

# PROCUREMENT GUIDANCE



## Draft Guide to the APA Assessment

Methodology to assess Alternative  
Procurement Arrangements in Borrower  
Implementing Agencies for  
Procurements financed under IPF

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# Common Abbreviations and Defined Terms

This section explains the common terms and abbreviations used in this Guidance Document. Defined terms are written using capital letters.

Abbreviation	Full name
AC	Audit Committee
ADM	Accountability and Decision making Framework
APA	Alternative Procurement Arrangement
APM	Accredited Practice Manager
Bank	The World Bank
CC	General Conditions of Contracts
CFAA	Country Financial Accountability Assessment
CPF	Country Partnership Framework
CMU	Country Management Unit
CODE	Committee on Development Effectiveness
CPO	Chief Procurement Officer
CSO	Civil Society Organizations
FIDIC	International Federation of Consulting Engineers
FM	Financial Management
GGP	Governance Global Practice
GPA	Government Procurement Agreement
GP	Global Practice
IBRD	International Bank for Reconstruction and Development
INT	Integrity Vice Presidency
IPF	Investment Project Financing
MAPS	Methodology for Assessing Procurement Systems

MDB	Multilateral Development Bank
MOP	Memorandum of the President
MOU	Memorandum of Understanding
NF	New Framework
NPV	Net Present Value
OECD	Organization for Economic Co-Operation and Development
OPSPF	Operations Safeguards, Procurement and Finance
PAD	Project Appraisal Document
PEFA	Public Expenditure and Financial Accountability
PFM	Public Financial Management
PM	Practice Manager
PPSD	Project Procurement Strategy for Development
SCD	Systemic Country Diagnostic
TL	Task Leader
UNICITRAL	United Nations Commission on International Trade Law
WTO	World Trade Organization

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# Section I. Introduction

The use of Alternative Procurement Arrangements (APAs) was approved by the Board of the World Bank in July 2015 as part of the New Procurement Framework (Framework).

APAs are approved procurement arrangements that can be used instead of applying the Procurement Regulations for Borrowers. APAs apply to procurements funded under the World Bank's (Bank) Investment Project Financing (IPF). This guidance describes the process for identifying, assessing and agreeing acceptable APAs in Borrower implementing agencies.

This assessment methodology has been developed to assess the legal and regulatory framework, and the capacity and capability of a borrower implementing agency. It uses as its base the Organization for Economic Co-Operation and Development (OECD) Methodology for Assessing Procurement Systems (MAPS). The Banks assessment methodology has been designed to include an additional Pillar, covering procurement operations and the use of minimum standards. The agency needs to meet all of the minimum standards when assessed for it to be potentially approved for APA. It also uses an evidence-based approach, analyzing procurement data and, gathering the views of the Private Sector to determine the performance of the arrangement. MAPS is currently being revised and the APA Assessment Methodology will be reviewed once the revised MAPS is released to ensure consistency and appropriateness.

This methodology is designed to assess borrower's agencies. The assessment does look at elements of the national framework but this assessment isn't to approve countries procurement arrangements.

## Purpose

The purpose of this document is to provide assessors with expanded guidance on how to carry out an APA assessment of a borrower agency, to determine if it can be approved for the use of an APA for procurements financed under the Bank's IPF.





## Section II. Background

In recent years, it has been increasingly recognized that strengthening and using national procurement arrangements is a key factor in achieving more effective development outcomes. The Paris Declaration and the Accra Agenda for Action have reaffirmed commitments to carry out diagnostics, develop sustainable reforms and monitor implementation. It was also agreed to 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 would eventually lead to the full use of a national procurement system.

The Bank submitted proposals to its Board on June 11 2015 to reform the current Bank procurement policies for IPF. One proposal was to utilize APAs, where appropriate, in IPF operations, at all levels of procurement (beyond current National Competitive Bidding provisions). The Framework, including the use of APAs was approved by the Board in July 2015.

The APA assessment of a Borrower's agency will determine whether the agency can use its own arrangements for procurements financed by the Bank. It also helps the agency identify strengths and weaknesses in its procurement arrangements, which can then be addressed to improve these arrangements and overall performance.

The principles governing APAs consider whether agency procurement arrangements, including procurement performance and governance, provide reasonable assurance that the Bank's financing will be used for the intended purpose(s), and in accordance with the Bank's Core Procurement Principles:

- Value for money;
- Economy;
- Efficiency;
- Integrity;
- Fit for purpose;
- Transparency; and
- Fairness.

If an agency meets the minimum requirement for APA following an assessment then its procurement arrangement would be deemed in accordance with the Bank's Core Procurement Principles.

The assessment tool to evaluate acceptable procurement arrangements to make an informed decision shall be used to:

- **Collect** information on the agency in order to carry out a full assessment to about the use of the appropriate APA for Bank financed projects;
- **Evaluate** the agency's procurement capacity and capability;

- **Assess** the adequacy of procurement procedures and related arrangements that will be used for Bank financed projects;
- **Assess the risks** (institutional, financial, legal, organizational, procedural, market, supply chain etc.) that may impact the ability of the agency to successfully carry out the procurement process; and
- Develop an **action plan**, including suitable Bank **procurement support and supervision**, to address any deficiencies detected during the assessment of the APA by the Bank.

## Section III. Overview

The assessment of APAs (assessment framework) is a methodology that assesses the overarching public procurement framework (regulatory framework) at the national/federal or provincial level depending on the country context, as well as the capacity and capability and performance of the procurement arrangement at the Borrower's implementing agency. The assessment framework will assist Bank staff to determine if the agency meets the minimum standard acceptable to the Bank and whether their procurement arrangements are robust enough to be used for Bank Financed Projects.

As an international, multi-lateral development organization, the Bank must be able to justify its decisions to permit the use of an APA. The assessment framework takes into consideration that public procurement has multiple stakeholders and is characterized by many variables including institutional capacity, legal/administrative systems, political and economic issues, market conditions and budgets.

This assessment framework will be used by the Bank to:

- a) Justify the delegation of procurement leadership and authority regarding procurement activities to a borrower agency;
- b) Assist the Bank to draw overall conclusions on the suitability of the APA, bearing in mind that each indicator alone only provides a partial picture which is not sufficient if analyzed on its own;
- c) Identify bottlenecks and weaknesses in the APA that may require further study through surveys and data analysis; and
- d) Identify any gaps and possible improvements that should be made in policy and procedures to improve the performance of the APA.

The regulatory framework is defined as all public procurement laws, regulations, policy, legal texts of general application, judicial decisions and administrative rulings in connection with public procurement. If, after the completion of an assessment, the agency's procurement arrangements are not approved, the assessment report, which will include identified areas of improvement and a development plan, will be shared confidentially with the agency in order to assist in addressing the capacity and capability gaps identified to strengthen overall procurement arrangements.

If, after being assessed, an agency's APA's are deemed acceptable, the agency's procurement arrangements will be conditionally approved. An APA acceptable to the Bank is one that meets the minimum standard for APA, and the data analysis doesn't identify any performance issues and a positive response is received through the survey to the private sector. If the agency's APA is not deemed acceptable, an action plan would be produced which highlights the areas of the assessment that the agency didn't meet and therefore, would need to address before these elements can be reassessed and the agency potentially being conditionally approved.

If conditionally approved the agency's procurement arrangements will then be considered for all future Bank financed projects, if it is the most appropriate approach. APAs use for a particular project will be incorporated in the Project Procurement Strategy for Development (PPSD), and defined in the Project Appraisal Document (PAD) and communicated to the Board through the Memorandum of the President (MOP).

The agency will need to be reviewed every two to three years or when there has been a change to the regulatory framework or overarching procurement policy to ensure they still meet the minimum standards. This review would concentrate on any regulatory framework and policy changes since it was approved and, also redoing the data evidence based assessment to determine if the procurement arrangement still performs as when originally assessed. The approval will continue to apply until it is revoked by the Bank.

If agreed at the project level, the Bank will then rely on the procurement rules and procedures of the implementing agency for the specific project. Individual procurements will be subject to post review carried out by the Supreme Audit Institution within the country or an independent audit by a leading audit institution to determine performance and the future ongoing use of the agency's APA.

The justification for an APA, including risks and benefits, should be identified and assessed as early as possible during project preparation, and must be reviewed and agreed before completion of the loan negotiations with the Bank. An APA's justification describes, among other things:

- a) Why the APA is the most appropriate procurement arrangement to support the Borrower in achieving the project's development objectives; and
- b) How the APA will:
  - i. Provide reasonable assurance that the proceeds of Bank financing will only be used for the purposes for which the financing would be granted; and
  - ii. Meet the requirements set out in Section III.F.2 of the Policy, "Procurement in IPF and Other Operational Procurement Matters."

The following must apply when an APA is used:

- a) The procurement and governance arrangements, including oversight mechanisms, provide reasonable assurance to the Bank that its proceeds will be used for the intended purposes, with due attention to the Core Procurement Principles; and
- b) The use of the APA must ensure the effectiveness of the Bank's eligibility criteria<sup>1</sup>:
  - i. The eligibility of firms and individuals from all countries to offer goods, works, and services to be financed under the operation;
  - ii. The ineligibility of firms and individuals to participate and to be awarded, or to benefit from, a Bank-financed contract for goods, works, or services financed under the operation if they have been temporarily suspended or debarred by the World Bank Group.

<sup>1</sup> Internationally advertising the procurement above specified thresholds.

- c) The Bank's sanctions procedures and Anti-Corruption Guidelines apply and must be operationalized by requiring that bidders present a signed acceptance, at the time of bidding, to be incorporated in any resulting contract, confirming application of the Bank's Anti-Corruption Guidelines, including the Bank's right to sanction, and the Bank's inspection and audit rights. (Annex E, sub-annex IX);
- d) The Bank has an unrestricted right to exercise its contractual remedies under its financing agreement with the Borrower;
- e) When approved by the Bank, the terms and conditions of the APA must be set out in the legal agreements with the Borrower; and
- f) Procurement related complaints and communications related to contractual matters can be brought at any stage of the Procurement Process, to the attention of the Borrower, who will make every effort to address such complaints and other communications objectively and in a timely manner, with transparency and fairness.

This assessment framework is made up of five pillars, outlined in figure 1. The five pillars cover all elements of robust procurement arrangements from the regulatory framework, complaints handling, dispute resolution, anti-corruption measures through to the procurement processes and procedures, and subsequent contract administration/management. Under each pillar there are dimensions and indicators and the requirement for each indicator at both the national and agency level. The assessment team gathers information to determine if the agency's arrangements meets the minimum standards for each requirement under each indicator. This helps determine the agency's overall operating environment and answers agency level questions. The results of the assessment will be used to inform a decision on the effectiveness of procurement arrangements at the agency level.

Each pillar covers certain dimensions of procurement arrangements and procurement operation. The main dimensions covered by each pillar are;

- **Pillar 1 - 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 in use at the agency level.
- **Pillar 2 - Institutional Framework and Management Capacity** – Focuses on how the procurement arrangements, as defined by the governance framework, operates in practice.
- **Pillar 3 - Procurement Administration and Market Practices** – Examines procurement administration and the market as one means of judging the quality and effectiveness of the procurement arrangements when putting procurement procedures into practice. This Pillar is distinguished from Pillars 1 and 2 in that it does not focus on the regulatory framework or institutional systems at the national level, but rather on how they operate at an agency level.

- **Pillar 4 - Integrity and Transparency** – This Pillar takes dimensions of the procurement arrangements and governance environment and seeks to ensure that they are defined and structured to contribute to integrity and transparency. It covers four indicators that are considered necessary to have procurement arrangements that operate with integrity, have appropriate controls that support the implementation of the arrangements in accordance with the regulatory framework, and have appropriate measures in place to address the potential for corruption in the arrangements.
- **Pillar 5 - Procurement Operations** – Analyses the procurement framework and arrangements at a national, and agency, level to see how they actually operate and perform. It analyses the operational effectiveness and efficiency of the procurement arrangements at the national level, and of the agency responsible for issuing individual procurement actions. It evaluates the procurement cycle as one means of judging the quality and effectiveness of the arrangements when implementing procurement procedures.

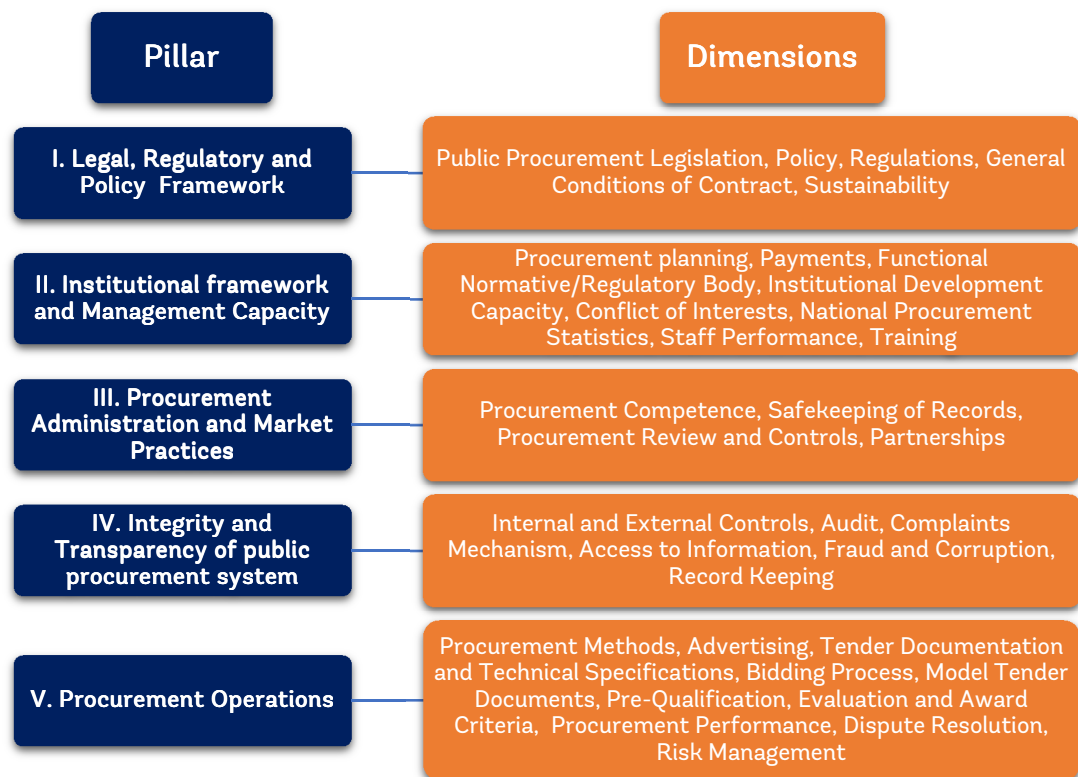
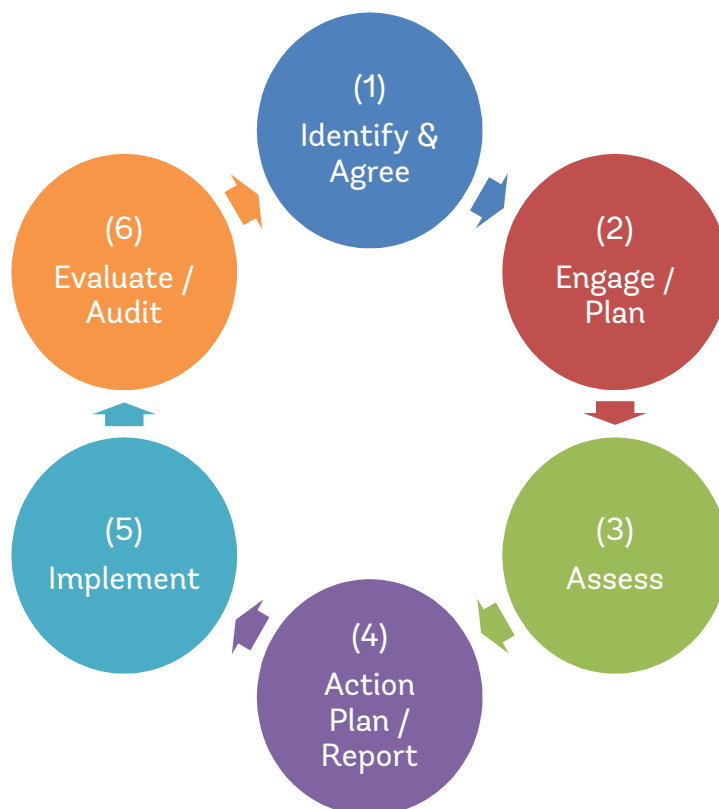


Figure 1: Pillars and Dimensions

## Section IV. Assessment Methodology

The assessment methodology has six stages:



*Figure 2: Methodology Cycle*

### Stage One – Identify & Agree

The first stage is to identify agencies that could be assessed by the Bank. Potential APA agencies should be identified and assessed as early as possible. A good agency for possible APA is generally high performing, has good process and procedures, and a good track record of delivering Bank financed projects. It is expected that the TT, through the use of existing Bank analytical and engagement tools, such as Systemic Country Diagnostic (SCD) and Country Partnership Framework (CFP)<sup>2</sup>, should engage Borrowers and other development partners to determine if and how the use of a Borrower agency's procurement arrangements could support the desired development objectives.

The GGP's knowledge of the agencies' previous performance, and their capacity and capability, may also be used to identify potential APA candidates. It is very important to select high

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

performing agencies for which the assessment's results are likely to be positive. It is also important to identify agencies which have projects in the pipeline. The GGP should consult with INT to identify any integrity issues, or allegations of Fraud and Corruption, that may affect the agency's performance under the APA.

## Feasibility Study

An initial feasibility study should be carried out by the Bank to conduct a high level review of:

- The national environment in which the agency operates;
- Information available online;
- Any complaints received by the Bank; and
- Any fraud and corruption allegations (through engagement with INT and an Internet search).

The initial feasibility study is essential to determine if the agency has the potential capacity and capability to lead on procurement activities using their own procurement arrangements in an acceptable manner to the Bank.

The feasibility study is a desk based analysis that consists of a review of the national environment and the track record of the agency's performance in delivering procurement in an IPF operation. This assessment should include a review of:

- The complaint and contract disputes system;
- Transparency International's Corruption Perception Index;
- The Banks Benchmarking Public Procurement surveys<sup>3</sup>; and
- A preliminary assessment of the minimum standards (Annex B) required for an APA.

## Feasibility Study Process

When carrying out the feasibility study, template 1 in annex A must be used to capture the information.

First the Bank's Integrity Vice-presidency (INT) must be consulted to ensure that the agency doesn't have outstanding Fraud and Corruption issues that may impact the APA. After this, the assessor should engage with the procurement specialist for the region to determine if the agency will be able to provide the data required to conduct the evidence based assessment. (Annex D)

The assessor should check how the country scores in Transparency International's Corruption index. This information can be found on Transparency International's website at <https://www.transparency.org/cpi2014/results>. The assessor should also determine how the Country scores in the Bank's 'Doing better Business Survey' and 'Benchmarking Public

<sup>3</sup> *Benchmarking Public Procurement* offers an objective basis for understanding and improving the regulatory environment for public procurement around the world. By doing so, it aims to promote evidence-based decision making by governments and to shed light over areas where few empirical data have been presented so far. <http://bpp.worldbank.org/>



Procurement Survey' if available. These surveys can be found on the following websites <http://www.doingbusiness.org/rankings> and <http://bpp.worldbank.org/>.

The assessor should check if a MAPS assessment of the country in which the agency is located has previously been done. If a MAPS assessment has been carried out then the assessor should review the results of this assessment

Next, the assessor should conduct an online review to determine if the regulatory framework that governs procurement in the country and that the agency follows is freely available and easily accessible online. The assessor should also determine if procurement opportunities are publically advertised for the agency. If the regulatory framework and procurement opportunities are not available online then the agency would not progress to the full assessment.

If the regulatory framework that governs procurement is readily available, the assessor should complete a quick review of the national indicators (that can be reviewed remotely) to determine if they believe that they cover the minimum standards needed for APA approval as detailed in Annex B.

Finally, the assessor should determine if the country has implemented the United Nations Commission on International Trade Law (UNCITRAL), model procurement law. If so, they should determine which version and elements of the model law have been implemented in the country of the agency being assessed.

Once the initial feasibility study is complete and the template has been updated to reflect the findings of this study, the assessor should summarise the findings in a short report, including a recommendation on whether the agency should be considered for full assessment and attach the completed feasibility template. This recommendation must then be cleared with the relevant Accredited Practice Manager (APM) for the region and then shared with the Chief Procurement Officer (CPO). The report should provide a justification to support the recommendation (see figure 3) including:

- a. An overview of the initial feasibility study including a recommendation on whether to undertake a full APA assessment;
- b. Why the proposed APA would/wouldn't be an appropriate procurement approach for Bank financed projects;

If the recommendation is to undertake a full assessment the following should also be included:

- a. The timeframe to complete the full assessment;
- b. The resource requirement (skills and funds) to complete the full assessment;
- c. The key sectors of procurement this agency is likely to procure, e.g. rail, hydro power, medical equipment etc.; and
- d. Any anticipated risks or weaknesses.

More detailed information on this process and the roles and responsibilities of the Bank are detailed in the Bank Guidance Note for APA.

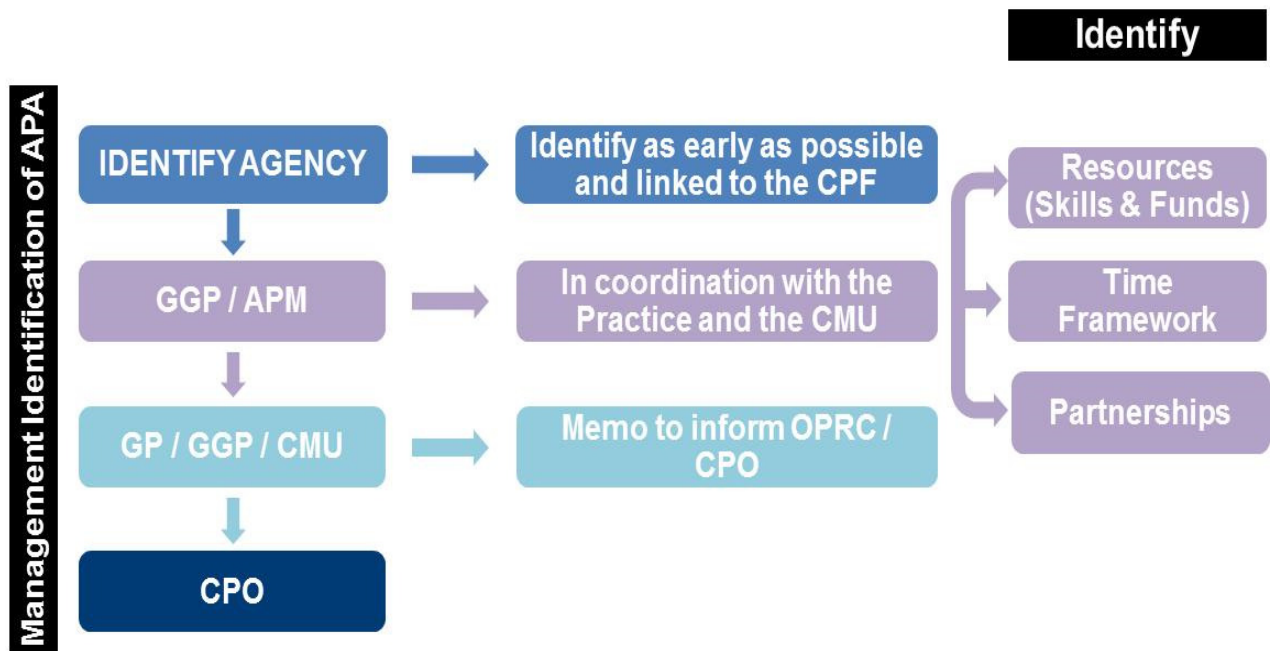


Figure 3: Identifying agencies to be assessed for APA

## Stage Two – Engage and Plan

Once the feasibility study has been concluded and the APM and CPO have agreed that the agency should progress to the full APA assessment, the Task Lead (TL) should engage the identified agency to plan for the full assessment. Following engagement and the agency's agreement to proceed with the assessment, the TL should identify the assessment team.

Identifying a qualified assessment team is critical to the credibility and reliability of the assessment. The assessment team should preferably be seasoned professionals from the Governance Global Practice (GGP) with ample knowledge of the institutional and operational aspects of the subject, and of internationally accepted procurement and financial management practices, supported by representatives from the agency being assessed and OPCS if needed. The assessment can also be conducted by an independent procurement consultant appointed on behalf of the Bank.

The TL should 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 input on the assessment of the APA. Stakeholders will vary from situation to situation including, but not limited to:

- National Institutions (Public Procurement Oversight Organizations & Audit);
- The Procuring Agency;
- Ministries;
- Civil Service Commission;
- Private Sector - Trade Bodies, Contractors, Suppliers and Consultants);
- NGOs & CSOs (e.g. Transparency International);
- Multilateral Development Banks (MDB's).

As appropriate, key stakeholders should be taken through the assessment process and informed as to what is required from them and the agency being assessed. An agreement should be reached with key stakeholders on the timing of the assessment and the make-up of the core assessment team.

Advanced planning is needed to arrange for the collection of the information required and to identify external stakeholders and companies to be surveyed. The Assessment Readiness Check List (Annex C) should be shared with the borrower implementing agency so that they can start to gather the required information for a successful and efficient assessment.

The availability, reliability and integrity of records and data needs careful consideration during the planning phase as it may impede a full assessment. It will not be possible for the assessment to take place if such information is not available. The agency needs to verify the availability of the data points required for the Evidence Based Data Analysis (Annex D). The data should be collected from different sources, both internally and externally which may vary according to the agency's structure. The data falls under the following five main categories: Invoices, Procurement Process, Complaints, Contract Management and Staffing and Training and are outlined in figure 4 and Annex E.

The agency should report on the availability of the data points under each category and should provide, ideally, the figures for each data point and the raw data behind the figures. Taking into consideration confidentiality clauses that may prevent the agency from providing the raw data, the assessor should randomly verify one or two data points from each of the categories. The assessor may decide to verify more data points according to their professional judgement.

Invoices	<ul style="list-style-type: none"> <li>• Issue date of Invoice</li> <li>• Date of payment</li> <li>• Value of Invoice</li> </ul>
Procurement Process	<ul style="list-style-type: none"> <li>• Date of bid/proposal opening</li> <li>• Type of procurement</li> <li>• Selection method (International/National)</li> <li>• Date of publication or delivery of invitations for: <ul style="list-style-type: none"> <li>• Prequalification, if applicable</li> <li>• Expression of interest</li> <li>• Bids/proposal</li> </ul> </li> <li>• Number of bids/proposal received</li> <li>• Date of notification of contract award</li> <li>• Official estimated cost</li> <li>• Fraud and corruption cases detected</li> </ul>
Complaints	<ul style="list-style-type: none"> <li>• Date of complaint filing, if any</li> <li>• Date of response to complaints, if any</li> <li>• Type of complaint (bidding documents, prebid conference, award)</li> </ul>
Contract Management	<ul style="list-style-type: none"> <li>• Date of contract signature</li> <li>• Contract identification code or number</li> <li>• Contract award price</li> <li>• Final contract price</li> <li>• Price amendments, if any</li> <li>• Original contract completion date</li> <li>• Actual contract completion date</li> <li>• Contract extensions, if any</li> <li>• Contract Termination</li> <li>• Fraud and corruption cases detected</li> </ul>
Staffing and training	<ul style="list-style-type: none"> <li>• Number of procurement training days</li> <li>• Number of staff attending trainings</li> <li>• Number of procurement staff</li> </ul>

Figure 4: Data requirement for APA

The challenge in collecting data should not be underestimated. At an agency level, this information is often more readily available, therefore, as part of the planning stage, a quick appraisal of the likely success of gathering this information must be made. Generally, well performing agencies have effective IT systems and therefore should be able to provide data required by the Bank for this assessment.

The assessment includes indicators that cover policies and procedures that need to meet a minimum standards acceptable to the Bank. 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 of the APA assessment. If these minimum standards are not present a decision needs to be made whether to carry out the agency assessment as it is highly likely the agency would not meet the requirements of the Bank. If the assessor believes that these issues can easily be addressed then the assessment should progress.

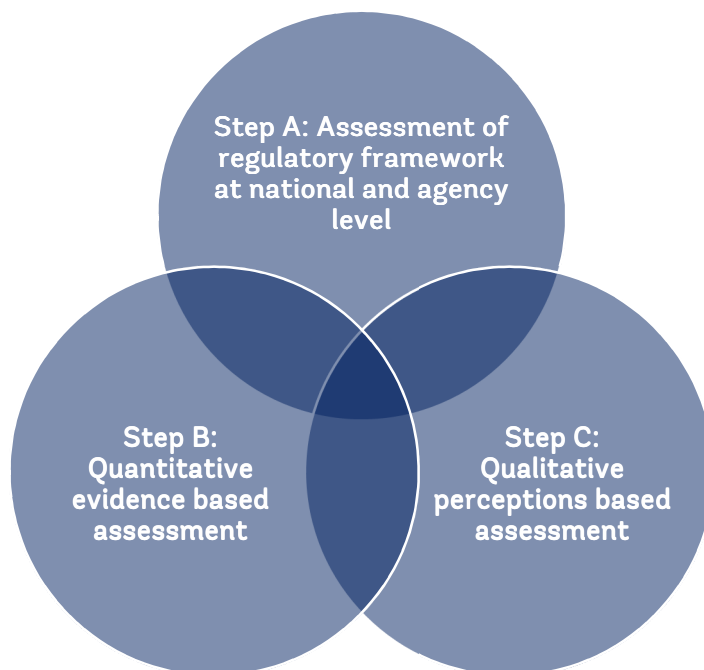
The assessor should provide, to the agency proposed for assessment, the details of the minimum standards so that the agency can confirm that they meet the criteria. (Annex B).

## Stage Three - Assess

The purpose of Stage Three is to enable an objective assessment of the comprehensiveness of the regulatory framework and the effectiveness of the agency's procurement arrangements<sup>4</sup>.

The assessment process comprises of five pillars, including dimensions and indicators. Each of the five pillars is evaluated using a three step assessment methodology as outlined in figure 4.

- Step A: Assessment of the regulatory framework at national and agency level;
- Step B: Quantitative evidence based assessment; and
- Step C: Qualitative perceptions based assessment.



*Figure 4 – The three step Assessment Methodology Triangulation*

Diagram (Figure 5) outlines an example of this analysis based on one of the pillars. It shows the flow from the national and agency level analysis through to quantitative and qualitative based analysis.

<sup>4</sup> It is estimated that Stage 3 assessment will take up to 40 days to complete. This includes the 'Results Analysis Stage'.

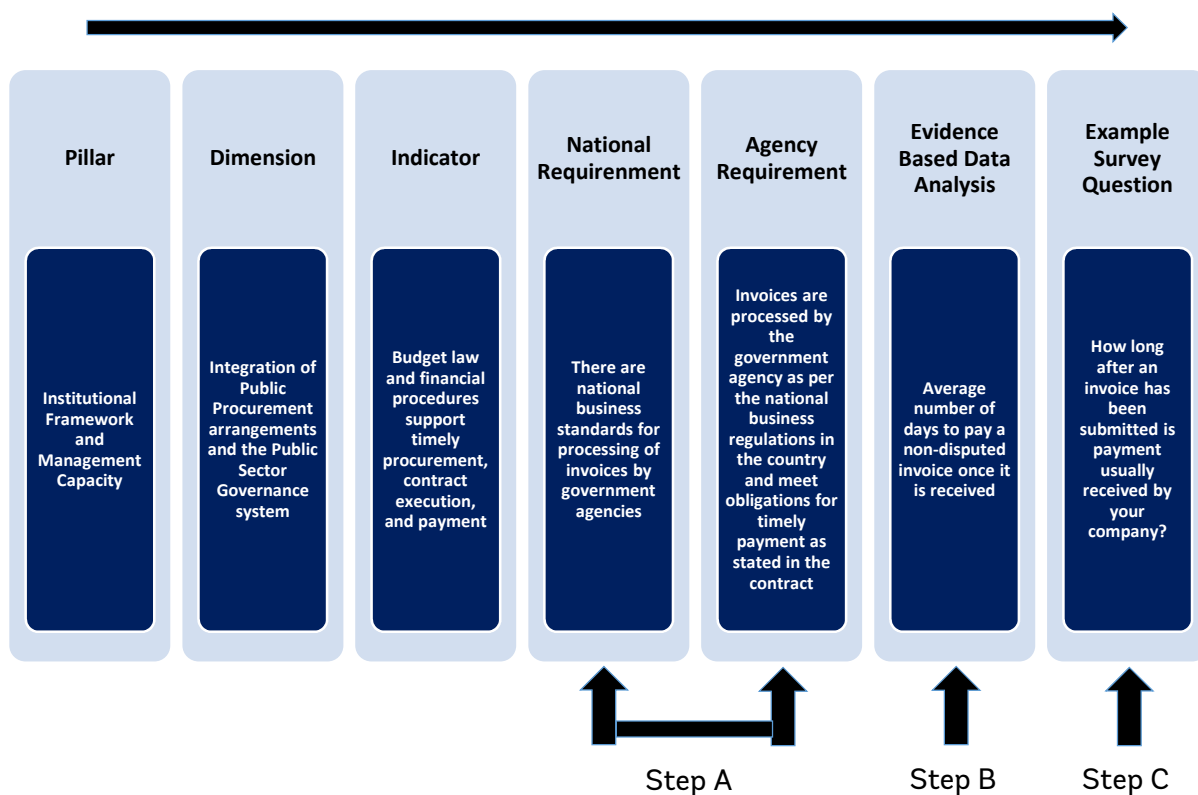


Figure 5: Example – Institutional Framework and Management Capacity

The assessment methodology comprises three parts. Part A assesses the regulatory and operating environment. Actual results achieved by the agency are then assessed in Part B and C<sup>5</sup>.

Each level of assessment applies to the five pillars, including the dimensions and indicators. Each of the five pillars should be evaluated using the three part assessment methodology (Part A to C).

## Part A – National and Agency Assessment

Part A assesses the regulatory framework and operating environment at both national and borrower implementing agency levels, this part looks at the minimum and desirable requirements. This step focuses on assessing key legislative and regulative frameworks, as well as policies, procedures and standard procurement documents. This information is examined to determine the comprehensiveness of the regulatory framework. The

<sup>5</sup> Actual results can be straightforward to measure e.g. using quantitative evidence such as timeliness. Step B is based on quantitative data. Others, like the fairness of the process, have to be evaluated differently based on the perceptions of stakeholders. Step C is based on qualitative data.

effectiveness of the regulatory framework is then examined by data analysis (Part B) and perceptions (Part C).

During Part A, once the assessment of the regulatory framework has been completed at a national/federal or provincial level, the assessment should progress to the agency level, but only if the critical elements (minimum standards) needed for highly functioning procurement arrangements are present or could be mitigated by a presence at the agency level. Each indicator details if it is a minimum or desirable indicator. If it is a minimum indicator the required standard for the indicator to be met is detailed. Some indicators assess the same requirement at both the national and agency level, in such cases the requirement is desirable at the national level and minimum at the agency. The agency should meet all the minimum indicators, if the agency fails to meet one of the minimum indicators then the agency may still be approved for APA if the assessor feels that the agency performs well and that there is a mitigating factor which explains why the agency doesn't need to meet such indicator. The assessor would need to clearly explain their rationale for approval so that the APM and CPO can make an informed decision regarding if they agree with the assessor's recommendation before clearance is given.

The agency level assessment is complementary to the national level assessment. It focuses on how the agency interprets and implements the regulatory framework and how procurements are run in practice, using the agency's own policies and procedures. Information on each indicator should be assessed against the minimum standards.

To carry out this part of the assessment the assessment template (Annex F) should be used to capture the findings and evidence for each indicator. If a MAPS assessment has previously been carried out then the assessor can review the findings of this assessment and use this information when completing the APA assessment at the National Level.

The assessor should capture the information in the national and agency tabs of the assessment template. The assessor should look at each indicator and the baseline and then assess the relevant section of the regulatory framework, policy or procedure and write their findings in "Findings Section – Column D" of the template. (Figure 6)

A	B	C	D	E	F	G
Ref	Indicator	Baseline	Findings	Evidence		Met Indicator
N1	All laws and regulations must be published and easily available *	Evidence on the web or freely available upon request	The Procurement Rules and Regulations (PRR), Standard Bidding Documents (SBD) and other subsidiary documents are all available on the website of the Public Procurement Policy Division (PPPD) of the Ministry of Finance.	<a href="http://www.pppd.gov.bt">www.pppd.gov.bt</a>	BHDOC1	Yes

Figure 6: Assessment Template

The assessor should then detail the evidence in column E that shows that the indicator has been met. For example this could be the relevant section from the regulatory framework or a link to a website. The assessor should also categorize the supporting documents in the



supporting documentation list (Annex G) and add the document reference number in column F.

Finally the assessor should complete column G on whether the indicator has been met, either fully or partially.

## **Part B – Evidence Based Assessment (Quantitative)**

Part B analyses quantitative data to evidence the effectiveness of the agency's procurement performance within the regulatory framework. Quantitative data includes specific, measurable, numerical or statistical data such as spend data, or a measure of the frequency of an occurrence. Data should be gathered covering the points detailed in Annex E and should cover a period of the last two years. Data about the agency's procurement processes and contract management should be examined to determine if the procurement arrangements perform as intended. For more information refer to Annex D – Evidence Based Data Analysis.

The data gathered should be used to populate the 'Evidence Based Data Analysis' tab of the assessment template (Annex F). The data should be populated in column G of the template and then the assessor should complete the findings section with the conclusions drawn from the data. For indicators that have more than one data analysis field the assessors should write a summary of the findings for the indicator in the summary of the findings column.

The results of the evidence based assessment should be assessed to determine if the agency is either not following their own policies and procedures, if this is determined to be the case then the indicator should be re assessed to determine if the agency still meets the requirement.

## **Part C – Perception Assessment (Qualitative)**

The objective of this step is to gather qualitative data on the perceptions of the effectiveness of the agency's procurement performance within the regulatory framework through an online survey. 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. Data should be gathered by undertaking surveys with private sector companies who have responded to procurements issued by the agency.

Stakeholders that are invited to complete the survey should be selected from companies, both international and national, that meet the following criteria:

- Have responded to a procurement run by the agency over the last four years and includes both successful or unsuccessful firms; and
- Have registered on the UN Development Business website to provide goods, works, general services and consulting services for the particular agency or the country equivalent (e.g. PhilGEPS for Philippines).

The survey has been developed (Annex H) with expert input on survey design and is run through Survey Monkey. If the results of the survey indicate areas of concern, further analysis may be required.

## The Assessment

This section outlines the pillars, dimensions and the indicators at a national and agency level to be used for the APA assessment. It first explains the objective and intention behind each pillar, dimension and indicator and then lists the specific dimensions that need to be assessed to get a good understanding of how the procurement arrangements operates at a national and agency level.

Each dimension outlines if the indicator is a minimum or desirable requirement. For minimum requirements the baseline when appropriate is outlined. Evidence based questions and analysis (using data information and surveys) are also outlined.

Agencies from GPA (Government Procurement Agreement) countries (Annex I) do not need to be assessed for those elements that are assessed as part of the GPA accession process. Those indicators are marked with an asterisk (\*) and don't need to be assessed for APA if the agency is located in a GPA country.

## Pillar 1 – Legislative, Regulatory and Policy Framework

### Dimension 1 - Public Procurement Legislative, Regulatory and Policy Framework (Regulatory Framework)

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.

#### Indicator 1(a) – Scope of application and coverage of the regulatory framework

The purpose of this indicator is to determine:

- a) The structure of the regulatory framework governing public procurement;
- b) The public access to the regulatory framework and policies; and
- c) The extent of its coverage.

#### National Level

Ref	Requirement	Minimum/ Desirable	Baseline
N1	All laws and regulations must be published and easily available *	Minimum	Evidence on the web or freely available upon request
N2	The regulatory framework covers all types of procurement (Goods, Works, Consulting Services and Non-Consulting Services) *	Minimum	Each type of procurement is clearly defined in the regulatory framework

## Indicator 1(b) – Rule on Participation

This indicator assesses procurement methods and eligibility criteria. It explores whether the regulatory framework includes open competitive selection as the preferred method of procurement. The regulatory framework 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 fit for purpose procurement 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 Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N3</b>	The regulatory framework details the procurement methods that should be used and under what circumstances *	Minimum	The regulatory framework fully details all procurement methods and clearly defines when each should be used
<b>N4</b>	The regulatory frameworks details the eligibility requirements of providers *	Minimum	The conditions for eligibility are clearly defined in the regulatory framework
<b>N5</b>	Potential providers are ineligible as a result of conviction of specified criminal or corrupt activities	Minimum	Providers are excluded who have been the subject of a conviction by final judgment for one of the following reasons: <ul style="list-style-type: none"> <li>i. Participation in a criminal organization</li> <li>ii. Corruption as defined in the national law of the contracting authority or the economic operator</li> <li>iii. Fraud</li> <li>iv. Terrorist offences or offences linked to terrorist activities or inciting or aiding or abetting or attempting to commit an offence</li> <li>v. Money laundering or terrorist financing</li> <li>vi. Child labor and other forms of trafficking in human beings</li> </ul>

<b>N6</b>	If SOE's (State Owned Enterprises) are allowed to bid for Government contracts they do not receive any preferential treatment	Minimum	Evidenced in any of the regulatory framework and review evaluation documents
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### Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A1</b>	The agency doesn't limit competition more than permitted by the regulatory framework	Minimum	Review of agency practice to check it meets the regulatory framework

### Example Survey Question to Private Sector

- a) Do you feel that you have adequate opportunity to be eligible for procurement opportunities managed by the agency?

## Dimension 2 - 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 or policy to specific circumstances.

### **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 procurement arrangements as they provide the detail that explains and enables the application of the regulatory framework in a variety of applications.

### Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A2</b>	Procurement regulations and or policies can be found in one single place *	Minimum	Evidenced on the Internet

### **Indicator 2(b) – General 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. 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 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.

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.

#### **Agency Level**

Ref	Requirement	Minimum/ Desirable	Baseline
A3	The agency uses either national CC's, their own CC's or standard industry CC's such as FIDIC	Minimum	Sample review of contracts

#### **Example Survey Question to Private Sector**

- a) Do you feel that General Conditions of Contract's are generally fair and balanced?

### **Dimension 3 - Sustainable Procurement (Desirable)**

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 adopted in a way that achieves value for money. The results of this part of the assessment will not be used to determine the suitability of the procurement arrangements as sustainable procurement is non-mandatory in the NPF.

#### **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 Level**

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N7</b>	There is a policy that covers sustainable procurement	Desirable	Review of the Policy
<b>N8</b>	The policy covers the three (3) aspects of sustainable procurement, economic, environmental and social considerations	Desirable	Review of the Policy - Policy includes economic, environmental and social considerations for procurement

**Agency Level**

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A4</b>	There is a policy or procedure that covers sustainable procurement	Desirable	Review of the Policy
<b>A5</b>	The policy covers the three (3) aspects of sustainable procurement, economic, environmental and social considerations	Desirable	Review of the Policy - Policy includes economic, environmental and social considerations for procurement

## Pillar II. Institutional Framework and Management Capacity

This aspect of the review looks at how procurement arrangements are 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 – Integration of Public Procurement arrangements and the Public Sector Governance system**

This dimension looks at the procurement arrangements 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 arrangements are adequate to do procurement without unnecessary cost or delay.

This dimension deals with the degree of integration of the procurement arrangements with other parts and systems 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.

#### **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. Understanding the timing of major contracts can 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. 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.

## Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
A6	Policies and procedures exist at the agency level for procurement planning and plans are produced	Desirable	Policies and procedures exist and procurement plans are produced. Procurement plans include: <ul style="list-style-type: none"> <li>i. Items to be procured</li> <li>ii. Type of contract to be used</li> <li>iii. Approach to market</li> <li>iv. Cost estimate</li> </ul>

## Example Survey Questions to Private Sector

- a) How often does your company consult annual procurement plans for this agency to prepare for procurement opportunities with the government?
- b) Does the agency regularly annul a procurement for no apparent reason?

## 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, the implementation of contracts and payment to the supplier.

## National Level

Ref	Requirement	Minimum/ Desirable	Baseline
N9	There are national business standards for processing of invoices by government agencies	Minimum	National business standards are publically available and clear to potential bidders



## Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
A7	Invoices are processed by the government agency as per the national business standards in the country and agency meets its obligations for timely payment as stated in the contract	Minimum	Payment management system analyzed

## Evidence Based Data Analysis

- a) Average number of days to pay an invoice once received
- b) Percentage of invoices in dispute by number, compared with total invoices paid
- c) Percentage of invoices in dispute by value, compared with total invoices paid
- d) Percentage of invoices outstanding 90 days or more in dispute over total invoices outstanding 90 days

## Example Survey Questions to Private Sector

- a) How long after an invoice has been submitted is payment usually received by your company?
- 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?
- c) Does the time taken by the agency to pay an invoice affect the cash flow of your company?
- d) What is your overall view on payment reputation for the agency?

## Dimension 5 - Functional Normative/Regulatory Body

Although this dimension 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 dimension 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.

### **Indicator 5(a) – 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 normative/regulatory 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 Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N10</b>	The regulatory framework covers conflicts of interest *	Desirable	Conflicts of Interest are covered in the regulatory framework
<b>N11</b>	The normative/regulatory body is not responsible for direct procurement operations	Desirable	Direct procurement operations are not the responsibility of the normative/regulatory body

## Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A8</b>	The regulatory framework covers conflicts of interest *	Minimum	Conflicts of Interest are covered in the regulatory framework
<b>A9</b>	The agency follows the national policy, or has its own policy on conflicts of interests	Minimum	Review of the Policy - Conflicts of interest as covered in the regulatory framework reviewed and should include as a minimum: <ul style="list-style-type: none"> <li>i. Employees must not procure goods or services from a business in which the employee or their family has a financial interest, or may directly benefit from such procurement. Such situations should be disclosed and should not be involved in the procurement process.</li> </ul>
<b>A10</b>	A conflict of interest declaration is completed and recorded before each procurement	Minimum	Sample review of procurement files

## Example Survey Questions to Private Sector

- a) 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?

## **Dimension 6 - 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. It is very important that responsibilities are clearly assigned and are being performed.

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 dimensions of the system that are defined in the regulatory framework.

### **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 indicator is to determine:

- a) The existence and capacity of the procurement information system;
- 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.

### **National Level**

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N12</b>	There is an information system that provides timely and up-to-date procurement information	Desirable	Information system 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 including the general public at no cost

**Agency Level**

Ref	Requirement	Minimum/ Desirable	Baseline
A11	If not at a national level, there is an information system at the agency that provides timely and up-to-date procurement information	Minimum	Information system provides as a minimum, timely and up-to-date information such as procurement opportunities and contract award notices that are easily accessible to all interested parties including the general public at no cost

**Evidence Based Data Analysis**

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

**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 dimensions of the system that are defined in the regulatory framework. Statistical information can also be a tool for procurement planning and market analysis.

**Agency Level**

Ref	Requirement	Minimum/ Desirable	Baseline
A12	There is evidence that statistics are collected and monitored at the agency	Minimum	Review of the procedure and statistics produced

**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 qualified procurement staff.

The assessment team should look at the existing programs and judge their relevance, nature and scope. Well-functioning arrangements should provide for evaluation of the training program and monitoring of progress in addressing capacity issues.

**Agency Level**

Ref	Requirement	Minimum/ Desirable	Baseline
A13	The agency offers procurement related training to their procurement professionals	Minimum	Review of training offered by the agency

**Evidence Based Data Analysis**

- a) Budget spent on procurement training per procurement staff
- b) Number of training days per staff

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

The purpose of this indicator is to 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 Level**

Ref	Requirement	Minimum/ Desirable	Baseline
A14	It is clearly defined who has authority to sign contracts	Minimum	Review of the Policy - Authority levels clearly defined
A15	At what level is the procurement function and at what level is the CPO within the agency	Desirable	Review of the agency structure – The CPO should be at Director level and preferable on the senior management team

## 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 arrangements when putting procurement procedures into practice. This Pillar is distinguished from Pillars I and II in that it is not looking at the regulatory framework or institutional arrangements, but actually how they operate.

### **Dimension 7 - Procurement Operations and Practices**

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.

#### **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.

##### **Agency Level**

Ref	Requirement	Minimum/ Desirable	Baseline
A16	There are job descriptions for procurement staff	Minimum	Review of job descriptions for procurement which should include as a minimum: <ul style="list-style-type: none"> <li>i. Qualification requirement</li> <li>ii. Minimum experience</li> <li>iii. Functions to be performed</li> </ul>

#### **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 Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N13</b>	There is a document retention policy that is compatible with the statute of limitations in the country for investigating and prosecuting cases of fraud and corruption *	Desirable	Review of the retention policy against the statute of limitations in the country

## Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A17</b>	There is a document retention policy that is compatible with the statute of limitations in the country for investigating and prosecuting cases of fraud and corruption *	Minimum	Review of the retention policy against the statute of limitations in the country
<b>A18</b>	The agency has a policy that covers the safekeeping of records and documents in line with the country's regulatory framework	Minimum	<p>The list of procurement records should include as a minimum</p> <ul style="list-style-type: none"> <li>i. Public notices of procurement opportunities</li> <li>ii. Procurement documents and any amendments</li> <li>iii. Bid/proposal opening records</li> <li>iv. Copy of bid/proposals</li> <li>v. Bid/proposal evaluation reports</li> <li>vi. Signed contract documents and amendments</li> <li>vii. Complaints and dispute resolutions</li> <li>viii. Contract Variations</li> </ul>
<b>A19</b>	The rules on record keeping are fully adhered to by the agency	Minimum	Random sampling of procurement records to check that they adhere to the policy

## Evidence Based Data Analysis

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

## **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 public procurement arrangements as a good reliable client, the kind of goods, works, general services or consulting services required.

### **Indicator 8(a) – 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 and 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 Level**

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N14</b>	There are no constraints that inhibit private sector access to public procurement	Desirable	Review of eligibility criteria

### **Indicator 8(b) – There are effective mechanisms for partnerships between the public and private sector and CSO’s**

Public procurement depends on the partnership that must exist between the government, the private sector and CSO’s. 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, the private sector and CSO’s needs to exist and the voice of the private sector and CSO’s 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, the private sector and CSO’s.



**National Level**

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N15</b>	The government encourage open dialogue with the private sector and CSO's and it has established and formal mechanisms for open dialogue through associations or other means	Desirable	Review of the open dialogue with the private sector

**Agency Level**

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A20</b>	The agency has open dialogue with the private sector and CSO's and has established mechanisms	Desirable	Review of the open dialogue with the private sector

**Example Survey Questions to Private Sector**

- a) Have you or 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?

## **Pillar IV. Integrity & Transparency of the Public Procurement Arrangements**

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

### **Dimension 9 - Control and Audit Systems**

The objective of this dimension is to determine the quality, reliability and timeliness of internal and external controls. Equally, the effectiveness of controls needs to be reviewed in terms of expediency and thoroughness of the implementation of auditors' recommendations.

#### **Indicator 9(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 (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 regulatory framework of the country and that they are of universal application.

**National Level**

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N16</b>	The Regulatory Framework details what should be included in the procurement record for auditing	Minimum	Review of the regulatory framework - Procurement records should include as a minimum <ul style="list-style-type: none"> <li>i. Public notices of procurement opportunities</li> <li>ii. Procurement documents and any amendments</li> <li>iii. Bid/proposal opening records</li> <li>iv. Copy of bid/proposals</li> <li>v. Evaluation reports</li> <li>vi. Signed contract documents and amendments</li> <li>vii. Any complaints and dispute resolutions</li> <li>viii. Contract Variations</li> </ul>

**Agency Level**

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A21</b>	The agency follows the regulatory framework on what should be included in the procurement record for auditing	Minimum	Review of the Policy and random sample of records - Procurement records should include as a minimum <ul style="list-style-type: none"> <li>i. Public notices of procurement opportunities</li> <li>ii. Procurement documents and any amendments</li> <li>iii. Bid/proposal opening records</li> <li>iv. Copy of bid/proposals</li> <li>v. Evaluation reports</li> <li>vi. Signed contract documents and amendments</li> <li>vii. Any complaints and dispute resolutions</li> <li>viii. Contract Variations</li> </ul>

### Indicator 9(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 Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N17</b>	Procurement arrangements are open to internal or external audits	Desirable	Review of policy and evidence of audit

#### Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A22</b>	Procurement arrangements are open to internal or external audits	Minimum	Review of policy and evidence of audit
<b>A23</b>	The agency supports and acts on the findings of audit reports within a timely manner	Minimum	Evidence of audit reports and follow up actions

### Indicator 9(c) – 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 Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N18</b>	Auditors are selected in a fair and transparent way and are independent	Minimum	Review of auditor selection and their independence
<b>N19</b>	Auditors receive formal training on procurement requirements, operations, laws and regulations and processes	Desirable	Review of auditor selection and their qualifications

## Example Survey Questions to Private Sector

- a) Do you feel that auditors are appropriately selected with the right knowledge and trained accordingly?

## **Dimension 10 - Complaints Mechanisms**

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

### **Indicator 10(a) – Complaints are effectively managed**

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

- a) The right to review,
- b) The matters that are subject to review; and
- c) The timeframe for such reviews.

Confidence in procurement arrangements 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, the review body has no direct interest in the procurement process and does not report to the procurement agency and is a separate agency.

### **National Level**

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N20</b>	The regulatory framework provides participants the opportunity to present complaints *	Desirable	Review of the regulatory framework
<b>N21</b>	There are defined timeframes for the submission and response to complaints	Desirable	Review of the Policy -

## Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
A24	If not at the national level, there is a policy that provides participants with the opportunity to present complaints *	Minimum	Review of the policy
A25	There is a policy for complaints handling and management at the agency level which the agency follows	Minimum	Review of policy framework, policy should include: <ul style="list-style-type: none"> <li>i. Roles and Responsibilities</li> <li>ii. Timeframes</li> <li>iii. Appeals Mechanisms</li> </ul>
A26	If not at the national level, there are defined timeframes for the submission and response to complaints	Minimum	Review of the Policy
A27	The agency tracks appeals and results	Minimum	Review of the tracking system

## Evidence Based Data Analysis

- a) Percentage of complaints out of the procurements undertaken
- b) Percentage of complaints that were upheld or rejected
- c) Percentage of complaints resulting in modification of procurement documents or evaluation decisions

## Example Survey Questions to Private Sector

- a) Is the complaint handling process available upon request?
- b) Do you feel that complaints are handled appropriately and taken seriously?

**Indicator 10(b) – 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.**

This indicator looks at the process that is defined for dealing with complaints. Decisions on complaints should be deliberated on the basis of available information. If the complainant doesn't agree with the decision they should have the option to have their complaint reviewed and ruled upon by an independent body which has enforcement capacity.

**National Level**

Ref	Requirement	Minimum/ Desirable	Baseline
N22	There is an authority in charge of reviewing procurement complaints *	Minimum	Identification of the authority and its independence
N23	Providers, bidders or contractors can appeal a final decision *	Minimum	Review of the Policy - Evidence of process

**Example Survey Question to Private Sector**

- a) Is there an appeals mechanism after a resolution of a complaint?

**Indicator 10(c) – The procurement arrangements ensure 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 arrangements to ensure that its decisions are free from interference or conflict of interest.

**National Level**

Ref	Requirement	Minimum/ Desirable	Baseline
N24	The authority in charge of reviewing complaints has full authority and independence for the resolution of complaints *	Minimum	Review of the authority and their function

**Example Survey Questions to Private Sector**

- a) On average, how long does it take to issue a decision about an appeal your company has made?

**Dimension 11 - Access to Information**

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

**Indicator 11(a) – Information is published and distributed through available media with support from information technology**

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. If there is an e-GP system it should have the ability to automatically capture data.

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 regulatory framework should ensure that agencies duly post the information required on a timely basis.

### Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
A28	Procurement opportunities, request for bid/proposals and contract awards are published in accordance with the regulations and can be found online	Minimum	Review of published information and the online platform
A29	The agency has an e-GP system	Desirable	Review of the system

### Example Survey Questions to Private Sector

- Do you feel that all procurement opportunities are publically advertised?
- Are procurement opportunities and contract awards published and made available to the public in a timely manner?
- Do you feel providers have equal access to information and are treated fairly?
- Do you have to register to receive procurement/tender documents?

### **Dimension 12 - Ethics and Anticorruption**

This indicator assesses the nature and scope of the anticorruption provisions in the procurement arrangements.

**Indicator 12(a) – The regulatory framework for procurement, including procurement 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**

A good procurement arrangement should have code of conduct and ethics provisions in the regulatory framework on public procurement which may include but should not be limited to the inclusion of anti-corruption provisions in the procurement documents.



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 regulatory framework. The provisions should include the definitions of what is considered a conflict of interest and fraud and corruption and the consequences of committing such acts.

### National Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N25</b>	The regulatory framework covers fraud and corruption which includes definitions	Minimum	Review of the regulatory framework

### Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A30</b>	There are fraud and corruption provisions in standard procurement documents	Minimum	Sample review of standard procurement documents
<b>A31</b>	There is a policy that states that employees are prohibited from accepting items of value for example gifts, entertainment, meals or travel from potential or current suppliers cover the acceptance of items of value	Minimum	Review of the Policy

### Example Survey Questions to Private Sector

- a) Has anyone suggested to your company to make payments in exchange for advantages in government or agency procurement processes?
- b) Do you feel that the agencies anticorruption measures are efficient and effective?

### **Indicator 12(b) – The regulatory framework defines 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 legislation that contains the provisions.

### National Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N26</b>	There are sanctions in the regulatory framework for fraud and corruption	Minimum	Review of the sanctions policy in the regulatory framework
<b>N27</b>	The regulatory framework prohibits the intervention of active public officials and former public officials for a reasonable period of time after leaving office in procurement matters (Post-Employment Restrictions)	Minimum	Review of the regulatory framework - The cool off period is clearly defined for public officials

### Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A32</b>	There are sanctions for fraud and corruption at the agency level	Minimum	Review of sanctions policy

### Indicator 12(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.

### Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A33</b>	There is evidence of fraud and corruption enforcement when fraud and corruption has taken place	Minimum	Review of fraud and corruption cases and the outcome to check if enforced

## Example Survey Questions to Private Sector

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

## Indicator 12(d) – Measures exist to prevent and detect fraud and corruption in public procurement

This indicator looks to verify the existence of an anticorruption program, its extent and nature or other 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 arrangements, 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 CSOs are responsible for social audits and for monitoring of procurement to protect the public interest. These may include NGOs, academia, unions, 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 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 Level

Ref	Requirement	Minimum/ Desirable	Baseline
N28	There are measures to prevent and detect fraud and corruption	Desirable	Review of Contracts

**Agency Level**

Ref	Requirement	Minimum/ Desirable	Baseline
A34	There are measures to prevent and detect fraud and corruption	Minimum	Review of Contracts

**Evidence Based Data Analysis**

- a) Percentage F&C cases detected (detected refers to those cases identified before and after award): Number of fraud and corruption cases detected as a percentage of total number of procurements
- b) Percentage of the value of F&C cases detected: Value of fraud and corruption cases detected as a percentage of total procurements value
- c) Percentage F&C cases prevented refers to those cases identified before award: Number of fraud and corruption cases prevented as a percentage of total number of procurements
- d) Percentage of the value of F&C cases prevented
- e) Value of fraud and corruption cases prevented as a percentage of total procurements value

**Indicator 12(e) – There is a 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 Level**

Ref	Requirement	Minimum/ Desirable	Baseline
N29	There is a mechanism for reporting fraudulent and corrupt practices	Desirable	Review of the policy and reporting mechanisms

**Agency Level**

Ref	Requirement	Minimum/ Desirable	Baseline
A35	There is a mechanism for reporting fraudulent and corrupt practices to the agency	Minimum	Review of the Policy and reporting mechanisms

### Example Survey Question to Private Sector

- a) Do you feel that there is a secure mechanism for reporting fraudulent, corrupt, or unethical behavior?

### Indicator 12(f) – Existence of Codes of Conduct/Codes of Ethics for participants that are involved in the use of public financial management systems that also provide for disclosure of assets 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 Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N30</b>	There is a code of conduct or ethics for government officials which includes disclosures	Desirable	Review of the code of conduct

#### Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A36</b>	The agency follows the national code of conduct or ethics for government officials if present, if not they have their own policy	Minimum	Review of contracts of employment and agency policies or employee handbook

## Pillar V. Procurement Operations

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

### **Dimension 13 - Procurement Cycle**

The objective of this dimension is to determine the effectiveness of the procurement cycle. The assessment team should evaluate the critical dimensions of the procurement cycle to determine if it is effective and follows good international practice with clearly defined processes and procedures.

#### **Indicator 13(a) – Market research and procurement strategy**

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

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

#### **Agency Level**

Ref	Requirement	Minimum/ Desirable	Baseline
A37	Procurement strategy documents are produced for major procurements	Desirable	Review of strategy documents that should include as a minimum: <ul style="list-style-type: none"> <li>i. Detailed Market Analysis</li> <li>ii. Benchmarking Process</li> <li>iii. Approach to Market</li> <li>iv. Potential Risks and Issues</li> </ul>

#### **Indicator 13(b) – Procurement Approaches and Methods**

This indicator assesses whether the regulatory 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 regulatory framework should make open competition the preferred procurement approach. 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 regulatory framework 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 Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N31</b>	There are different procurement approaches allowed in the regulatory framework and their conditions of use (such as open or limited competition, direct procurement, national or international) are clearly stated *	Minimum	Review of approaches defined in the regulatory framework and their conditions of use
<b>N32</b>	Competitive procurement is the preferred approach *	Minimum	Review of the regulatory framework and sample review of procurement files

### Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A38</b>	There 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	Minimum	Review of approaches defined in the regulatory framework and their conditions of use
<b>A39</b>	There are different thresholds for each procurement approach and method	Minimum	Review of the Policy

### Evidence Based Data Analysis

- a) Percentage of single sourced contracts / without competition (number) excluding low value items under the value stated in the policy by total number of all procurements
- b) Percentage of single sourced contracts / without competition(value) (excluding shopping items under the value stated in the policy) by total value of all procurements

## Example Survey Question to Private Sector

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

## Indicator 13(c) – Advertising rules and time limits

This indicator assesses whether:

- a) There is wide and easily accessible publication of procurement opportunities;
- b) 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; and
- c) The regulatory framework includes requirements to publish contract award information as a matter of public interest and to promote transparency.

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 Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N33</b>	There are publication requirements for each type of procurement approach and method included in the regulatory framework*	Minimum	Review of the regulatory framework - The publication requirements for each procurement method are defined and reasonable
<b>N34</b>	There are minimum timeframes for submission of bids/proposals for each procurement method *	Minimum	Review of the regulatory framework - The minimum timeframes are clearly defined and are reasonable

## Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A40</b>	The publication and advertisement of procurement plans, requests for bid/proposals and contract awards decisions are clearly defined in the policy	Minimum	Review of policy and published information
<b>A41</b>	There is an online system for procurement adverts to be published	Minimum	Review of the online platform



<b>A42</b>	Procurement opportunities, request for bid/proposals, contract awards, contract decisions and implementation data are advertised and published in accordance with the regulatory framework	Minimum	Review of the Policy and review of what has been published to check it complies with the policy
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### Evidence Based Data Analysis

- Percentage of procurement opportunities published if applicable by number
- Percentage of procurement opportunities published if applicable by value
- Percentage of contracts awarded through a competitive process publicly advertised by number (Use the number of procurement advertised online as the population. If there is no system, determine a sample from the procurements advertised online)
- Percentage of contracts awarded through a competitive process publicly advertised for the required days as per the policy by number
- Percentage of contracts awarded through a competitive process publicly advertised for the required days as per the policy by value
- Average number of responses per procurements

### Example Survey Questions to Private Sector

- How many competitors does your company have on a typical procurement process for a government or agency contract?
- Does the agency publish advanced notices of procurement opportunities?
- To the best of your knowledge does the agency publish all procurement opportunities except direct procurement?
- How easy it is for your company to find out about procurement opportunities for government and agency contracts?
- Are all contracts to be awarded by competitive procurement publicly advertised?
- How often does your company rely on information systems operated by the government to find out about procurement opportunities in your area?

### Indicator 13(d) – Tender documentation and technical specifications

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

Procurement 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 procurement 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 procurement 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 Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N35</b>	The regulatory framework defines the minimum content required to be included in the procurement documents *	Desirable	Review of the regulatory framework - Minimum content must include: i Specification ii Contract Terms iii Payment Schedule iv Instructions to Bidder

### Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A43</b>	If not at the national level there is a policy that defines the minimum content required to be included in the procurement documents *	Minimum	Review of the regulatory framework - Minimum content must include: i Specification ii Contract Terms iii Payment Schedule iv Instructions to Bidder
<b>A44</b>	There is an agency policy on the time allowed for the preparation of bids/proposals	Minimum	Specified number of days linked to complexity of the procurement
<b>A45</b>	Providers are afforded sufficient time to revise their bids/proposals following amendments to the procurement documents	Minimum	Specified number of days linked to complexity of the procurement
<b>A46</b>	Requests for clarifications are answered promptly and completely in a written form as detailed in the procurement document	Minimum	Review of procurement documents and clarifications

<b>A47</b>	Procurement documents contain the information needed for providers to respond as defined in the policy	Minimum	Review of policy and procurement documents and should include as a minimum i Specification ii Contract Terms iii Payment Schedule iv Instructions to Bidder
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### Evidence Based Data Analysis

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

### Example Survey Questions to Private Sector

- How long are you given to prepare bids/proposals from the issuance of the procurement documents to the deadline for submission of bids/proposals?
- Is the time allowed in the procurement documents adequate for your company to prepare a competitive and responsive bid/proposal?
- 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?
- On average, how many days does it typically take to prepare a bid/proposal for a procurement opportunity?
- How long are you given to revise bids/proposals following an amendment to the procurement documents?
- How long does it take the agency to respond to requests for clarifications?
- Are clarifications, minutes of the pre-bid conference, if any, and amendments of the procurement documents communicated to providers that obtained the procurement documents from the buyer?

### Indicator 13(e) – Procurement Process

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

#### Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A48</b>	Procurement opportunities are open to competition	Minimum	Sample review of procurement awards
<b>A49</b>	Procurement processes are successfully awarded	Minimum	Review of procurement files At least 80% of procurements end in an award

## Evidence Based Data Analysis

- a) Degree of competition: Percentage number of bids issued for international competition
- b) Degree of competition: Percentage number of bids issued for national competition
- c) Percentage of procurement processes that are successfully awarded over total number of bids conducted: Control by: When applicable, procurement methods, contract value, using country specific thresholds and/or implementing agency level, clearance requirements
- d) Percentage of procurement processes that failed over total number of procurement procedures conducted: Control by: When applicable, procurement methods, contract value, using country specific thresholds and/or implementing agency level, clearance requirements

### Indicator 13(f) – Model procurement documents for goods, works, and general services

Model procurement documents for good, works and general services reasonably balance the risk between parties, promote competition and increase confidence in the arrangements. Potential providers are more willing to participate when they are familiar with the documents and their interpretation. Model procurement documents should contain the procurement process procedures and rules and a draft contract to enable the providers to value the cost and risk of delivering/performing the contract.

#### Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
A50	Standard procurement documents exist for the procurement of goods, works, general services and consulting services	Minimum	Review of the procurement documents detail evaluation and award criteria, sample of contract evaluations to verify consistency

<b>A51</b>	Procurement documents contain the appropriate information	Minimum	Review of procurement documents which should include details on: <ul style="list-style-type: none"> <li>i. Evaluation and Award Criteria</li> <li>ii. Eligibility Requirement</li> <li>iii. F &amp; C Provisions</li> <li>iv. Payment Terms</li> <li>v. Complaints Mechanism</li> <li>vi. Terms &amp; Conditions</li> <li>vii. Qualification / Initial Selection Criteria</li> <li>viii. Procedural Content             <ul style="list-style-type: none"> <li>a) Timelines</li> <li>b) None Collusive Tendering</li> <li>c) Transparent Opening Details</li> </ul> </li> <li>ix. Requirements</li> <li>x. Performance Security</li> </ul>
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Procurement documents should also be reviewed by the central Standard Procurement Document team in the Bank in order for them to provide feedback on the suitability of the documents.

### Example Survey Questions to Private Sector

- a) Does the agency use standard procurement documents and General Conditions of Contract for the procurement of goods, works, general services and consultancy services?
- b) How often has your company decided not to submit a bid/proposal for an agency/government contract because procurement documents were unclear?
- c) How often was your company compelled to increase prices on a bid/proposal for an agency/government contract because procurement documents placed too much risk on you as an eventual contractor?

### Indicator 13(g) – Procedures for pre-qualification

Assessment of qualifications can be combined with the procurement documents as part of a specific procurement or it can be initiated as a separate exercise that is conducted before bids/proposals are requested (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 capacity) to perform satisfactorily. In highly complex procurements, 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 Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N36</b>	The regulatory framework allows for qualification when required *	Desirable	Review of the regulatory framework - Qualification is allowed when appropriate

### Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A52</b>	The regulatory framework allows for pre and post qualification when required	Minimum	Review of the regulatory framework – Pre and post qualification is allowed when appropriate
<b>A53</b>	Non-domestic providers are allowed to apply without any prejudice or impediment	Minimum	Review of the Policy
<b>A54</b>	The pre-qualification or post qualification process is fair and transparent	Minimum	As a minimum: <ul style="list-style-type: none"> <li>i. Bidders are informed of the minimum standards</li> <li>ii. Bidders are provided with feedback</li> </ul>

### Example Survey Questions to Private Sector

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

### Indicator 13(h) – Submission, receipt and opening of bids/proposals

This indicator assesses how the regulatory framework regulates the process of receipt and opening of bids/proposals. Public opening of bids/proposals is a means of increasing transparency of a procurement process. 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 sealed until the announced bids/proposals opening time and to high standards of security for long term record-keeping and audit.

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 Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N37</b>	The regulatory framework covers bid/proposal opening	Minimum	Review of the regulatory framework - Must be at a set time and publicly recorded

### Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A55</b>	The agency follows the regulatory framework or they have a policy that covers bid/proposal opening	Minimum	Review of the Policy - Must be at a set time and publicly recorded

### Indicator 13(i) – Bid/proposal evaluation and award criteria

This indicator assesses:

- a) The quality and sufficiency of the regulatory framework provisions in respect of the objectivity, effectiveness 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 interpretation of the criteria by the evaluator. For this reason, it is desirable that evaluation criteria be clear and quantifiable as far as possible. 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 regulatory framework should prohibit the use of evaluation criteria different from those set out in the procurement 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 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 protect information provided by respondents that is of a proprietary nature, commercially or financially sensitive.

### National Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>N38</b>	The regulatory framework defines clearly what criteria can be used as part of the evaluation*	Minimum	Review of the regulatory framework - Evaluation criteria are clearly defined

### Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
<b>A56</b>	The bid/proposal evaluation criteria are transparent, objective, pre-disclosed to all providers and applied in practice as specified in the procurement documents	Minimum	Review of tender documentation and evaluation reports
<b>A57</b>	The award decision is made solely on the basis of the award criteria stated in the procurement documents	Minimum	Review of evaluation report and procurement documents
<b>A58</b>	The evaluation is properly documented	Minimum	Review of procurement files, including evaluation reports



<b>A59</b>	There is a procedure that covers bid/proposal evaluation	Minimum	Review of the Policy - Clearly defines the process for bid/proposal evaluation
<b>A60</b>	There is a policy that covers informing the successful and unsuccessful bidders about the award decision	Minimum	Review of the policy and the procurement files including communications to bidders
<b>A61</b>	Unsuccessful bidders / respondents are entitled to obtain a debrief	Minimum	Review of the Policy on debriefs
<b>A62</b>	Contract award notices are published	Minimum	Review of contracts and published notices

### Evidence Based Data Analysis

- Average number of days between bid/proposal opening and approval of contract (contract signing date)
- Average number of days between bid/proposal opening and completion of evaluation
- Average number of days taken between submission of bid/proposal evaluation report and approval of contract (contract signing date)

### Example Survey Questions to Private Sector

- Are the bid/proposal evaluation criteria transparent, objective and pre-disclosed to you?
- How often has your company seen procurement documents for agency/government contracts with subjective or unclear evaluation criteria?
- How often has your company had a bid rejected for an agency/government contract in the past 12 months?
- How often has your company had a bid/proposal rejected for minor, non-substantial non-material deviations or shortcomings in the past 12 months?
- Do you feel that the evaluation process is carried out in a way that ensures fair and efficient outcomes?
- On average, how many days does a typical procurement process take to be completed from the day your company submits a bid/proposal until an award decision is made?
- Are you informed about the award decision?
- Are you offered debriefs or can you request a debrief (verbal or written) when you have been unsuccessful in a procurement process?

**Indicator 13(j) – 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**

Inspection and acceptance procedures, quality control procedures, financial management, dispute settlement and methods to review and issue contracts are important dimensions 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.

**Agency Level**

Ref	Requirement	Minimum/ Desirable	Baseline
A63	Procedures are clearly defined for undertaking contract administration responsibilities in line with the regulatory framework	Minimum	Review of the Policy - Policy should include the setting and recording of KPI's, roles and responsibilities and risk management
A64	There are inspection and acceptance procedures, quality control procedures, and methods to review and issue contract amendments	Minimum	Review of the Policy

**Evidence Based Data Analysis**

- Percentage of contracts not delivered in the original schedule (schedule overruns)
- Percentage of approved contracts by number with prices above original budget estimate
- Percentage of approved contracts by number with prices above original contract price
- Percentage of approved contracts by value with prices above original budget estimate
- Percentage of approved contracts by value with prices above original contract price
- Average delay in number of days, as percentage of original schedule

**Example Survey Questions to Private Sector**

- Do you feel that the agency has clearly defined procedures for undertaking contract administration responsibilities?
- Do you feel that the agency undertakes effective contract administration?
- Do you feel that contract amendments are issued in a timely manner?

- d) If your company had to modify a contract during execution, how long did it take for the agency to approve a contract amendment?
- e) How often has your company had to adjust the original delivery schedule for a contract with the agency?

## **Dimension 14 - Dispute Resolution**

This dimension's objective is to assess dispute resolution procedures. It is critical that contracts include suitable procedures that are efficient and fair in resolving disputes. The assessment should also assess if disputes are handled in accordance with the contract conditions.

### **Indicator 14(a) – 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 including negotiations, arbitration and referral to an expert should be defined in the contract that provides for fair and timely resolution.

#### **Agency Level**

Ref	Requirement	Minimum/ Desirable	Baseline
A65	Dispute resolution procedures are clearly defined in agency contracts	Minimum	Sample review of contracts – Contracts include dispute resolution procedures that cover: i. Negotiation ii. Arbitration

#### **Example Survey Questions to Private Sector**

- a) Do you feel that the contract dispute resolution procedures for the agency are effective?
- b) Do you utilize the dispute resolution mechanism included in the contract when appropriate?
- c) Do you feel that decisions (in litigation), award (in arbitration) or recommendations (in conciliation proceedings) are fair?

## Indicator 14(b) – Procedures exist to enforce the outcomes of the dispute resolution process

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

### National Level

Ref	Requirement	Minimum/ Desirable	Baseline
N39	Disputes can be looked at and enforced and are covered by national arbitration legislation and international instruments	Minimum	Disputes are covered by national arbitration legislation and international instruments such as the United Nations Convention on Recognition and Enforcement of Foreign Arbitral Awards

### Agency Level

Ref	Requirement	Minimum/ Desirable	Baseline
A66	There is a policy for the resolution of disputes at the agency level	Minimum	Review of the policy which should include as a minimum: <ul style="list-style-type: none"> <li>i. Roles and Responsibilities</li> <li>ii. Business Standards</li> <li>iii. Appeals Mechanisms</li> </ul>
A67	Disputes are handled in accordance with the contract conditions	Minimum	Review of disputes against the dispute resolution conditions in the contract

### Evidence Based Data Analysis

- a) Number of contracts in dispute out of total number of contracts as a percentage
- b) Percentage of dispute resolution cases that go to arbitration out of the total dispute resolution cases
- c) Percentage of arbitration cases fully enforced out of the cases with arbitration process
- d) Percentage of disputes resulting in sanctions/penalties to the contractor out of the number of the cases with arbitration process

### Example Survey Questions to Private Sector

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

- b) Are disputes handled in accordance with the contract conditions?
- c) How often has your company had disputes with the agency during contract execution?
- d) If your company had a dispute with the agency during contract execution, was the resolution process fair?

## **Dimension 15 - Data, Metrics and Reporting (Desirable)**

The objective of this dimension is to determine how data and reporting is utilized to inform procurement decisions and management. A high performing agency should take strategic and contract management decisions informed by detailed spend analysis. The production of metrics and reporting enables management to make more informed decisions based on factual information.

### **Indicator 15(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 Level**

<b>Ref</b>	<b>Requirement</b>	<b>Minimum/ Desirable</b>	<b>Baseline</b>
<b>A68</b>	The agency produces metrics on procurement performance	Desirable	Evidence of the metrics produced but should include: <ul style="list-style-type: none"> <li>i. Procurement completed on time and on budget</li> <li>ii. Amount Saved</li> <li>iii. Risks Mitigated</li> </ul>
<b>A69</b>	The agency produces regular reporting on procurement performance that is reviewed by senior management	Desirable	Review of Reporting - Evidence must be provided
<b>A70</b>	The agency conducts detailed spend analysis	Desirable	Review of Spend Analysis - Spend analysis should include: <ul style="list-style-type: none"> <li>i. Key spend areas</li> <li>ii. Top 20 contracts</li> <li>iii. Top 20 providers</li> </ul>

## **Dimension 16 - Risk Management (Desirable)**

The objective of this dimension is to determine how risks are identified and managed through the procurement process and if risk management systems are utilized.

### **Indicator 16(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.

#### **Agency Level**

<b>Ref</b>	<b>Requirement</b>	<b>Minimum/ Desirable</b>	<b>Baseline</b>
<b>A71</b>	There is a policy at the agency that covers procurement risk management procedures	Desirable	Review of the Policy - Risk management procedures include: <ul style="list-style-type: none"> <li>i. Risk Identification (identifying risks associated with the project)</li> <li>ii. Risk Assessment (the likelihood and magnitude of the risks)</li> <li>iii. Risk Mitigation (strategies for pre-empting and treating the occurrence of a risk)</li> <li>iv. Risk Allocation (detailing responsibility for managing a risk)</li> <li>v. Monitoring and Control (identifying new risks as they emerge)</li> </ul>

## Stage Four - Action Plan / Assessment Report

On completion of the assessment, a detailed report should be produced by the assessment team. The report will contain, where appropriate, recommendations and follow up actions. (Annex J – Sample Report)

The report will cover the following:

- **Table of Contents;**
- **Common Abbreviations and Defined Terms;**
- **Executive Summary;**
  - Providing a high level summary of the assessment findings;
  - Highlighting the strengths and weaknesses of the procurement arrangements and their relative importance;
  - Identifying the major risks and their likely consequences and impacts; and
  - Recommendations and further actions.
- **Overview of Findings;**
  - Assessment findings;
  - Good Procurement Practices; and
  - Areas of Improvement.
- **Country Context**
  - Introduction
  - Country Overview
  - Political and Governance Environment
  - Country's Economy
  - Development Challenges
- **Agency Overview**
- **Assessment Methodology**
  - Scope and Overview
- **Assessment Overview**
  - Breakdown of the Assessment Team
  - Overview of Assessment and Contracts Assessed
- **Assessment Findings**
  - Overview of Pillar One
  - Overview of Pillar Two
  - Overview of Pillar Three
  - Overview of Pillar Four
  - Overview of Pillar Five

- **Conclusions**
  - Conclusions as to the effectiveness of the procurement arrangements
  - Any proposed supervisory/follow up actions and timeline.
- **Recommendation**
  - Recommendation that the arrangements are suitable, or not, for Bank financed projects, also comment on areas that could further strengthen the procurement arrangement.
  - If the arrangements are not suitable, clearly identify the areas that need to be addressed
  - Any recommendation as to a proposed action plan to address strengths and weaknesses.
- **Appendix**
  - Completed assessments template
  - Supporting Documentation List
  - Summary of survey/interview results.



## Stage Five – Decide and Implement

Following completion of the assessment report by the assessment team, the Bank will review the report and make a recommendation for the use of APA for the agency (See Figure 6).

If the recommendation is for the use of APA, the agency's procurement arrangements will be approved for possible future use for Bank financed projects. The agency's procurement arrangements will then be considered for all future Bank financed projects, if it is the most appropriate approach. Its use for a particular project will be incorporated in the Project Procurement Strategy for Development (PPSD), and defined in the Project Appraisal Document (PAD) and communicated to the Board through the Memorandum of the President (MOP). The use of the APA could be for all the procurements under a project or just for certain elements of the project.

The justification for an APA, including risks and benefits, should be identified and assessed as early as possible during project preparation, and must be reviewed and agreed before completion of the loan negotiations with the Bank. An APA's justification describes, among other things:

- a) Why the APA is the most appropriate procurement arrangement to support the Borrower in achieving the project's development objectives; and
- b) How the APA will:
  - i. Provide adequate assurance that the proceeds of Bank financing will only be used for the purposes for which the financing would be granted; and
  - ii. Meet the requirements set out in Section III.F.2 of the Policy, "Procurement in IPF and Other Operational Procurement Matters."

The following must apply when an APA is used:

- a) The procurement and governance arrangements, including oversight mechanisms, provide assurance to the Bank that its proceeds will be used for the intended purposes, with due attention to the Core Procurement Principles; and
- b) The use of the APA must ensure the effectiveness of the Bank's eligibility criteria<sup>6</sup>:
  - i. The eligibility of firms and individuals from all countries to offer goods, works, and services to be financed under the operation;
  - ii. The ineligibility of firms and individuals to participate and to be awarded, or to benefit from, a Bank-financed contract for goods, works, or services financed under the operation if they have been temporarily suspended or debarred by the World Bank Group.
- c) The Bank's sanctions procedures and Anti-Corruption Guidelines apply and must be operationalized by requiring that bidders present a signed acceptance, at the time of bidding, to be incorporated in any resulting contract, confirming application of the

<sup>6</sup> Internationally advertising the procurement above specified thresholds.

- Bank's Anti-Corruption Guidelines, including the Bank's right to sanction, and the Bank's inspection and audit rights. (Annex E, sub-annex IX);
- d) The Bank has an unrestricted right to exercise its contractual remedies under its financing agreement with the Borrower;
  - e) When approved by the Bank, the terms and conditions of the APA must be set out in the legal agreements with the Borrower and other relevant parties; and

Procurement related complaints and communications related to contractual matters can be brought at any stage of the Procurement Process, to the attention of the Borrower, who will make every effort to address such complaints and other communications objectively and in a timely manner, with transparency and fairness.

The Bank Executive Board will then approve the use of the agency's own procurement arrangements as part of the PAD through the MoP. Hence, the use of agency's own procurement arrangements for a project will be determined on a case by case basis. For more detail on the internal Accountability and Decision Making Framework (ADM) refer to the Bank Procurement Procedures. The validity of the APA clearance for future projects will be subject to periodic evaluations..

When approved by the Bank, the terms and conditions of the APA will be set out in the Legal Agreements with the Borrower and other relevant parties.

Clearance will be given to:

- i) Allow the **full** use of the agency's procurement arrangements for Bank financed projects, with the Bank relying on the alternative procurement arrangements and procedures with the relevant level of review and oversight.

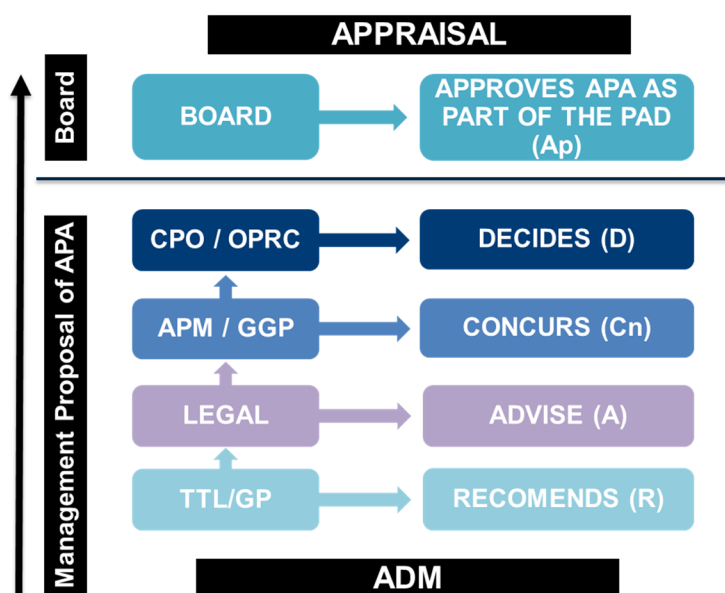


Figure 6 – Request APA (Led by GP) – Before Negotiation

The CPO will update the Board on agencies approved to use APA.

## Stage Six – Implement & Audit (Ongoing Oversight & Performance)

The final stage of the assessment will be the audit / oversight of the agencies that have been cleared to use their own procurement arrangements. The Bank will identify the appropriate oversight mechanism, which will depend on the project and the capacity and capability of the agency. As a minimum, the Bank will review and approve the PSD and the Procurement Plan.

It will also be the responsibility of the Bank to regularly review the Procurement Plan to ensure that material changes do not adversely affect the original development objectives. If the Bank has concerns about how procurements are being run, the Bank or an arranged third party will engage with the Borrower to review the identified concerns to determine a suitable remedy. The first course of action will be for the implementing agency to correct the issue with support from the Bank. If the issue cannot be resolved by providing extra support, then the Bank reserves the right to run the procurement under the Bank Procurement Regulations for Borrowers.

Procurement process oversight will be performed by the supreme audit commission in the country if it has been previously approved by Financial Management (FM) and that they provide oversight or has a MOU with the Bank. Oversight may also be performed by an agreed third party auditing organization.

All procurements under an APA will be subject to post procurement review. The Bank may use a third party to carry out post reviews such as a supreme audit institution and other auditors acceptable to the Bank. In addition to post reviews, the Bank may rely on independent procurement reviews and third-party assurances as agreed in the legal documents. If the post procurement review identifies irregularities in the procurement process then the Bank reserves the right to apply remedies including misprocurement. Remedies may be applied at any point during the procurement process or after conclusion or termination of a contract, regardless of whether the financing agreement has closed or not.

If the terms and conditions of the APA are not complied with, the Bank has the right (in addition to its other contractual rights) to revoke or modify its agreement allowing the use of the APA. The Bank always reserves the right to revoke the use of an APA on a case by case basis either following the result of the post procurement review or following complaints or any other matter of concern to the Bank.

Complaints may be brought at any time to the Borrower and/or the Bank about any aspect of the procurement process being run through an APA. To promote an open, fair, and transparent procurement process, complaints must be resolved objectively and in a timely manner. Care shall be exercised that the complaints process is itself not exploited for improper purposes.



# Glossary of Terms

## **Borrower**

A borrower or recipient of Investment Project Financing , and any other entity involved in the implementation of a project financed by the Investment Project Financing.

## **Bid**

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

## **Bidder**

For the purpose of the APAs, bidder refers to a firm (acting either in its individual capacity or as part of a joint venture) that submits a bid or proposal in a procurement process.

## **Business Standards**

Business standards are defined as the standards that are defined and publically available, for example the number of days to pay an invoice from the date received.

## **Consultant**

A consultant may be a firm (acting either in its individual capacity or as part of a joint venture) or an individual 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. **Economy**

The principle of economy takes into consideration factors such as sustainability, quality, and non-price attributes and/or Life-Cycle Costs, as appropriate, that support value for money. It permits integrating into the Procurement Process economic, environmental, and social considerations that have been agreed with the Borrower. It also permits augmenting identified sustainability criteria with specific criteria in support of the Borrower's own sustainable procurement policy.

## **Efficiency**

The principle of efficiency requires that Procurement Processes are proportional to the value and risks of the underlying project activities. Procurement arrangements are generally time-sensitive and strive to avoid delays.

## **Fairness**

The principle of fairness refers to: (i) equal opportunity and treatment for bidders and consultants; (ii) equitable distribution of rights and obligations between Borrowers and suppliers, bidders, consultants and contractors; and (iii) credible mechanisms for addressing procurement related complaints and providing recourse. Open, competitive procurement is

the Bank's preferred procurement approach, whenever possible to maximize fairness of opportunity to bid. Wherever possible, the Bank requires that eligible individuals and firms be given the same opportunities to compete for Bank-financed activities.

**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 procurement 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 Non-Consulting Services**

In the APAs 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. Non-consulting 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.

**Integrity**

The principle of integrity refers to the use of funds, resources, assets and authority, according to the intended purposes and in a manner that is well informed, aligned with the public interest, and aligned with broader principles of good governance. The Bank requires that all parties involved in the Procurement Process, including without limitation Borrowers and sub-Borrowers (and other beneficiaries of Bank financing); bidders, consultants, contractors and suppliers; any subcontractors, sub-consultants, service providers or suppliers; any agents (whether declared or not); and any of their personnel, observe the highest standard of ethics during the Procurement Process of Bank-financed contracts, and refrain from Fraud and Corruption, as that term is defined in the Anti-Corruption Guidelines.

**Investment Project Financing (IPF)**

IPF means investment project financing provided by the World Bank to promote poverty reduction and sustainable development of World Bank member countries by providing financial and related operational support to projects that promote broad-based economic growth, contribute to social and environmental sustainability, enhance the effectiveness of the public or private sectors, or otherwise contribute to the overall development of World Bank member states.

**Legal Agreement**

An agreement between the Bank and a recipient of IPF.

**Life Cycle Cost**

Life cycle costing is applicable at an 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, non-consulting services or consulting services.

**Procurement Documents**

Procurement documents includes general and specific procurement notices, request for expressions of interest, request for proposals, request for bids, evaluation reports and forms of contracts issued by the Borrower.

**Procurement Plan**

The procurement plan is a plan prepared by the Borrower for the project to procure goods, works, non-consulting services and consulting services, which should include (i) a brief description of the activity/contract, (ii) the procurement method, (iii) cost estimates, (iv) time schedules, (v) prior or post review requirements, (vi) any other relevant information as a result of the Project Procurement Strategy for Development (PPSD).

**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, contract award, and contract management. It ends on the last day of the last warranty.

**Project Procurement Strategy for Development (PPSD)**

The PPSA is a procurement strategy at the project level that addresses how procurement will support the development objectives of the project and deliver best value for money.

**Proposal**

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

**Provider**

A provider means any individual or legal entity that provides goods, works, general services or consulting services.

**Regulatory Framework**

Is defined as all public procurement laws, regulations and policy, legal texts of general application, judicial decisions and administrative rulings in connection with public procurement.

**Review**

Review is a formal examination that includes audits, inspections or other forms of assessment of the procurement cycle.

**Transparency**

The principle of transparency requires that the Borrower enable appropriate review of the procurement activities, supported by appropriate documentation and disclosure. Transparency requires: (i) that relevant procurement information be made publicly available to all interested parties, consistently and in a timely manner, through readily accessible and widely available sources at reasonable or no cost; (ii) appropriate reporting of procurement activity; and (iii) the use of confidentiality provisions in contracts only where justified.

**Sustainable procurement**

To deliver sustainable results, the strategic procurement approach should be on a life cycle basis which generates benefits to the procuring entity and the economy, but also to society whilst minimizing damage to the environment (pursuant to the Borrower's sustainable 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 any assets (cradle-to-grave), 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. Feasibility Study Template

## Agency Details

Agency Name	
Agency Address	
City	
Country	
Region	

## Feasibility Study

### Transparency Internationals Corruption index

Anti Corruption Index Rank	/ 175
Anti Corruption Index Score	/ 100

### Integrity Vice-Presidency

Outstanding Fraud and Corruption	
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### Government Procurement Agreement

GPA Country	No
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### Online Assessment

Regulatory Framework publicly available Online	
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### World Bank - Doing better Business Survey & Benchmarking Public Procurement

Doing better Business Survey	/ 183
Benchmarking Public Procurement	

### United Nations Commission on International Trade Law

UNCITRAL Model Law	No
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Procurement Opportunities published Online	
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### Minimum Standards

Minimum Criteria	Met Criteria (Yes/No)
All laws and regulations must be published and easily available *	
The regulatory framework covers all types of procurement (Goods, Works, Consulting Services and Non-Consulting Services) *	
The regulatory framework details the selection methods that should be used and under what circumstances *	
The regulatory frameworks details the eligibility requirements of providers *	
Potential providers are excluded eligibility for conviction of specified criminal or corrupt activities	
If SOE's (State Owned Enterprises) are allowed to bid for Government contracts they do not receive any preferential treatment	
Procurement regulations and or policies are consolidated in one single place *	
There are national business regulations for processing of invoices by government agencies	
The regulatory framework covers conflicts of interest *	
There is an information system that provides timely and up-to-date procurement information	
There is a document retention policy that is compatible with the statute of limitations in the country for investigating and prosecuting cases of fraud and corruption *	
There aren't any constraints that inhibit private sectors access to public procurement	
The government encourage open dialogue with the private sector and it has established and formal mechanisms for open dialogue through associations or other means	
There is a policy on what should be included in the procurement record for auditing	
The government encourage open dialogue with the private sector and it has established and formal mechanisms for open dialogue through associations or other means	
Auditors are selected in a fair and transparent way and are fully independent	
The regulatory framework provides participants the opportunity to present complaints *	
There is a defined timeframe for the submission of complaints	
There is a defined timeframe for responding to complaints *	
There is an authority in charge of reviewing procurement complaints *	
Providers, bidders or contractors can appeal a final decision *	
The regulatory framework covers fraud and corruption	
There are sanctions in the regulatory framework for fraud and corruption which defines the responsibilities, accountabilities and penalties for fraudulent or corrupt practices	
The regulatory framework prohibits the intervention of active public officials and former public officials for a reasonable period of time after leaving office in procurement matters	
There is a code of conduct or ethics for government officials	
There are different procurement approaches allowed in the regulatory framework and their conditions of use (such as open or limited competition, direct procurement, national or international) are clearly stated *	
Competitive procurement is the preferred approach *	
There are publication requirements for each type of procurement approach and method included in the regulatory framework*	
There are minimum timeframes for submission of bids/proposals for each procurement method *	
The regulatory framework defines the minimum content required to be included in the selection documents *	
The regulatory framework allows for qualification when required *	
The regulatory framework covers bid/proposal opening	
The regulatory framework defines clearly what can be used as part of the evaluation*	



## Annex B. Minimum Standards

Pillar	Indicator Number	National / Agency	Minimum Standard	Baseline
1	1a	National	All laws and regulations must be published and easily available *	Evidence on the web or freely available upon request
1	1a	National	The regulatory framework covers all types of procurement (Goods, Works, Consulting Services and Non-Consulting Services) *	Each type of procurement is clearly defined in the regulatory framework
1	1b	National	The regulatory framework details the procurement methods that should be used and under what circumstances *	The regulatory framework fully details all procurement methods and clearly defines when each should be used
1	1b	National	The regulatory frameworks details the eligibility requirements of providers *	The conditions for eligibility are clearly defined in the regulatory framework
1	1b	National	Potential providers are ineligible as a result of conviction of specified criminal or corrupt activities	Providers are excluded who have been the subject of a conviction by final judgment for one of the following reasons: i. Participation in a criminal organization ii. Corruption as defined in the national law of the contracting authority or the economic operator iii. Fraud iv. Terrorist offences or offences linked to terrorist activities or inciting or aiding or abetting or attempting to commit an offence v. Money laundering or terrorist financing vi. Child labor and other forms of trafficking in human beings
1	1b	National	If SOE's (State Owned Enterprises) are allowed to bid for Government contracts they do not receive any preferential treatment	Evidenced in any of the regulatory framework and review evaluation documents
1	1b	Agency	The agency doesn't limit competition more than permitted by the regulatory framework	Review of agency practice to check it meets the regulatory framework
1	2a	Agency	Procurement regulations and or policies can be found in one single place *	Evidenced on the Internet
1	2b	Agency	The agency uses either national CC's, their own CC's or standard industry CC's such as FIDIC	Sample review of contracts

2	4b	National	There are national business standards for processing of invoices by government agencies	National business standards are publically available and clear to potential bidders
2	4b	Agency	Invoices are processed by the government agency as per the national business standards in the country and the agency meets its obligations for timely payment as stated in the contract	Payment management system analyzed
2	5a	Agency	The regulatory framework covers conflicts of interest *	Conflicts of Interest are covered in the regulatory framework
2	5a	Agency	The agency follows the national policy, or has its own policy on conflicts of interest.	Review of the Policy - Conflicts of interest as covered in the regulatory framework reviewed and should include as a minimum: i. Employees must not procure goods or services from a business in which the employee or their family has a financial interest, or may directly benefit from such procurement. Such situations should be disclosed and should not be involved in the procurement process
2	5a	Agency	A conflict of interest declaration is completed and recorded before each procurement	Sample review of procurement files
2	6a	Agency	If not at a national level, there is an information system at the agency that provides timely and up-to-date procurement information	Information system provides as a minimum, timely and up-to-date information such as procurement opportunities and contract award notices that are easily accessible to all interested parties including the general public at no cost
2	6b	Agency	There is evidence that statistics are collected and monitored at the agency	Review of the procedure and statistics produced
2	6c	Agency	The agency offers procurement related training to their procurement professionals	Review of training offered by the agency
2	6d	Agency	It is clearly defined who has authority to sign contracts	Review of the Policy - Authority levels clearly defined
3	7a	Agency	There are job descriptions for procurement staff	Review of job descriptions for procurement which should include as a minimum: i. Qualification requirement ii. Minimum experience iii. Functions to be Performed
3	7b	Agency	There is a document retention policy that is compatible with the statute of limitations in the country for investigating and prosecuting cases of fraud and corruption *	Review of the retention policy against the statute of limitations in the country

3	7b	Agency	The agency has a policy that covers the safekeeping of records and documents in line with the country's regulatory framework	The list of procurement records should include as a minimum i. Public notices of procurement opportunities ii. Procurement documents and any amendments iii. Bid/proposal opening records iv. Copy of bid/proposals v. Bid/proposal evaluation reports vi. signed contract documents and amendments vii. Any Complaints and dispute resolutions viii. Contract Variations
3	7b	Agency	The rules on record keeping are fully adhered to by the agency	Random sampling of procurement records to check that they adhere to the policy
4	9a	National	The regulatory framework details what should be included in the procurement record for auditing	Review of the regulatory framework - Procurement records should include as a minimum i. Public notices of procurement opportunities ii. Procurement documents and any amendments iii. Bid/proposal opening records iv. Copy of bid/proposals v. Bid/proposal evaluation reports vi. Signed contract documents and amendments vii. Any complaints and dispute resolutions viii. Contract Variations
4	9a	Agency	The agency follows the regulatory framework on what should be included in the procurement record for auditing	Review of the Policy and random sample of records - Procurement records should include as a minimum i. Public notices of procurement opportunities ii. Procurement documents and any amendments iii. Bid/proposal opening records iv. Bid/proposal evaluation reports v. Final signed contract documents and amendments vi. Any Complaints and dispute resolutions vii. Contract Variations
4	9b	Agency	Procurement arrangements are open to internal and external audits	Review of policy and evidence of audit
4	9b	Agency	The agency supports and acts on the findings of audit reports within a timely manner	Evidence of audit reports and follow up actions
4	9c	National	Auditors are selected in a fair and transparent way and are independent	Review of auditor selection and their independence

4	10a	Agency National	If not at the national level, there is a policy that provides participants the opportunity to present complaints *	Review of the regulatory framework
4	10a	Agency	There is a policy for complaints handling and management at the agency level which the agency follows	Review of policy framework, policy should include: i. Roles and Responsibilities ii. Timeframes iii. Appeals Mechanisms
4	10a	Agency	If not at the national level, there are defined timeframes for the submission and response to complaints	Review of the Policy - Timeframe clearly defined and transparent
4	10a	Agency	The agency tracks appeals and results	Review of the tracking system
4	10b	National	There is an authority in charge of reviewing procurement complaints *	Identification of the authority and its independence
4	10b	National	Providers, bidders or contractors can appeal a final decision *	Review of the Policy - Evidence of process
4	10c	National	The authority in charge of reviewing complaints has full authority and independence for the resolution of complaints	Review of the authority and their function
4	11a	Agency	Procurement opportunities, request for bid/proposals and contract awards are published in accordance with the regulations and can be found online	Review of published information and online platform
4	12a	National	The regulatory framework covers fraud and corruption which includes definitions	Review of the regulatory framework
4	12a	Agency	There are fraud and corruption provisions in standard procurement documents	Sample review of standard procurement documents
4	12a	Agency	There is a policy that states that employees are prohibited from accepting items of value for example gifts, entertainment, meals or travel from potential or current suppliers cover the acceptance of items of value	Review of the Policy
4	12b	National	There are sanctions in the regulatory framework for fraud and corruption	Review of the sanctions policy in the regulatory framework
4	12b	National	The regulatory framework prohibits the intervention of active public officials and former public officials for a reasonable period of time after leaving office in procurement matters (Post-Employment Restrictions)	Review of the regulatory framework - The cool off period is clearly defined for public officials
4	12b	Agency	There are sanctions for fraud and corruption at the agency level	Review of sanctions policy

4	12c	Agency	There is evidence of fraud and corruption enforcement when fraud and corruption has taken place	Review of fraud and corruption cases and the outcome to check if enforced
4	12d	Agency	There are measures to prevent and detect fraud and corruption	Review of Contracts
4	12e	Agency	There is a mechanism for reporting fraudulent and corrupt practices to the agency	Review of the Policy and reporting mechanisms
4	12f	Agency	The agency follows the national code of conduct or ethics for government officials if present, if not they follow their own policy	Review of contracts of employment and agency policies or employee handbook
5	13b	National	There are different procurement approaches allowed in the regulatory framework and their conditions of use (such as open or limited competition, direct procurement, national or international) are clearly stated *	Review of approaches defined in the regulatory framework and there conditions of use
5	13b	National	Competitive procurement is the preferred approach*	Review of the regulatory framework and sample review of procurement files
5	13b	Agency	There 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	Review of approaches defined in the regulatory framework and there conditions of use
5	13b	Agency	There are different thresholds for each procurement approach and method	Review of the Policy
5	13c	National	There are publication requirements for each type of procurement approach and method included in the regulatory framework*	Review of the regulatory framework - The publication requirements for each procurement method are defined and reasonable
5	13c	National	There are minimum timeframes for submission of bids/proposals for each procurement method *	Review of the regulatory framework - The minimum timeframes are clearly defined and are reasonable
5	13c	Agency	The publication and advertisement of procurement plans, requests for bid/proposals and contract awards decisions are clearly defined in the policy	Review of the policy and published information
5	13c	Agency	There is an online system for procurement adverts to be published	Review of the online platform
5	13c	Agency	Procurement opportunities, request for bid/proposals, contract awards, contract decisions and implementation data are advertised and published in accordance with the regulatory framework	Review of the Policy and review of what has been published to check it complies with the policy

5	13d	Agency	If not at the national level there is a policy that defines the minimum content required to be included in the procurement documents *	Review of the regulatory framework – Minimum content must include: i. Specification ii Contract Terms iii Payment Schedule iv Instructions to Bidder
5	13d	Agency	There is an agency policy on the time allowed for the preparation of bids/proposals	Specified number of days linked to complexity of the procurement
5	13d	Agency	Providers are afforded sufficient time to revise their bids/proposals following amendments to the procurement documents	Specified number of days linked to complexity of the procurement
5	13d	Agency	Requests for clarifications are answered promptly and completely in a written form as detailed in the selection document	Review of procurement documents and clarifications
5	13d	Agency	Procurement documents contain the information needed for providers to respond as defined in the policy	Review of policy and procurement documents and should include as a minimum i Specification ii Contract Terms iii Payment Schedule iv Instructions to Bidder
5	13e	Agency	Procurement opportunities are open to competition	Sample review of procurement awards
5	13e	Agency	Procurement processes are successfully awarded	Review of procurement files - At least 80% of procurements end in an award
5	13f	Agency	Standard procurement documents exist for the procurement of goods, works, general services and consulting services	Review of the procurement documents detail evaluation and award criteria, sample of contract evaluations to verify consistency
5	13f	Agency	Procurement documents contain the appropriate information	Review of the procurement documents which should include details on: Evaluation and Award Criteria ii. Eligibility Requirement iii. F & C Provisions iv. Payment Terms v. Complaints Mechanism vi. Terms & Conditions vii. Qualification / Initial Selection Criteria



				viii. Procedural Content a) Timelines b) None Collusive Tendering c) Transparent Opening Details ix. Requirements x. Performance Security
5	13g	Agency	The regulatory framework allows for pre or post qualification when required	Review of the regulatory framework – Pre or post qualification is allowed when appropriate
5	13g	Agency	Non-domestic providers are allowed to apply without any prejudice or impediment	Review of the policy
5	13g	Agency	The pre-qualification or post-qualification process is fair and transparent	As a minimum: i. Bidders are informed of the minimum standards ii. Bidders are provided with feedback
5	13h	National	The regulatory framework covers bid/proposal opening	Review of the regulatory framework - Must be at a set time and publicly recorded
5	13h	Agency	The agency follows the regulatory framework or they have a policy that covers bid/proposal opening	Review of the Policy - Must be at a set time and publicly recorded
5	13i	National	The regulatory framework defines clearly what criteria can be used as part of the evaluation*	Review of the regulatory framework - Evaluation criteria is clearly defined
5	13i	Agency	The bid/proposal evaluation criteria is transparent, objective, pre-disclosed to all providers and applied in practice as stipulated in the procurement documents	Review of tender documentation and evaluation reports
5	13i	Agency	The award decision is made solely on the basis of the award criteria stated in the procurement documents	Review of evaluation report and procurement documents
5	13i	Agency	The evaluation is properly documented	Review of the evaluation report and procurement files
5	13i	Agency	There is a procedure that covers bid/proposal evaluation	Review of the Policy - Clearly defines the process for bid/proposal evaluation
5	13i	Agency	There is a policy that covers informing the successful and unsuccessful bidders about the award decision	Review of the policy and the procurement files and communications to bidders
5	13i	Agency	Unsuccessful bidders/respondents are entitled to obtain a debrief	Review of the Policy on debriefs
5	13i	Agency	Contract award notices are published	Review of contracts and published notices

5	13j	Agency	Procedures are clearly defined for undertaking contract administration responsibilities in line with the regulatory framework	Review of the Policy - Policy should include the setting and recording of KPIs, roles and responsibilities and be in line with the regulatory framework
5	13j	Agency	There are inspection and acceptance procedures, quality control procedures, and methods to review and issue contract amendments	Review of the Policy
5	14a	Agency	Dispute resolution procedures are clearly defined in agency contracts	Sample review of contracts - Contracts include dispute resolution procedures that cover: i. Negotiation ii. Arbitration
5	14b	National	Disputes can be looked at and enforced and are covered by national arbitration legislation and international instruments	Disputes are covered by national arbitration legislation and international instruments such as the United Nations Convention on Recognition and Enforcement of Foreign Arbitral Awards
5	14b	Agency	There is a policy for the resolution of disputes at the agency level	Review of the policy - Should include as a minimum: i. Roles and Responsibilities ii. Business Standards iii. Appeals Mechanisms
5	14b	Agency	Disputes are handled in accordance with the contract conditions	Review of disputes against the dispute resolution conditions in the contract

# Annex C. Assessment Readiness Check List

## National Assessment

In order to effectively complete the assessment of the National framework that the procuring agency operates under the following rules, regulations and policy documents should be collated and provided in either PDF or MS Word format in advance of the assessment.

- All laws and regulations, policies, legal texts of general application, judicial decisions and administrative rulings covering all types of procurement (Goods, Works, Consulting Services and Non-Consulting Services)
  - Eligibility requirements of providers
  - State Owned Enterprises (SOE's) participation
  - Sustainable procurement
  - National business regulations for the processing of invoices by government agencies
  - Conflicts of interest
  - Document retention policy
  - Internal or external audits
  - Complaints handling and management
  - Fraud and corruption
  - Code of conduct or ethics for government officials
  - Advertising rules and time limits
  - Minimum content required to be included in the procurement documents, pre-qualification and evaluation
  - Bid/proposal opening
  - Legislation on dispute settlement
  - Rules on internal financial control

## Agency Assessment

- Policies, procedures and guidelines covering:
  - The use of standard contract terms and examples
  - Procurement planning
  - Conflicts of interest
  - Authority levels to sign contracts financed by the Bank
  - The safekeeping of records and documents
  - Complaints handling and management
  - Fraud and corruption
  - Procurement approaches and methods that may be used and under which circumstances
  - Advertising rules and time limits
  - Preparation of bids/proposals including time frames

- The minimum content required to be included in the procurement documents, pre-qualification and evaluation
  - Bid/proposal opening
  - Contract management and administration
  - Dispute resolution
- Copies of documentation:
  - Procurement plans completed in the last two years
  - Job descriptions for procurement staff members
  - Completed audits
  - Procurement strategy documents produced for major procurements
  - Standard procurement documents for the procurement of goods, works, general services and consulting services
  - Sampling of contracts from the last 2 years
  - Procurement reporting and metrics
- Evidence of procurement training offered to procurement staff

## Annex D. Evidence Based Data Analysis

Evidence Base	Indicator
Average number of days to pay an once received	4(b)
Percentage of invoices in dispute by number, compared with total invoices paid	4(b)
Percentage of invoices in dispute by value, compared with total invoices paid	4(b)
Percentage of invoices outstanding 90 days or more in dispute over total invoices outstanding 90 days	4(b)
Percentage of requests for bids/proposals that are loaded into the system	6(a)
Percentage of contract award notices that are loaded into the system	6(a)
Budget spent on procurement training per procurement staff	6(c)
Number of training days per staff	6(c)
Percentage of procurements found with incomplete records being retained (identify a random sample of at least 10 procurement processes and check records)	7(b)
Percentage of complaints out of the procurements undertaken	10(a)
Percentage of complaints that were upheld or rejected	10(a)
Percentage of complaints resulting in modification of procurement documents or evaluation decision	10(a)
Percentage F&C cases detected (detected refers to those cases identified before and after award): Number of fraud and corruption cases detected as a percentage of total number of procurements	12(d)
Percentage of the value of F&C cases detected: Value of fraud and corruption cases detected as a percentage of total procurements value	12(d)
Percentage F&C cases prevented refers to those cases identified before award: Number of fraud and corruption cases prevented as a percentage of total number of procurements	12(d)
Value of fraud and corruption cases prevented as a percentage of total procurements value	12(d)
Percentage of single sourced contracts / without competition (number) excluding low value items under the value stated in the policy by total number of all procurements	13(b)
Percentage of single sourced contracts / without competition(value) (excluding shopping items under the value stated in the policy by total value) of all procurements	13(b)
Percentage of procurement opportunities published if applicable by number	13(c)
Percentage of procurement opportunities published if applicable by value	13(c)
Percentage of contracts awarded through a competitive process publicly advertised by number (Use the number of procurement advertised online as the population. If there is no system, determine a sample from the procurements advertised online)	13(c)
Percentage of contracts awarded through a competitive process publicly advertised for the required days as per the policy by number	13(c)
Percentage of contracts awarded through a competitive process publicly advertised for the required days as per the policy by value	13(c)
Average number of responses per procurement	13(c)
Average number of days to respond to written requests for clarification	13(d)
Degree of competition: Percentage number of bids issued for international competition	13(e)
Degree of competition: Percentage number of bids issued for national competition	13(e)
Percentage of procurement processes that are successfully awarded over total number of bids conducted: Control by: When applicable, procurement methods, contract value, using country specific thresholds and/or implementing agency level, clearance requirements	13(e)
Percentage of procurement processes that failed over total number of procurement procedures conducted: Control by: When applicable, procurement methods, contract value,	13(e)

using country specific thresholds and/or implementing agency level, clearance requirements	
Average number of days between bid/proposal opening and approval of contract (contract signing date)	13(i)
Average number of days between bid/proposal opening and completion of evaluation	13(i)
Average number of days taken between submission of bid/proposal evaluation report and approval of contract (contract signing date)	13(i)
Percentage of contracts not delivered in the original schedule (schedule overruns)	13(j)
Percentage of approved contracts by number with prices above original budget estimate	13(j)
Percentage of approved contracts by number with prices above original contract price	13(j)
Percentage of approved contracts by value with prices above original budget estimate	13(j)
Percentage of approved contracts by value with prices above original contract price	13(j)
Average delay in number of days, as percentage of original schedule	13(j)
Number of contracts in dispute out of total numbers of contracts as a percentage	14(b)
Percentage of dispute resolution cases that go to arbitration out of the total dispute resolution cases	14(b)
Percentage of arbitration cases fully enforced out of the cases with arbitration process	14(b)
Percentage of disputes resulting in sanctions/penalties to the contractor out of the number of the cases with arbitration process	14(b)

## Annex E. Minimum Data Requirements

Invoices	<ul style="list-style-type: none"><li>• Issue date of Invoice</li><li>• Date of payment</li><li>• Value of Invoice</li></ul>
Procurement Process	<ul style="list-style-type: none"><li>• Date of bid/proposal opening</li><li>• Type of procurement</li><li>• Selection method (International/National)</li><li>• Date of publication or delivery of invitations for:<ul style="list-style-type: none"><li>• Prequalification, if applicable</li><li>• Expression of interest</li><li>• Bids/proposal</li></ul></li><li>• Number of bids/proposal received</li><li>• Date of notification of contract award</li><li>• Official estimated cost</li><li>• Fraud and corruption cases detected</li></ul>
Complaints	<ul style="list-style-type: none"><li>• Date of complaint filing, if any</li><li>• Date of response to complaints, if any</li><li>• Type of complaint (bidding documents, prebid conference, award)</li></ul>
Contract Management	<ul style="list-style-type: none"><li>• Date of contract signature</li><li>• Contract identification code or number</li><li>• Contract award price</li><li>• Final contract price</li><li>• Price amendments, if any</li><li>• Original contract completion date</li><li>• Actual contract completion date</li><li>• Contract extensions, if any</li><li>• Contract Termination</li><li>• Fraud and corruption cases detected</li></ul>
Staffing and training	<ul style="list-style-type: none"><li>• Number of procurement training days</li><li>• Number of staff attending trainings</li><li>• Number of procurement staff</li></ul>





# Annex F. APA Assessment Template

## Agency Details

Agency Name	
Agency Address	
City	
Country	
Region	

## Assessment Team

TTL	
World Bank Team	
Agency Team	

## Assessment Details

Date	
Assessment Type	
GPA Country	
UNCITRAL Model Law	

## International Indicators

Doing better Business Survey	
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Doing better Business Survey Key Findings	
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Anti Corruption Index Rank	
Anti Corruption Index Score	

Benchmarking Public Procurement	
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Benchmarking Public Procurement Key Findings	
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## Alternative Procurement Arrangements – Agency Assessment Methodology

### National Assessment

#### Indicator 1(a) Scope of application and coverage of the regulatory framework [More Info](#)

Ref	Indicator	Baseline	More Info	Findings	More Info	Evidence	More Info	Findings from Evidence Base Data Analysis	Met Indicator
N1	All laws and regulations must be published and easily available *	Evidence on the web or freely available upon request							
N2	The regulatory framework covers all types of procurement (Goods, Works, Consulting Services and Non-Consulting Services) *	Each type of procurement is clearly defined in the regulatory framework							

#### Indicator 1(b) Rule on Participation [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N3	The regulatory framework details the procurement methods that should be used and under what circumstances *	The regulatory framework fully details all procurement methods and clearly defines when each should be used				
N4	The regulatory framework details the eligibility requirements of providers *	The conditions for eligibility are clearly defined in the regulatory framework				
N5	Potential providers are ineligible as a result of conviction of specified criminal or corrupt activities	Providers are excluded who have been the subject of a conviction by final judgment for one of the following reasons: i. Participation in a criminal organization ii. Corruption as defined in the national law of the contracting authority or the economic operator iii. Fraud iv. Terrorist offences or offences linked to terrorist activities or inciting or aiding or abetting or attempting to commit an offence v. Money laundering or terrorist financing vi. Child labor and other forms of trafficking in human beings				
N6	If SOE's (State Owned Enterprises) are allowed to bid for Government contracts they do not receive any preferential treatment	evidenced in any of the regulatory framework and review evaluation documents				

#### Indicator 3(a) Sustainable procurement policies and procedures (Desirable) [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N7	There is a policy that covers sustainable procurement (Desirable)	Review of the Policy				
N8	The policy covers the three (3) aspects of sustainable procurement, economic, environmental and social considerations (Desirable)	Review of the Policy - Policy includes economic, environmental and social considerations for procurement				

#### Indicator 4(b) Budget law and financial procedures support timely procurement, contract execution, and payment [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N9	There are national business standards for processing of invoices by government agencies	National business standards are publically available and clear to potential bidders				

#### Indicator 5(a) The regulatory body should provide for separation and clarity so as to avoid conflict of interest and direct involvement in the execution of procurement transactions [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N10	The regulatory framework covers conflicts of interest * (Desirable)	Conflicts of Interest are covered in the regulatory framework				
N11	The normative/regulatory body is not responsible for direct procurement operations (Desirable)	Direct procurement operations are not the responsibility of the normative/regulatory body				

#### 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 [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N12	There is an information system that provides timely and up-to-date procurement information (Desirable)	Information system 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 including the general public at no cost				

## Alternative Procurement Arrangements – Agency Assessment Methodology

### Indicator 7(b) Are there established norms for the safekeeping of records and documents related to procurement transactions and contract management [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N13	There is a document retention policy that is compatible with the statute of limitations in the country for investigating and prosecuting cases of fraud and corruption * (Desirable)	Review of the retention policy against the statute of limitations in the country				

### Indicator 8(a) 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 (Desirable) [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N14	There are no constraints that inhibit private sector access to public procurement (Desirable)	Review of eligibility criteria				

### Indicator 8(b) There are effective mechanisms for partnerships between the public and private sector and CSO's (Desirable) [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N15	The government encourage open dialogue with the private sector and CSO's and it has established and formal mechanisms for open dialogue through associations or other means	Review of the open dialogue with the private sector				

### Indicator 9(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 [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N16	The Regulatory Framework details what should be included in the procurement record for auditing	Review of the Regulatory Framework - Procurement records should include as a minimum i. Public notices of procurement opportunities ii. Procurement documents and any amendments iii. Bid/proposal opening records iv. Copy of bid/proposals v. Bid/proposal evaluation reports vi. Signed contract documents and amendments vii. Any complaints and dispute resolutions viii. Contract Variations				

### Indicator 9(b) Enforcement and follow-up on findings and recommendations of the control framework provide an environment that fosters compliance [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N17	The procurement arrangements are open to internal or external audits (Desirable)	Review of policy and evidence of audit				

### Indicator 9(c) Auditors sufficiently informed about procurement requirements and control systems to conduct quality audits that contribute to compliance [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N18	Auditors are selected in a fair and transparent way and are independent	Review of auditor selection and their independence				
N19	Auditors receive formal training on procurement requirements, operations, laws and regulations and processes (Desirable)	Review of auditor selection and their qualifications				

### Indicator 10(a) Complaints are effectively managed [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N20	The regulatory framework provides participants the opportunity to present complaints *	Review of the regulatory framework				
N21	There is a defined timeframe for the submission and response to complaints (Desirable)	Review of the Policy - Minimum of 10 days to file the complaint				

### Indicator 10(b) 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 [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N22	There is an authority in charge of reviewing procurement complaints *	Identification of the authority and its independence				
N23	Providers, bidders or contractors can appeal a final decision *	Review of the Policy - Evidence of process				

### Indicator 10(c) The procurement arrangements ensure that the complaint review body has full authority and independence for resolution of complaints [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N24	The authority in charge of reviewing complaints has full authority and independence for the resolution of complaints *	Review of the authority and their function				

### Indicator 12(a) The regulatory framework for procurement, including procurement 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 [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N25	The regulatory framework covers fraud and corruption which includes definitions	Review of the regulatory framework				

### Indicator 12(b) The regulatory framework defines responsibilities, accountabilities, and penalties for individuals and legal entities found to have engaged in fraudulent or corrupt practices [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N26	There are sanctions in the regulatory framework for fraud and corruption	Review of the sanctions policy in the regulatory framework				
N27	The regulatory framework prohibits the intervention of active public officials and former public officials for a reasonable period of time after leaving office in procurement matters (Post-Employment Restrictions)	Review of the regulatory framework - The cool off period is clearly defined for public officials				

### Indicator 12(d) Measures exist to prevent and detect fraud and corruption in public procurement [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N28	There are measures to prevent and detect fraud and corruption (Desirable)	Review of Contracts				

### Indicator 12(e) There is a mechanism for reporting fraudulent and corrupt practices [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N29	There is a mechanism for reporting fraudulent and corrupt practices (Desirable)	Review of the policy and reporting mechanisms				

### Indicator 12(f) 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 of assets for those in decision making positions [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N30	There is a code of conduct or ethics for government officials which includes disclosures (Desirable)	Review of the code of conduct				

### Indicator 13(b) Procurement Approaches and Methods [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N31	There are different procurement approaches allowed in the regulatory framework and their conditions of use (such as open or limited competition, direct procurement, national or international) are clearly stated *	Review of approaches defined in the regulatory framework and their conditions of use				
N32	Competitive procurement is the preferred approach *	Review of the regulatory framework and sample review of procurement files				

### Indicator 13(c) Advertising rules and time limits [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N33	There are publication requirements for each type of procurement approach and method included in the regulatory framework*	Review of the regulatory framework - The publication requirements for each procurement method are defined and reasonable				
N34	There are minimum timeframes for submission of bids/proposals for each procurement method *	Review of the regulatory framework - The minimum timeframes are clearly defined and are reasonable				

### Indicator 13(d) Tender documentation and technical specifications [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N35	The regulatory framework defines the minimum content required to be included in the procurement documents * (Desirable)	Review of the regulatory framework – Minimum content must include: i. Specification ii Contract Terms iii Payment Schedule iv Instructions to Bidder				

### Indicator 13(g) Procedures for pre-qualification [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N36	The regulatory framework allows for qualification when required * (Desirable)	Review of the regulatory framework - Qualification is allowed when appropriate				

### Indicator 13(h) Submission, receipt and opening of bids/proposals [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N37	The regulatory framework covers bid/proposal opening	Review of the regulatory framework - Must be at a set time and publicly recorded				

### Indicator 13(i) Bid/proposal evaluation and award criteria [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N38	The regulatory framework defines clearly what criteria can be used as part of the evaluation*	Review of the regulatory framework - Evaluation criteria is clearly defined				

### Indicator 14(b) Procedures exist to enforce the outcomes of the dispute resolution process [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
N39	Disputes can be looked at and enforced and are covered by national arbitration legislation and international instruments	Disputes are covered by national arbitration legislation and international instruments such as the United Nations Convention on Recognition and Enforcement of Foreign Arbitral Awards				

## Alternative Procurement Arrangements – Agency Assessment Methodology

### Agency Assessment

#### Indicator 1(b) Rule on Participation [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A1	The agency doesn't limit competition more than permitted by the regulatory framework	Review of agency practice to check it meets the regulatory framework			N/A	

#### Indicator 2(a) Implementing regulation and or policy that provide defined processes and procedures not included in higher-level legislation [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A2	Procurement regulations and or policies can be found in one single place *	Evidenced on the Internet			N/A	

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

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A3	The agency uses either national CC's, their own CC's or standard industry CC's such as FIDIC	Sample review of contracts			N/A	

#### Indicator 3(a) Sustainable procurement policies and procedures (Desirable) [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A4	There is a policy or procedure that covers sustainable procurement (Desirable)	Review of the Policy			N/A	
A5	The policy covers the three (3) aspects of sustainable procurement, economic, environmental and social considerations (Desirable)	Review of the Policy - Policy includes economic, environmental and social considerations for procurement			N/A	

#### Indicator 4(a) Procurement planning and associated expenditures are part of the budget formulation process and contribute to multiyear planning [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A6	Policies and procedures exist at the agency level for procurement planning and plans are produced (Desirable)	Policies and procedures exist and procurement plans are produced. Procurement plans include: i. Items to be procured ii. Type of contract to be used iii. Approach to market iv. Cost Estimate			N/A	

#### Indicator 4(b) Budget law and financial procedures support timely procurement, contract execution, and payment [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A7	Invoices are processed by the government agency as per the national business regulations in the country and meet obligations for timely payment as stated in the contract	Payment management system analyzed				

#### Indicator 5(a) The regulatory body should provide for separation and clarity so as to avoid conflict of interest and direct involvement in the execution of procurement transactions [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A8	The regulatory framework covers conflicts of interest *	Conflicts of Interest are covered in the regulatory framework				
A9	The agency follows the national policy, or has its own policy on conflicts of interests	Review of the Policy - Conflicts of interest as covered in the regulatory framework reviewed and should include as a minimum: i. Employees must not procure goods or services from a business in which the employee or their family has a financial interest, or may directly benefit from such procurement. Such situations should be disclosed and should not be involved in the procurement process.			N/A	
A10	A conflict of interest declaration is completed and recorded before each procurement	Sample review of procurement files			N/A	

## Alternative Procurement Arrangements – Agency Assessment Methodology

**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 [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A11	If not at a national level, there is an information system at the agency that provides timely and up-to-date procurement information	Information system 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 including the general public at no cost				

**Indicator 6(b)** There are systems and procedures for collecting and monitoring procurement statistics [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A12	There is evidence that statistics are collected and monitored at the agency	Review of the procedure and statistics produced			N/A	

**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 [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A13	The agency offers procurement related training to their procurement professionals	Review of training offered by the agency				

**Indicator 6(d)** There is a clear management structure with policies on delegation [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A14	It is clearly defined who has authority to sign contracts	Review of the Policy - Authority levels clearly defined			N/A	
A15	At what level is the procurement function and at what level is the CPO within the agency (Desirable)	Review of the agency structure – The CPO should be at Director level and preferable on the senior management team			N/A	

**Indicator 7(a)** The level of procurement competence among government officials within the entity is consistent with their procurement responsibilities [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A16	There are job descriptions for procurement staff	Review of job descriptions for procurement which should include as a minimum: i. Qualification requirement ii. Minimum experience iii. Functions to be Performed			N/A	

**Indicator 7(b)** Are there established norms for the safekeeping of records and documents related to procurement transactions and contract management [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A17	There is a document retention policy that is compatible with the statute of limitations in the country for investigating and prosecuting cases of fraud and corruption *	Review of the retention policy against the statute of limitations in the country				
A18	The agency has a policy that covers the safekeeping of records and documents in line with the country's regulatory framework	The list of procurement records should include as a minimum i. Public notices of procurement opportunities ii. Procurement documents and any amendments iii. Bid/proposal opening records iv. Copy of bid/proposals v. Bid/proposal evaluation reports vi. Signed contract documents and amendments vii. Complaints and dispute resolutions viii. Contract Variations			N/A	
A19	The rules on record keeping are fully adhered to by the agency	Random sampling of procurement records to check that they adhere to the policy				

**Indicator 8(b)** There are effective mechanisms for partnerships between the public and private sector and CSO's (Desirable) [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A20	The agency has open dialogue with the private sector and CSO's and has established mechanisms (Desirable)	Review of the open dialogue with the private sector			N/A	

## Alternative Procurement Arrangements – Agency Assessment Methodology

### Indicator 9(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 [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A21	The agency follows the regulatory framework on what should be included in the procurement record for auditing	Review of the Policy and random sample of records - Procurement records should include as a minimum i. Public notices of procurement opportunities ii. Procurement documents and any amendments iii. Bid/proposal opening records iv. Copy of bid/proposals v. Bid/proposal evaluation reports vi. Signed contract documents and amendments vii. Complaints and dispute resolutions viii. Contract Variations			N/A	

### Indicator 9(b) Enforcement and follow-up on findings and recommendations of the control framework provide an environment that fosters compliance [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A22	Procurement arrangements are open to internal or external audits	Review of policy and evidence of audit				
A23	The agency support and act on the findings of audit reports within a timely manner	Evidence of audit reports and follow up actions			N/A	

### Indicator 10(a) Complaints are effectively managed [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A24	If not at the national level, there is a policy that provides participants the opportunity to present complaints *	Review of the policy				
A25	There is a policy for complaints handling and management at the agency level which the agency follows	Review of policy framework, policy should include: i. Roles and Responsibilities ii. Timeframes iii. Appeals Mechanisms			N/A	
A26	If not at the national level, there are defined timeframes for the submission and response to complaints	Review of the Policy			N/A	
A27	The agency tracks appeals and results	Review of the tracking system			N/A	

### Indicator 11(a) Information is published and distributed through available media with support from information technology [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A28	Procurement opportunities, request for bid/proposals and contract awards are published in accordance with the regulations and can be found online	Review of published information			N/A	
A29	The agency has an e-GP system (Desirable)	Review of the system			N/A	

### Indicator 12(a) The regulatory framework for procurement, including procurement 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 [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A30	There are fraud and corruption provisions in standard procurement documents	Sample review of standard procurement documents			N/A	
A31	There is a policy that states that employees are prohibited from accepting items of value for example gifts, entertainment, meals or travel from potential or current suppliers cover the acceptance of items of value	Review of the Policy			N/A	

### Indicator 12(b) The regulatory framework defines responsibilities, accountabilities, and penalties for individuals and legal entities found to have engaged in fraudulent or corrupt practices [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A32	There are sanctions for fraud and corruption at the agency level	Review of sanctions policy			N/A	

### Indicator 12(c) Evidence of enforcement of rulings and penalties exists [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A33	There is evidence of fraud and corruption enforcement when fraud and corruption has taken place	Review of fraud and corruption cases and the outcome to check if enforced			N/A	



## Alternative Procurement Arrangements – Agency Assessment Methodology

### Indicator 12(d) Measures exist to prevent and detect fraud and corruption in public procurement

[More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A34	There are measures to prevent and detect fraud and corruption	Review of Contracts				

### Indicator 12(e) There is a mechanism for reporting fraudulent and corrupt practices

[More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A35	There is a mechanism for reporting fraudulent and corrupt practices to the agency	Review of the Policy and reporting mechanisms			N/A	

### Indicator 12(f) 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

[More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A36	The agency follows the national code of conduct or ethics for government officials if present, if not they have their own policy	Review of contracts of employment and agency policies or employee handbook			N/A	

### Indicator 13(a) Market research and procurement strategy

[More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A37	Procurement strategy documents are produced for major procurements (Desirable)	Review of strategy documents that should include as a minimum: i. Detailed Market Analysis ii. Benchmarking Process iii. Approach to Market iv. Potential Risks and Issues			N/A	

### Indicator 13(b) Procurement Approaches and Methods

[More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A38	There 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	Review of approaches defined in the regulatory framework and there conditions of use				
A39	There are different thresholds for each procurement approach and method	Review of the Policy			N/A	

### Indicator 13(c) Advertising rules and time limits

[More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A40	The publication and advertisement of procurement plans, requests for bid/proposals and contract awards decisions are clearly defined in the policy	Review of the policy and published information			N/A	
A41	There is an online system for procurement adverts to be published	Review of the online platform			N/A	
A42	Procurement opportunities, request for bid/proposals, contract awards, contract decisions and implementation data are advertised and published in accordance with the regulatory framework	Review of the Policy and review of what has been published to check it complies with the policy				

### Indicator 13(d) Tender documentation and technical specifications

[More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A43	If not at the national level there is a policy that defines the minimum content required to be included in the procurement documents *	Review of the regulatory framework - Minimum content must include: i Specification ii Contract Terms iii Payment Schedule iv Instructions to Bidder				
A44	There is an agency policy on the time allowed for the preparation of bids/proposals	Specified number of days linked to complexity of the procurement			N/A	
A45	Providers are afforded sufficient time to revise their bids/proposals following amendments to the procurement documents	Specified number of days linked to complexity of the procurement			N/A	
A46	Requests for clarifications are answered promptly and completely in a written form as detailed in the procurement document	Review of procurement documents and clarifications				
A47	Procurement documents contain the information needed for providers to respond as defined in the policy	Review of policy and procurement documents and should include as a minimum i Specification ii Contract Terms iii Payment Schedule iv Instructions to Bidder			N/A	

## Alternative Procurement Arrangements – Agency Assessment Methodology

### Indicator 13(e) Procurement Process [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A48	Procurement opportunities are open to competition	Sample review of procurement awards				
A49	Procurement processes are successfully awarded	Review of procurement files - At least 80% of procurements end in an award				

### Indicator 13(f) Model procurement documents for goods, works, and general services [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A50	Standard procurement documents exist for the procurement of goods, works, general services and consulting services	Review of the procurement documents detail evaluation and award criteria, sample of contract evaluations to verify consistency			N/A	
A51	Procurement documents contain the appropriate information	Review of procurement documents which should include details on: i. Evaluation and Award Criteria ii. Eligibility Requirement iii. F & C Provisions iv. Payment Terms v. Complaints Mechanism vi. Terms & Conditions vii. Qualification / Initial Selection Criteria viii. Procedural Content a) Timelines b) None Collusive Tendering c) Transparent Opening Details ix. Requirements x. Performance Security			N/A	

### Indicator 13(g) Procedures for pre-qualification [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A52	The regulatory framework allows for pre and post qualification when required	Review of the regulatory framework - Pre and post qualification is allowed when appropriate			N/A	
A53	Non-domestic providers are allowed to apply without any prejudice or impediment	Review of the policy			N/A	
A54	The pre-qualification or post qualification process is fair and transparent	As a minimum: i. Bidders are informed of the minimum standards ii. Bidders are provided with feedback			N/A	

### Indicator 13(h) Submission, receipt and opening of bids/proposals [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A55	The agency follows the regulatory framework or they have a policy that covers bid/proposal opening	Review of the Policy - Must be at a set time and publicly recorded			N/A	

### Indicator 13(i) Bid/proposal evaluation and award criteria [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A56	The bid/proposal evaluation criteria is transparent, objective, pre-disclosed to all providers and applied in practice as stipulated in the procurement documents	Review of tender documentation and evaluation reports				
A57	The award decision is made solely on the basis of the award criteria stated in the procurement documents	Review of evaluation report and procurement documents				
A58	The evaluation is properly documented	Review of the evaluation report and procurement files				
A59	There is a procedure that covers bid/proposal evaluation	Review of the Policy - Clearly defines the process for bid/proposal evaluation				
A60	The successful and unsuccessful bidders are informed about the award decision as required by the regulatory framework	Review of procurement files and communications to bidders			N/A	
A61	Unsuccessful bidders/respondents are entitled to a debrief	Review of the Policy on debriefs			N/A	
A62	Contract award notices are published	Review of contracts and published notices			N/A	

## Alternative Procurement Arrangements – Agency Assessment Methodology

**Indicator 13(j) 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**

[More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A63	Procedures are clearly defined for undertaking contract administration responsibilities in line with the regulatory framework	Review of the Policy - Policy should include the setting and recording of KPI's, roles and responsibilities and risk management			N/A	
A64	There are inspection and acceptance procedures, quality control procedures, and methods to review and issue contract amendments	Review of the Policy				

**Indicator 14(a) Contracts include dispute resolution procedures that provide for an efficient and fair process to resolve disputes arising during the performance of the contract** [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A65	Dispute resolution procedures are clearly defined in agency contracts	Sample review of contracts - Contracts include dispute resolution procedures that cover: i. Negotiation ii. Arbitration			N/A	

**Indicator 14(b) Procedures exist to enforce the outcomes of the dispute resolution process** [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A66	There is a policy for the resolution of disputes at the agency level	Review of the policy - Should include as a minimum: i. Roles and Responsibilities ii. Business Standards iii. Appeals Mechanisms				
A67	Disputes are handled in accordance with the contract conditions	Review of disputes against the dispute resolution conditions in the contracts				

**Indicator 15(a) Spend Data, Metrics and Reporting (Desirable)** [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A68	The agency produces metrics on procurement performance (Desirable)	Evidence of the metrics produced but should include: i. Procurement completed on time and on budget ii. Amount Saved iii. Risks Mitigated			N/A	
A69	The agency produces regular reporting on procurement performance that is reviewed by senior management (Desirable)	Review of Reporting - Evidence must be provided			N/A	
A70	The agency conducts detailed spend analysis (Desirable)	Review of Spend Analysis - Spend analysis should include: i. Key spend areas ii. Top 20 contracts iii. Top 20 providers			N/A	

**Indicator 16(a) Procurement Risk Management (Desirable)** [More Info](#)

Ref	Indicator	Baseline	Findings	Evidence	Findings from Evidence Base Data Analysis	Met Indicator
A71	There is a policy at the agency that covers procurement risk management procedures (Desirable)	Review of the Policy - 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)			N/A	



## Annex G. Supporting Documentation Template

Document Description	Document Reference Number
Procurement Policy	DOC1
Standard Bidding Document	DOC2
Civil Service Rules and Regulations	DOC3
Finance and Accounting Manual	DOC4
Audit Act	DOC5
Internal Audit Manual	DOC6
Internal Audit Charter Code of Ethics and Standards	DOC7
	DOC8
	DOC9
	DOC10
	DOC11
	DOC12
	DOC13
	DOC14
	DOC15
	DOC16
	DOC17
	DOC18



# Annex H. Questionnaire

## Part 1: Profile of interviewee

Question	Answers
What is your position in the company?	<ul style="list-style-type: none"> <li>▪ Partner/owner</li> <li>▪ Director</li> <li>▪ Manager</li> <li>▪ Specialist, analyst, assistant</li> <li>▪ Other. What?</li> </ul>
Where is the company located?	
Size of the company?	<ul style="list-style-type: none"> <li>▪ Micro or small</li> <li>▪ Medium</li> <li>▪ Large</li> </ul>
Main business area?	<ul style="list-style-type: none"> <li>▪ Agriculture</li> <li>▪ Extractive</li> <li>▪ Manufacturing</li> <li>▪ Construction</li> <li>▪ Transport</li> <li>▪ Consulting</li> <li>▪ Other. What?</li> </ul>
Where are your clients?	<ul style="list-style-type: none"> <li>▪ Local markets</li> <li>▪ Metropolitan regions</li> <li>▪ State/Province/Regional level</li> <li>▪ National</li> <li>▪ International</li> </ul>
What is the participation of public sector contracts in your company's revenues?	<ul style="list-style-type: none"> <li>▪ Small</li> <li>▪ Medium</li> <li>▪ Large</li> <li>▪ None</li> </ul>
Does your company have a dedicated team in charge of preparing bids for government contracts?	<ul style="list-style-type: none"> <li>▪ Yes</li> <li>▪ No</li> </ul>
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"> <li>▪ Yes</li> <li>▪ No</li> </ul>
How often does your company bid for a government contract in a year?	<ul style="list-style-type: none"> <li>▪ 1-5 times</li> <li>▪ 6-10</li> <li>▪ 11-20 times</li> <li>▪ More than 21 times</li> <li>▪ Never bid for government contracts</li> </ul>

#	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"> <li>▪ Always</li> <li>▪ Frequently</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	1b
2.	Do you feel that General Conditions of Contract's are generally fair and balanced?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Frequently</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	2b
3.	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"> <li>▪ 0-30 Days</li> <li>▪ 31-60 Days</li> <li>▪ 61-90 Days</li> <li>▪ 91-120 Days</li> <li>▪ Over 121 Days</li> </ul>	4a
4.	Does the agency regularly annul a procurement for no apparent reason?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Frequently</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	4a
5.	How long after an invoice has been submitted is payment usually received by your company?	<ul style="list-style-type: none"> <li>▪ 0-30 Days</li> <li>▪ 31-60 Days</li> <li>▪ 61-90 Days</li> <li>▪ 91-120 Days</li> <li>▪ Over 121 Days</li> </ul>	4b
6.	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"> <li>▪ Always</li> <li>▪ Many times</li> <li>▪ Few times</li> <li>▪ Never</li> </ul>	4b
7.	Does the time taken by the agency to pay an invoice affect the cash flow of your company?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Many times</li> <li>▪ Few times</li> <li>▪ Never</li> </ul>	4b
8.	What is your overall view on payment reputation for the agency?	<ul style="list-style-type: none"> <li>▪ Adequate</li> <li>▪ Mostly adequate</li> <li>▪ Rarely adequate</li> <li>▪ Never adequate</li> </ul>	4b
9.	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"> <li>▪ Adequate</li> <li>▪ Mostly adequate</li> <li>▪ Rarely adequate</li> <li>▪ Never adequate</li> </ul>	5a
10.	Have you or 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"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	8b
11.	Is the complaint handling process available upon request?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	10a



12.	Do you feel that complaints are handled appropriately and taken seriously?	<ul style="list-style-type: none"> <li>▪ Very seriously</li> <li>▪ Seriously</li> <li>▪ Somewhat seriously</li> <li>▪ Not seriously</li> </ul>	10a
13.	On average, how long does it take to issue a decision about an appeal your company has made?	<ul style="list-style-type: none"> <li>▪ Promptly</li> <li>▪ A reasonable amount of time</li> <li>▪ Long</li> <li>▪ Very long</li> <li>▪ Never appealed a decision</li> </ul>	10c
14.	Do you feel that all tender opportunities are publically advertised?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	11a
15.	Are procurement opportunities and contract awards published and made available to the public in a timely manner?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	11a
16.	Do you feel providers have equal access to information and are treated fairly?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	11a
17.	Do you have to register to receive procurement /tender documents?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	11a
18.	Has anyone suggested to your company to make payments in exchange for advantages in government or agency procurement processes?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Frequently</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	12a
19.	Do you feel that the agencies anticorruption measures are efficient and effective?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	12a
20.	Is there evidence of fraud and corruption enforcement?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	12c
21.	When was the last case of fraud and corruption enforcement?	<ul style="list-style-type: none"> <li>▪ 0-30 Days</li> <li>▪ 31-60 Days</li> <li>▪ 61-90 Days</li> <li>▪ 91-120 Days</li> <li>▪ Over 121 Days</li> </ul>	12c
22.	Do you feel that there is a secure mechanism for reporting fraudulent, corrupt, or unethical behavior?	<ul style="list-style-type: none"> <li>▪ Very secure</li> <li>▪ Mostly secure</li> <li>▪ Somewhat secure</li> <li>▪ Not secure</li> </ul>	12e

23.	How often does the agency procure without competition?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	13b
24.	How many competitors does your company have on a typical procurement process for a government or agency contract?	<ul style="list-style-type: none"> <li>▪ 1 or 2</li> <li>▪ 3-5</li> <li>▪ 6-10</li> <li>▪ More than 10</li> </ul>	13c
25.	Does the agency publish advanced notices of procurement opportunities?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	13c
26.	To the best of your knowledge does the agency publish all procurement opportunities except direct procurement?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	13c
27.	How easy it is for your company to find out about procurement opportunities for government and agency contracts?	<ul style="list-style-type: none"> <li>▪ Very easy</li> <li>▪ Easy</li> <li>▪ Somewhat difficult</li> <li>▪ Very difficult</li> </ul>	13c
28.	Are all contracts to be awarded by competitive procurement publicly advertised?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	13c
29.	How often does your company rely on information systems operated by the government to find out about procurement opportunities in your area?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Frequently</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	13c
30.	How long are you given to prepare bids/proposals from the issuance of the procurement documents to the deadline for submission of bids/proposals?	<ul style="list-style-type: none"> <li>▪ 0-15 Days</li> <li>▪ 16-30 Days</li> <li>▪ 31-60 Days</li> <li>▪ 61-90 Days</li> <li>▪ Over 91 Days</li> </ul>	13d
31.	Is the time allowed in the procurement documents adequate for your company to prepare a competitive and responsive bid/proposal?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Many times</li> <li>▪ Few occasions</li> <li>▪ Never</li> </ul>	13d
32.	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"> <li>▪ Always</li> <li>▪ Many times</li> <li>▪ Few times</li> <li>▪ Never</li> </ul>	13d
33.	On average, how many days does it typically take to prepare a bid/proposal for a procurement opportunity?	<ul style="list-style-type: none"> <li>▪ 0-15 Days</li> <li>▪ 16-30 Days</li> <li>▪ 31-60 Days</li> <li>▪ 61-90 Days</li> <li>▪ Over 91 Days</li> </ul>	13d
34.	How long are you given to revise bids/proposals following an amendment to the procurement documents?	<ul style="list-style-type: none"> <li>▪ 0-5 Days</li> <li>▪ 6-10 Days</li> <li>▪ 11-15 Days</li> <li>▪ 16-20 Days</li> <li>▪ 21-25 Days</li> </ul>	13d

35.	How long does it take to for the agency to respond to requests for clarifications?	<ul style="list-style-type: none"> <li>▪ 0-5 Days</li> <li>▪ 6-10 Days</li> <li>▪ 11-15 Days</li> <li>▪ 16-20 Days</li> <li>▪ 21-25 Days</li> </ul>	13d
36.	Are clarifications, minutes of the pre-bid conference, if any, and amendments of the procurement documents communicated to providers that obtained the procurement documents from the buyer?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	13d
37.	Does the agency use standard procurement documents and General Conditions of Contract for the procurement of goods, works, general services and consulting services?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	13f
38.	How often has your company decided not to submit a bid/proposal for an agency/government contract because procurement documents were unclear?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Many times</li> <li>▪ Few times</li> <li>▪ Never</li> </ul>	13f
39.	How often was your company compelled to increase prices on a bid/proposal for an agency/government contract because procurement documents placed too much risk on you as an eventual contractor?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Many times</li> <li>▪ Few times</li> <li>▪ Never</li> </ul>	13f
40.	Do you feel that when pre-qualification of providers is used, its use is appropriate, fair and transparent?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	13g
41.	Do you feel that all providers are treated equally?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	13g
42.	Are the bid/proposal evaluation criteria transparent, objective and pre-disclosed to you?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	13i
43.	How often has your company seen procurement documents for agency/government contracts with subjective or unclear evaluation criteria?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Many times</li> <li>▪ Few times</li> <li>▪ Never</li> </ul>	13i
44.	How often has your company had a bid/proposal rejected for a agency/government contract in the past 12 months?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Many times</li> <li>▪ Few times</li> <li>▪ Never</li> </ul>	13i
45.	How often has 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"> <li>▪ Always</li> <li>▪ Many times</li> <li>▪ Few times</li> <li>▪ Never</li> </ul>	13i
46.	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"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	13i

47.	On average, how many days does a typical procurement process 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"> <li>▪ 0-30 Days</li> <li>▪ 31-60 Days</li> <li>▪ 61-90 Days</li> <li>▪ 91-120 Days</li> <li>▪ Over 121 Days</li> </ul>	13i
48.	Are you informed about the award decision?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	13i
49.	Are you offered debriefs or can you request a debrief (verbal or written) when you have been unsuccessful in a procurement process?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	13i
50.	Do you feel that the agency has clearly defined procedures for undertaking contract administration responsibilities?	<ul style="list-style-type: none"> <li>▪ Yes</li> <li>▪ Somewhat defined</li> <li>▪ No</li> </ul>	13j
51.	Do you feel that the agency undertakes effective contract administration?	<ul style="list-style-type: none"> <li>▪ Very effective</li> <li>▪ Effective</li> <li>▪ Somewhat effective</li> <li>▪ Not effective</li> </ul>	13j
52.	Do you feel that contract amendments are issued in a timely manner?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Many times</li> <li>▪ Few times</li> <li>▪ Never</li> </ul>	13j
53.	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"> <li>▪ Promptly</li> <li>▪ A reasonable amount of time</li> <li>▪ Long</li> <li>▪ Very long</li> <li>▪ Never had to modify a contract</li> </ul>	13j
54.	How often has your company had to adjust the original delivery schedule for a contract with the agency?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Many times</li> <li>▪ Few times</li> <li>▪ Never</li> </ul>	13j
55.	Do you feel that the contract dispute resolution procedures for the agency are effective?	<ul style="list-style-type: none"> <li>▪ Very effective</li> <li>▪ Effective</li> <li>▪ Somewhat effective</li> <li>▪ Not effective</li> </ul>	14a
56.	Do you utilize the dispute resolution mechanism included in the contract when appropriate?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	14a
57.	Do you feel that decisions (in litigation), award (in arbitration) or recommendations (in conciliation proceedings) are fair?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	14a
58.	Do you feel that the agency normally makes a good faith attempt to resolve disagreements through informal negotiations?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	14b

59.	Are disputes handled in accordance with the contract conditions?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	14b
60.	How often has your company had disputes with the agency during contract execution?	<ul style="list-style-type: none"> <li>▪ Always</li> <li>▪ Some times</li> <li>▪ Rarely</li> <li>▪ Never</li> </ul>	14b
61.	If your company had a dispute with the agency during contract execution, was the resolution process fair?	<ul style="list-style-type: none"> <li>▪ Very fair</li> <li>▪ Mostly fair</li> <li>▪ Somewhat fair</li> <li>▪ Not fair</li> </ul>	14b



# Annex I. Parties to the GPA: Full, Acceding and observing WTO Members

Full members of the GPA are<sup>7</sup>:

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

WTO Members with observer status in the GPA Committee are:

- Argentina

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<sup>7</sup> GPA information correct as at March 2016 – Latest information can be found at [https://www.wto.org/english/tratop\\_e/gproc\\_e/memobs\\_e.htm](https://www.wto.org/english/tratop_e/gproc_e/memobs_e.htm)

- Bahrain
- Cameroon
- Chile
- Columbia
- Costa Rica
- India
- Indonesia
- Malaysia
- Mongolia
- Panama
- Pakistan
- Russian Federation
- Saudi Arabia
- Seychelles
- Sri Lanka
- Thailand
- The former Yugoslav Republic of Macedonia
- Turkey
- Viet Nam



## Annex J. Example Assessment Report

TO BE INCLUDED ONCE THIMPHU THROMDE IN BHUTAN REPORT IS FINALISED