (OECD) Assessment, augmented to inform World Bank decision making on delegation of significant procurement activities in investment project it finances. In summary, the MAPS assessment tool has been modified to include five pillars instead of the traditional four pillars, reflecting the World Bank's focus on performance in determining the right procurement arrangement to be used for investment projects it finances.

The five pillars of assessment include (figure 3):

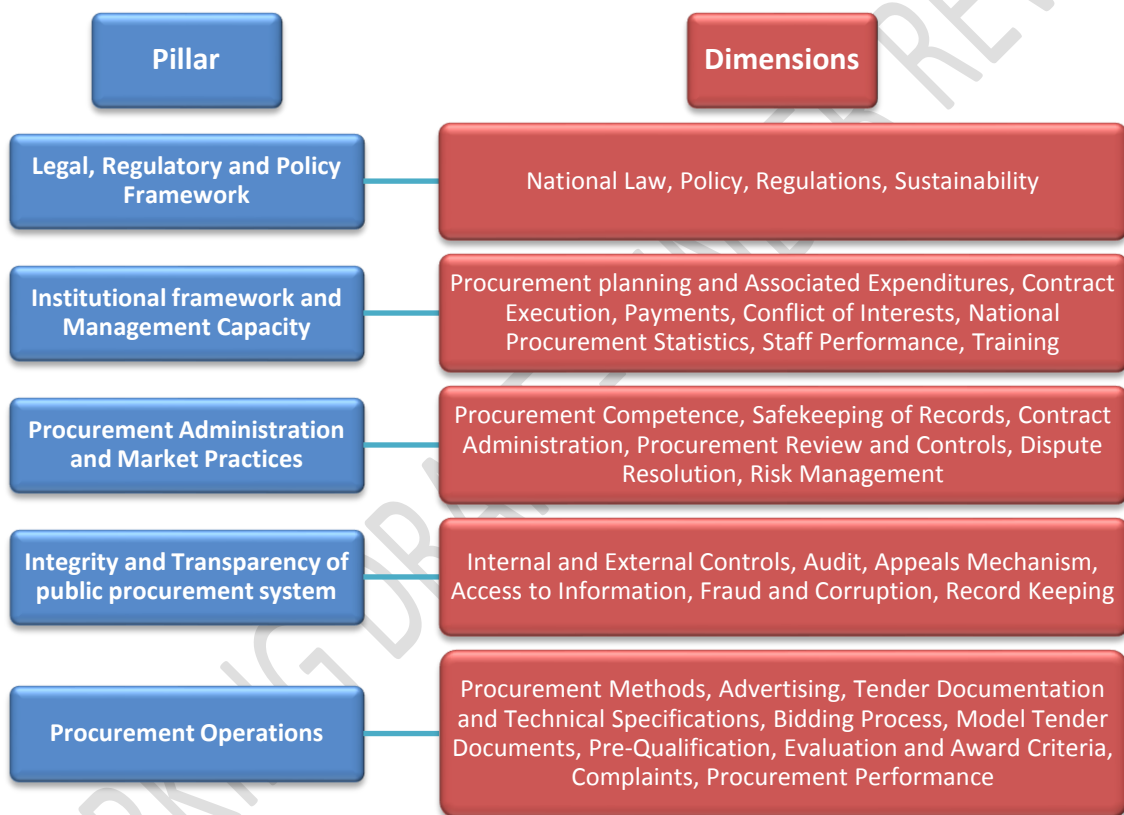


Figure 3: Pillars and Dimensions

- **Legislative, Regulatory and Policy Framework** - This aspect of the review covers the legal and regulatory instruments from the highest level (national law, act, regulations, decrees, etc.) down to detailed policy framework, regulation, procedures and procurement documents formally in use at the agency level.

- **Institutional Framework and Management Capacity** - This aspect of the review looks at how the procurement arrangement as defined by the governance framework operates in practice.
- **Procurement Administration and Market Practices** – This aspect of the review examines procurement administration and the market as one means of judging the quality and effectiveness of the procurement arrangement when putting procurement procedures into practice. This Pillar is distinguished from Pillars I and II in that it is not looking at the legal/regulatory or institutional systems at the national level, rather how they operate at an agency level.
- **Integrity and Transparency** – This aspect of the review covers four indicators that are considered necessary to provide for a procurement arrangement that operates with integrity, has appropriate controls that support the implementation of the arrangement in accordance with the legal and regulatory framework and has appropriate measures in place to address the potential for corruption in the arrangement. It also covers important aspects of the procurement arrangement that include stakeholders as part of the control system. This Pillar takes aspects of the procurement arrangement and governance environment and seeks to ensure that they are defined and structured to contribute to integrity and transparency.
- **Procurement Operations** - This aspect of the review is focused on performance and looks at the operational effectiveness and efficiency of the procurement arrangement at the national level and of the agency / implementing entity responsible for issuing individual procurement actions. It looks at the procurement cycle as one means of judging the quality and effectiveness of the arrangement when putting procurement procedures into practice. This Pillar looks at the procurement framework and arrangement at a national and agency level to see how they actually operate and perform.

Under each pillar are dimensions and indicators that look at different parts of an effective procurement arrangement and procurement operation. The assessment team will gather information by asking the specific, detailed questions identified in Section 2. The results of the assessment will be used to inform a decision on the effectiveness of the policy or procedure at the agency level. Some indicators as mentioned earlier will be assessed against a minimum criterion, see Annex B.

Section 2 of this document outlines in detail each of the five pillars and the indicators and dimensions that fall under each pillar.

Under each pillar there are dimensions and indicators at national and agency level covering all elements present in a good procurement arrangement from the regulatory framework, complaints handling, dispute resolution, anti-corruption measures through to the procurement processes and procedures and subsequent contract administration/management.

The diagram (Figure 4) on the following page outlines an example from one of the pillars, the dimension and indicators, and shows the flow from the national level, agency level through to the evidence based

analysis so that a detailed informed conclusion can be made about the effectiveness of that particular indicator.

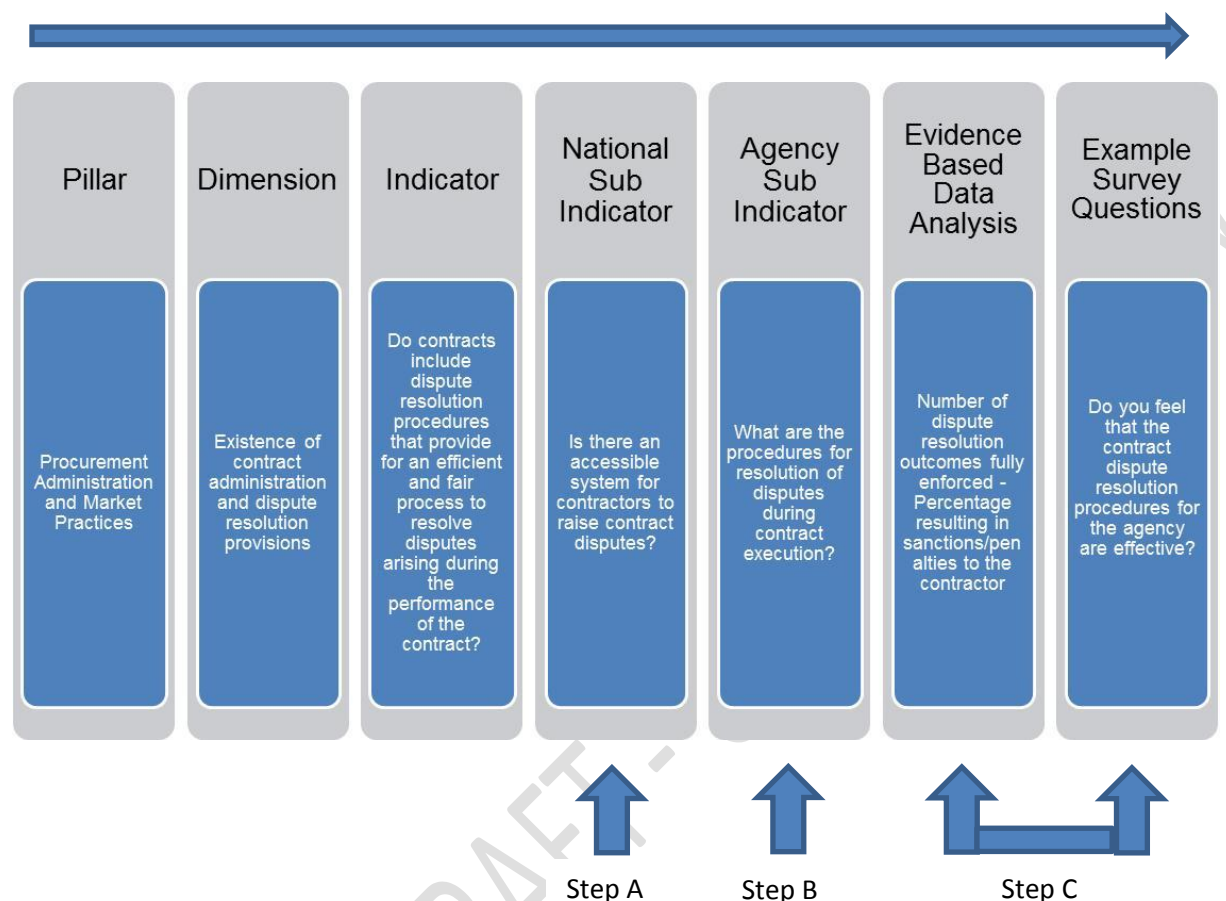


Figure 4: Example - Procurement Administration and Market Practices

The assessment focuses on both i) quantitative and ii) qualitative data. Since both have pros and cons, a capacity assessment should include both aspects. Quantitative data includes specific, measurable, numerical or statistical data such as spend data, or a measure of the frequency of an occurrence. Qualitative data is descriptive and provides breadth and depth and allows the underlying reasons and root causes of capacity and capability deficits or constraints to be explored. The assessment will include a perception assessment of identified dimensions on their effectiveness, this information is gathered by survey and if appropriate interviews of stakeholders such as CSO's (Civil Society Organizations i.e. Transparency International), private sector organizations (providers, contractors, consultants), trade bodies (chambers of commerce, trade bodies, such as The International Federation of Consulting Engineers (FIDIC)).

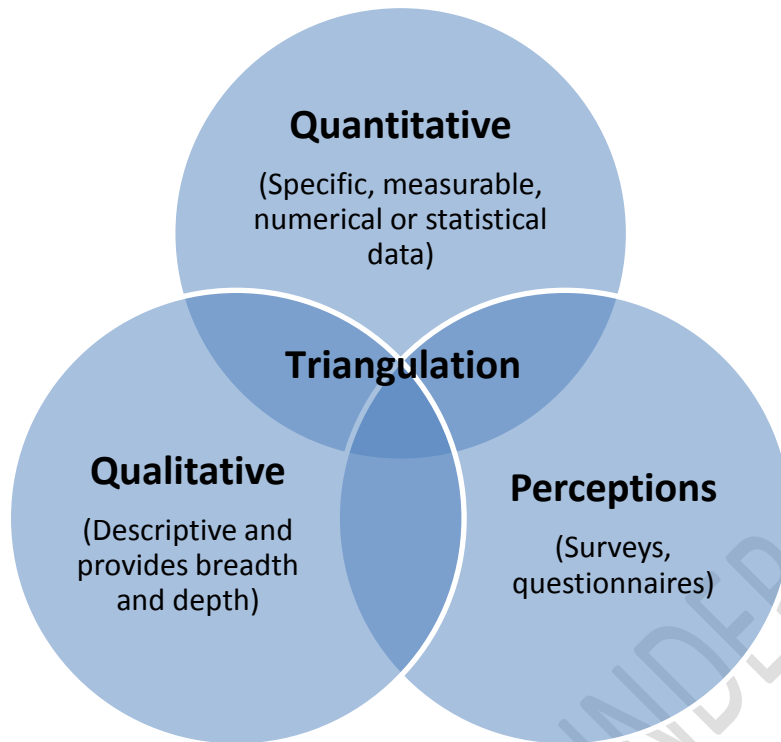


Figure 5 – Assessment Types

Step A – National Assessment (Operating Environment of the Agency)

The first step is an assessment of the operating environment of the agency at the national level. This assessment of the operating environment examines different elements of the national legislative, regulations and procurement arrangements to ensure that an agency assessment can be conducted appropriately. If the assessment team concludes that critical elements in the national operating environment are not present, then the agency assessment would not progress if the assessment is for APA (Unless the team is confident that mitigating actions are present in the agency). However, if the assessment is being used for identifying capacity and capability gaps then the assessment would continue. This approach will ensure efficiency in the arrangement by minimizing assessments in situations that are unlikely to be successful.

The appraisal will be conducted by the assessment team as identified in stage one, a national example assessment template (Annex C) will be used as a guide to complete this work.

The National Assessment includes aspects under each of the five pillars outlined in figure 2. Under each of the pillars there are then dimensions and indicators that the assessment team gathers the information to answer the questions under each dimension. This will then enable the assessment team to determine the overall operating environment of the agency, to inform specific questioning at the agency level.

Agencies that are from GPA countries will not be assessed against the indicators that they will already have been assessed against as part of the process for GPA accession.

Step B – Agency Assessment

Once the assessment of the operating environment at the national level is complete and the assessment team has determined that the critical elements needed for a highly functioning procurement arrangement are present (or appear to be mitigated at an agency level); the assessment progresses to the agency level.

The agency assessment examines complementary dimensions and indicators to those assessed at the national level, focusing on how the agency actually interprets and implements national policy and how procurements are run in practice using its own specific policies and procedures. The assessment team gathers information on each indicator through gathering information related to each question. This then enables the assessment team to make an informed judgment on how the procurement arrangement operates in practice and to identify areas of relevant strength and weakness. The assessment will be completed using the example agency assessment template in Annex D. Please note, as needed each indicator details guidance on the minimum standards expected for the policy or procedure to be effective, see Annex B.

The agency assessment also includes indicators that are driven by data to show how the agency procurement arrangement actually performs. This performance data is used in the analysis that forms part of the stage three evidence based analysis.

Step C – Evidence Based Analysis

The final step of the analysis is in two complementary parts. The first part analyses the performance of the procurement arrangement using selection process and contract execution data, to determine, if in fact the procurement arrangement functions as intended. The second part examines the perceptions and opinions of the private sectors and NGO's i.e. contractors, provider, consultants, trade bodies, etc.

The cornerstone of this stage of the methodology is the use of evidence and data as the primary sources of information to measure results in procurement. This complements the previous assessment stages that evaluated the organizational and regulatory aspects of procurement. It also favors the use of quantitative evidence to measure indicators as far as possible. In cases where data may be hard to find or unavailable, this stage will also use the information gathered by surveys and/or interviews to collect factual experiences of stakeholders. The surveys and/or interviews will also complement data analysis and are a useful barometer for the qualitative indicators on fairness and quality of inputs.

Defining success in government agency procurement is a challenging task; but any successful procurement operation has the following five characteristics as a minimum (see figure 6):

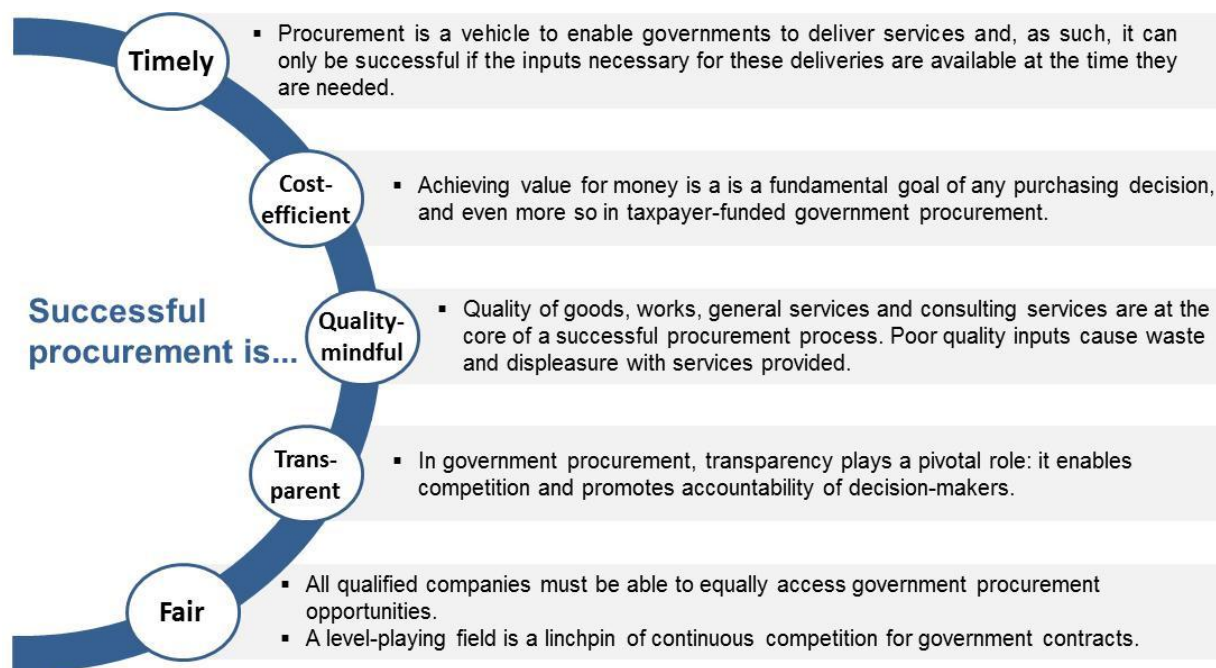


Figure 6 – Successful Procurement

Timeliness

Timely delivery of goods, works, general services and consulting services is a key indication of success in procurement, whether done by private sector companies or governments. The development of just-in-time supply chains highlight the importance of timely delivery for private sector companies that seek to minimize storage costs while avoiding idle time at the factory floor that would happen in case of late delivery. In the public sector, procurement is a vehicle that enables governments to deliver services to the population, whether those services are health services, education services, infrastructure or others. Thus, governments will only be able to successfully offer these services if the necessary inputs are available at the time they are needed. For instance, a medical team working for a government will not be able to treat sick patients if hospitals do not have medicines when needed. Similarly, teachers will not be able to deliver classes if books do not arrive at schools prior to the beginning of the school year.

Cost-efficiency

Achieving value for money is a fundamental goal of any purchasing decision, whether in our private lives, corporate work or on government operations. And, it is even more so in government procurement since governments are using taxpayers' money. There is so much demand for government services across all governments in the world that paying more than necessary is certainly going to be seen as an inexcusable waste by all stakeholders.

It is important to note that cost-efficiency in this context does not mean purchasing low-quality goods and services. It is a frequent criticism in government procurement that regulations requiring

governments to purchase from the lowest price bidder results in very low quality goods and services. However, this methodology argues that government procurement is multi-dimensional and that every dimension is important in itself. Quality is one of the dimensions used to measure results in this methodology. Cost-efficiency has to be seen in the context of also achieving the minimum quality required for governments to deliver adequate services to the population.

Cost-efficiency is particularly hard to measure in government procurement because there is no single factual evidence that can be used to make that assessment. Therefore this part of the methodology proposes a set of proxies to evaluate cost-efficiency.

Quality

Quality of inputs is essential for government teams delivering services to the population. Poor quality inputs will cause waste and displeasure with services provided. For instance, poor quality roads will have to be rebuilt year after year besides slowing down traffic and increasing logistics cost. Similarly, poor quality medicines will demand more time from doctors to treat an ailment.

Striking a balance between price and quality is the ultimate goal. Governments do not always want to purchase the highest quality equipment available in the market all the time. For example, when purchasing computer equipment for administrative work, governments do not always need to buy the best laptops and desktops available. Purchasing agencies will determine the use of the equipment and then come up with the quality needed to fit the needs of end-users. Once that quality has been determined, governments will look for the most economical price offered for equipment that meet the minimum quality required (Value for Money). The tradeoff between price and quality is a good example of how government procurement is multi-dimensional and the importance of every single dimension on its own right, price alone will not ensure success in procurement because poor quality can ultimately result in waste while focusing on quality alone may cause governments to pay more than they need. The importance of all the dimensions and the tradeoffs amongst them have to be evaluated and analyzed as a cohesive group, rather than any one of them individually. Accordingly, success in government procurement will only happen if an administration fare well enough in all five core results. Poor performance in just one of the five results that may compromise success as each of these results is very important.

Transparency

In government procurement, transparency plays a pivotal role in success as it enables competition and promotes accountability of those making purchasing decisions. Whereas in the private sector transparency may not be a driving factor in purchasing decisions, taking a back seat to price and quality, in government operations it is at the forefront. Taxpayers demand transparency on the use of their tax money. Furthermore, a transparent disclosure of procurement opportunities will enable broader competition for government contracts.

A government can carry out procurement that is fast, economical and of quality goods and services but if the process through which these three results were achieved was not transparent, it can be

considered a failure. For example, consider a process that has all the three characteristics listed but was awarded arbitrarily and undisclosed to a family member of a government official. Stakeholders expect transparency on government decisions, even more so in decisions that commit the use of funds. As is the case for each of the five goals of a successful procurement, transparency is essential regardless of any other of the goals.

Fairness

A level playing field is a linchpin of continuous competition for government contracts, and competition is a pre-requisite for cost-efficiency and quality. Lack of competition will drive up prices and lower quality. Because government procurement processes typically require lots of documentation and time to participate, the opportunity cost to bid for government contracts is high and many companies will simply not bother if they don't think that they will be treated fairly.

The direct connection between fairness and competition would be a compelling reason to build a fair arrangement on itself. But in addition to that, in government procurement all qualified companies expect to be given the opportunity to compete for taxpayer-funded contracts. Thwarting that opportunity or creating unfair procurement conditions would be detrimental to integrity and good governance.

Conclusion of Step C

The purpose is to enable objective measurement of the performance of procurement arrangement in the five areas of core results through the five pillars of the assessment. Measuring actual results under each pillar poses very different challenges. Some results are straightforward to measure with quantitative evidence, such as timeliness; but the qualitative results, like quality of items procured and the fairness of the process, have to be evaluated differently.

This is why the methodology will also look at the perceptions and opinions of stakeholders. If data on procurement complaints is unavailable, this approach fills in the void with interviews with stakeholders to collect their factual experiences when complaining or trying to complain during a procurement processes. But even when data about procurement complaints is readily available, the interviews may take place to complement the findings of the data. The example questions that will form part of the questionnaire for the factual experience interviews are found in Annex E.

In addition to collecting the experiences of stakeholders when complaining during a procurement processes, the interviews will collect their factual experiences with the fairness and equality of the procurement process. For instance, the questionnaire will prompt private sector companies to report their experiences about whether requirements to participate commensurate with the contract; the criteria set out to award contracts is not biased; the specifications of the job does not prevent qualified companies from bidding and others.

The Assessment

This section outlines the pillars, dimensions and the indicators at a national and agency level. Each dimension outlines the questions that need to be answered to get a good understanding of how the procurement arrangement operates at a national and agency level. Evidence based questions and analysis (using data information and surveys) are also outlined.

Pillar I – Legislative, Regulatory and Policy Framework

Dimension 1 - Public procurement legislative, regulatory and policy framework achieves the agreed standards and complies with applicable obligations

The dimension covers the legal, regulatory and policy instruments from the highest level (national law, regulations, decrees, etc.) down to detailed regulation and procedures formally in use. This dimension is broken down into two individually assessed indicators (a-b).

Indicator 1(a) – Scope of application and coverage of the legislative, regulatory and policy framework

The purpose of this indicator is to determine:

- a) The structure of the regulatory / legal / policy framework governing public procurement;
- b) The extent of its coverage; and
- c) The public access to the laws, regulations and policies.

National Indicator

- a) How are laws, regulations and policies organized hierarchically?
- b) Are all laws, regulations and policies published and easily available?
- c) How can one access these laws?
- d) What is the coverage of the regulatory framework and policies regarding types of procurement?
- e) Does it cover all types of procurement (Goods, Works, General Services and Consulting Services)?

Indicator 1(b) – Rule on Participation

This indicator assesses whether the regulatory / legal / policy framework includes:

The regulatory / legal / policy framework should make open competitive selection the preferred method of procurement. The law and regulations should define the situations in which other methods can be used and ensure that acceptable justification and approval levels are clearly specified.

The hierarchy of the legal and policy instruments where acceptable selection methods are established should be such that the discretion of individual agencies or procurement officials is reasonably controlled to minimize the use of methods that limit competition.

National Indicator

- a) What is the policy on the selection methods that can be used and under what circumstances?
- b) What are the legal / policy requirements for eligibility of providers?
- c) Are providers denied eligibility for criminal or corrupt activities?
- d) Are there procedures for administrative debarment? Describe how they are implemented?
- e) Can SOE's (State Owned Enterprises) bid for Government contracts? If yes, do they have any preferential treatment?

Agency Indicator

- a) Does the agency have a policy on eligibility that meets the legal / regulatory / policy framework?
- b) How are the requirements measured? (Pass, Fail, Scoring)
- c) Are providers required to register as a condition of eligibility? If yes, what is the registration process?

Example Survey Question

- a) Do you feel that you have adequate opportunity to be eligible for procurement opportunities managed by the agency?
 - i. Always
 - ii. Frequently
 - iii. Rarely
 - iv. Never

Dimension 2 - Existence of Implementing Regulations, Policy and Documentation

This dimension assesses the existence, availability and quality of implementing regulations and procurement documents. Ideally the higher level legislation and or policy provide the framework of principles and policies that govern public procurement. Lower level regulations and more detailed instruments supplement the law and or policy, make it operational, and indicate how to apply the law to specific circumstances. This dimension consists of two parts (a-b).

Indicator 2(a) – Implementing regulation and or policy that provide defined processes and procedures not included in higher-level legislation

This indicator aims at verifying the existence, clarity, accessibility and comprehensiveness of regulations to the law and or policy that further detail and clarify its application. Regulations and or policy are an important aspect of a procurement arrangement as they provide the detail that explains and enables the application of the legal / policy framework in a variety of applications.

National Indicator

- a) Are procurement regulations and or policies consolidated in one simple place or in different sources? If more than one source, list all sources. Where can these regulations be found?
- b) When was the last update to the regulations and or policies?
- c) Who is responsible for maintaining and updating procurement regulations and policies?

Indicator 2(b) – Conditions of Contracts (CC) for public sector contracts covering goods, works, general services and consulting services consistent with national requirements and, when applicable, international requirements

This indicator deals with CC that set forth the basic provisions which will be included in a contract with the government. The CC are based on the laws in the country and generally reflect the commercial codes that deal with contracts between parties. It is important to participants in a procurement that they know the specific contract conditions before they submit a bid/proposal for performing the contract since contract conditions will often have an impact on risk and pricing. The CC provides information that enables participants to understand the allocation of risk between parties to a contract as well as other obligations that the signatories to the contract will incur.

It is important that the government establish CC that are consistent, applicable to the requirement, and are reflective of laws that impact on contracts and their performance. CC need to be mandatory in their use and not subject to negotiations.

National Indicator

- a) Are there CC for the most common types of contracts and is their use mandatory?
- b) Are the CC's generally fair and balanced and consistent with internationally accepted practice? If so which?

Agency Indicator

- a) If there are national CC's, are they utilized by the agency?
- b) If there are no national CC's, does the agency have their own and are they utilized?
- c) Are the CC's generally fair and balanced?

Dimension 3 - Sustainable Procurement

This dimension assesses the policies and procedures that cover sustainable procurement at the national and agency level. Sustainable procurement is a process whereby organizations meet their needs for goods, works, general services and consulting services ensuring economic, environmental and social considerations are achieved in a way that achieves value for money. This part of the assessment is non-mandatory.

Indicator 3(a) – Sustainable procurement policies and procedures

This indicator looks at what policies and procedures are present at a national and agency level covering sustainable procurement.

National Indicator

- a) Is there a policy or procedure that covers sustainable procurement?
- b) If there is a policy what does the policy cover and is the policy mandated?
- c) Does the policy cover the three (3) aspects of sustainable procurement that is economic, environmental and social considerations?

Agency Indicator

- a) If there is a policy at the national level does the agency apply the national policy on sustainable procurement?
- b) Is there a policy or procedure at the agency that covers sustainable procurement?
- c) What does the policy cover?
- d) Do the policies and procedures cover the three (3) aspects of sustainable procurement that is economic, environmental and social considerations?

Example Survey Question

- a) Does the agency apply sustainable procurement principles?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Frequently |
| iii. | Rarely | iv. | Never |

- b) Do you see contracts being awarded to more sustainable solutions?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Frequently |
| iii. | Rarely | iv. | Never |

Pillar II. Institutional Framework and Management Capacity

This aspect of the review looks at how the procurement arrangement is defined by the governance framework in the country and how it is operating in practice through the institutions and management systems that are part of the overall public sector governance in the country.

Dimension 4 - The public procurement arrangement is integrated into the public sector governance system

This dimension looks at the procurement arrangement to:

- a) Determine its suitability to discharge the obligations prescribed in the law;
- b) Whether the necessary links with other sectors of government affecting procurement exist;
- c) Whether procurement operations are constrained by other external institutional factors; and
- d) Whether the managerial and technical capacity of the arrangement are adequate to do procurement without unnecessary cost or delay.

This dimension deals with the degree of integration of the procurement arrangement with other parts of government, the agency and particularly with the financial management system given the direct interaction between the two, from budget preparation and planning to treasury operations for payments. There are three sub-indicators (a-c) to be scored under indicator 4.

Indicator 4(a) – Procurement planning and associated expenditures are part of the budget formulation process and contribute to multiyear planning

Formulation of annual or multi-annual budgets is based on the outcomes or outputs that the government as a whole and its agencies expect to achieve in a particular period. Overall government or agency strategies are the basis for the exercise. These determine the multi-year corporate plans, the associated operating plans for each fiscal period and the procurement of goods, works, general services and consulting services necessary to implement the plans. Proper preparation of budgets needs reliable cost data and timetables for planned procurement.

Procurement plans should be periodically updated as the budget may be updated and revised to reflect changes that take place in timing of contracts. Experience based on the actual cost of goods, works, general services and consulting services provide excellent information to predict the cost of similar activities in future budget years. Understanding the timing of major contracts can also help to predict cash flow needs within government and agencies to make timely payments and reduce the extra costs associated with delaying contract completion and not having adequate funds to finance full performance.

National Indicator

- a) Does the country have established procedures for the preparation of procurement plans for the fiscal year?
- b) What are these procedures?
- c) Are they part of the budget formulation process?

Agency Indicator

- a) What policies and procedures exist at the agency level for procurement planning?
- b) Is there early technical and financial planning that is well-coordinated so that funding is assured when procurement begins?
- c) Is there a policy at the agency level on how to complete market analysis which states what analysis should be conducted?
- d) Does the agency complete detailed market analysis prior to going to market for major procurements?
- e) Is there a well-defined recurring process in place to ensure that annual procurement plans are prepared and approved on time?
- f) Are standard templates used for completing annual procurement plans?
- g) Are strategic procurement plans produced to the required standard for higher risk/value procurement?
- h) Are the plans approved by the correct authority as per the policy and legal/regulatory requirements?

Evidence Based Data Analysis

- a) Number of failed or annulled procurements due to funding not being agreed prior to going to market
- b) Percentage of failed or annulled procurement out of total procurements

Example Survey Questions

- a) Does the agency regularly annul a procurement for no apparent reason?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Frequently |
| iii. | Rarely | iv. | Never |

- b) When preparing bids/proposals for this agency's contracts, how often does your company spend more time preparing prequalification applications, bid/proposals, registration and bureaucratic requirements than in preparing the technical solution and price?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Frequently |
| iii. | Rarely | iv. | Never |

- c) How often does your company consult annual procurement plans for this agency to prepare for procurement opportunities with the government?

- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |

- d) What is your overall view on payment reputation for the agency?

- | | | | |
|------|-----------|-----|------|
| i. | Excellent | ii. | Good |
| iii. | Average | iv. | Bad |

Indicator 4(b) – Budget law and financial procedures support timely procurement, contract execution, and payment

This indicator assesses the degree to which budget law and financial management procedures are adequate to meet procurement needs. The processes in place should not constrain the timely processing of procurement or the implementation of contracts. The procurement, budget and financial management systems should interact in a way that once procurement decisions are made they trigger the corresponding actions on the budget and financial side.

National Indicator

- a) What are the business standards for processing of invoices by government agencies that meet obligations for timely payment as stated in the contract?
- b) Is there a regulation that requires the certification of funds prior to the procurement process? How is it enforced in practice?

Agency Indicator

- a) Are payments authorized within the required timeframe as per the policy following approval of invoices?
- b) Is there a system in place (e.g. paper or electronic interface between the financial management and the procurement arrangement) that ensures enforcement of the policy and/or law?

Evidence Based Data Analysis

- a) Average number of days to pay a non-disputed invoice once it is received
- b) Number of payments outstanding 90 days or more in dispute vs not in dispute
- c) Percentage of invoices in dispute by number and value, compared with total invoices successfully processed

Example Survey Questions

- a) How long after an invoice has been submitted is payment usually received by your company?
- | | | | |
|------|---------------|-----|---------------|
| i. | 0-30 Days | ii. | 31-60 Days |
| iii. | 61-90 Days | iv. | 91 – 120 Days |
| v. | Over 121 Days | | |
- b) Has your company ever decided not to submit a bid/proposal for a government/agency contract because the time taken by the government/agency to pay an invoice is too long?
- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |
- c) Does the time taken by the agency to pay an invoice affect the cash flow of your company?
- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |
- d) How often has the agency refused to pay an invoice for your company because they unfairly claimed the quality of goods, works, general services or consulting services delivered were poor?
- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |

Indicator 4(c) – Systematic completion reports are prepared for certification of budget execution and for reconciliation of delivery with budget programming

This indicator is a measurement of the feedback mechanism needed to ensure that information on contracts covering major budget expenditures is provided to the budgetary and financial management systems in a timely manner to support the overall public financial management system.

National Indicator

- a) Is the procurement arrangement integrated with the financial management and budgetary systems and does it provide information on completion of all major contracts?

Dimension 5 - The country has a functional normative/regulatory body

Although this indicator refers to a normative/regulatory body, what matters most is not the existence of a body, but the existence of the functions within the public sector and the proper discharge and

coordination of them (i.e. one agency may be responsible for policy while another can be doing the staff training and another might be taking care of the statistics). The assessment of the indicator focuses on the existence of the functions, the independence of the regulatory function, the effectiveness of performance and the degree of coordination between responsible organizations. This dimension consists of two parts (a-b).

Indicator 5(a) – The status and basis for the normative/regulatory body is covered in the legislative and regulatory framework

The body and its responsibilities are created by the legal and regulatory framework to ensure that the body assigned functional responsibilities has an appropriate level of authority to enable it to function effectively.

National Indicator

- a) Is there a procurement regulatory agency or unit in the government and what is the hierarchical level within the government?
- b) If yes what are their responsibilities?

Indicator 5(b) – The responsibilities should provide for separation and clarity so as to avoid conflict of interest and direct involvement in the execution of procurement transactions

The body is not responsible for direct procurement operations and is free from other possible conflicts (e.g. by being member of evaluation committees, etc.).

National Indicator

- a) How is the body structured and does it have responsibility for direct procurement operations?
- b) Is the body ever part of evaluation committees?

Agency Indicator

- a) Is there a policy that covers conflict of interests?
- b) Is a conflict of interest declaration completed before each procurement is started?
- c) How are conflicts managed and is it effective?

Example Survey Questions

- a) Do you feel that the agency has an adequate policy and practice that covers the acceptance of gifts, entertainment, hospitality and meals?

- | | | | |
|------|-----------------|-----|-----------------|
| i. | Adequate | ii. | Mostly adequate |
| iii. | Rarely adequate | iv. | Never adequate |

- b) Overall, do you feel that the agency deals with any potential conflict of interest adequately such as personal relations, personal investments with providers and contractors?

- | | | | |
|------|-----------------|-----|-----------------|
| i. | Adequate | ii. | Mostly adequate |
| iii. | Rarely adequate | iv. | Never adequate |

Dimension 6 - Existence of institutional development capacity

The objective of this dimension is to assess the extent to which the country or agency has systems to support and monitor the performance of the entire procurement arrangement, and to formulate and implement improvement plans. This requires among other things the availability of information systems, a capacity for analysis, feedback mechanisms and planning capacity for implementation of improvements. It is very important that responsibilities are clearly assigned and are being performed. This dimension consists of five parts (a-e).

Indicator 6(a) – There is a system for collecting and disseminating procurement information, including invitation for bids/proposals, requests for expression of interest, requests for bid/proposals, and contract award information

The objective of this national indicator is to determine:

- a) The existence and capacity of the procurement information system in the country;
- b) The accessibility of the information system;
- c) The coverage of the information system; and
- d) Whether the system provides one stop service (to the extent feasible) where those interested can find information on procurement opportunities and outcomes.

The system should include annual or multi-annual procurement plans, specific advertisements or notices of procurement opportunities, publication of contract awards, linkages to rules and regulations and other information that is relevant to promote competition and transparency

The assessment team should gather the information to answer the questions below.

National Indicator

- a) Is there an integrated information system that provides as a minimum, timely and up-to-date information such as procurement plans and procurement opportunities that are easily accessible to all interested parties at no cost?
- b) Who is responsible for its management and operation and is it clearly defined?

Agency Indicator

- a) Is the integrated information system fully utilized by the agency?
- b) If not at the national level, is there an integrated information system that provides as a minimum, timely up-to-date information such as procurement plans and procurement opportunities that are easily accessible to all interested parties at no cost?

Evidence Based Data Analysis

- a) Percentage of requests for bids/proposals and contract award notices that are loaded into the system

Example Survey Question

- a) Do you feel that the agencies key procurement statistics, such as requests for bid/proposal and contract award notices are available to the public?
 - i. Always
 - ii. Mostly available
 - iii. Rarely available
 - iv. Never

Indicator 6(b) – There are systems and procedures for collecting and monitoring procurement statistics

Statistical information on procurement is essential to evaluate the policies and the operation of the system. Statistics also provide a means for monitoring performance and determining if the statistic demonstrates compliance with other aspects of the system that are defined in the legal and regulatory framework. Statistical information can also be a tool for procurement planning and market analysis

National Indicator

- a) Is there a system in operation to collect procurement data?
- b) Does the system collect data on procurements by method, duration of different stages of the procurement cycle, awards of contracts, unit prices for most common types of goods, works, general services and consulting services and other information that allows analysis of trends, levels of participation, efficiency and economy of the procurement and compliance with requirements?
- c) Is the information analyzed routinely, published and fed back into the system?

Agency Indicator

- a) Is there a procedure for collecting and monitoring procurement statistics at an agency level?
- b) Are the agency's procurement statistics collated and publicly available?

Indicator 6(c) – A strategy and training capacity exists to provide training, advice and assistance to develop the capacity of agencies and private sector participants to understand the rules and regulations and how they should be implemented

The purpose of this indicator is to verify existence of permanent and relevant training programs for new and existing staff in government procurement. These programs are essential to maintain the supply of qualified procurement staff to public and private sectors.

The assessment team should look at the curricula of the existing programs and judge their relevance, nature and scope. A well-functioning arrangement should provide for evaluation of the training program and monitoring of progress in addressing capacity issues. The assessment should include verification of advisory services or help desks for public or private sector parties where they can get advice on application and interpretation of policy and rules.

National Indicator

- a) Is there a training and capacity building strategy that provides for:
 - i. Substantive permanent training programs of suitable quality and content for the needs of the arrangement?
 - ii. Evaluation and periodic adjustment based on feedback and need?
- b) Is there an advisory service or help desk for public or private sector parties where they can get advice on the application and interpretation of policy and rules?

Agency Indicator

- a) Does the agency utilize procurement training offered centrally?
- b) Does the agency offer procurement related training to their procurement professionals?

Evidence Based Data Analysis

- a) Average number of training days attended per staff member

Example Survey Question

- a) Do you feel that agency procurement staff have good knowledge and understanding of national procurement policies and practices?
 - i. Excellent knowledge
 - ii. Good Knowledge
 - iii. Some knowledge
 - iv. Poor knowledge
- b) Do you feel that agency procurement staff have good knowledge and understanding of agency procurement policies and practices?
 - i. Excellent knowledge
 - ii. Good Knowledge
 - iii. Some knowledge
 - iv. Poor knowledge

Indicator 6(d) – Quality control standards are disseminated and used to evaluate staff performance and address capacity development issues

The purpose of this indicator is to verify existence, relevance and comprehensiveness of the quality assurance and standards for processing procurement actions and to ensure their systematic application to provide for monitoring of performance. Examples of such standards might include response times to reply to enquiries, or length of time to prepare selection documents after receipt of a requirement.

National Indicator

- a) Are there quality control systems that:
 - i. Provide quality assurance standards and a monitoring system for procurement processes and products?
 - ii. Provide for a staff performance evaluation process based on outcomes and professional behaviors?
 - iii. Ensure that operational audits are carried out regularly to monitor compliance with quality assurance standards?

Agency Indicator

- a) Are there quality control systems at the agency that:
 - i. Provide quality assurance standards and a monitoring system for procurement processes and products?
 - ii. Provide for a staff performance evaluation process based on outcomes and professional behaviors?
 - iii. Ensure that operational audits are carried out regularly to monitor compliance with quality assurance standards?

Indicator 6(e) – There is a clear management structure with policies on delegation

The purpose of this indicator is look at the management structure of the agency to make sure that the procurement function is at the appropriate level within the agency. If the procurement function is not at an appropriate level it can indicate that the function is not seen as a core function. It is also important that there is a policy on delegation.

Agency Indicator

- a) What is the position and seniority of the chief of procurement within the agency and at what level is it?
- b) Are there policies on delegations that define who can authorize and sign what in the procurement process such as contract awards?
- c) Is the process designed for structured decision-making and approvals?

Pillar III. Procurement Administration and Market Practices

This aspect of the review looks at procurement administration and the market as one means of judging the quality and effectiveness of the procurement arrangement when putting procurement procedures into practice. This Pillar is distinguished from Pillars I and II in that it is not looking at the legal/regulatory/policy or institutional arrangements at the national level, but actually how they operate.

Dimension 7 - The country's procurement operations and practices are efficient

This dimension looks at the effectiveness of the operations and operational practices as implemented by the procuring agencies. Effectiveness is considered to mean that the operational practices result in timely award of contracts at competitive market prices as determined by efficient and fair implementation of procurement procedures. This dimension consists of three parts (a-c).

Indicator 7(a) – The level of procurement competence among government officials within the entity is consistent with their procurement responsibilities

The purpose of this indicator is to assess the degree of professionalism and knowledge of those responsible for implementation of procurement activities.

National Indicator

- a) Is there a minimum level of qualifications needed to work in a government procurement or procurement related role?
- b) There is a policy that clearly defines the roles and responsibilities of public officials?

Agency Indicator

- a) Are there job descriptions for procurement staff members, including qualifications required?
- b) There is a policy that clearly defines the roles and responsibilities of public officials?
- c) Do adequate formal and on-the-job training programs exist for entry and higher-level procurement staff, which contribute to proper professional career development?

Indicator 7(b) – Are there established norms for the safekeeping of records and documents related to procurement transactions and contract management

The ability to look at implementation performance is dependent upon the availability of information and records that track each procurement action. This information is also important to the functioning of control systems both internal and external as it provides the basis for review.

National Indicator

- a) Does the legal/regulatory/policy framework establish a list of the procurement records that must be kept at the operational level?

- b) Is it available for public inspection, including conditions for access?
- c) Do the records include:
 - i. Public notices of procurement opportunities
 - ii. Selection documents and any amendments
 - iii. Bid/proposal opening records
 - iv. Bid/proposal evaluation reports
 - v. Final signed contract documents and amendments
 - vi. Complaints and dispute resolutions
 - vii. Disbursement data (as required by the country's financial management system)
- d) What is the document retention policy and is it compatible with the statute of limitations in the country for investigating and prosecuting cases of fraud and corruption and what are the audit cycles?
- e) What are the security protocols to protect physical or electronic records?

Agency Indicator

- a) Does the agency have a policy that covers the safekeeping of records and documents in line with the countries legal/regulatory framework? If not does the agency policy include:
 - i. Public notices of procurement opportunities
 - ii. Selection documents and any amendments
 - iii. Bid/proposal opening records
 - iv. Bid/proposal evaluation reports
 - v. Final signed contract documents and amendments
 - vi. Complaints and dispute resolutions
 - vii. Disbursement data (as required by the country's financial management system)
- b) Are the rules on record keeping fully adhered to by the agency?
- c) Do records include:
 - i. Communication documents generated or received by the employer between itself and providers, bidders or contractors
 - ii. A detailed record of all change or variation orders issued affecting the scope, quantities, timing or price of the contract
 - iii. Records of invoices and payments; progress reports; certificates of inspection, acceptance and completion
 - iv. Records of claims and disputes and their outcome

Evidence Based Data Analysis

- a) Percentage of procurements found with incomplete records being retained (identify a random sample of at least 10 procurements processes and check records).

Indicator 7(c) – There are provisions for delegating authority to others who have the capacity to exercise that authority

Delegation of authority is key to having a well-functioning procurement arrangement especially when procurement is decentralized. When delegation is not provided, the arrangement tends to function inefficiently and it can lead to excessive concentration of decision making under a few individuals who have neither the training nor knowledge to make timely procurement decisions.

Agency Indicator

- a) Can procurement decisions be delegated? If yes, how does it happen, how is quality control managed and who is accountable for the decision?

Dimension 8 - Functionality of the public procurement market

The objective of this indicator is to primarily assess the market response to public procurement opportunities. This response may be influenced by many factors such as the general economic climate, the private sector development environment and policies, the existence of strong financial institutions, the attractiveness of the public system as a good reliable client, the kind of goods, works, general services or consulting services required. This dimension consists of two parts (a-b).

Indicator 8(a) – There are effective mechanisms for partnerships between the public and private sector that are effective

Public procurement depends on the partnership that must exist between the government and the private sector. This partnership creates the public procurement marketplace wherein the government is the buyer and the private sector is the provider of the needed goods, works, general services and consulting services. Accordingly, dialogue between the government and the private sector needs to exist and the voice of the private sector needs to be heard with regard to practices by the government that may undermine the competitive effectiveness of the private sector. This indicator must look to see if there are forums for dialogue between the government and the private sector. The assessment team should also consider whether the government relies on the private sector through public/private partnership arrangements such as concession contracts or private public joint ventures for the provision of goods and works.

National Indicator

- a) How does the government encourage open dialogue with the private sector and does it have established and formal mechanisms for open dialogue through associations or other means?
- b) Does the government have programs to help build capacity in the private sector, including for small businesses and training to help new entries into the public procurement marketplace?
- c) How does the government encourage public/private partnerships and are there mechanisms in the legal framework to make possible such arrangements?

Agency Indicator

- a) Does the agency have open dialogue with the private sector and established mechanisms?
- b) Does the agency have programs to help build capacity in the private sector, including for small businesses and training to help new entries into the public procurement marketplace?

Example Survey Questions

- c) Does the agency have open dialogue with the private sector on procurement matters?

- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |

- d) Does the agency listen to the opinions of the private sector and address agreed issues?

- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |

- e) Has anybody in your company ever attended training offered on how to respond to procurement opportunities in the public sector for government contracts or how to identify opportunities to work with the government?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

- f) Has anybody in your company ever attended training programs on procurement offered by the government or agency?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

Indicator 8(b) – There are no major systemic constraints (such as inadequate access to credit, contracting practices) inhibiting the private sector’s capacity to access the public sector procurement market

Participation in competition for public contracts depends on many conditions, including some that are controlled or within the control of the government. Access to credit, reasonable contracting provisions that are seen to fairly distribute risks associated with performance of contracts, fair payment provisions that help offset the cost of doing business with the government are examples which can improve access by the private sector to the government marketplace. Alternatively, when the conditions are difficult for the private sector, the degree of competition will suffer.

National Indicator

- a) Are there any constraints that inhibit private sectors access to public procurement, if so what are the constraints?

Dimension 9 - Existence of contract administration and dispute resolution provisions

This dimension's objective is to assess the quality of contract administration practices which begin with the contract award and continue throughout contract execution and completion. This is an area that many procurement arrangements fail to consider. It is also a procurement stage where many issues arise that can affect the performance of the contract and impact on service delivery. This dimension consists of three parts (a-c).

Indicator 9(a) – Are procedures clearly defined for undertaking contract administration responsibilities that include inspection and acceptance procedures, quality control procedures, and methods to review and issue contract amendments in a timely manner

All of the above procedures are important aspects of contract administration. These procedures will help ensure quality performance of the contract requirements and will facilitate prompt payment of invoices including final acceptance and final payments.

National Indicator

- a) Are contract management plans required?
- b) Are there procedures for acceptance of final products? Please explain.
- c) What is the regulatory timeframe for payment of an invoice?

Agency Indicator

- a) Are contract management plans required?
- b) Is there a policy that clearly defines the procedures for undertaking contract administration responsibilities in line with the regulatory framework?
- c) Does the policy include inspection and acceptance procedures, quality control procedures, and methods to review and issue contract amendments in a timely manner?
- d) Are contracts generally completed on schedule and within the originally approved contract price?
- e) Do contract managers adequately document all actions of contractual importance taken by the purchaser/employer during implementation?
- f) Are there quality control procedures and are they defined in the model contracts/documents?
- g) Who does the supervision of construction works?

Evidence Based Data Analysis

- a) Percentage of contracts by number completed on schedule and within the original approved contract price

- b) Percentage of contracts by number with schedule overruns
- c) Percentage of contracts by number with price increases above original approved contract price
- d) Percentage of contracts by number with schedule and price overruns
- e) Average delay in number of days, as % of original schedule
- f) Frequency of cost overruns

Example Survey Questions

- a) Do you feel that the agency has clearly defined procedures for undertaking contract administration responsibilities?

- i. Yes
- ii. Somewhat defined
- iii. No

- b) Do you feel that the agency undertakes effective contract administration?

- i. Very effective
- ii. Effective
- iii. Somewhat effective
- iv. Not effective

- c) Do you feel that contract amendments are issued in a timely manner?

- i. Always
- ii. Many times
- iii. Few times
- iv. Never

- d) If your company had to modify a contract during execution, how long did it take for the agency to approve a contract amendment?

- i. Promptly
- ii. A reasonable amount of time
- iii. Long
- iv. Very long
- i. Never had to modify a contract

- e) How often has your company had to adjust the original delivery schedule for a contract with the agency?

- i. Always
- ii. Many times
- iii. Few times
- iv. Never

- f) How often has your company had to adjust the original contract price for a contract with the agency?

- i. Always
- ii. Many times
- iii. Few times
- iv. Never

Indicator 9(b) – Contracts include dispute resolution procedures that provide for an efficient and fair process to resolve disputes arising during the performance of the contract

Disputes during the performance of a contract are a common occurrence. In order to avoid long delays while resolving disputes, a good resolution process should be defined in the contract that provides for fair and timely resolution.

National Indicator

- a) Is there an accessible system for contractors to raise contract disputes?

Agency Indicator

- a) What are the procedures for fair resolution of disputes during contract execution?
- b) How are the decisions enforced?

Evidence Based Data Analysis

- a) Number of dispute resolution outcomes fully enforced
 - i. Percentage resulting in sanctions/penalties to the contractor

Example Survey Questions

- a) Do you feel that the contract dispute resolution procedures for the agency are effective?
 - i. Very effective
 - ii. Effective
 - iii. Somewhat effective
 - iv. Not effective
- b) Do you utilize the dispute resolution mechanism included in the contract when appropriate?
 - i. Always
 - ii. Many times
 - iii. Few times
 - iv. Never
- c) Do you feel that decisions are fair?
 - i. Always
 - ii. Many times
 - iii. Few times
 - iv. Never

Indicator 9(c) – Procedures exist to enforce the outcomes of the dispute resolution process

In order to be effective, the contract not only must provide for fair and efficient dispute resolution procedures, it must also provide for enforcement of the outcome of the dispute resolution process.

National Indicator

- a) Are there procedures that ensure that decisions in a dispute are enforced?
- b) How does the country monitor contract administration and performance issues?

Agency Indicator

- a) Do contracts provide for fair and efficient dispute resolution procedures and also provide for enforcement of the outcome of disputes?
- b) Do procuring entities normally make a good faith attempt to resolve disagreements through informal negotiations?
- c) Do contract dispute resolutions include arbitration?
- d) Are the resulting disputes handled in accordance with the contract conditions?
- e) Is there a policy for the resolution of disputes at the agency level?
- f) Do contracts include dispute resolution procedures?
- g) Are the dispute resolution procedures effective?
- h) Do contracts include Alternative Dispute Resolution provisions?

Evidence Based Data Analysis

- a) Percentage of contracts with unresolved disputes
- b) Percentage of contracts that include Alternative Dispute Resolution provisions

Example Survey Questions

- a) Do you feel that the agency normally makes a good faith attempt to resolve disagreements through informal negotiations?

- | | | | |
|------|--------|-----|------------------------------|
| i. | Always | ii. | Frequently |
| iii. | Rarely | iv. | Never had a contract dispute |

- b) Are disputes handled in accordance with the contract conditions?

- | | | | |
|------|--------|-----|------------------------------|
| i. | Always | ii. | Frequently |
| iii. | Rarely | iv. | Never had a contract dispute |

- c) How often has your company had disputes with the agency during contract execution?

- | | | | |
|------|--------|-----|------------------------------|
| i. | Always | ii. | Frequently |
| iii. | Rarely | iv. | Never had a contract dispute |

- d) If your company had a dispute with the agency during contract execution, was the process fair?

- | | | | |
|----|--------|-----|------------|
| i. | Always | ii. | Most cases |
|----|--------|-----|------------|

- iii. Few cases
- iv. Never fair
- v. Never had a contract dispute

WORKING DRAFT - UNDER REVIEW

Pillar IV. Integrity and Transparency of the Public Procurement Arrangement

This aspect of the review covers four dimensions that are considered necessary to provide for an arrangement that operates with integrity, has appropriate controls that support the implementation of the arrangement in accordance with the legal and regulatory framework and has appropriate measures in place to address the potential for corruption in the arrangement. It also covers important aspects of the procurement arrangement that include stakeholders as part of the control system. This Pillar takes aspects of the procurement arrangement and governance environment and seeks to ensure that they are defined and structured to contribute to integrity and transparency.

Dimension 10 - Effective control and audit systems

The objective of this dimension is to determine the quality, reliability and timeliness of the internal and external controls preferably based on risk assessment and mitigation. Equally, the effectiveness of controls needs to be reviewed in terms of expediency and thoroughness of the implementation of auditors' recommendations. The assessment team should rely, in addition to their own findings, on the most current Country Financial Accountability Assessment (CFAA) or other analysis including Public Expenditure and Financial Accountability (PEFA) and Public Financial Management (PFM) assessments that may be available. This dimension consists of five parts (a-e).

Indicator 10(a) – There is a legal framework, organization, policy, and procedures for internal and external control and audit of public procurement operations in place that provide a functioning control framework

National legislation normally establishes which agencies are responsible for oversight of the procurement function. Control and oversight normally start with the legislative bodies that must review and act on the findings of the national auditing agency and legal watch dog agencies (such as reports by the comptroller general and the attorney general).

There should also be provisions for the establishment of internal controls such as internal audit organizations that periodically produce recommendations to the authorities of the individual agencies based on their findings. Internal audits should be complemented by internal control and management procedures that provide for checks and balances within an agency for processing of procurement actions. Internal audits and internal control procedures can assist external auditors and enable performance audit techniques to be used that look at the effectiveness and application of internal control procedures instead of looking at individual procurement actions.

Even though no single model exists, it is important that the basic principles of oversight and control exist in the legal and regulatory framework of the country and that they are of universal application.

National Indicator

- a) Does the system in the country provides for:

- i. Adequate independent control and audit mechanisms and institutions to oversee the procurement function?
- ii. Implementation of internal control mechanisms in individual agencies with clearly defined procedures?
- iii. Proper balance between timely and efficient decision making and adequate risk mitigation?
- iv. Specific periodic risk assessment and controls tailored to risk management?

Agency Indicator

- a) Is there a policy on what should be included in the procurement record for auditing?

If not at the national level, the questions at the national level could be asked at the agency level.

Example Survey Question

- a) Do you feel that audits are fully independent? (Question to be asked to Civil Society Organizations (CSO's) i.e. Transparency international)
 - i. Fully independent
 - ii. Somewhat independent
 - iii. Not independent

Indicator 10(b) – Enforcement and follow-up on findings and recommendations of the control framework provide an environment that fosters compliance

The purpose of this indicator is to review the extent to which internal and external audit recommendations are implemented within a reasonable time.

National Indicator

- a) Is the procurement arrangement open to internal or external audits and how often are they carried out?

Agency Indicator

- a) How long does it take to respond to audit report recommendations or implemented the recommendations after the receipt of the auditors' report?
- b) Does the agency support and act on the findings of audit reports within a timely manner?
- c) How does management enforce recommendations?
- d) What is the frequency of internal and external audits?

Example Survey Question

- a) Do you feel that the agency acts on the finding of audit reports in a timely manner?

- | | | | |
|------|--------|-----|-----------|
| i. | Always | ii. | Sometimes |
| iii. | Never | | |

Indicator 10(c) – The internal control system provides timely information on compliance to enable management action

The purpose of this indicator is to review the internal control system to see if it provides timely information that is useful to management.

Agency Indicator

- a) Is there an effective compliance process and policy?
- b) Are there written standards for the internal control unit to convey issues to management?
- c) Are there established regular periodic reporting to management throughout the year, if so what is the frequency?
- d) Are the written standards complied with?

Example Survey Question

- a) Do you feel that the agency has an effective compliance process and policy? (Question to be asked to CSO's i.e. Transparency international)

i.	Very effective	ii.	Mostly effective
iii.	Somewhat effective	iv.	Not effective

Indicator 10(d) – The internal control systems sufficiently defined to allow performance audits to be conducted.

There are written internal control routines and procedures. Ideally there would be an internal audit and control manual. Finally, is there should be sufficient information retained to enable auditors to verify that the written internal control procedures are adhered to.

National Indicator

- a) Are the internal control procedures sufficiently defined and included in a manual that allow for performance audits to be conducted?

Agency Indicator

- a) Are there internal control procedures sufficiently defined and included in a manual that allow for performance audits to be conducted?

Example Survey Question

- a) Do you feel that there are sufficiently defined internal control procedures that allow for performance audits to be conducted? (Question to be asked to CSO's i.e. Transparency international)

- | | | | |
|------|---------------------|-----|-------------------|
| i. | Very sufficient | ii. | Mostly sufficient |
| iii. | Somewhat sufficient | iv. | Not sufficient |

Indicator 10(e) – Auditors sufficiently informed about procurement requirements and control systems to conduct quality audits that contribute to compliance

The objective of this indicator is to confirm that there is a system in place to ensure that auditors working on procurement audits receive adequate training or are selected following criteria that explicitly requires that they demonstrate sufficient knowledge of the subject. Auditors should normally receive formal training on procurement requirements, operations, laws and regulations and processes. Alternatively, they should have extensive experience in public procurement or be supported by procurement specialists or consultants.

National Indicator

- a) How are auditors selected?
- b) How are auditors trained on procurement related matters?
- c) How often is this knowledge updated?

Agency Indicator

- a) How are auditors selected by the agency?
- b) How are auditors trained on procurement related matters?
- c) How often is this knowledge updated?

Example Survey Question

- a) Do you feel that auditors are appropriately selected with the right knowledge and trained accordingly? (Question to be asked to CSO's i.e. Transparency international)

- | | | | |
|------|----------------------|-----|--------------------|
| i. | Very appropriate | ii. | Mostly appropriate |
| iii. | Somewhat appropriate | iv. | Not appropriate |

Dimension 11 - Effective complaints procedures

The objective of this dimension is to determine the effectiveness of the complaints system. The assessment team should assess all aspects of the complaints system to determine its effectiveness.

Indicator 11(a) – Complaints are effectively managed

The purpose of this indicator is to assess whether the legal / regulatory framework establishes;

- a) The right to review,
- b) The matters that are subject to review;
- c) The timeframe for such reviews; and,
- d) The different steps in the review process.

Confidence in a procurement arrangement is a powerful incentive to competition. A fundamental part of this is the establishment of the right to review procurement decisions by an efficient and functionally independent process.

Even though the first review is normally carried out by the procurement entity, there should be an administrative review body that is independent from the procuring agency. That is, has no direct interest in the procurement process and does not report to the procurement agency and ideally is a separate agency.

National Indicator

- a) Does the procurement framework provide participants the opportunity to present complaints?
- b) Does the framework include provisions to respond to a request for review by a body independent from the procuring agency?
- c) Are there established timeframes for issuance of decisions by the procuring agency and the administrative review body, if so what are they?
- d) Is there a stand still period before contract award to allow for complaints?

Agency Indicator

- a) Does a policy framework exist for complaints handling and management at the agency level?
- b) Is the framework utilized and available to bidders?
- c) Does the framework include benchmark response times?
- d) Is the complaint system being used by aggrieved providers' bidders?
- e) How are complaints enforced?
- f) Is there a policy for dealing with complaints at different stages of the procurement process?

Evidence Based Data Analysis

- a) Percentage of cases that had complaints that were resolved
- b) Percentage of complaints resulting in modification of procurement documents or evaluation decisions

Example Survey Questions

- a) Do you feel that the agencies complaints procedure is appropriate and that complaints are taken seriously?

- | | | | |
|------|--------------------|-----|---------------|
| i. | Very seriously | ii. | Seriously |
| iii. | Somewhat seriously | iv. | Not seriously |

- b) On average, how long does it take for the agency/government to issue a decision about a complaint?

- | | | | |
|------|----------|-----|-----------------------------|
| i. | Promptly | ii. | A reasonable amount of time |
| iii. | Long | iv. | Very long |

- c) Is the complaint handling process available upon request and do you utilized the process when appropriate?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

- d) Do you feel that complaints are handled appropriately and taken seriously and if you weren't happy with the outcome would you be prepared to escalate the complaint to the review body?

- | | | | |
|------|--------------------|-----|---------------|
| i. | Very seriously | ii. | Seriously |
| iii. | Somewhat seriously | iv. | Not seriously |

- e) How often were your company's complaints successful?

- | | | | |
|------|------------------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |
| v. | Never complained | | |

- f) How often has your company's bid/proposals been affected by complaints submitted by competitors?

- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |

- g) Do you feel that complaints are enforced when found to be valid?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

h) How easy is it to file a complaint about the results of a selection process?

- | | | | |
|------|--------------------|-----|----------------|
| i. | Very easy | ii. | Easy |
| iii. | Somewhat difficult | iv. | Very difficult |

i) How often has your company submitted a complaint to the agency before the conclusion of a procurement process?

- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |

j) Does your company trust the process to address complaints during a procurement process?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Frequently |
| iii. | Rarely | iv. | Never |

Dimension 12 - Efficiency of appeals mechanism

The appeals mechanism is assessed under this indicator for a range of specific issues regarding efficiency in contributing to the compliance environment in the country and the integrity of the public procurement arrangement. This dimension consists of five parts (a-e).

Indicator 12(a) – Decisions are deliberated on the basis of available information, and the final decision can be reviewed and ruled upon by a body (or authority) with enforcement capacity under the regulations/framework/law

This indicator looks at the process that is defined for dealing with complaints.

National Indicator

- a) Who is the authority in charge of reviewing procurement complaints?
- b) To whom does the authority report?
- c) Can providers, bidders or contractors appeal a final decision? To whom? To whom does the appeals body report to?
- d) What are the timeframes for submission of complaints?
- e) What are the timeframes for responding to complaints?

Agency Indicator

- a) Is the national policy of complaints incorporated into the agency's policies and procedures?
- b) If no national policy is there an agency policy?
- c) Can providers, bidders or contractors appeal a decision? To whom?

- d) What are the timeframes for submission of complaints?
- e) What are the timeframes for responding to complaints?

Example Survey Question

- a) Do you feel that decisions regarding complaints are deliberated on the basis of available information, and that a decision can be reviewed? (Question to be asked to CSO's i.e. Transparency international)
 - i. Yes
 - ii. Somewhat
 - iii. No

Indicator 12(b) – The complaint review system has the capacity to handle complaints efficiently and a means to enforce

This indicator deals specifically with the question of the efficiency and capacity of a complaints review system and its ability to enforce the remedy imposed. It is closely related to indicator 10(a) which also refers to enforcement. This indicator focuses primarily on the capacity and efficiency issues.

National Indicator

- a) How are decisions related to complaints enforced?

Indicator 12(c) – The system operates in a fair manner, with outcomes of decisions balanced and justified on the basis of available information

The system needs to be seen as operating in a fair manner. The complaint review system must require that decisions be rendered only on relevant and verifiable information presented and that such decisions be unbiased, reflecting the consideration of the evidence presented and the applicable requirements in the legal and regulatory framework.

It is also important that the remedy imposed in the decision be consistent with the findings of the case and with the available remedies provided for in the legal/regulatory framework. Decisions of a complaints body should deal specifically with process issues and the remedies should focus on corrective actions needed to comply with process.

National Indicator

- a) What are the procedures that govern the decision making process of the review body? Are decisions:
 - i. Based on information relevant to the case?
 - ii. Balanced and unbiased in consideration of the relevant information?
 - iii. Can be subject to higher level review?

- iv. Result in remedies that are relevant to correcting the implementation of the process or procedures?

Agency Indicator

- a) Does the agency track appeals and results?

Indicator 12(d) – Decisions are published and made available to all interested parties and to the public

Decisions are public by law and posted in easily accessible places (preferably posted at a dedicated government procurement website on the Internet). Publication of decisions enables interested parties to be better informed as to the consistency and fairness of the process.

National Indicator

- a) Where are decisions publicly posted? Are they posted on a government web site or another easily accessible place?

Agency Indicator

- a) Do agencies follow the national policy?
- b) Are decisions publically disclosed? How can providers find them?
- c) What is the quality of the information published?

Example Survey Question

- a) Do you feel that decisions relating to appeals are published and made available to all interested parties and to the public?
 - i. Always
 - ii. Many times
 - iii. Few times
 - iv. Never

Indicator 12(e) – The procurement arrangement ensures that the complaint review body has full authority and independence for resolution of complaints

This indicator assesses the degree of autonomy that the complaint decision body has from the rest of the procurement arrangement to ensure that its decisions are free from interference or conflict of interest.

National Indicator

- a) Is there a complaint review body and has it full authority and independence for resolution of complaints?
- b) Are there fees for providers to submit complaints?
- c) Do procurement complaints suspend the implementation of the process?

Agency Indicator

- a) Are complaints sent to the independent review body when appropriate?

Evidence Based Data Analysis

- a) Number of cases sent for independent review
- i. Percentage of total complaints sent to the independent review body
 - ii. Percentage of cases review panel's decision upheld

Example Survey Questions

- a) Do you feel that the independent review body is fully independent and fair and transparent?
- i. Fully independent
 - ii. Partially independent
 - iii. Not independent
- b) How often has your company appealed a decision issued by the agency regarding a complaint your company filed?
- i. Always
 - ii. Many times
 - iii. Few times
 - iv. Never
- c) On average, how long does it take to issue a decision about an appeal your company has made?
- i. Promptly
 - ii. A reasonable amount of time
 - iii. Long
 - iv. Very long
 - v. Never appealed a decision

Dimension 13 - Degree of access to information

This indicator deals with the quality, relevance, ease of access and comprehensiveness of information on the public procurement system.

Indicator 13(a) – Information is published and distributed through available media with support from information technology when feasible

Public access to procurement information is essential to transparency and creates a basis for social audit by interested stakeholders. Public information should be easy to find, comprehensive and user friendly providing information of relevance. The assessment team should be able to verify easy access and the content of information made available to the public.

The system should also include provisions to protect the disclosure of proprietary, commercial, personal or financial information of a confidential or sensitive nature.

Information should be consolidated into a single place and when the technology is available in the country, a dedicated website should be created for this purpose. Commitment, backed by requirements in the legal/regulatory framework should ensure that agencies duly post the information required on a timely basis.

National Indicator

- a) How is information on procurement accessible? What media is used and is it covered by wide circulation and availability?
- b) Is the information provided centralized in a common place and is it relevant?
- c) Is the information helpful to interested parties to understand the procurement processes and requirements and to monitor outcomes?

Agency Indicator

- a) What are the requirements for publication and advertisement of procurement plans, requests for bid/proposals and contract awards decisions?
- b) How do providers find out about procurement opportunities?
- c) Do providers have to register to access selection document?
- d) Are procurement opportunities, request for bid/proposals, contract award, contract decisions and implementation data published in a timely manner?

Evidence Based Data Analysis

- a) Number and value of procurement opportunities and contract awards that are published and disclosed to the public (as opposed to those that are not published, like results of request for quotations for instance).

Example Survey Questions

- a) Do you feel that all procurement opportunities are publically advertised?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

- b) Are procurement opportunities, procurement plans, and contract awards published and made available to the public in a timely manner?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

c) Do you feel providers have equal access to information and are treated fairly?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

d) Do you have to register to receive selection documents?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

Dimension 14 - The country has ethics and anticorruption measures in place

This indicator assesses the nature and scope of the anticorruption provisions in the procurement arrangement. This dimension consists of seven parts (a-g).

Indicator 14(a) – The legal and regulatory framework for procurement, including selection and contract documents, includes provisions addressing corruption, fraud, conflict of interest and sets out (either directly or by reference to other laws) the actions that can be taken with regard to such conduct

This indicator assesses the extent to which the law and the regulations compel procuring agencies to include fraud and corruption and conflict of interest references in the procurement documents.

The assessment should verify the existence of the provisions and enforceability of such provision through the legal/regulatory framework. The provisions should include the definitions of what is considered conflict of interest and fraud and corruption and the consequences of committing such acts.

National Indicator

- a) How does the regulatory framework treat fraud and corruption?
- b) Are there fraud and corruption provisions on standard selection documents and contract conditions?

Agency Indicator

- a) Is there a policy at the agency level that covers conflict of interests and fraud and corruption?
- b) What are the fraud and corruption provisions on standard selection documents and contract conditions at the agency level?

Example Survey Questions

- a) How many cases of conflict of interest or fraud and corruption has the government investigated in the past 5 years?

- | | | | |
|------|------------|-----|---------|
| i. | A lot | ii. | Several |
| iii. | Few | iv. | None |
| v. | Don't know | | |

- b) How many companies have been debarred by the government for issues of fraud and corruption?

- | | | | |
|------|------------|-----|---------|
| i. | A lot | ii. | Several |
| iii. | Few | iv. | None |
| v. | Don't know | | |

- c) How often do you hear on the news about the government prosecuting cases of fraud and corruption in procurement?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Frequently |
| iii. | Rarely | iv. | Never |

- d) Has your company ever had to make payments to be able to get a contract with the government or agency?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Frequently |
| iii. | Rarely | iv. | Never |

- e) Has anyone suggested to your company to make payments in exchange for advantages on government or agency procurement processes?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Frequently |
| iii. | Rarely | iv. | Never |

- f) Does your company know of other companies who made payments to get a contract with the agency or government?

- | | | | |
|------|------|-----|---------|
| i. | All | ii. | Several |
| iii. | Some | iv. | None |

Indicator 14(b) – The regulatory/legal arrangements define responsibilities, accountabilities, and penalties for individuals and legal entities found to have engaged in fraudulent or corrupt practices

This indicator assesses the existence of legal provisions that define fraudulent and corrupt practices and set out the responsibilities and sanctions for individuals or legal entities indulging in such practices. These provisions should also address issues concerning conflict of interest and incompatibility situations. The law should prohibit the intervention of active public officials and former public officials for a reasonable period of time after leaving office in procurement matters in ways that benefit them, their relatives, and business or political associates financially or otherwise. There may be cases where there is a separate anticorruption law (e.g. anticorruption legislation) that contains the provisions.

National Indicator

- a) What are the penalties in the regulatory framework for fraud and corruption and who imposes the penalties?
- b) Is there a policy that prohibits the intervention of active public officials and former public officials for a reasonable period of time after leaving office in procurement matters?

Agency Indicator

- a) Is there an annual ethics complaint report that covers fraud and corruption?
- b) What are the penalties for fraud and corruption at the agency level and who imposes the penalties?

Indicator 14(c) – Evidence of enforcement of rulings and penalties exists

This indicator is about the enforcement of the law and the ability to demonstrate this by actions taken. Evidence of enforcement is necessary to demonstrate to the citizens and other stakeholders that the country is serious about fighting corruption. This is not an easy indicator to assess but the assessment team should be able to obtain at least some evidence of prosecution and punishment for corrupt practices. The assessment team should get figures on the number of cases of corruption reported through the arrangement, number of cases prosecuted and if possible the kind of penalty imposed.

National Indicator

- a) Is there evidence of fraud and corruption enforcement?
- b) When was the last case?

Agency Indicator

- a) Is there evidence of fraud and corruption enforcement?
- b) When was the last case?

Example Survey Questions

a) Do you feel that the agencies anticorruption measures are efficient and effective?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

b) Is there evidence of fraud and corruption enforcement?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

c) When was the last case?

Indicator 14(d) – Special measures exist to prevent and detect fraud and corruption in public procurement

This indicator looks to verify the existence of an anticorruption program and its extent and nature or other special measures which can help prevent and/or detect fraud and corruption specifically associated with public procurement.

A comprehensive anticorruption program normally includes all the stakeholders in the procurement arrangement, assigns clear responsibilities to all of them, and assigns a high-level body or organization with sufficient standing and authority to be responsible for coordinating and monitoring the program. The procurement authorities are responsible for running and monitoring a transparent and efficient arrangement and for providing public information to promote accountability and transparency. The control organizations (supreme audit authority) and the legislative oversight bodies (e.g. the parliament or congress), are responsible for detecting and denouncing irregularities or corruption. The civil society organizations are responsible for social audits and for monitoring of procurement to protect the public interest. These may include NGOs, the academia, the unions, the chambers of commerce, professional associations and the press. The judiciary also participates, often in the form of special anticorruption courts and dedicated investigative bodies that are responsible for investigating and prosecuting cases of corruption. There are normally government public education and awareness campaigns as part of efforts to change social behavior in respect to corrupt practices. Anticorruption strategies usually include the use of modern technology to promote e-procurement and e-government services to minimize the opportunities for fraud and corruption.

The assessment team should assess the extent to which all or some of this actions are organized as a coordinated effort with sufficient resources and commitment by the government and the public or the extent to which they are mostly isolated and left to the initiative of individual agencies or organizations.

National Indicator

- a) What special measures exist to prevent and detect fraud and corruption?

Agency Indicator

- a) Is there a policy that includes measures to prevent and detect fraud of corruption?
- b) What special measures exist to prevent and detect fraud and corruption at the agency level?
- c) Do providers have to declare that they are eligible to bid?

Evidence Based Data Analysis

- a) Number of fraud and corruption cases detected & number of fraud and corruption cases prevented as a percentage of total procurements number and value.

Indicator 14(e) – Stakeholders (private sector, civil society, and ultimate beneficiaries of procurement/end-users) support the creation of a procurement market known for its integrity

This indicator assesses the strength of the public in maintaining a sound procurement environment. This may manifest in the existence of respected and credible civil society groups that provide oversight and can exercise social control. The welcoming and respectful attitude of the government and the quality of the debate and the contributions of all interested stakeholders are an important part of creating an environment where integrity is expected and deviations are not tolerated.

National Indicator

- a) Are there strong and credible civil society organizations that exercise social audit and control?
- b) What evidence is there that civil society contributes to shape and improve the integrity of public procurement?

Example Survey Questions

- a) Do you feel that there are strong and creditable civil society organizations that exercise social audit and control? (Question to be asked to CSO's i.e. Transparency international)

- | | | | |
|------|-----------------|-----|---------------|
| i. | Very strong | ii. | Mostly strong |
| iii. | Somewhat strong | iv. | Not strong |

- b) Do you feel that civil society contributes to shape and improve the integrity of public procurement? (Question to be asked to CSO's i.e. Transparency international)

- | | | | |
|------|-------------------------|-----|-------------------|
| i. | Excellent contributions | ii. | Good contribution |
| iii. | Poor contributions | iv. | No contribution |

Indicator 14(f) – The country should have in place a secure mechanism for reporting fraudulent and corrupt practices

The country provides a system for reporting fraudulent and corrupt practices that provides for confidentiality. The system must be seen to react to reports as verified by subsequent actions taken to address the issues reported.

National Indicator

- a) How does the public report cases of fraudulent and corrupt practices and is it a secure and confidential?
- b) Does the legal system include a policy that defines the responsibilities, accountabilities and penalties for fraudulent or corrupt practices?

Example Survey Question

- a) Do you feel that there is a secure mechanism for reporting fraudulent, corrupt, or unethical behavior? (Question to be asked to CSO's i.e. Transparency international)

- | | | | |
|------|-----------------|-----|---------------|
| i. | Very secure | ii. | Mostly secure |
| iii. | Somewhat secure | iv. | Not secure |

Indicator 14(g) – Existence of Codes of Conduct/Codes of Ethics for participants that are involved in aspects of the public financial management systems that also provide for disclosure for those in decision making positions

The country should have in place a Code of Conduct/Ethics that applies to all public officials. In addition, special provisions should be in place for those involved in public procurement. In particular, financial disclosure requirements have proven to be very useful in helping to prevent unethical or corrupt practices.

National Indicator

- a) Is there a code of conduct or ethics for government officials and what are the provisions for those involved in public financial management, including procurement?
- b) Does the code define accountabilities for decision making, if so what are they?
- c) What are the consequences for none compliance?

Agency Indicator

- a) Does the agency have a process in place for staff to review the code of conduct requirements?
- b) If not at the national level, is there a code of conduct or ethics for government officials and what are the provisions for those involved in public financial management, including procurement?
- c) If not at the national level, does the code at the agency level define accountabilities for decision making, if so what are they?
- d) If not at the national level, what are the consequences for none compliance at the agency level?

WORKING DRAFT - UNDER REVIEW

Pillar V. Procurement Operations

This aspect of the review looks at the operational effectiveness and efficiency of the procurement arrangement at the national level and of the implementing agency responsible for implementing individual procurement activities. It assesses the procurement cycle as one means of judging the quality and effectiveness of the arrangement when putting procurement procedures into practice. This Pillar looks at the procurement framework and arrangements at a national and agency to see how they operate.

Dimension 15 - Effective procurement cycle

The objective of this dimension is to determine the performance effectiveness of the procurement cycle. The assessment team should evaluate the critical aspects of the procurement cycle to determine if it is effective and follows good international practice with clearly defined processes and procedures. This dimension consists of eight parts (a-h).

Indicator 15(a) – Market research and procurement strategy

This indicator assesses whether market research is conducted to determine the right engagement approach is used and fits the market. It also assesses if this information is used to produce a detailed procurement strategy document that includes:

- a) A detailed market research;
- b) Benchmarking process;
- c) The approach to market; and
- d) Potential risks and issues.

National Indicator

- a) Is there a policy that covers market research and analysis and the development of a procurement strategy document?

Agency Indicator

- a) Does the agency have a policy that covers market research and analysis and the development of a procurement strategy document?
- b) Does the agency conduct detailed market research and analysis before each procurement? (Evidence of research and analysis required)
- c) Does the agency produce a procurement strategy document at the start of the procurement cycle?

Example Survey Question

- a) To the best of your knowledge does the agency produce conduct market research and analysis prior to starting the selection process?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

- b) Do you feel that the agency understands how markets operate?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

Indicator 15(b) – Procurement Approaches and Methods

This indicator assesses whether the legal/regulatory/policy framework includes:

- a) a clear definition of the permissible procurement approaches and methods; and
- b) the circumstances under which each approach and method is appropriate.

The legal/regulatory/policy framework should make open competition preferred approach to procurement. The law, regulations and/or policy should define the situations in which other approaches may be used and ensure that acceptable justification and approval levels are clearly specified.

The hierarchy of the legal/regulatory/policy instruments where acceptable procurement approaches and methods are established should be such that the discretion of individual agencies or procurement officials is reasonably controlled to minimize the use of approaches or methods that limit competition.

National Indicator

- a) What are the different procurement approaches allowed in the regulatory/legal/policy framework and what are the conditions of use (such as open or limited competition, direct procurement, national or international)?
- b) Is competitive procurement the preferred approach?
- c) Are circumstances for the use of each procurement method defined in the procurement regulations or procedures?

Agency Indicator

- a) Are policies and procedures in place at the agency level that fully detail what procurement approaches and methods may be used and under which circumstances and are the procurement professionals fully aware of the policies and procedures?
- b) Are there different thresholds for each procurement approach and method?

- c) Are thresholds regularly reviewed and updated?
- d) What procurement methods are used to improve process efficiency and to leverage spend (such as Framework Agreements)?

Evidence Based Data Analysis

- a) Percentage of single sourced contracts (number) excluding low value items under the value stated in the policy by total number and value of all procurements.
- b) Percentage of single sourced contracts (value) excluding shopping items under the value stated in the policy by total number and value of all procurements.
- c) How many contracts were procured without competition in the last year out of the total number of contracts awarded and what was the total value?

Example Survey Questions

- c) Does the agency successfully use framework agreements?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

- d) How often does the agency procure without competition?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

Indicator 15(c) – Advertising rules and time limits

This indicator assesses whether:

- a) The legal/regulatory/policy framework includes requirements to publish contract award information as a matter of public interest and to promote transparency;
- b) There is wide and easily accessible publication of procurement opportunities; and
- c) There is adequate time provided between publication of opportunities and submission date, consistent with the method and complexity of the procurement, to prepare and submit proposals.

Time between publication of the invitation for prequalification applications, or for an open competition and the submission of proposals relates to the complexity of the procurement and the level of competition expected. If foreign providers are expected to compete, this is a factor to consider. The law and regulations should establish the criteria for setting the minimum time between advertisement and submission of proposals.

National Indicator

- a) What are the publication requirements for each type of procurement approach and method?
- b) What are the minimum timeframes for submission of bids/proposals for each procurement method?

Agency Indicator

- a) Is there a policy, regulation or rules that covers the publication of procurement opportunities at the agency level?
- b) Does the policy include rules on the publication of advanced notice of procurement opportunities?
- c) Are all advertisements published and accessible as per the regulations/policy?
- d) Is there an online system for procurement adverts to be published online?

Evidence Based Data Analysis

- a) Percentage of contract awarded through a competitive process publicly advertised; and, percentage of those contracts advertised for the required days as per the policy by number and value
- b) Percentage of procurement opportunities published online if applicable by number and value

Example Survey Questions

- a) How many competitors does your company have on a typical procurement process for a government or agency contract?

- | | | | |
|------|--------|-----|--------------|
| i. | 1 or 2 | ii. | 3-5 |
| iii. | 6-10 | iv. | More than 11 |

- b) Does the agency publish advanced notices of procurement opportunities?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

- c) To the best of your knowledge does the agency publish all procurement opportunities except direct procurement?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

- d) How easy it is for your company to find out about procurement opportunities for government and agency contracts?

- | | | | |
|------|--------------------|-----|----------------|
| i. | Very easy | ii. | Easy |
| iii. | Somewhat difficult | iv. | Very difficult |

e) Are all contracts to be awarded by competitive procurement publicly advertised for (INSERT TIME DEPENDING ON AGENCY POLICY)?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

f) How often does your company rely on information systems operated by the government to find out about procurement opportunities in your area?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Frequently |
| iii. | Rarely | iv. | Never |

g) Do you feel that the advertising rules and time limits are fully transparent? (Question to be asked to CSO's i.e. Transparency international)

- | | | | |
|------|----------------------|-----|--------------------|
| i. | Very transparent | ii. | Mostly transparent |
| iii. | Somewhat transparent | iv. | Not transparent |

Indicator 15(d) – Tender documentation and technical specifications

This indicator assesses the degree to which the legal/regulatory/policy framework specifies the content of selection documents to enable providers to understand clearly what is requested from them and how the procurement process is to be carried out.

Selection documents should contain sufficient information to enable the submission of responsive bids/proposals and to establish the basis for a transparent evaluation and award process. Specifications included in the selection documents must be neutral and refer to international standards where possible or other officially recognized standards that are essentially equivalent to the ones specified.

It is important that the content requirements for selection documents are relevant to making an award decision. Information not needed for the process should not be required as part of the submission. Excessive information and documentation requirements are considered to cost money and can reduce competition or lead to disqualification of potential providers on the basis of unnecessary requirements.

National Indicator

- How does the regulatory/legal/policy framework address biased specifications in the selection documents?
- Does the regulatory/legal/policy framework require minimum content required in the selection documents? Explain minimum content.

- c) Does the regulatory/legal/policy framework require recognition of standards which are equivalent when neutral specifications are not available?

Agency Indicator

- a) How does the agency address biased specifications in the selection documents?
- b) How is the minimum content required in the selection documents? Explain minimum content?
- c) How does the agency require recognition of standards which are equivalent when neutral specifications are not available?
- d) Is there an agency policy on the time allowed for the preparation of bids/proposals?
- e) Are providers afforded sufficient time to revise their bids/proposals following amendments to the selection documents?
- f) Are clarifications, minutes of the pre-bid conference, if any, and amendments of the documents promptly communicated to all providers who obtained the selection documents from the agency?
- g) Are requests for clarifications answered promptly and completely in a written form?
- h) Selection documents contain the relevant information needed for providers to respond?

Evidence Based Data Analysis

- a) Average number of days to respond to written requests for clarification

Example Survey Questions

- a) How long are you given to prepare bids/proposals from the issuance of the selection documents to the deadline for submission of bids/proposals?

- | | | | |
|------|--------------|-----|------------|
| i. | 0-15 Days | ii. | 16-30 Days |
| iii. | 31-60 Days | iv. | 61-90 Days |
| v. | Over 91 Days | | |

- b) Is the time allowed in the selection documents adequate for your company to prepare a competitive and responsive bid/proposal?

- | | | | |
|------|---------------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few occasions | iv. | Never |

- c) How often has your company decided not to submit a bid/proposal for a procurement opportunity because the time allowed for preparation of bids/proposal was too short?

- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |

d) On average, how many days does it typically take to prepare a bid/proposal for a procurement opportunity?

- | | | | |
|------|--------------|-----|------------|
| i. | 0-15 Days | ii. | 16-30 Days |
| iii. | 31-60 Days | iv. | 61-90 Days |
| v. | Over 90 Days | | |

e) How long are you given to revise bids/proposals following an amendment to the selection documents?

- | | | | |
|------|--------------|-----|------------|
| i. | 0-10 Days | ii. | 11-20 Days |
| iii. | 21-30 Days | iv. | 31-40 Days |
| v. | Over 41 Days | | |

f) Are clarifications, minutes of the pre-bid conference, if any, and amendments of the selection documents communicated to providers that obtained the selection documents from the buyer?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

g) How long does it take to respond to requests for clarifications?

- | | | | |
|------|------------|-----|------------|
| i. | 0-5 Days | ii. | 6-10 Days |
| iii. | 11-15 Days | iv. | 16-20 Days |
| v. | 21-25 Days | | |

Indicator 15(e) – Selection Process

This indicator assesses the effectiveness of the selection process to make sure it is fair and transparent and as effective and efficient as possible.

Agency Indicator

- a) What are the procurement approaches/methods for recurrent procurement of items or services (regular, common procurements repeated regularly)? i.e. are framework agreements used?
- b) Is the procurement opportunities open to competition?
- c) Are all procurement processes successfully awarded or are there a lot of failed or cancelled processes?
- d) How long on average does it take to complete each stage of the procurement process?

Evidence Based Data Analysis

- a) Percentage number of transactions (bids) according to procurement method (degree of competition)
- b) Percentage contract value according to procurement method (degree of competition)
- c) Number of procurement processes that are successfully awarded as opposed to failed or cancelled over total number of procurement procedures conducted: Control by: Procurement methods and contract value/size using country specific thresholds and/or implementing agency level, clearance requirements
- d) Average number of days to complete selection process stages/procedures from issue to award. Control by: Contract value (<\$1mil, >\$1mil/ according to country specific thresholds for international advertising), procurement method, implementing agency, volume of bidding processes by agency (this is not explicitly used), clearance requirements.
- e) Average number of days in the past 5 years (or period where data is available) to complete each stage of the procurement process (identify trends)
- f) Number of bids/proposals received for individual procurement processes. Control results for procurement method, contract value, implementing agency, type of procurement

Indicator 15(f) – Model selection documents for goods, works, and general services

Model selection documents of good quality, that are reasonably balance the risk between parties promote competition and increase confidence in the arrangement. Potential providers are more willing to participate when they are familiar with the documents and their interpretation. Model selection documents should contain the selection process procedures and rules and a draft contract to enable the providers to value the cost and risk of performing a contract for the government. If model selection documents are not available, there should be, as a minimum, a set of standard and mandatory clauses and templates that will help in the formulation of the tender documents.

National Indicator

- a) Are there model procurement documents (such as invitation to bid and selection documents for goods, works, general services and consulting services?
- b) Do selection documents contain appropriate evaluation and award criteria?
- c) Is there a set of standard and mandatory clauses and templates that help in the formulation of the selection documents?

Agency Indicator

- a) Do standard selection documents exist for the procurement of goods, works, general services and consulting services?
- b) Do the selection documents contain the appropriate information? (such as the evaluation and award criteria)
- c) Are the appropriate standard selection documents used?

- d) Do selection documents include appropriate evaluation criteria?
- e) Are selection documents readily available to the interested providers?

Example Survey Questions

- a) Does the agency use standard selection documents for the procurement of goods, works, general services and consulting services?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

- b) How often has your company decided not to submit a bid/proposal for an agency/government contract because selection documents were unclear?

- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |

- c) How often has your company found selection documents for agency/government contracts with biased specifications?

- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |

- d) On average, how many administrative or agency/government-issued documents does your company have to obtain to prepare a responsive bid/proposal?

- | | | | |
|------|--------------------|-----|------------------------|
| i. | 1 to 5 documents | ii. | 6 to 10 documents |
| iii. | 11 to 20 documents | iv. | More than 20 documents |

- e) How often was your company compelled to increase prices on a bid/proposal for an agency/government contract because selection documents placed too much risk on you as an eventual contractor?

- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |

- f) Are Standard selection Documents available online or on request from the agency?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

Indicator 15(g) – Procedures for pre-qualification

This indicator covers the existence of procedures for pre-qualification of providers in a particular procurement. Pre-qualification is normally used in procurement opportunities with a high level of complexity where it is possible to determine, primarily using pass/fail criteria, if the interested providers possess the qualification (such as experience and financial situation) to perform satisfactorily. Assessment of qualifications can be combined with the selection documents as part of a specific procurement or it can be initiated as a separate exercise that is conducted before bids/proposals are requested. In highly complex procurement, use of pre-qualification as a separate process can make the procurement more efficient by ensuring only qualified providers are included and it can save providers money and time by not having to incur the expense of preparing a bid/proposal if they are not qualified.

Pre-qualification should be defined by procedures in order to ensure that it is not abused and used as a method for limiting competition by overstating the qualification requirements.

National Indicator

- a) Does the regulatory/legal framework allow for the use of pre-qualification?

Agency Indicator

- a) Is there a policy at the agency level that covers pre-qualification?
- b) Is the pre-qualification process fair and transparent?
- c) Are non-domestic providers allowed to apply without any prejudice or impediment?
- d) Does the agency maintain updated lists of qualified providers that are available to all procurement professionals at the agency and are they regularly updated?
- e) Does the agency inform applicants in writing of the reasons for the rejection of prequalification application?
- f) Does the agency publish the results of the prequalification process including the reasons for of an application rejection?

Example Survey Questions

- a) Do you feel that when pre-qualification of providers is used, its use is appropriate, fair and transparent?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

- b) How often has your company been unable to bid for an agency/government procurement because of prior registration requirements?

- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |

c) How often does the agency/government use prequalification of providers with the only purpose of restricting competition?

- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |

d) Are you informed by the agency in writing of the reasons for being rejected as part of the prequalification process?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

e) Do you feel that all providers are treated equally? (Aimed at, domestic, small businesses and foreign businesses)

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

Indicator 15(h) – Submission, receipt and opening of bids/proposals

This indicator assesses how the legal/regulatory/policy framework regulates the process of receipt and opening of bids/proposals. Public opening of bids/proposals is a means of increasing transparency to a procurement opportunity. The public, including providers or their representatives, must be permitted to attend.. Opening bids/proposals immediately after the deadline for submission of bids/proposals diminishes the possibility of loss or alteration of bids/proposals.

The exception to this rule may be opening of prequalification submissions or opening of technical proposals for consulting services (that are not priced) in which cases they may be opened privately followed by a simple notification to all providers that submitted applications or bids/proposal participants of the list of submissions.

The law or regulations should establish that in public procurement, the names and addresses of the providers and the bid/proposal prices and any and all discounts (and any withdrawals or modifications to bids/proposals duly submitted), and those of any alternative offers permitted are read aloud and recorded. Records should be retained and available for review and audit purposes.

For appropriate security, bids/proposals should be submitted in sealed envelopes and maintained in a safe place with access controlled. In the case of electronic procurement, the e-procurement should be secure and able to be audited and online submissions must be received into an electronic bid/proposal box and maintained to high standards of security for long term record-keeping and audit. At no time shall bids/proposals be in unencrypted format. Copies decrypted for bid/proposal evaluation purposes shall not affect the integrity of the original record.

Clarity on how bids/proposals are submitted is critical in minimizing rejection of otherwise compliant bids/proposals. The law and the regulations must give clear provisions in this respect. For example, the number of copies, the sealing and marking of envelopes and in the case of electronic bidding, the security and auditing requirements should all be specified.

National Indicator

- a) Does the regulatory/legal framework state that the opening of bids/proposals is public?
- b) Does the regulatory/legal framework require that records of public bid/proposal openings are retained and available for review by providers?
- c) Are bids/proposals allowed to be rejected at bid/proposal opening or during the public bid/proposal opening? If yes under what circumstances?
- d) Are the records kept for a minimum period, what is the minimum period?
- e) How are evaluation committees composed and when are they selected?

Agency Indicator

- a) If not at the national level, does the agency state that the opening of bids/proposals is public?
- b) If not at the national level, does the agency require that records of public bid/proposal openings are retained and available for review by providers?
- c) If not at the national level, does the agency allow bids/proposals to be rejected at bid/proposal opening or during the public bid/proposal opening? If yes under what circumstances?
- d) Is there an agency policy that covers bid/proposal opening?
- e) Are bid/proposal opening minutes and other required formalities properly completed and documented?
- f) Are public bid/proposal openings held within the required time limit by the bid/proposal opening committee according to the rules and who is invited to attend?
- g) Is the Chairperson of the Bid/Proposal Opening Committee qualified and conducts Bid/Proposal Openings according to the rules and regulations?
- h) Is the Chairperson and other members serving on Bid/Proposal Opening Committees conversant with the rules and regulations regarding bid/proposal opening?
- i) Are minutes kept?

Indicator 15(i) – Bid/proposal evaluation and award criteria

This indicator assesses:

- a) The quality and sufficiency of the legal / regulatory framework provisions in respect to the objectivity and transparency of the evaluation process; and
- b) The degree of confidentiality kept during the process to minimize the risk of undue influences or abuse.

Pre disclosed and objective criteria are essential for efficiency, fairness and transparency in the evaluation of bids/proposals. Objectivity means that there is little room for subjective interpretation of the criteria by the evaluator. For this reason it is desirable that evaluation criteria be quantifiable as far as possible with clear evaluation criteria. Exceptions include higher value, more complex requirements where scoring of a proposal may be warranted.

The decision criteria for award should be based on a value for money assessment. The legal/regulatory/policy framework should prohibit the use of evaluation criteria different from those set out in the selection documents.

Confidentiality and regulated communications with the providers during the evaluation period are necessary to avoid abuse and undue interference in the process. The evaluation period comprises from the conclusion of the bid/proposal opening to the point at which the award of the intention to award the contract is decided and announced.

Information related to the evaluation process and results can be disclosed to interested parties after the evaluation is complete. There should be rules of disclosure that protects information provided by respondents that is of proprietary nature, commercially or financially sensitive.

National Indicator

- a) What is the evaluation criteria allowed in the regulatory/legal/policy framework?

Agency Indicator

- a) Is the bid/proposal evaluation criteria transparent, objective, pre-disclosed to all providers and applied in practice as stipulated in the selection documents?
- b) Is the award decision made solely on the basis of the evaluation criteria stated in the selection documents?
- c) Is the bid/proposal evaluation process confidential? If not, explain.
- d) Is the evaluation process carried out in a way that ensures fair and efficient outcomes and according to the selection documents?
- e) Is the evaluation properly documented?
- f) Are evaluation plans completed and to a suitable standard?
- g) Is there a procedure that covers bid/proposal evaluation, bid/proposal evaluation timelines and bid/proposal securities?
- h) Are bid/proposal evaluation reports prepared containing all essential information and approved by appropriate approval authority?
- i) Are successful and unsuccessful bidders informed about the award decision as required by the regulations?
- j) Are debriefs routinely offered and conducted with unsuccessful bidders respondents?
- k) Are contract award notices published?
- l) Are tenders awarded within the bid/proposal validity period?

Evidence Based Data Analysis

- a) Average number of days between bid/proposal opening and completion of evaluation
- b) Average number of days taken between submission of bid/proposal evaluation report and approval of contract (contract signing date)
- c) Percentage of cases bid/proposal evaluation has been completed within the specified timeline
- d) Percentage of bids/proposals awarded within the bid/proposal validity period

Example Survey Questions

- a) Is the bid/proposal evaluation criteria transparent, objective and pre-disclosed to you?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

- b) How often has your company seen selection documents for agency/government contracts with subjective or unclear evaluation criteria?

- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |

- c) How often have your company had a bid rejected for missing bureaucratic agency/government-issued documentation or license in the past 12 months?

- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |

- d) How often have your company had a bid/proposal rejected for minor, non-substantial non-material deviations or shortcomings in the past 12 months?

- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |

- e) Do you feel that the evaluation process is carried out in a way that ensures fair and efficient outcomes?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

f) How often have your company had a bid/proposal unfairly rejected for an agency/government contract in the past 12 months?

- | | | | |
|------|-----------|-----|------------|
| i. | Always | ii. | Many times |
| iii. | Few times | iv. | Never |

g) On average, how many days does a typical selection process for an agency/government contract take to be completed from the day your company submits a bid/proposal until an award decision is made?

- | | | | |
|------|---------------|-----|-------------|
| i. | 0-30 Days | ii. | 31-60 Days |
| iii. | 61-90 Days | iv. | 91-120 Days |
| v. | Over 121 Days | | |

h) Are you informed about the award decision?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

i) Are you offered debriefs when you have been unsuccessful in a selection process?

- | | | | |
|------|--------|-----|------------|
| i. | Always | ii. | Some times |
| iii. | Rarely | iv. | Never |

Dimension 16 - Data, Metrics and Reporting

The objective of this dimension is to determine how data and reporting is utilized to inform procurement decisions and management.

Indicator 16(a) – Spend Data, Metrics and Reporting

The purpose of this indicator is to assess whether the agency manages spend data to enable it to identify key areas of spend, key suppliers and top contracts. A good performing procurement function needs to fully understand what's been spent on what to be able to put in effective procurement strategies.

Agency Indicator

- a) Does the agency produce metrics on procurement performance which includes: (Evidence of the metrics must be provided)
- i. Procurement completed on time and on budget
 - ii. Amount Saved
 - iii. Risks Mitigated

- iv. Added Value
- b) Does the agency produce regular reporting on procurement performance that is reviewed by senior management and is it a balanced scorecard approach? (Evidence must be provided)
- c) Does the agency conduct detailed spend analysis that enables them to know: (Evidence must be provided)
 - i. Key spend areas
 - ii. Top 20 contracts
 - iii. Top 20 providers
- d) Does the agency know their top 20 contracts by value and by risk and do they closely monitor performance, KPI's etc? (Evidence must be provided)
- e) Does the agency know their top 20 providers by value and by risk and have plans to improve performance/delivery? (Evidence must be provided)
- f) Does the agency know their key spend areas and do they have them adequately controlled under contract? (Evidence must be provided)
- g) Does the agency segment expenditure by risk and value and have appropriate procurement strategies in place for different provider positioning quadrants (in particular a focus on high value/high risk, frameworks for high value, low risk and simplified processes for low value/low risk etc) - basic supply positioning theory applied? (Evidence must be provided)

Evidence Based Data Analysis

- a) Percentage of spend on and off contract

Example Survey Question

- a) Do you feel that the agency manages it's spend effectively?

i. Always	ii. Some times
iii. Rarely	iv. Never
- b) Do you feel that the agency understands needs from a supplier perspective as procurements are designed to optimize performance?

i. Always	ii. Some times
iii. Rarely	iv. Never

Dimension 17 - Risk Management

The objective of this dimension is to determine how risks are identified and managed through the procurement process.

Indicator 17(a) – Procurement Risk Management

The purpose of this indicator is to assess how procurement risks are identified as part of the procurement process, how risks are assessed, mitigated, allocated and monitored. A good performing procurement function has good risk management processes in place to ensure that any potential issues and risks are appropriately managed.

National Indicator

- a) Is there a policy that covers procurement risk management procedures, if so what is included?

Agency Indicator

- a) Is there a policy at the agency that covers procurement risk management procedures, if so what is included?
- b) Does the procurement risk management procedures include:
 - i. Risk Identification (identifying risks associated with the project)
 - ii. Risk Assessment (the likelihood and magnitude of the risks)
 - iii. Risk Mitigation (strategies for pre-empting and treating the occurrence of a risk)
 - iv. Risk Allocation (detailing responsibility for managing a risk)
 - v. Monitoring and Control (identifying new risks as they emerge)

Example Survey Question

- a) Do you feel that the agency identifies and manages risks appropriately?
 - i. Always
 - ii. Some times
 - iii. Rarely
 - iv. Never

Stage Four - Action Plan / Assessment Report

The three step assessment: national, agency and results based assessment will result in a detailed report produced by the assessment team as follows:

The report will cover the following:

- **Executive Summary** –Provides an overview of the assessment results against the five pillars. The executive summary should highlight the strengths and weaknesses of the procurement arrangement, their relative importance, the major risks identified and their likely consequences for the efficiency of the arrangement.
- **Introduction** - Presents the background of the assessment, its scope and nature, the limitations encountered for the assessment and any other matters that are essential to understand the context and circumstances under which the assessment was carried out.
- **Overview** - Describes the setting of the procurement arrangement, the key stakeholders and their roles in the arrangement's operation.
- **Findings** - Discusses the findings of the assessment in relation to each one of the pillars, dimensions and the indicators.
- **Strengths** - Assessment of the strengths of the procurement arrangement.
- **Weaknesses** - Assessment of outstanding weaknesses in the procurement arrangement, classifying them into the high, medium and low categories with regard to the risk such weaknesses may pose to the arrangement and to World Bank financed projects. It should also include suggestions as to how to mitigate these risks. Such suggestions may form the basis for a prioritized reform strategy intended to address identified weaknesses.
- **Summary / Conclusions** – Summary of the assessment and conclusions on the effectiveness of the procurement arrangement and proposed supervisory/follow up actions and timeline.
- **Recommendation** – Recommends the suitability of the arrangement in full or part for World Bank financed projects. If the arrangement is not suitable, then the areas that need to be addressed have to be clearly outlined and what is needed in order to meet the World Bank requirements.
- **Appendix** – Attached the completed assessment in full and summary of survey/interview results

Stage Five – Decide and implement

Following completion of the assessment report by the assessment team, the Task Team Leader (TTL) will review the report and will make a recommendation to the Operational Procurement Review Committee (OPRC) for review.

Completed agency assessments with a recommendation for clearance will be discussed in more detail at OPRC to determine whether the agency should be cleared to undertake procurement's financed by the World Bank either in full or part using their own procurement arrangement or to explain why OPRC does not agree with the recommendation. As appropriate, Legal will advise and the APM and GGP will concur with the TTL's recommendation. The CPO will then decide if he/she agrees with the recommendation from the TTL and the assessment findings following discussions at OPRC (See Figure 6). The World Bank Executive Board will then approve the use of the agencies own procurement arrangement as part of the Project Appraisal Document (PAD).

Clearance could be given to:

- i) Allow in full the use of the agency's procurement arrangement for World Bank financed projects with the relevant level of review and oversight; or
- ii) Allow but includes caveats on the value and risk profile of procurements that can be procured using the agency's own procurement arrangement.

If the Board clears the agency then the agency would be cleared to procure under World Bank financed procurements that would be reviewed periodically as identified and could be rescinded if the World Bank is not satisfied with the outcome of the procurements run using the agencies own arrangement or following an unsatisfactorily audit report.

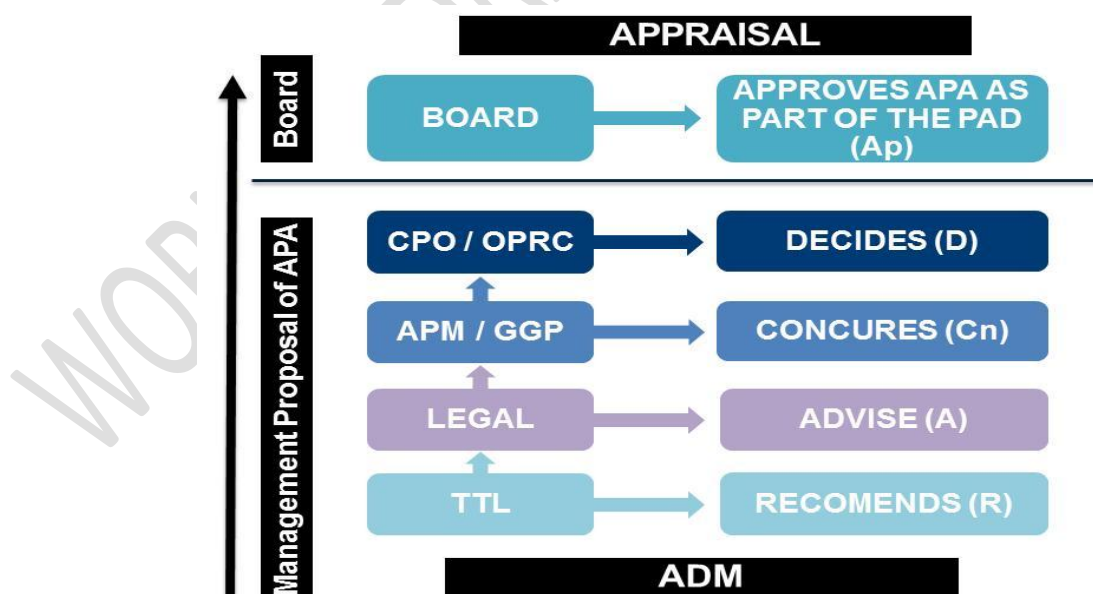


Figure 7 – Request APA (Led by GP) – Before Negotiation

If the assessment is requested during implementation then the same process as above would be followed, however the CPO would make the final decision and would inform the Board. (See Figure 7)

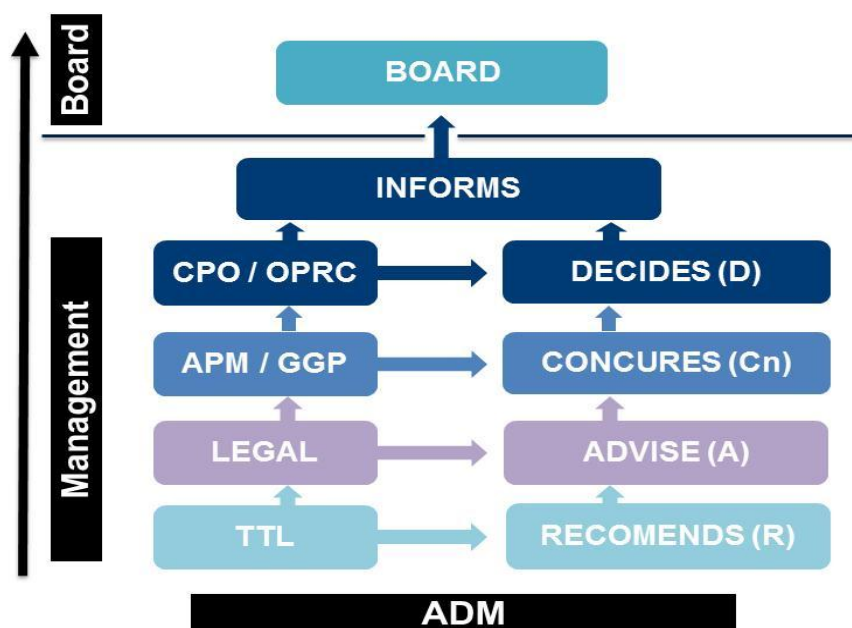


Figure 8 – Request for APA during Implementation

If the assessment is being conducted as a full capacity and capability assessment of the agency's procurement arrangement, the assessment team will work with the agency to develop an improvement plan according to the identified areas of weakness or capacity and capability gaps stated in the assessment report. The improvement plan should include what areas need to be addressed and a timeframe to conduct these improvements. In this way, the agency can be reassessed to determine if the required changes have been implemented, whether they are policy or procedural changes.

Stage Six - Evaluate (Ongoing Performance)

The final stage of the assessment is the audit / oversight of the agencies that have been cleared to use their own procurement arrangements. The World Bank reserves the right to audit any procurement process financed by the World Bank to make sure that its Procurement Policy is being adhered to including delivering value for money and that the procurements meet the stated development objectives. The APM will monitor / audit the performance of the agency and will advise the CPO of any issues who will then inform the board. If the World Bank is not satisfied with the results of the audit, then the agency's license to use their own arrangement could be adapted with additional controls or revoked.

Glossary of Terms

Borrower

In the Procurement Framework, *borrower* means a borrower or recipient of Bank financing for an investment project.

Bid

A bid is an offer to provide goods, works or general services for a particular amount of money (price).

Bidder

For the purpose of the Alternative Procurement Arrangements, *bidder* refers to a legal entity (acting either in its individual capacity or as part of a joint venture) that submits a bid in a procurement process.

Consultant

A *consultant* may be an individual or a legal entity (acting either in its individual capacity or as part of a joint venture) that provides specialized advice or services for limited amounts of time without any obligation of permanent employment.

Consulting services

Consulting services refers to services of a professional nature provided by consultants using their skills to study, design, organize, and manage projects; advise borrowers; and, when required, build borrowers' capacity.

Financing agreement

A *financing agreement* includes a loan, credit, or grant made by the World Bank from its resources or from funds by other donors and administered by the World Bank, or a combination of these.

Fit for purpose

The principle of fitness for purpose applies both to the intended outcomes and the procurement arrangements in determining the most appropriate procurement approach and selection method (within those envisaged in the Bank's Procurement Regulations and Procedures for Borrowers) to meet the development objectives and project outcomes. The proposed procurement approach should take into account the context and the risk, value, and complexity of the procurement.

Goods, works, and general services

In the Alternative Procurement Arrangements Framework, *goods* include commodities, raw material, machinery, equipment, vehicles, articles and industrial plant, and *works* includes construction, and in both cases they include related services such as transportation, insurance, installation, commissioning, training, and initial maintenance. *General services* are activities for which the physical aspects predominate, which are bid and contracted on the basis of performance of a measurable physical

output, and for which performance standards can be clearly identified and consistently applied, such as drilling, aerial photography, satellite imagery, mapping, and similar operations.

Investment projects

Investment projects includes loans, credits, and grants, and other lending or non-lending instruments through which the World Bank provides financing for a wide range of activities aimed at creating the physical and social infrastructure necessary to reduce poverty and create sustainable development.

Life cycle cost

Life cycle costing is applicable at activity level as evaluation criteria for the procurement of an asset once the best specifications to achieve value for money and fit for purpose have been determined. It includes the cost of an asset throughout its useful life such as initial purchase price, installation, operation and maintenance costs over the life of the asset, and residual value at the end of its useful life. It is calculated on a Net Present Value (NPV) basis and it is only used for comparison of bids.

Procurement

Procurement is the act of obtaining or buying goods, works, general services or consulting services.

Procurement process

The *procurement process* or *procurement cycle* starts with the identification of a need and continues through planning and market research, functional or specification requirements writing, budget considerations, selection of providers, contract award, and contract management. It ends on the last day of the last warranty.

Procurement documents

For the purposes of the Alternative Procurement Arrangements, *procurement documents* are documents used for the procurement of goods, works, general services and consulting services. They include, but are not limited to, general and specific procurement notices; request for expressions of interest, request for proposals, or for bids; prequalification; selection documents; evaluation reports and forms of contracts.

Proposal

A proposal is an offer, which may or may not include price, by one party to provide goods, works, general services or consulting services to another party to accept or reject.

Provider

For the purposes of the Alternative Procurement Arrangements, *provider* means any individual or legal entity that provides goods, works, general services or consulting services.

Review

For the purpose of the Alternative Procurement Arrangements, *review* is a formal examination that includes audits, inspections or other forms of assessment of the procurement cycle.

Selection Documents

For the purposes of the Alternative Procurement Arrangements, *Selection Documents* are used to select providers of goods, works, general services or consulting services.

Sustainable procurement

To deliver sustainable results, the strategic procurement approach should be on a whole life basis – which generates benefits to the procuring entity and the economy, but also to society whilst minimizing damage to the environment (reflecting the confines of the borrowers own procurement policy). Sustainability is especially relevant in such areas as construction, maintenance, and power generation, and applies to the use of scarce resources and to environmental and socioeconomic factors. As necessary, these sustainability factors are turned into procurement-related criteria to be applied at appropriate stages of the procurement cycle.

Whole life costs

Whole life costing is applicable at project level at the start of a project to determine the best functional and detailed specifications for an asset in terms of value for money, fit for purpose, sustainability, value engineering and other factors. It considers all costs arising, and benefits accrued from purchasing, installing, owning, operating, maintaining, and ultimately disposing of a project, that are considered to be potentially important to that decision. It includes life cycle costs plus benefits accrued from income generated by the project, non-construction or non-manufacturing costs and other factors that impact the feasibility of the project.

Annex A – Members of the GPA, full, Acceding and observing

Full members of the GPA are:

- Armenia
- Aruba (the Netherlands with respect to Aruba)
- Canada
- European Union (including its 28 member states)
- Hong Kong SAR, China
- Iceland
- Israel
- Japan
- Korea
- Liechtenstein
- Norway
- Singapore
- Switzerland
- Taiwan, China
- United States of America

All WTO Members are eligible to accede to the GPA. At present, ten WTO Members are in the process of acceding. These are:

- Albania
- China
- Georgia
- Jordan
- Kyrgyz Republic
- Moldova
- Montenegro
- New Zealand
- Oman
- Ukraine

Five other WTO Members have undertaken commitments, in their WTO accession protocols, to initiate accession to the Agreement. They are:

- Mongolia
- the Russian Federation
- Saudi Arabia
- Tajikistan
- the former Yugoslav Republic of Macedonia

Annex B – Minimum Criteria

Pillar	Indicator Number	National / Agency	Minimum Criteria	Baseline
1	1a	National	All procurement laws, regulations and policies must be published and easily available	Yes - Evidence on the web. Verified in survey
1	1b	National	Potential providers are denied eligibility for criminal or corrupt activities	Yes - System Evidenced. Verified in survey
1	1b	National	SOE's (State Owned Enterprises) are allowed to bid for Government contracts and do not receive any preferential treatment	Yes - Evidenced in any of the laws, policies and procedures. Verified in survey
1	1b	Agency	The agency has a policy on eligibility that meets the legal / regulatory / policy framework	Eligibility policy must cover as a minimum: i) Open advertisement of opportunities ii) Open to eligible providers from any country iii) Appropriate application of the Banks debarment list
2	4a	Agency	There is a policy or procedure that covers procurement planning	Procurement plans where appropriate include as a minimum: i) Items to be procured with justification statements and timelines ii) Type of contract to be used are explained and justified iii) Identification of any prequalified suppliers if applicable iv) Risks associated with procurement management are detailed and mitigated through contract performance metrics, insurance, or other means vi) Determining costs and if/how they're used as an evaluation criteria vii) How multiple suppliers will be managed if applicable (award within frameworks) viii) Contract approval process is clear and delegated, linked to authority levels ix) Award criteria is detailed and linked to risks identified x) Establishing contract deliverables and deadlines xi) How procurement and contracts are coordinated with project scope, budget, and schedule xii) Supplier Management, KPIs linked to risks and/or key deliverables

2	4a	Agency	The agency completes detailed market analysis prior to going to market for major procurements	<p>The market analysis where appropriate should include as a minimum:</p> <ul style="list-style-type: none"> i) Identify the range of suppliers in the market (Local and International) ii) The latest trends in technology in a particular sector iii) Market structure iiii) Competition - degree of likely competition and how to maximize it vi) The contracting authority's value as a customer and how this may
2	4b	National / Agency	All invoices are processed by the government agency as per the policy in the country and meet obligations for timely payment as stated in the contract	Yes - May attract or discourage providers
2	5b	Agency	There is a policy that covers conflict of interests	<p>The policy should include as a minimum:</p> <ul style="list-style-type: none"> i) Employees will conduct business ethically and objectively, in compliance with all applicable laws, regulations and agency policies, including the agency's Code of Conduct ii) Employees must not accept gifts, entertainment, meals or travel that might directly or indirectly influence the employees' business judgments or decisions iii) Employees must not purchase goods or services from a business in which the employee or their family has a financial interest, or may directly benefit from such purchase. Such situations should be disclosed. iv) Employees may not accept any sum from any supplier attempting to "reward" the employees for the decision to do business with the supplier v) Conflict of Interest id formally checked and recorded, updated regally for each procurement
2	6a	National / Agency	There is an integrated information portal or system that is easily accessible to all interested parties at no cost	<p>System should provide as a minimum:</p> <ul style="list-style-type: none"> i) Timely and up-to-date information on planned, in-progress and historic procurements ii) Procurement opportunities iii) Procurement plans iv) Contract award notices

2	6b	Agency	There is a procedure for collecting, monitoring and reporting procurement statistics	<p>Statistics should include as a minimum:</p> <p>Selection Process Data</p> <ul style="list-style-type: none"> i) Type of procurement (goods, works, consultants, services) ii) Selection method iii) Prequalification, if applicable iv) Expression of interest v) Bids/proposal vi) Date of complaint filing, if any vii) Date of response to complaints, if any viii) Date of notification of contract award ix) Official estimated cost x) Contract award price <p>Contract Execution Data</p> <ul style="list-style-type: none"> i) Final contract price ii) Original contract completion date iii) Actual contract completion date
2	6c	Agency	There is a policy that covers delegations which defines who can authorize and sign what in the procurement process, such as contract awards	Yes - Evidence of a list of delegated officials, authority levels and a sample of procurements reviewed to see if list is adhered to
3	7b	National	The legal/regulatory/policy framework establishes a list of the procurement records that must be kept for at least five years at the operational level	<p>Do the records include:</p> <ul style="list-style-type: none"> i) Public notices of procurement opportunities ii) Selection documents and any amendments iii) Bid/proposal opening records iv) Bid/proposal evaluation reports v) Final signed contract documents and amendments vi) Complaints and dispute resolutions vii) Disbursement data (as required by the country's financial management system) viii) All written communication regarding the procurement process
3	9a	Agency	There is a policy/framework that clearly defines the procedures for undertaking contract administration which is in line with the regulatory framework (contract management plans are produced)?	<p>The policy as a minimum should include the setting and recording of KPI's, change control processes and measurement of the outturn result vs original forecast :</p> <ul style="list-style-type: none"> i) Roles and responsibilities ii) Risk Management

3	9c	Agency	There is a policy for the resolution of disputes at the agency level and contracts include dispute resolution procedures	The policy as a minimum should include: i) Roles and responsibilities clearly defined ii) Business Standards iii) Appeals mechanisms
3	9b	National	There is an accessible system for contractors to raise contract disputes	Yes - Independent Body
4	10b	National	Procurement arrangement are open to internal and/or external audits	Yes - Policy that evidences this, evidence reports and follow up actions
4	11a	Agency	There is a policy framework for complaints handling and management	The policy as a minimum should include: i) Roles and responsibilities clearly defined ii) Business Standards iii) Appeals mechanisms iv) Criteria from complaints
4	12a	National	Providers, bidders or contractors can appeal a final decision	Yes - Evidence of process
4	12e	National / Agency	There a complaint review body and it has full authority and independence for resolution of complaints	Yes - Evidence of meetings and decisions
4	13a	Agency	All requests for bid/proposals and contract awards decisions are publicly published above identified threshold	Yes - Evidence of systems
4	14a	National / Agency	The legal / regulatory framework covers fraud and corruption aspects which includes measures to prevent and detect fraud of corruption	Yes - Evidence of law and enforcement
5	15b	Agency	There is a policy or procedure that fully details what procurement approaches and methods may be used and under which circumstances	Yes - Evidence of appraisal methods and methodology for selection linked to risk and market analysis
5	15b	Agency	There are different thresholds for each procurement approach and method	Yes - Evidence of specific thresholds by risk and/or value
5	15d	Agency	There is a policy on the time allowed for the preparation of bids/proposals	Yes - Specified number of days linked to complexity of procurement
5	15f	National / Agency	Selection documents contain evaluation and award criteria	Selection documents detail evaluation and award criteria, sample of contract evaluations to verify
5	15h	Agency	There is a policy that covers bid/proposal opening	Yes - Must be at a set time and publicly recorded
5	15i	Agency	The award decision is made solely on the basis of the evaluation criteria stated in the selection documents	Yes - Evidenced by sample review of evaluation report and selection documents
5	15i	Agency	The bid/proposal evaluation process is confidential (From when bids are received)	Yes - Evidenced by survey

Annex C – National Assessment Example Template

To be further developed as part of the guide for the assessor

Pillar I – Legislative and Regulatory Framework

Dimension	Indicator	National Sub Indicator	Comments / Findings
1) Public procurement legislative, regulatory and policy framework achieves the agreed standards and complies with applicable obligations	1a) Scope of application and coverage of the legislative, regulatory and policy framework	a) How are laws, regulations and policies organized hierarchically? b) Are all laws, regulations and policies published and easily available? c) How can one access these laws? d) What is the coverage of the regulatory framework and policies regarding types of procurement? e) Does it cover all types of procurement (Goods, Works General Services and Consulting Services)?	
	1b) Rules on participation	a) What is the policy on the selection methods that can be used and under what circumstances? b) What are the legal / policy requirements for eligibility of providers? c) Are providers denied eligibility for criminal or corrupt activities? d) Are there procedures for administrative debarment? Describe how they are implemented? e) Can SOE's (State Owned Enterprises) bid for Government contracts? If yes, do they have any preferential treatment?	
2) Existence of Implementing Regulations, Policy and Documentation	2a) Implementing regulation and or policy that provide defined processes and procedures not included in higher-level legislation	a) Are procurement regulations and or policy consolidated in one simple place or in different sources? If more than one source, list all sources. Where can these regulations be found? b) When was the last update to the regulations and or policies? c) Who is responsible for maintaining and updating procurement regulations and policies?	
		a) Are there CC for the most common types of contracts	

	2b) Conditions of Contracts (CC) for public sector contracts covering goods, works, general services and consulting services consistent with national requirements and, when applicable, international requirements	and is their use mandatory? b) Are the CC's generally fair and balanced and consistent with internationally accepted practice? If so which?	
3) Sustainable Procurement	3a) Sustainable procurement policies and procedures	a) Is there a policy or procedure that covers sustainable procurement? b) If there is a policy, what does the policy cover and is the policy mandated? c) Does the policy cover the three (3) aspects of sustainable procurement that is economic, environmental and social considerations?	

Pillar II. Institutional Framework and Management Capacity

Dimension	Indicator	National Sub Indicator	Comments / Findings
4) The public procurement arrangement is mainstreamed and well integrated into the public sector governance system	4a) Procurement planning and associated expenditures are part of the budget formulation process and contribute to multiyear planning	a) Does the country have established procedures for the preparation of procurement plans for the fiscal year? b) What are these procedures? c) Are they part of the budget formulation process?	
	4b) Budget law and financial procedures support timely procurement, contract execution, and payment	a) What are the business standards for processing of invoices by government agencies that meet obligations for timely payment stated in the contract? b) Is there a regulation that requires the certification of funds prior to the bidding process? How is it enforced in practice?	
	4c) Systematic completion reports are prepared for certification of budget execution and for reconciliation of delivery with budget programming	a) Is the procurement arrangement integrated with the financial management and budgetary systems and does it provide information on completion of all major contracts?	
5) The country has a functional normative/regulatory body	5a) The status and basis for the normative/regulatory body is covered in the legislative and regulatory framework	a) Is there a procurement regulatory agency or unit in the government and what is the hierarchical level within the government? b) If yes what are their responsibilities?	
	5b) The responsibilities should also provide for separation and clarity so as to avoid conflict of interest and direct involvement in the execution of procurement transactions	a) How is the body structured and does it have responsibility for direct procurement operations? b) Is the body ever part of evaluation committees?	
6) Existence of institutional development capacity	6a) There is a system for collecting and disseminating procurement information, including tender invitations, requests for proposals, and contract award information	a) Is there an integrated information system that provides as a minimum, timely and up-to-date information such as procurement plans and procurement opportunities that are easily accessible to all interested parties at no cost? b) Who is responsible for its management and operation and is it clearly defined?	
	6b) There are systems and		

	procedures for collecting and monitoring procurement statistics	<p>a) Is there a system in operation to collect procurement data?</p> <p>b) Does the system collect data on procurements by method, duration of different stages of the procurement cycle, awards of contracts, unit prices for most common types of goods, works, general services and consulting services and other information that allows analysis of trends, levels of participation, efficiency and economy of the procurement and compliance with requirements?</p> <p>c) Is the information analyzed routinely, published and fed back into the system?</p>	
	6c) A sustainable strategy and training capacity exists to provide training, advice and assistance to develop the capacity of agencies and private sector participants to understand the rules and regulations and how they should be implemented	<p>a) Is there a training and capacity building strategy that provides for:</p> <ul style="list-style-type: none"> i) Substantive permanent training programs of suitable quality and content for the needs of the arrangement? ii) Evaluation and periodic adjustment based on feedback and need? <p>b) Is there an advisory service or help desk for public or private sector parties where they can get advice on the application and interpretation of policy and rules?</p>	
	6d) Quality control standards are disseminated and used to evaluate staff performance and address capacity development issues	<p>a) Are there quality control systems that:</p> <ul style="list-style-type: none"> i) Provide quality assurance standards and a monitoring system for procurement processes and products? ii) Provide for a staff performance evaluation process based on outcomes and professional behaviors? iii) Ensure that operational audits are carried out regularly to monitor compliance with quality assurance standards? 	

Pillar III. Procurement Administration and Market Practices

Dimension	Indicator	National Sub Indicator	Comments / Findings
7) The country's and agencies procurement operations and practices are efficient	7a) The level of procurement competence among government officials within the entity is consistent with their procurement responsibilities	a) Is there a minimum level of qualifications needed to work in a government procurement or procurement related role? b) There is a policy that clearly defines the roles and responsibilities of public officials?	
	7b) There are established norms for the safekeeping of records and documents related to transactions and contract management	a) Does the legal/regulatory/policy framework establish a list of the procurement records that must be kept at the operational level? b) Is it available for public inspection, including conditions for access? c) Do the records include: i) Public notices of procurement opportunities ii) Bidding documents and any amendments iii) Bid/proposal opening records iv) Bid/proposal evaluation reports v) Final signed contract documents and amendments vi) Complaints and dispute resolutions vii) Disbursement data (as required by the country's financial management system). d) What is the document retention policy and is it compatible with the statute of limitations in the country for investigating and prosecuting cases of fraud and corruption and what are the audit cycles? e) What are the security protocols to protect records either physical or electronic?	
8) Functionality of the public procurement market	8a) There are effective mechanisms for partnerships between the public and private sector	a) How does the government encourage open dialogue with the private sector and does it have established and formal mechanisms for open dialogue through associations or other means? b) Does the government have programs to help build capacity in the private sector, including for small businesses and training to help new entries into the public procurement marketplace? c) How does the government encourage public/private partnerships and are there mechanisms in the legal framework to make possible such arrangements?	
	8b) There are no major systemic	a) Are there any constraints that inhabit private sectors'	

	constraints (such as inadequate access to credit, contracting practices, etc.) inhibiting the private sector's capacity to access the procurement market	access to public procurement, if so what are the constraints?	
9) Existence of contract administration and dispute resolution provisions	9a) Are procedures clearly defined for undertaking contract administration responsibilities that include inspection and acceptance procedures, quality control procedures, and methods to review and issue contract amendments in a timely manner	a) Are contract management plans required? b) Are there procedures for acceptance of final products? Please explain. c) What is the regulatory timeframe for payment of an invoice?	
	9b) Contracts include dispute resolution procedures that provide for an efficient and fair process to resolve disputes arising during the performance of the contract	a) Is there an accessible system for contractors to raise contract disputes?	
	9c) Procedures exist to enforce the outcome of the dispute resolution process	a) Are there procedures that ensure that decisions in a dispute are enforced? b) How does the country monitor contract administration and performance issues?	

Pillar IV. Integrity and Transparency of the Public Procurement System.

Dimension	Indicator	National Sub Indicator	Comments / Findings
10) Effective control and audit systems	10a) There is a legal framework, organization, policy, and procedures for internal and external control and audit of public procurement operations in place that provide a functioning control framework	a) Does the system in the country provides for: i) Adequate independent control and audit mechanisms and institutions to oversee the procurement function? ii) Implementation of internal control mechanisms in individual agencies with clearly defined procedures? iii) Proper balance between timely and efficient decision making and adequate risk mitigation? iv) Specific periodic risk assessment and controls tailored to risk management?	
	10b) Enforcement and follow-up on findings and recommendations of the control framework provide an environment that fosters compliance	a) Is the procurement arrangement open to internal or external audits and how often are they carried out?	
	10c) The internal control system provides timely information on compliance to enable management action	a) Is there an effective compliance process and policy? b) Are there written standards for the internal control unit to convey issues to management? c) Are there established regular periodic reporting to management throughout the year, if so what is the frequency? d) Are the written standards complied with?	
	10d) The internal control systems are sufficiently defined to allow performance audits to be conducted	a) Are the internal control procedures sufficiently defined and included in a manual that allow for performance audits to be conducted?	
	10e) Auditors are sufficiently informed about procurement requirements and control systems to conduct quality audits that contribute to compliance	a) How are auditors selected? b) How are auditors trained on procurement related matters? c) How often is this knowledge updated?	
11) The country has an	11a) Complaints are effectively		

effective complaints procedure	managed	<p>a) Does the procurement framework provide participants the opportunity to present complaints?</p> <p>b) Does the framework include provisions to respond to a request for review by a body independent from the procuring agency?</p> <p>c) Are there established timeframes for issuance of decisions by the procuring agency and the administrative review body, if so what are they?</p> <p>d) Is there a stand still period before contract award to allow for complaints?</p>	
12) Efficiency of appeals mechanism	12a) Decisions are deliberated on the basis of available information, and the final decision can be reviewed and ruled upon by a body (or authority) with enforcement capacity under the regulations/framework/law	<p>a) Who is the authority in charge of reviewing procurement complaints?</p> <p>b) To whom does the authority report?</p> <p>c) Can providers, bidders or contractors appeal a final decision? To whom? To whom the appeals body report to?</p> <p>d) What are the timeframes for submission of complaints?</p> <p>e) What are the timeframes for responding to complaints?</p>	
	12b) The complaint review system has the capacity to handle complaints efficiently and a means to enforce the remedy imposed	<p>a) How are decisions related to complaints enforced?</p>	
	12c) The system operates in a fair manner, with outcomes of decisions balanced and justified on the basis of available information	<p>a) What are the procedures that govern the decision making process of the review body? Are decisions:</p> <ul style="list-style-type: none"> i) Based on information relevant to the case? ii) Balanced and unbiased in consideration of the relevant information? iii) Can be subject to higher level review? iv) Result in remedies that are relevant to correcting the implementation of the process or procedures? 	
	12d) Decisions are published and made available to all interested parties and to the public	<p>a) Where are decisions publicly posted? Are they posted on a government web site or another easily accessible place?</p>	
	12e) The procurement arrangement ensures that the complaint review body has full authority and independence for resolution of complaints	<p>a) Is there a complaint review body and has it full authority and independence for resolution of complaints?</p> <p>b) Are there fees for providers to submit complaints?</p> <p>c) Do procurement complaints suspend the implementation of the process?</p>	
13) Degree of access to information	13a) Information is published and distributed through available	<p>a) How is information on procurement accessible? What</p>	

	media with support from information technology when feasible	media is used and is it covered by wide circulation and availability? b) Is the information provided centralized in a common place and is it relevant? c) Is the information helpful to interested parties to understand the procurement processes and requirements and to monitor outcomes?	
14) Ethics and anticorruption measures	14a) The legal and regulatory framework for procurement, including selection and contract documents, includes provisions addressing corruption, fraud, conflict of interest, and unethical behavior and sets out (either directly or by reference to other laws) the actions that can be taken with regard to such conduct	a) How does the regulatory framework treat fraud and corruption? b) Are there fraud and corruption provisions on standard selection documents and general contract conditions?	
	14b) The regulatory/legal arrangements define responsibilities, accountabilities, and penalties for individuals and firms found to have engaged in fraudulent or corrupt practices	a) What are the penalties in the regulatory framework for fraud and corruption and who imposes the penalties? b) Is there a policy that prohibits the intervention of active public officials and former public officials for a reasonable period of time after leaving office in procurement matters?	
	14c) Evidence of enforcement of rulings and penalties exists	a) Is there evidence of fraud and corruption enforcement? b) When was the last case?	
	14d) Special measures exist to prevent and detect fraud and corruption in public procurement	a) What special measures exist to prevent and detect fraud and corruption?	
	14e) Stakeholders (private sector, civil society, and ultimate beneficiaries of procurement/end-users) support the creation of a procurement market known for its integrity	a) Are there strong and credible civil society organizations that exercise social audit and control? b) What evidence is there that civil society contributes to shape and improve the integrity of public procurement?	
	14f) The country should have in place a secure mechanism for reporting fraudulent and corrupt	a) How does the public report cases of fraudulent and corrupt practices and is it secure and confidential?	

	practices	b) Does the legal system include a policy that defines the responsibilities, accountabilities and penalties for fraudulent or corrupt practices?	
	14g) Existence of Codes of Conduct/Codes of Ethics for participants that are involved in aspects of the public financial management systems that also provide for disclosure for those in decision making positions	<p>a) Is there a code of conduct or ethics for government officials and what are the provisions for those involved in public financial management, including procurement?</p> <p>b) Does the code define accountabilities for decision making, if so what are they?</p> <p>c) What are the consequences for none compliance?</p>	

Pillar V. Procurement Operations.

Dimension	Indicator	National Sub Indicator	Comments / Findings
15) The Procurement cycle	15a) Market Research and Procurement Strategy	a) Is there a policy that covers market research analysis and the development of a procurement strategy document?	
	15b) Procurement Approaches and Methods	a) What are the different procurement approaches allowed in the regulatory/legal/policy framework and what are the conditions of use (such as open or limited competition, direct procurement, national or international)? b) Is competitive procurement the preferred approach? c) Are circumstances for the use of each procurement method defined in the procurement regulations or procedures?	
	15c) Advertising rules and time limits	a) What are the publication requirements for each type of procurement approach and method? b) What are the minimum timeframes for submission of bids/proposals for each procurement method?	
	15d) Tender documentation and technical specifications	a) How does the regulatory/legal/policy framework address biased specifications in the selection documents? b) Does the regulatory/legal/policy framework require minimum content required in the selection documents? Explain minimum content? c) Does the regulatory/legal/policy framework require recognition of standards which are equivalent when neutral specifications are not available?	
	15e) Selection Process	N/A	
	15f) Model selection documents for goods, works, and general services	a) Are there model procurement documents (such as invitation to bid, and selection documents for goods, works, general services and consulting services)? b) Do selection documents contain appropriate evaluation and award criteria? c) Is there a set of standard and mandatory clauses and templates that help in the formulation of the selection documents?	
	15g) Procedures for pre-		

	qualification	a) Does the regulatory/legal framework allow for the use of pre-qualification?	
	15h) Submission, receipt and opening of bids/proposals	a) Does the regulatory/legal framework state that the opening of bids/proposals is public? b) Does the regulatory/legal framework require that records of public bid/proposal openings are retained and available for review by providers? c) Are bids/proposals allowed to be rejected at bid/proposal opening or during the public bid/proposal opening? If yes under what circumstances? d) Are the records kept for a minimum period, what is the minimum period? e) How are evaluation committees composed and when are they selected?	
	15i) Bid/proposal evaluation and award criteria	a) What is the evaluation criteria allowed in the regulatory/legal/policy framework?	
16) Data, Metrics and Reporting	16a) Spend Data, Metrics and Reporting	N/A	
17) Risk Management	17a) Procurement Risk Management	a) Is there a policy that covers procurement risk management procedures, if so what is included?	

Annex D – Agency Assessment Example Template

To be further developed as part of the guide for the assessor

Pillar I – Legislative and Regulatory Framework

Dimension	Indicator	Agency Sub Indicator	Baseline / Benchmark / Minimum Criteria <i>(To be defined)</i>	Comments / Findings
1) Public procurement legislative, regulatory and policy framework achieves the agreed standards and complies with applicable obligations	1b) Rule on Participation	a) Does the agency have a policy on eligibility that meets the legal / regulatory / policy framework?	The policy must meet all requirements under the regulatory framework	
		b) How are the requirements measured? (Pass, Fail, Scoring)		
		c) Are providers required to register as a condition of eligibility? If yes, what is the registration process?		
2) Existence of Implementing Regulations, Policy and Documentation	2b) Conditions of Contracts (CC) for public sector contracts covering goods, works general services and consulting services consistent with national requirements and, when applicable, international requirements	a) If there are national CC's, are they utilized by the agency?		
		b) If there are no national CC's, does the agency have their own and are they utilized?		
		c) Are the CC's generally fair and balanced?		
3) Sustainable Procurement	3a) Sustainable procurement policies and procedures	a) If there is a policy at the national level, does the agency apply the national policy on sustainable procurement?		

		b) Is there a policy or procedure at the agency that covers sustainable procurement?		
		c) What does the policy cover?		
		d) Do the policies and procedures cover the three (3) aspects of sustainable procurement that is economic, environmental and social considerations?		

WORKING DRAFT - UNDER REVIEW

Pillar II. Institutional Framework and Management Capacity

	National Indicator	Agency Sub Indicator	Baseline / Benchmark / Minimum Criteria <i>(To be defined)</i>	Comments / Findings
4) The public procurement arrangements is integrated into the public sector governance system	4a) Procurement planning and associated expenditures are part of the budget formulation process and contribute to multiyear planning	a) What policies and procedures exist at the agency level for procurement planning?	The policies should include as a minimum: i) TBD ii) TBD iii) TBD	
		b) Is there early technical and financial planning that is well-coordinated so that funding is assured when procurement begins?		
		c) Is there a policy at the agency level on how to complete market analysis which states what analysis should be conducted?	The market research / analysis should include as a minimum: i) The range of suppliers in the market ii) The latest trends in technology in a particular sector iii) Competition iv) Supply chain v) Substitute goods and services vi) The contracting authority's value as a customer	
		d) Does the agency complete detailed market analysis prior to going to market for major procurements?	N/A	
		e) Is there a well-defined recurring process in place to ensure that annual procurement plans are prepared and approved on time?	N/A	
		f) Are standard templates used for completing annual procurement plans?	N/A	
		g) Are strategic procurement		

		plans produced to the required standard for higher risk/value procurement?	<p>Procurement plans were appropriate include as a minimum:</p> <ul style="list-style-type: none"> i) Items to be procured with justification statements and timelines ii) Type of contract to be used iii) Risks associated with procurement management iv) How procurement risks will be mitigated through contract performance metrics, insurance, or other means v) Determining costs and if/how they're used as evaluation criteria vi) Any standardized procurement templates or documents to be used vii) How multiple suppliers will be managed if applicable viii) Contract approval process ix) Decision criteria x) Establishing contract deliverables and deadlines xi) How procurement and contracts are coordinated with project scope, budget, and schedule xii) Vendor Management xiii) Identification of any prequalified sellers if applicable xiiii) Performance metrics for procurement activities 	
		h) Are the plans approved by the correct authority as per the policy and legal/regulatory requirements?	N/A	
	4b) Budget law and financial procedures support timely procurement, contract execution, and payment	a) Are payments authorized within the required timeframe as per the policy following approval of invoices?	N/A	
		b) Is there a system in place (e.g.	N/A	

		paper or electronic interface between the financial management and the procurement arrangement) that ensures enforcement of the policy and/or law?		
5) The country has a functional normative/regulatory body	5b) The responsibilities should also provide for separation and clarity so as to avoid conflict of interest and direct involvement in the execution of procurement transactions	a) Is there a policy that covers conflict of interests?	<p>The policy should include as a minimum:</p> <ul style="list-style-type: none"> i) Employees will conduct business ethically and objectively, in compliance with all applicable laws, regulations and agency policies, including the agencies Code of Conduct ii) Employees must not accept gifts, entertainment, meals or travel that might directly or indirectly influence the employees' business judgments or decisions iii) The purchase of goods or services from a business in which an employee or his family has a financial interest, or may directly benefit from such purchase. Such situations should be disclosed. iv) Employees may not accept any sum from any supplier attempting to "reward" the employees for the decision to do business with the supplier 	
		b) Is a conflict of interest declaration completed before each procurement is started?	N/A	
		c) How are conflicts managed and is it effective?	N/A	

6) Existence of institutional development capacity	6a) There is a system for collecting and disseminating procurement information, including tender invitations, requests for proposals, and contract award information	a) Is the integrated information system fully utilized by the agency?	N/A	
		b) If not at the national level, is there an integrated information system that provides as a minimum, timely up-to-date information such as procurement plans and procurement opportunities that are easily accessible to all interested parties at no cost?	N/A	
	6b) There are systems and procedures for collecting and monitoring procurement statistics	a) Is there a procedure for collecting and monitoring procurement statistics at an agency level?	N/A	
		b) Are the agency's procurement statistics collated and publicly available?	N/A	
	6c) A strategy and training capacity exists to provide training, advice and assistance to develop the capacity of agencies and private sector participants to understand the rules and regulations and how they should be implemented	a) Does the agency utilize procurement training offered centrally?	N/A	
		b) Does the agency offer procurement related training to their procurement professionals?	N/A	
	6d) Quality control	a) Are there quality control	N/A	

	standards are disseminated and used to evaluate staff performance and address capacity development issues	<p>systems at the agency that:</p> <p>i) Provide quality assurance standards and a monitoring system for procurement processes and products?</p> <p>ii) Provide for a staff performance evaluation process based on outcomes and professional behaviors?</p> <p>iii) Ensure that operational audits are carried out regularly to monitor compliance with quality assurance standards?</p>		
6e) There is a clear management structure with policies on delegation		a) What is the position and seniority of the chief of procurement within the agency and at what level is it?	N/A	
		b) Are there policies on delegations that define who can authorize and sign what in the procurement process i.e. contract awards?	N/A	
		c) Is the process designed for structured decision making and approvals?	TBD	

Pillar III. Procurement Administration and Market Practices

Dimension	Indicator	Agency Sub Indicator	Baseline / Benchmark / Minimum Criteria (To be defined)	Comments / Findings
7) The country's procurement operations and practices are efficient	7a) The level of procurement competence among government officials within the entity is consistent with their procurement responsibilities	a) Are there job descriptions for procurement staff members, including qualifications required?	N/A	
		b) There is a policy that clearly defines the roles and responsibilities of public officials?	The policy covers as a minimum: i) Clear roles and responsibilities ii) Conflict of Interest Policies	
		c) Do adequate formal and on-the-job training programs exist for entry and higher level procurement staff, which contribute to proper professional career development?	N/A	
	7b) There are established norms for the safekeeping of records and documents related to transactions and contract management	a) Does the agency have a policy that covers the safekeeping of records and documents in line with the country's legal/regulatory framework? If not, does the agency policy include: i) Public notices of procurement opportunities ii) Selection documents and any amendments iii) Bid/proposal opening records iv) Bid/proposal evaluation reports v) Final signed contract documents and amendments vi) Complaints and dispute resolutions vii) Disbursement data (as required by the country's financial management system)	The policy should require procuring agencies to keep records for each procurement for at least six years which should include as a minimum: i) The procurement plan ii) Evaluation report iii) A copy of the advertisement iv) Copy of the contract	
			N/A	

		b) Are the rules on record keeping are fully adhered to by the agency?		
		c) Do records include: i) Communication documents generated or received by the employer between itself and providers, bidders or contractors ii) A detailed record of all change or variation orders issued affecting the scope, quantities, timing or price of the contract iii) Records of invoices and payments; progress reports; certificates of inspection, acceptance and completion iv) Records of claims and disputes and their outcome	N/A	
	7c) There are provisions for delegating authority to others who have the capacity to exercise responsibilities	a) Can procurement decisions be delegated? If yes, how does it happen, how is quality control managed and who is accountable for the decision?		
8) Functionality of the public procurement market	8a) There are effective mechanisms for partnerships between the public and private sector	a) Does the agency have open dialogue with the private sector and established mechanisms?	N/A	
		b) Does the agency have programs to help build capacity in the private sector, including for small businesses and training to help new entries into the public procurement marketplace?		
9) Existence of contract	9a) Are procedures clearly defined for	a) Are contract management plans required?	N/A	

administration and dispute resolution provisions	undertaking contract administration responsibilities that include inspection and acceptance procedures, quality control procedures, and methods to review and issue contract amendments in a timely manner	b) Is there a policy that clearly defines the procedures for undertaking contract administration responsibilities in line with the regulatory framework?	N/A	
		c) Does the policy include inspection and acceptance procedures, quality control procedures, and methods to review and issue contract amendments in a timely manner?	The policy should include: i) Inspection and acceptance procedures ii) Quality control procedures iii) Methods to review and issue contract amendments	
		d) Are contracts generally completed on schedule and within the originally approved contract price?	N/A	
		e) Do contract managers adequately document all actions of contractual importance taken by the purchaser/employer during implementation?	N/A	
		f) Are there quality control procedures and are they defined in the model contracts/documents?	N/A	
		g) Who does the supervision of construction works?	N/A	
	9b) Contracts include dispute resolution procedures that provide for an efficient and fair process to resolve disputes arising during the performance of the contract	a) What are the procedures for fair resolution of disputes during contract execution?	N/A	
		b) How are the decisions enforced?	N/A	
	9c) Procedures exist to enforce the outcome of the	a) Do contracts provide for fair and efficient dispute resolution procedures and also provide for	N/A	

	dispute resolution process	enforcement of the outcome of disputes?		
		b) Do procuring entities normally make a good faith attempt to resolve disagreements through informal negotiations?	N/A	
		c) Do contract dispute resolutions include arbitration?	N/A	
		d) Are the resulting disputes handled in accordance with the contract conditions?	N/A	
		e) Is there a policy for the resolution of disputes at the agency level?	The policy should include: i) TBD ii) TBD iii) TBD	
		f) Do contracts include dispute resolution procedures?	N/A	
		g) Are the dispute resolution procedures effective?	N/A	
		h) Do contracts include Alternative Dispute Resolution (ADR) provisions?	N/A	

Pillar IV. Integrity and Transparency of the Public Procurement System

Dimension	Indicator	Agency Sub Indicator	Baseline / Benchmark / Minimum Criteria (To be defined)	Comments / Findings
10) Effective control and audit systems	10a) There is a legal framework, organization, policy, and procedures for internal and external control and audit of public procurement operations in place that provide a functioning control framework	<p>a) Is there a policy on what should be included in the procurement file for auditing?</p> <p>If not at the national level, the questions at the national level could be asked at the agency level.</p>	<p>The policy covers as a minimum where appropriate:</p> <p>i) Procurement Plan ii) All written communication regarding the procurement process iii) Contracts iv) Evaluation Reports v) Conflict of interest and eligibility declarations vi) Complaints and responses</p>	
	10b) Enforcement and follow-up on findings and recommendations of the control framework provide an environment that fosters compliance	a) How long does it take to respond to audit report recommendations or implemented the recommendations after the receipt of the auditors' report?	N/A	
		b) Does the agency support and act on the findings of audit reports within a timely manner?	N/A	
		c) How does management enforce recommendations?	N/A	
		d) What is the frequency of internal and external audits?	N/A	
	10c) The internal control system provides timely information on compliance to enable management action	a) Is there an effective compliance process and policy?	N/A	
		b) Are there written standards for the internal control unit to convey issues to management?	N/A	
		c) Are there established regular periodic reporting to management throughout the year, if so what is the frequency?	N/A	
		d) Are the written standards	N/A	

		complied with?		
	10d) The internal control systems are sufficiently defined to allow performance audits to be conducted	a) Are there internal control procedures sufficiently defined and included in a manual that allow for performance audits to be conducted?	TBD	
	10e) Auditors are sufficiently informed about procurement requirements and control systems to conduct quality audits that contribute to compliance	a) How are auditors selected by the agency?	N/A	
		b) How are auditors trained on procurement related matters?	N/A	
		c) How often is this knowledge updated?	N/A	
11) Effective complaints procedures	11a) Complaints are effectively managed	a) Does a policy framework exist for complaints handling and management at the agency level?	The policy covers as a minimum where appropriate: i) TBD ii) TBD	
		b) Is the Framework utilized and available to bidders?	N/A	
		c) Does the framework include benchmark response times?	N/A	
		d) Is the complaint system being used by aggrieved providers / bidders?	N/A	
		e) How are complaints enforced?	N/A	
		f) Is there a policy for dealing with complaints at different stages of the procurement process?	The policy covers as a minimum where appropriate: i) TBD ii) TBD	
12) Efficiency of appeals mechanism	12a) Decisions are deliberated on the	a) Is the national policy of complaints incorporated into the	N/A	

	basis of available information, and the final decision can be reviewed and ruled upon by a body (or authority) with enforcement capacity under the regulations/framework ork/law	agency's policies and procedures?		
		b) If no national policy is there an agency policy?	N/A	
		c) Can providers, bidders or contractors appeal a decision? To whom?	N/A	
		d) What are the timeframes for submission of complaints?	N/A	
		e) What are the timeframes for responding to complaints?	N/A	
	12c) The system operates in a fair manner, with outcomes of decisions balanced and justified on the basis of available information	a) Does the agency track appeals and results?	N/A	
	12d) Decisions are published and made available to all interested parties and to the public	a) Do agencies follow the national policy?	N/A	
		b) Are decisions publically disclosed? How can providers find them?	N/A	
		c) What is the quality of the information published?	N/A	
	12e) The procurement arrangement ensures that the complaint review body has full authority and independence for resolution of complaints	a) Are complaints sent to the independent review body when appropriate?	N/A	
13) Degree of access to information	13a) Information is published and distributed through available media with	a) What are the requirements for publication and advertisement of procurement plans, requests for	N/A	

	support from information technology when feasible	bid/proposals and contract awards decisions?		
		b) How do bidders find out about procurement opportunities?	N/A	
		c) Do providers have to register to access bidding document?	N/A	
		d) Are procurement opportunities, request for bid/proposals, contract award, contract decisions and implementation data published in a timely manner?	N/A	
14) The country has ethics and anticorruption measures in place	14a) The legal and regulatory framework for procurement, including tender and contract documents, includes provisions addressing corruption, fraud, conflict of interest, and unethical behavior and sets out (either directly or by reference to other laws) the actions that can be taken with regard to such conduct	a) Is there a policy at the agency level that covers conflict of interests and fraud and corruption?	The policy covers as a minimum: i) TBD ii) TBD iii) TBD	
		b) What are the fraud and corruption provisions on standard selection documents and contract conditions at the agency level?	N/A	
	14b) The regulatory/legal arrangements define responsibilities,	a) Is there an annual ethics complaint report that covers fraud and corruption?	N/A	
		b) What are the penalties for fraud and corruption at the	N/A	

	accountabilities, and penalties for individuals and legal entities found to have engaged in fraudulent or corrupt practices	agency level and who imposes the penalties?		
	14c) Evidence of enforcement of rulings and penalties exists	a) Is there evidence of fraud and corruption enforcement?	N/A	
		b) When was the last case?	N/A	
	14d) Special measures exist to prevent and detect fraud and corruption in public procurement	a) Is there a policy that includes measures to prevent and detect fraud of corruption?	The policy covers as a minimum: i) TBD ii) TBD iii) TBD	
		b) What special measures exist to prevent and detect fraud and corruption at the agency level?	TBD	
		c) Do providers have to declare that they are eligible to bid?	N/A	
	14g) Existence of Codes of Conduct/Codes of Ethics for participants that are involved in aspects of the public financial management systems that also provide for disclosure for those in decision making positions	a) Does the agency have a process in place for staff to review the code of conduct requirements?	N/A	
		b) If not at the national level, is there a code of conduct or ethics for government officials and what are the provisions for those involved in public financial management, including procurement?	N/A	
		c) If not at the national level, does the code at the agency level define accountabilities for decision making, if so what are they?	N/A	
		d) If not at the national level, what are the consequences for none compliance at the agency level?	N/A	

WORKING DRAFT - UNDER REVIEW

Pillar V. Procurement Operations

Dimension	Indicator	Agency Sub Indicator	Baseline / Benchmark / Minimum Criteria <i>(To be defined)</i>	Comments / Findings
15) Effective procurement cycle	15a) Market research and procurement strategy	a) Does the agency have a policy that covers market research and analysis and the development of a procurement strategy document?	N/A	
		b) Does the agency conduct detailed market research and analysis before each procurement? (Evidence of research and analysis required)	N/A	
		c) Does the agency produce a procurement strategy document at the start of the procurement cycle?	N/A	
	15b) Procurement Approaches and Methods	a) Are policies and procedures in place at the agency level that fully detail what procurement approaches and methods may be used and under which circumstances and are the procurement professionals fully aware of the policies and procedures?	N/A	
		b) Are there different thresholds for each procurement approach and method?	N/A	
		c) Are thresholds regularly reviewed and updated?	Thresholds are reviewed annually	
		d) What procurement methods	N/A	

		are used to improve process efficiency and to leverage spend (such as Framework Agreements)?		
	15c) Advertising rules and time limits	a) Is there a policy, regulation or rules that covers the publication of procurement opportunities at the agency level?	The policy as a minimum needs to include: i) Length of publication ii) Publication method	
		b) Does the policy include rules on the publication of advanced notice of procurement opportunities?	N/A	
		c) Are all advertisements published and accessible as per the regulations/policy?	N/A	
		d) Is there an online system for procurement adverts to be published online?	N/A	
	15d) Tender documentation and technical specifications	a) How does the agency address biased specifications in the selection documents?	N/A	
		b) How is the minimum content required in the selection documents? Explain minimum content.	N/A	
		c) How does the agency require recognition of standards which are equivalent when neutral specifications are not available?	N/A	
		d) Is there an agency policy on the time allowed for the preparation of bids/proposals?	The policy should detail the bid/proposal response times for each procedure and the response time should be appropriate	
		e) Are providers afforded sufficient time to revise their bids/proposals following amendments to the selection documents?	Bidders should be given the appropriate time to revise bids/proposals following a modification	

		f) Are clarifications, minutes of the pre-bid/proposal conference, if any, and amendments of the documents promptly communicated to all selection who obtained the bidding documents from the agency?	N/A	
		g) Are requests for clarifications answered promptly and completely in a written form?	Clarification requests are answered in writing within 15 business days maximum	
		h) Selection documents contain the relevant information needed for bidders to respond?	h) Bidding documents must include as a minimum where appropriate i) Instructions to Bidders ii) Specifications iii) General Conditions iv) Timeframes v) Minimum Criteria vi) Particular Conditions vii) Bidding Forms viii) Requirements viii) Evaluation Criteria x) Contract Forms ix) Complaints Procedure	
	15e) Selection Process	a) What are the procurement approaches/methods for recurrent procurement of items or services (regular, common procurements repeated regularly)? i.e. are framework agreements used?	N/A	
		b) Is the procurement opportunity open to competition?	N/A	
		c) Are all procurement processes successfully awarded or are there a lot of failed or cancelled processes?	N/A	
		d) How long on average does it	N/A	

		take to complete each stage of the procurement process?		
	15f) Model selection documents for goods, works, and general services	a) Do standard selection documents exist for the procurement of goods, works, general services and consulting service contracts?	N/A	
		b) Do the selection documents contain the appropriate information? (such as the evaluation and award criteria)	b) SBD's must contain as a minimum: i) Goods a) TBD b) TBD ii) Works a) TBD b) TBD iii) Service Contracts a) TBD b) TBD b) Bidding documents must contain the following information where appropriate: i) Eligibility requirements? ii) Basis of bid/proposal? iii) Language and currency of bids/proposals? iv) Common currency for purposes of evaluation? v) Source and date of the exchange rate etc.? 	
		c) Are the appropriate standard selection documents used?	The correct SBD is used for the right procurement (i.e. Good, Works etc.)	
		d) Do selection documents include appropriate evaluation criteria?	N/A	
		e) Are selection documents	N/A	

		readily available to the interested providers?		
	15g) Procedures for pre-qualification	a) Is there a policy at the agency level that covers pre-qualifications?	The policy as minimum includes: i) When qualifications can be used ii) What should be qualified	
		b) Is the pre-qualification process fair and transparent?	Pre-qualification should include questions that cover: i) Economic and Financial Standing ii) Technical or Professional Ability iii) Eligibility	
		c) Are non-domestic providers allowed to apply without prejudice or impediment?	N/A	
		d) Does the agency maintain updated lists of qualified providers that are available to all procurement professionals at the agency and are they regularly updated?	N/A	
		e) Does the agency inform applicants in writing of the reasons for the rejection of prequalification application?	N/A	
		f) Does the agency publish the results of the prequalification process including the reasons for an application rejection?	N/A	
	15h) Submission, receipt and opening of bids/proposals	a) If not at the national level, does the agency state that the opening of bids/proposals is public?	N/A	
		b) If not at the national level, does the agency require that records of public bid/proposal	N/A	

		openings are retained and available for review by providers?		
		c) If not at the national level, does the agency allow bids to be rejected at bid/proposal opening or during the public bid/proposal opening? If yes, under what circumstances?	N/A	
		d) Is there an agency policy that covers bid/proposal opening?	N/A	
		e) Are bid/proposal opening minutes and other required formalities properly completed and documented?	N/A	
		f) Are public bid/proposal openings held within the required time limit by the bid/proposal opening committee according to the rules and who is invited to attend?	N/A	
		g) Is the Chairperson of the Bid /Proposal Opening Committee is qualified and conducts Bid/proposal Openings according to the rules and regulations?	N/A	
		h) Is the Chairperson and other members serving on Bid/Proposal Opening Committees are conversant with the rules and regulations regarding bid opening?	N/A	
		i) Are minutes kept?	N/A	
	15i) Bid/proposal evaluation and award criteria	a) Is the bid/proposal evaluation criteria transparent, objective, pre-disclosed to all bidders and	N/A	

		applied in practice as stipulated in the selection documents?		
		b) Is the award decision made solely on the basis of the evaluation criteria stated in the selection documents?	N/A	
		c) Is the bid/proposal evaluation process confidential? If not, explain.	N/A	
		d) Is the evaluation process carried out in a way that ensures fair and efficient outcomes and according to the selection documents?	N/A	
		e) Is the evaluation properly documented?	<p>The evaluation reports includes where appropriate:</p> <ul style="list-style-type: none"> i) Scope of contract and approximate cost ii) Bidding document iii) Bid/proposal invitation process iv) Bid/proposal responses v) Clarifications sought and responses received vi) Preliminary examination of bids vii) Evaluation of substantially responsive bids/proposals viii) Post qualification ix) Recommendations 	
		f) Are evaluation plans completed and to a suitable standard?	<p>Sample documents must have as a minimum where appropriate:</p> <ul style="list-style-type: none"> i) Procedures for the evaluation 	

			ii) Selection of the evaluating committee iii) Evaluation award criteria iv) Conflict of interest declaration's	
		g) Is there a procedure that covers bid/proposal evaluation, bid/proposal evaluation timelines and bid/proposal securities?	i) Bid/proposal evaluations are conducted within ** days of the bidding opening ii) Bid/proposal evaluations reports approved within ** days	
		h) Are bid/proposal evaluation reports prepared containing all essential information and approved by appropriate approval authority?	Sample bid evaluation reports must have as a minimum where appropriate: i) A clear and complete description of the evaluation process ii) The reasons for rejecting any bid as non-responsive iii) How the stated evaluation criteria were applied iv) How the successful bidder's qualifications were verified	
		i) Are successful and unsuccessful bidders informed about the award decision as required by the regulations?	Evidence exists that award decisions are published as required	
		j) Are debriefs routinely offered and conducted with unsuccessful bidders?	Evidence that debriefs are offered and conducted when requested	
		k) Are contract award notices published?	N/A	
		l) Are tenders awarded within the bid/proposal validity period?	N/A	
16) Data, Metrics and Reporting	16a) Spend Data, Metrics and Reporting	a) Does the agency produce metrics on procurement performance which includes: (Evidence of the metrics must be provided)	N/A	

		i) Procurement completed on time and on budget ii) Amount Saved iii) Risks Mitigated iv) Added Value		
		b) Does the agency produce regular reporting on procurement performance that is reviewed by senior management and is it a balanced scorecard approach? (Evidence must be provided)	N/A	
		C) Does the agency conduct detailed spend analysis that enables them to know: (Evidence must be provided)? i) Key spend areas ii) Top 20 contracts iii) Top 20 providers	N/A	
		d) Does the agency know their top 20 contracts by value and by risk and do they closely monitor performance, KPI's etc. (Evidence must be provided)	N/A	
		e) Does the agency know their top 20 providers by value and by risk and have plans to improve performance/delivery? (Evidence must be provided)	N/A	
		f) Does the agency know their key spend areas and do they have them adequately controlled under contract? (Evidence must be provided)	N/A	
		g) Does the agency segment	N/A	

		expenditure by risk and value and have appropriate procurement strategies in place for different supplier positioning quadrants (in particular a focus on high value/high risk, frameworks for high value, low risk and simplified processes for low value/low risk etc) - basic supply positioning theory applied? (Evidence must be provided)		
	Procurement Risk Management	a) Is there a policy at the agency that covers procurement risk management procedures, if so what is included?	N/A	
		b) Does the procurement risk management procedures include: <ul style="list-style-type: none"> i) Risk Identification (identifying risks associated with the project) ii) Risk Assessment (the likelihood and magnitude of the risks) iii) Risk Mitigation (strategies for pre-empting and treating the occurrence of a risk) iv) Risk Allocation (detailing responsibility for managing a risk) Monitoring and Control (identifying new risks as they emerge)	N/A	

Annex E - Questionnaire

Part 1: Profile of interviewee

Question	Answers
Name of interviewee	
Email address	
Sex	<ul style="list-style-type: none"> ▪ Female ▪ Male
What is your position in the company?	<ul style="list-style-type: none"> ▪ Partner/owner ▪ Director ▪ Manager ▪ Specialist, analyst, assistant ▪ Other. What?
Country of the company	<ul style="list-style-type: none"> ▪
Size of the company	<ul style="list-style-type: none"> ▪ Micro or small ▪ Medium ▪ Large
Main business area	<ul style="list-style-type: none"> ▪ Agriculture ▪ Extractive ▪ Manufacturing ▪ Construction ▪ Transport ▪ Consulting ▪ Other. What?
Where are your clients?	<ul style="list-style-type: none"> ▪ Local markets ▪ Metropolitan regions ▪ State/Province/Regional level ▪ National ▪ Abroad
What is the participation of public sector contracts in your company's revenues?	<ul style="list-style-type: none"> ▪ Small ▪ Medium ▪ Large ▪ None
Does your company have a team in charge only of preparing bids for government contracts?	<ul style="list-style-type: none"> ▪ Yes ▪ No
Has your company ever been consulted by the government ahead of substantial policy or procedural changes in government procurement?	<ul style="list-style-type: none"> ▪ Yes ▪ No
How often does your company bid for a government contract in a year?	<ul style="list-style-type: none"> ▪ 1-5 times ▪ 6-10 ▪ 11-20 times ▪ More than 21 times ▪ Never bid for government contracts

Part 2: Factual experiences

#	Question	Answers	Indicator
1.	Do you feel that you have adequate opportunity to be eligible for procurement opportunities managed by the agency?	<ul style="list-style-type: none"> ▪ Always ▪ Frequently ▪ Rarely ▪ Never 	1b
2.	Does the agency apply sustainable procurement principles?	<ul style="list-style-type: none"> ▪ Always ▪ Frequently ▪ Rarely ▪ Never 	3a
3.	Do you see contracts being awarded to more sustainable solutions?	<ul style="list-style-type: none"> ▪ Always ▪ Frequently ▪ Rarely ▪ Never 	3a
4.	Does the agency regularly annul a procurement for no apparent reason?	<ul style="list-style-type: none"> ▪ Always ▪ Frequently ▪ Rarely ▪ Never 	4a
5.	When preparing bids/proposals for this agency's contracts, how often does your company spend more time preparing prequalification applications, bid/proposals, registration and bureaucratic requirements than in preparing the technical solution and price?	<ul style="list-style-type: none"> ▪ Always ▪ Frequently ▪ Rarely ▪ Never 	4a
6.	How often does your company consult annual procurement plans for this agency to prepare for procurement opportunities with the government?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	4a
7.	What is your overall view on payment reputation for the agency?	<ul style="list-style-type: none"> ▪ Excellent ▪ Good ▪ Average ▪ Bad 	4a
8.	How long after an invoice has been submitted is payment usually received by your company?	<ul style="list-style-type: none"> ▪ 0-30 Days ▪ 31-60 Days ▪ 61-90 Days ▪ 91 – 120 Days ▪ Over 121 Days 	4b
9.	Has your company ever decided not to submit a bid/proposal for a government/agency contract because the time taken by the government/agency to pay an invoice is too long?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	4b
10.	Does the time taken by the agency to pay an invoice affect the cash flow of your company?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	4b
11.	How often has the agency refused to pay an invoice for your company because they unfairly claimed the quality of	<ul style="list-style-type: none"> ▪ Always ▪ Many times 	4b

	goods, works, general services or consulting services delivered were poor?	<ul style="list-style-type: none"> ▪ Few times ▪ Never 	
12.	Do you feel that the agency has an adequate policy and practice that covers the acceptance of gifts, entertainment, hospitality and meals?	<ul style="list-style-type: none"> ▪ Adequate ▪ Mostly adequate ▪ Rarely adequate ▪ Never adequate 	5b
13.	Overall, do you feel that the agency deals with any potential conflict of interest adequately such as personal relations, personal investments with providers and contractors?	<ul style="list-style-type: none"> ▪ Adequate ▪ Mostly adequate ▪ Rarely adequate ▪ Never adequate 	5b
14.	Do you feel that the agencies key procurement statistics, such as requests for bids/proposals and contract award notices are available to the public?	<ul style="list-style-type: none"> ▪ Always ▪ Mostly available ▪ Rarely available ▪ Never 	6a
15.	Do you feel that agency procurement staff have good knowledge and understanding of national procurement policies and practices?	<ul style="list-style-type: none"> ▪ Excellent knowledge ▪ Good Knowledge ▪ Some knowledge ▪ Poor knowledge 	6c
16.	Do you feel that agency procurement staff have good knowledge and understanding of agency procurement policies and practices?	<ul style="list-style-type: none"> ▪ Excellent knowledge ▪ Good Knowledge ▪ Some knowledge ▪ Poor knowledge 	6c
17.	Does the agency have open dialogue with the private sector on procurement matters?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	8a
18.	Does the agency listen to the opinions of the private sector and address agreed issues?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	8a
19.	Has anybody in your company ever attended training offered on how to respond to procurement opportunities in the public sector for government contracts or how to identify opportunities to work with the government?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	8a
20.	Has anybody in your company ever attended training programs on procurement offered by the government or agency?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	8a
21.	Do you feel that the agency has clearly defined procedures for undertaking contract administration responsibilities?	<ul style="list-style-type: none"> ▪ Yes ▪ Somewhat defined ▪ No 	9a
22.	Do you feel that the agency undertakes effective contract administration?	<ul style="list-style-type: none"> ▪ Very effective ▪ Effective ▪ Somewhat effective ▪ Not effective 	9a
23.	Do you feel that contract amendments are issued in a timely manner?	<ul style="list-style-type: none"> ▪ Always ▪ Many times 	9a

		<ul style="list-style-type: none"> ▪ Few times ▪ Never 	
24.	If your company had to modify a contract during execution, how long did it take for the agency to approve a contract amendment?	<ul style="list-style-type: none"> ▪ Promptly ▪ A reasonable amount of time ▪ Long ▪ Very long ▪ Never had to modify a contract 	9a
25.	How often has your company had to adjust the original delivery schedule for a contract with the agency?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	9a
26.	How often has your company had to adjust the original contract price for a contract with the agency?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	9a
27.	Do you feel that the contract dispute resolution procedures for the agency are effective?	<ul style="list-style-type: none"> ▪ Very effective ▪ Effective ▪ Somewhat effective ▪ Not effective 	9b
28.	Do you utilize the dispute resolution mechanism included in the contract when appropriate?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	9b
29.	Do you feel that decisions are fair?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	9b
30.	Do you feel that the agency normally makes a good faith attempt to resolve disagreements through informal negotiations?	<ul style="list-style-type: none"> ▪ Always ▪ Frequently ▪ Rarely ▪ Never had a contract dispute 	9c
31.	Are disputes handled in accordance with the contract conditions?	<ul style="list-style-type: none"> ▪ Always ▪ Frequently ▪ Rarely ▪ Never had a contract dispute 	9c
32.	How often has your company had disputes with the agency during contract execution?	<ul style="list-style-type: none"> ▪ Always ▪ Frequently ▪ Rarely ▪ Never had a contract dispute 	9c
33.	If your company had a dispute with the agency during contract execution, was the process fair?	<ul style="list-style-type: none"> ▪ Always ▪ Most cases ▪ Few cases 	9c

		<ul style="list-style-type: none"> ▪ Never fair ▪ Never had a contract dispute 	
34.	Do you feel that audits are fully independent? (Question to be asked to Civil Society Organizations (CSO's) i.e. Transparency international)	<ul style="list-style-type: none"> ▪ Fully independent ▪ Somewhat independent ▪ Not independent 	10a
35.	Do you feel that the agency acts on the finding of audit reports in a timely manner?	<ul style="list-style-type: none"> ▪ Always ▪ Sometimes ▪ Never 	10b
36.	Do you feel that the agency has an effective compliance process and policy? (Question to be asked to CSO's i.e. Transparency international)	<ul style="list-style-type: none"> ▪ Very effective ▪ Mostly effective ▪ Somewhat effective ▪ Not effective 	10c
37.	Do you feel that there are sufficiently defined internal control procedures that allow for performance audits to be conducted? (Question to be asked to CSO's i.e. Transparency international)	<ul style="list-style-type: none"> ▪ Very sufficient ▪ Mostly sufficient ▪ Somewhat sufficient ▪ Not sufficient 	10d
38.	Do you feel that auditors are appropriately selected with the right knowledge and trained accordingly? (Question to be asked to CSO's i.e. Transparency international)	<ul style="list-style-type: none"> ▪ Very appropriate ▪ Mostly appropriate ▪ Somewhat appropriate ▪ Not appropriate 	10e
39.	Do you feel that the agencies complaints procedure is appropriate and that complaints are taken seriously?	<ul style="list-style-type: none"> ▪ Very seriously ▪ Seriously ▪ Somewhat seriously ▪ Not seriously 	11a
40.	On average, how long does it take for the agency/government to issue a decision about a complaint?	<ul style="list-style-type: none"> ▪ Promptly ▪ A reasonable amount of time ▪ Long ▪ Very long 	11a
41.	Is the complaint handling process available upon request and do you utilized the process when appropriate?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	11a
42.	Do you feel that complaints are handled appropriately and taken seriously and if you weren't happy with the outcome would you be prepared to escalate the complaint to the review body?	<ul style="list-style-type: none"> ▪ Very seriously ▪ Seriously ▪ Somewhat seriously ▪ Not seriously 	11a
43.	How often were your company's complaints or appeals successful?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never ▪ Never complained 	11a
44.	How often has your company's bid/proposals been affected by complaints submitted by competitors?	<ul style="list-style-type: none"> ▪ Always ▪ Many times 	11a

		<ul style="list-style-type: none"> ▪ Few times ▪ Never 	
45.	Do you feel that complaints are enforced when found to be valid?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	11a
46.	How easy is it to file a complaint about the results of a selection process?	<ul style="list-style-type: none"> ▪ Very easy ▪ Easy ▪ Somewhat difficult ▪ Very difficult 	11a
47.	How often has your company submitted a complaint to the agency before the conclusion of a procurement process?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	11a
48.	Does your company trust the process to address complaints during a procurement process?	<ul style="list-style-type: none"> ▪ Always ▪ Frequently ▪ Rarely ▪ Never 	11a
49.	Do you feel that decisions regarding complaints are deliberated on the basis of available information, and that a decision can be reviewed? (Question to be asked to CSO's i.e. Transparency international)	<ul style="list-style-type: none"> ▪ Yes ▪ Somewhat ▪ No 	12a
50.	Do you feel that decisions relating to appeals are published and made available to all interested parties and to the public?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	12d
51.	Do you feel that the independent review body is fully independent and fair and transparent?	<ul style="list-style-type: none"> ▪ Fully independent ▪ Partially independent ▪ Not independent 	12e
52.	How often has your company appealed a decision issued by the agency regarding a complaint your company filed?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	12e
53.	On average, how long does it take to issue a decision about an appeal your company has made?	<ul style="list-style-type: none"> ▪ Promptly ▪ A reasonable amount of time ▪ Long ▪ Very long ▪ Never appealed a decision 	12e
54.	Do you feel that all tender opportunities are publically advertised?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	13a
55.	Are procurement opportunities, procurement plans, and contract awards published and made available to the public in a timely manner?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely 	13a

		<ul style="list-style-type: none"> ▪ Never 	
56.	Do you feel providers have equal access to information and are treated fairly?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	13a
57.	Do you have to register to receive selection documents?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	13a
58.	How many cases of conflict of interest or fraud and corruption has the government investigated in the past 5 years?	<ul style="list-style-type: none"> ▪ A lot ▪ Several ▪ Few ▪ None ▪ Don't know 	14a
59.	How many companies have been debarred by the government for issues of fraud and corruption?	<ul style="list-style-type: none"> ▪ A lot ▪ Several ▪ Few ▪ None ▪ Don't know 	14a
60.	How often do you hear on the news about the government prosecuting cases of fraud and corruption in procurement?	<ul style="list-style-type: none"> ▪ Always ▪ Frequently ▪ Rarely ▪ Never 	14a
61.	Has your company ever had to make payments to be able to get a contract with the government or agency?	<ul style="list-style-type: none"> ▪ Always ▪ Frequently ▪ Rarely ▪ Never 	14a
62.	Has anyone suggested to your company to make payments in exchange for advantages on government or agency procurement processes?	<ul style="list-style-type: none"> ▪ Always ▪ Frequently ▪ Rarely ▪ Never 	14a
63.	Does your company know of other companies who made payments to get a contract with the agency or government?	<ul style="list-style-type: none"> ▪ All ▪ Several ▪ Some ▪ None 	14a
64.	Do you feel that the agencies anticorruption measures are efficient and effective?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	14c
65.	Is there evidence of fraud and corruption enforcement?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	14c
66.	When was the last case?		14c
67.	Do you feel that there are strong and creditable civil society organizations that exercise social audit and control? (Question to be asked to CSO's i.e. Transparency	<ul style="list-style-type: none"> ▪ Very strong ▪ Mostly strong ▪ Somewhat strong 	14e

	international)	<ul style="list-style-type: none"> ▪ Not strong 	
68.	Do you feel that civil society contributes to shape and improve the integrity of public procurement? (Question to be asked to CSO's i.e. Transparency international)	<ul style="list-style-type: none"> ▪ Excellent contributions ▪ Good contribution ▪ Poor contributions ▪ No contribution 	14e
69.	Do you feel that there is a secure mechanism for reporting fraudulent, corrupt, or unethical behavior? (Question to be asked to CSO's i.e. Transparency international)	<ul style="list-style-type: none"> ▪ Very secure ▪ Mostly secure ▪ Somewhat secure ▪ Not secure 	14f
70.	To the best of your knowledge does the agency conduct market research and analysis prior to starting the selection process?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	15a
71.	Do you feel that the agency understands how markets operate?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	15a
72.	Does the agency successfully use framework agreements?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	15b
73.	How often does the agency procure without competition?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	15b
74.	How many competitors does your company have on a typical procurement process for a government or agency contract?	<ul style="list-style-type: none"> ▪ 1 or 2 ▪ 3-5 ▪ 6-10 ▪ More than 10 	15c
75.	Does the agency publish advanced notices of procurement opportunities?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	15c
76.	To the best of your knowledge does the agency publish all procurement opportunities except direct procurement?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	15c
77.	How easy it is for your company to find out about procurement opportunities for government and agency contracts?	<ul style="list-style-type: none"> ▪ Very easy ▪ Easy ▪ Somewhat difficult ▪ Very difficult 	15c
78.	Are all contracts to be awarded by competitive procurement publicly advertised for (INSERT TIME DEPENDING ON AGENCY POLICY)?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	15c
79.	How often does your company rely on information systems	<ul style="list-style-type: none"> ▪ Always 	15c

	operated by the government to find out about procurement opportunities in your area?	<ul style="list-style-type: none"> ▪ Frequently ▪ Rarely ▪ Never 	
80.	Do you feel that the advertising rules and time limits are fully transparent? (Question to be asked to CSO's i.e. Transparency international)	<ul style="list-style-type: none"> ▪ Very transparent ▪ Mostly transparent ▪ Somewhat transparent ▪ Not transparent 	15c
81.	How long are you given to prepare bids/proposals from the issuance of the selection documents to the deadline for submission of bids/proposals?	<ul style="list-style-type: none"> ▪ 0-15 Days ▪ 16-30 Days ▪ 31-60 Days ▪ 61-90 Days ▪ Over 91 Days 	15d
82.	Is the time allowed in the selection documents adequate for your company to prepare a competitive and responsive bid/proposal?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few occasions ▪ Never 	15d
83.	How often has your company decided not to submit a bid/proposal for a procurement opportunity because the time allowed for preparation of bids/proposals was too short?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	15d
84.	On average, how many days does it typically take to prepare a bid/proposal for a procurement opportunity?	<ul style="list-style-type: none"> ▪ 0-15 Days ▪ 16-30 Days ▪ 31-60 Days ▪ 61-90 Days ▪ Over 91 Days 	15d
85.	How long are you given to revise bids/proposals following an amendment to the selection documents?	<ul style="list-style-type: none"> ▪ 0-5 Days ▪ 6-10 Days ▪ 11-15 Days ▪ 16-20 Days ▪ 21-25 Days 	15d
86.	Are clarifications, minutes of the pre-bid/proposal conference, if any, and amendments of the selection documents communicated to providers that obtained the selection documents from the buyer?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	15d
87.	How long does it take to respond to requests for clarifications?	<ul style="list-style-type: none"> ▪ 0-5 Days ▪ 6-10 Days ▪ 11-15 Days ▪ 16-20 Days ▪ 21-25 Days 	15d
88.	Does the agency use standard selection documents for the procurement of goods, works, general services and service services?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	15f
89.	How often has your company decided not to submit a bid/proposal for an agency/government contract because selection documents were unclear?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times 	15f

		<ul style="list-style-type: none"> ▪ Never 	
90.	How often has your company found selection documents for agency/government contracts with biased specifications?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	15f
91.	On average, how many administrative or agency/government-issued documents does your company have to obtain to prepare a responsive bid/proposals?	<ul style="list-style-type: none"> ▪ 1 to 5 documents ▪ 6 to 10 documents ▪ 11 to 20 documents ▪ More than 20 documents 	15f
92.	How often was your company compelled to increase prices on a bid/proposal for an agency/government contract because selection documents placed too much risk on you as an eventual contractor?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	15f
93.	Are Standard Selection Documents available online or on request from the agency?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	15f
94.	Do you feel that when pre-qualification of providers is used, its use is appropriate, fair and transparent?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	15g
95.	How often has your company been unable to bid for an agency/government procurement because of prior registration requirements?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	15g
96.	How often does the agency/government use prequalification of providers with the only purpose of restricting competition?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	15g
97.	Are you informed by the agency in writing of the reasons for being rejected as part of the prequalification process?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	15g
98.	Do you feel that all respondents are treated equally? (Aimed at, domestic, small businesses and foreign businesses)	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	15g
99.	Is the bid/proposal evaluation criteria transparent, objective and pre-disclosed to you?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	15h
100.	How often has your company seen selection documents for agency/government contracts with subjective or unclear evaluation criteria?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	15h
101.	How often have your company had a bid/proposal rejected	<ul style="list-style-type: none"> ▪ Always 	15h

	for missing bureaucratic agency/government-issued documentation or license in the past 12 months?	<ul style="list-style-type: none"> ▪ Many times ▪ Few times ▪ Never 	
102.	How often have your company had a bid/proposal rejected for minor, non-substantial non-material deviations or shortcomings in the past 12 months?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	15h
103.	Do you feel that the evaluation process is carried out in a way that ensures fair and efficient outcomes?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	15h
104.	How often have your company had a bid/proposal unfairly rejected for an agency/government contract in the past 12 months?	<ul style="list-style-type: none"> ▪ Always ▪ Many times ▪ Few times ▪ Never 	15h
105.	On average, how many days does a typical selection process for an agency/government contract take to be completed from the day your company submits a bid/proposal until an award decision is made?	<ul style="list-style-type: none"> ▪ 0-30 Days ▪ 31-60 Days ▪ 61-90 Days ▪ 91-120 Days ▪ Over 121 Days 	15h
106.	Are you informed about the award decision?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	15h
107.	Are you offered debriefs when you have been unsuccessful in a selection process?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	15h
108.	Do you feel that the agency manages it's spend effectively?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	16a
109.	Do you feel that the agency understands needs from a supplier perspective as procurements are designed to optimize performance?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	
110.	Do you feel that the agency identifies and manages risks appropriately?	<ul style="list-style-type: none"> ▪ Always ▪ Some times ▪ Rarely ▪ Never 	17a