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Organisation for Economic Co-operation and Development

19-Dec-2007

English - Or. English

DEVELOPMENT CO-OPERATION DIRECTORATE  
Development Assistance Committee

Working Party on Aid Effectiveness

DRAFT SUMMARY OF THE SECOND MEETING OF THE JOINT VENTURE FOR PROCUREMENT

Held in Copenhagen on 19 - 21 September 2007

*This draft summary is presented FOR APPROVAL by the members and Co-Chairs of the Joint Venture for Procurement following the meeting held 19 - 21 September 2007.*

*This document is only available in PDF format.*

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## **SUMMARY OF THE SECOND MEETING OF THE JOINT VENTURE FOR PROCUREMENT**

### **Item 1-2: Opening of the meeting, adoption of the agenda & meeting logistics / administration**

1. Co-Chair Bernard Becq of the World Bank opened the meeting on behalf of the three Co-Chairs and presented the draft agenda for approval. The agenda was adopted.
2. Co-Chair Henry Malinga of South Africa introduced Ms Ulla Tornaes, the Danish Minister of Development Cooperation, to welcome participants. on behalf of the government The Minister confirmed Denmark is ready to use partner country procurement systems; **“...when their procurement systems are sufficiently efficient, robust and reliable.”**The government’s new strategy for support to good governance includes the fight against corruption as a top priority.
3. Mr. Jakob Simonsen, Director of the UNDP’s Nordic Office in Copenhagen, informed participants of the progress by the government and the UN in jointly consolidating UN facilities across Copenhagen into the common “UN City” premises. There are four UN organizations involved in procurement located in Copenhagen: UNDP, UNFPA, UNICEF and UNOPS. Building on this knowledge and expertise, the UNDP will open a new Procurement Capacity Development Center in Copenhagen in January, 2008.
4. To complete the formal welcomes, Mr. Soren Jacobsen, CEO of SKI A/S, a Danish procurement company owned by the Ministry of Finance and the National Association of Local Authorities. Mr. Jacobsen briefed participants about the company’s experience with framework agreements and later in the week hosted participants at a brief tour of the company’s innovative offices.

### **Item 3: “Since the Last JV in Manila” – the OECD-DAC Secretariat Update**

Micheal Lawrance, OECD-DAC Secretariat, briefed participants on the major outputs and decisions made on behalf of the JV by the Working Group of the JV since the last meeting. He noted:

- The foundation of JV work that originated with the previous World Bank / OECD-DAC Round Table
- The outputs of the meeting at Manila
- The development and approval of the version 4 Methodology for the Assessment of National Procurement Systems (the “Methodology”)
- The inability for partner countries to be able to produce data for Indicator 2b as part of the 2006 Baseline Monitoring Report exercise for the Paris Declaration
- The field testing of the Methodology as part of the JV Pilot Exercise
- The selection of the pilot countries and the regional meeting at Kampala
- The regional pilot country workshops
- The pilot exercise progress reports
- The regional meeting on procurement capacity development in Lima

- The final orientation workshop for new users of the Methodology in Paris and
- The second JV meeting in Copenhagen – a new start for the JV

#### **Item 4: Draft JV Communication Plan**

5. Micheal Lawrance then presented the proposed components of the JV's communication plan for discussion, and agreement. The proposal included:

- Communications objectives regarding the High level Forum in Accra in Sept 2008
- The international context with procurement as a key factor in meeting MDG goals
- Messages about the importance of reliable, transparent procurement
- Key target audiences for these messages
- The communications implementation “tool kit” and a proposed logo / slogan
- Hoped-for outcomes of effective communications

6. A couple of participants suggested the logo symbol of the primary school writing slate be changed to show “ $2 + 2 = 22$ ” as ways of drawing attention to the logo and suggesting extra value coming from reliable procurement. Several others argued to leave the logo as it is so as to not confuse users of the material, especially school children.

7. Participants were encouraged to identify and send to the DAC Secretariat stories from their countries of how reliable, transparent procurement has show value in support of aid effectiveness. These stories can then be used in future brochures and posters.

#### **Item 5: First Round Table Session**

8. Co-Chair Jocelyn Comtois of Canada reviewed the process regarding the Round Table sessions that was detailed in the document that participants received upon registration. He also pointed out the lists of names by which participants had indicated their preferences. The first set of session themes included:

- Capacity development
- Procurement and public financial management
- Transparency and fairness

#### **Item 6: Plenary Summaries from Round Tables**

9. The rapporteurs from the first three sessions presented summaries of the significant country experiences, useful lessons and any suggested good practices (the summaries and the notes produced by each Round Table session are attached in the Annex).

#### **Item 7: “Food-for-Thought”: Some Suggestions and Ideas to Consider During Agenda Item 15 on Friday, Sept. 21**

10. As a means of beginning to consider as a group what sorts of contributions could be planned for the HLF in Accra and what longer term JV work streams should be identified, Co-Chair Jocelyn requested

participants discuss in table sub-groups the possible JV work plan to Accra and beyond and to submit these suggestions by table.

11. The collated participant suggestions can be found in the Annex and on the JV website under the documents from the Second JV meeting.

#### **Item 8: World Bank Presentation on Country Systems**

12. Bernard Becq, Chief Procurement Policy Officer of the World Bank, presented the World Bank's consultation plan on the draft methodology for the use of country procurement systems: key elements of the draft World Bank methodology include:

- Phase I – process for identifying potential countries for the piloting of safeguards, financial management and procurement
- Phase II – assessment of the institutional and legal frameworks of the country procurement system using the OECD-DAC Methodology and the process of “equivalence” assessment with regard to World Bank policies.
- Phase III – sector/project selection, assessment of capacity and performance, including use of the dynamic risk assessment and management tool
- Bank role and responsibilities: the Procurement Sector Board will provide oversight, support for resolution of issues and reporting on results; the Operations Procurement Review Committee will review and vet the phases of the assessment process. The Bank will also undertake monitoring, supervision and post reviews.

13. The overview of the consultation strategy presented the objectives:

- Improve the quality of the new methodology for piloting the use of country procurement systems
- Tap the knowledge of a diverse range of stakeholders
- Listen to issues raised and address them to the maximum extent in the new methodology
- Focus on future actions.

14. Consultations will be either global, electronic consultations with the document posted on the Bank's website and comments collected from emails or multi-country meetings with private sector, government and other stakeholders. The consultation period is expected to run from September – November with the expected final presentation to the Board of the Bank for approval in December, 2007.

15. One participant remarked there seemed not to be a sufficient number of consultations planned for partner countries. Another remarked the proposed scoring requirements for the 30 / 54 critical sub-indicators appears to be very difficult for most partner countries in the JV to meet. The World Bank clarified that consultation will be carried in all regions and that there has been no pre-selection done of potential pilot countries. The Bank furthermore indicated that capacity development is seen as a key element of the Bank's methodology and that this work would need to be carried out as part of a multi-donor effort in order for it to be effective.

**Item 9: Second Round Table Session**

16. Co-Chair Henry reiterated the procedures for working and reporting back as sub-groups and introduced the themes for the second session:

- Performance and compliance measurement
- Improvements to the v.4 methodology
- Validating the process and the results.

**Item 10: Plenary Discussion: Second Round Table Sessions**

17. The rapporteurs from the second three sessions presented summaries of the significant country experiences, useful lessons and any suggested good practices (the summaries and the notes produced by each Round Table session are attached in the Annex).

**Item 11: OECD Working Group on Bribery**

18. Nicola Ehlerman Cache (Administrator, OECD Directorate of Financial and Enterprise Affairs, Anti-Corruption Division) presented to participants the OECD's anti-bribery instruments and described the general features of the OECD's 1997 Convention on Combating Bribery of Foreign officials in International Business Transactions. 37 countries have ratified this Convention, including non-members such as Brazil, Chile and South Africa; The OECD has developed with the aid of an expert group a typology on bribery in public procurement which is recommended for use in strengthening anti-corruption and procurement laws and in awareness-raising and training programs. Effective enforcement of a transparent regulatory framework is a key factor in combating bribery.

**Item 12: OECD Public Governance Committee: Integrity and Transparency**

19. Elodie Beth (Administrator, OECD Public Governance and Territorial Development Directorate, Innovation and Integrity Division) presented the methodology followed by the OECD in mapping good practices for integrity in public procurement, including in non-member countries such as Brazil, Chile and South Africa: The study has produced several policy recommendations:

- Elements of transparency (transparency throughout the procurement process and especially focussed on non-competitive procurement);
- Elements of management (ensuring funds are used as intended and professionalising procurement through common knowledge, skills and ethical standards);
- Elements of corruption resistance (risk maps, close collaboration with the private sector regarding integrity and quality and providing mechanisms for monitoring, detection and prosecution)
- Elements of accountability and control (establishing a clear chain of responsibility, resolving complaints in a fair and timely manner and enabling stakeholders to scrutinize the process)

20. Future collaboration between the Governance Committee and the JV could involve JV participation in the discussion of a checklist based on good practices at the OECD Global Forum on Integrity and Public Trust in Santiago in January 2008.

**Item 13: Approaches to Capacity Development**

21. Kirsten Jensen (Development Capacity Advisor, UNDP). Presented the UNDP's model for capacity development in which specific strategies (eg leadership capacities, accountability and voice mechanisms) are applied at the layers of the individual, the organisation and/or the enabling environment

(society). A cycle of assessment of needs, formulate a strategy, implement the strategy and monitor/re-evaluate the strategy is followed. When integrating the application of the Methodology and a capacity assessment, the BLI scores will indicate what is the quality of the system compared to the benchmarks, the CPI analysis will indicate the performance of the systems and the capacity assessment will suggest why the procuring entities are performing the way they are eg individual training or organisational structures or the national law may need strengthening.

22. The resulting capacity development strategies would propose possible responses to the specific findings. Related issues include how to influence capacity development strategies that are beyond procurement (en public service-wide) and what incentives can be used to increase the chances these strategies are implemented?

23. Bright Mangulama, Director of Procurement in Malawi, complemented the UNDP presentation with a description of the current Malawi exercise being carried out with UNDP assistance in developing a procurement capacity development strategy.

#### **Item 14: Report on the Meeting with BIAC (Business-Industry Advisory Committee to the OECD)**

24. Micheal Lawrance reported on the meeting held on Sept. 18 between members of the Working Group of the JV and other JV members and interested members of BIAC. The earlier informal meeting in Paris on April 3 was recalled and reference was made to the meeting summary and background documents being available to JV participants on the JV website. BIAC is made up of private sector associations from OECD-member countries only. The Working Group met with BIAC to listen to concerns about the Methodology and to exchange ideas on ways to put in place the basis for an ongoing dialog. BIAC members indicated they would be sharing a complete analysis of the Methodology, including their suggested improvements, over the weeks. BIAC members asked the JV to take these points into consideration when deciding how to improve the Methodology and to continue to consult BIAC on the Methodology in the future. BIAC members also expressed the wish to be kept informed about the results of the ongoing pilot exercise and would like the opportunity to provide their views on the results to the JV. BIAC members also requested to be able to participate in the JV meeting as observers.

25. The Co-Chairs replied that they look forward to receiving the comments of BIAC on the Methodology. The Co-Chairs also noted BIAC represents only OECD business associations and the JV needs to find ways to include global or regional representatives of private sector interests from partner countries. The Co-Chairs agreed to work constructively with BIAC to maintain an open, useful dialog and to discuss with the JV members if a more formal mechanism was preferred to the Working Group meeting BIAC on behalf of the JV. The JV members would also be asked their views on allowing special-interest groups like BIAC to participate in JV meetings but the Co-Chairs indicated they preferred to not agree with this. Their opinion is that the JV meetings should remain private exchanges between representatives of sovereign countries.

26. After a discussion between the Co-Chairs and JV participants, it was agreed to maintain and enhance a positive dialog between the Working Group on behalf of the JV and to not open up participation at JV meetings to any group, but only country or multilateral institution representatives, as is the present situation.

#### **Item 15: "The Road to Accra and Beyond"**

27. Co-Chair Jocelyn referred to the collated document produced by the "Food-for-Thought" discussion on Thursday (attached in the Annex) and based on this feedback by participants proposed there be another JV meeting in June, 2008, (after the 2008 Monitoring Survey) to discuss

- The continuation and future progress reports of the JV pilot exercise
- The reports from users of the Methodology either as part of the Paris Declaration Monitoring Exercise or not
- Improvements to the JV's Methodology
- The contributions of the JV to the High Level Forum on Aid Effectiveness in Accra in September
- The outline of the proposed JV work plan for the period 2008 – 2010 including:
  - 1) Capacity development
  - 2) Performance and compliance measurement
  - 3) E-procurement and other strategic uses of information technologies
  - 4) The continued role of the JV as a catalyst for the use of the assessment methodology
  - 5) Closer linkages with other OECD-DAC Joint Ventures, other parts of the OECD and other institutions working in anti-bribery and anti-corruption work related to public procurement

28. Micheal Lawrance added to this list of work the preparation of the OECD-DAC Guide on Promising Practices for the Application of the JV Assessment Methodology. This guide should be prepared in coordination with similar work being initiated by the JV – PFM. The consultant, Rita Roos, has been contracted by the DAC Secretariat to undertake this assignment for the JV.

29. It was requested by participants that the issue of Mutual Accountability be included on the agenda of the next JV. This would involve looking jointly at both development partner and partner country actions in support of implementing the procurement aspects of the Paris Declaration. This discussion would also look at global and country level behaviours of development partners.

#### **Item 16: Next Steps / Wrap-up**

30. Co-Chair Jocelyn proposed the following:

- The OECD-DAC Secretariat will prepare and circulate to JV participants a draft summary of the meeting for comment and agreement.
- Following this agreement, the Working Group will prepare and circulate again for JV participants' comments and agreement a draft Work Plan for 2008 – 2010. It is planned to present this proposal to the Working Party on Aid Effectiveness which meets in Paris on Nov. 28 – 29.
- The Third Meeting of the JV take place around June 15, 2008 in a partner country to be determined. (Partner countries interested in hosting this meeting are invited to contact the OECD-DAC Secretariat before December, 2007)

**ANNEX A: Round Table Rapporteur Summaries to the Plenary:**

**Roundtable 1: Capacity Development**

- Capacity development should be defined not only as training, but also in a broader institutional context
- Capacity development in procurement has to be linked to capacity development in other related areas, including public financial management
- Capacity development at individual level: Establishment of degree programmes, training.
- Need to involve civil society in capacity development.
- Creation of career path necessary to retain procurement capacities at individual level
- Capacity development at individual level not just about skills, but also about knowledge transfer
- Tools requirement: ICT equipment, e-procurement. But should not take away focus from legal framework and other substantial preconditions.
- Donor community to avoid pulling their own agendas rather than harmonising their efforts

## Round Table on Procurement Capacity Development

- Agreed effective practises,
- significant country experiences
- useful lessons learned

### Initial questions:

- ①
- Define the area of capacity development?
  - Who to train, how is it scoped?
  - Public procurement staff, vendors, policy makers, parliamentarians? *civil society*

Kirsten Jensen:

*all stakeholders*

- ②
- Several definitions, exact definition not that important, , general concensus is that CD concerns creating an enabling procurement environment
  - CD is not only individual level, but also enabling environment including the private sector and other enabling factors
- ③

Facilitator:

- We aim at recognizing that working around the pillars of capacity development, there are commonalities across the countries that can be applied

Yemen:

*CD Problem*

- Problem is that the international organisations have created brain drain, staff going to international organisations procurement arms, 40% of assistance is directed towards TA
- No pooled and coordinated capacity development plan among donors, this is what we are starting: coordination and alignment
- E-procurement a viable solution, or do first need efficient manual procurement?

*retention of staff.*

Ghana

- + ~~retention of staff~~ *interlinkage with wider good Governance reforms*
- + *capacity development not just training of proc. staff.*
- *input / re-active - instead of outcome - objective driven*
- Training needs assessment - reported by consultant into national procurement strategy paper

*Solutions*

- Used local benchmarking and assessment tool - identified stakeholders for training - grouped into 4 groups, and identified providers
- 25 training modules developed according to the need of the four main stakeholder groups

- 4 September, nationwide short term procurement training, Dfid financed
- Next step, medium and long term procurement training, funds have been committed
- **Challenge: Retainment.** Therefore career path strategy for procurement practitioners – strategy: making practitioners

Bukina Faso:

- **Cooperations with knowledge institutions** in procurement both national and international is needed

Uganda:

- **CD not only training, but having the right tools**

- SBD  
 - templates  
 - simple e-solutions

Malawi:

- Procurement is about **institutions, systems, procedures, and capacities.** How to prioritize? Can't do everything at the same time
- **Individual capacity development was prioritized, assistance from universities in Uganda and UK**
- **Working together with several donors in cooperation spurs progress, common plan for capacity development**
- Career path development, ensure retention
- Practitioners body, to establish professionalism

Dfid:

- Capacity development in procurement not much different from other CD activities in e.g finance, we just start at a lower level, but we have the tools and approaches
- Institutional capacity, proper budgeting, financial management is equal important to procurement CD

Sri Lanka:

- Procurement is a means to achieve the objectives of the organisation
- **CD is about individual and organisational capacity**

- Procurement CD is part of wider Public Sector reform, and needs to be integrated within wider Governance reforms

Niger:

- Similar problems across the countries
- ~~By training staff, do we solve the problems forever? Probably not, we need to institutionalize CD to make it an ongoing and systematic function~~

Millennium Challenge Corporation

- Failure from donor community in not doing a good job on training – poor quality.

Bangladesh

- eProcurement in terms of capacity development

DFID

- emphasis on eProcurement can undermine skill development

IADB

- ~~eProcurement is just a tool. Only as good as your system or your capacity~~
- ~~eProcurement must be part of a wider strategy, requires legal framework, infrastructures etc.~~

Kirsten Jensen:

- E-procurement is many things, from the simple informing (tender notice, contract awards etc.) to very complex ERP integrated procurement systems

GTZ:

- what is the relation between procurement capacity, management, political interests? Has this been reflected in the deployment of the OECD-DAC compliance and performance indicator tool

Mozambique

- Training is being done based on the training needs assessment

Sri Lanka

- Many developed country procurement models are not applicable, solutions must be outcome and performance based according to developing country contexts
- Necessity of public sector to address capacity building
- ~~Procurement planning as requirement for release of funds~~
- ~~Creation of procurement cadre~~
- ~~Short term training on different aspects of procurement'~~

- Procurement CD is part of wider Public Sector reform, and needs to be integrated within wider Governance reforms

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- ~~Creation of procurement cadre~~
- ~~Short term training on different aspects of procurement'~~

- **Harmonization of procurement guidelines country wide, and with donor guidelines**

Dimitri

- Implementation of CD is the challenging part, the tools are there, and implementation must be coordinated with direct budget support

Philippines

- Solution*
- **Regionalized DC due to the island structure of the country**
  - **Evolution into civil society**

World Bank

- Solution*
- **Role of media and press**. In South Africa they play a huge role on combating corruption. No enforcement, not even the best rules matters

- Use of the OEDC-DAC Indicators let the participants to have a big picture of issues
- The role of the media involving capacity building (anticorruption, etc)
- Conflict resolution mechanism.
- Ethics for procurement officers
- Measurement for the Capacity Building

**Best Practices:**

- Countrywide training facility (Centralized training)
- Official Procurement Assistance Services (technical assistance)
- Diploma Program for procurement specialists (certification)
- Harmonized procurement guidelines with Donors
- Involve the civil society to develop capacity
- Organization of the Government (procurement reforms)
- Certification program of Public Servants
- Procurement Committee for resolution of issues
- Independence of Procurement function
- Ethics for procurement officers
- Specific Procurement Legislation (including civil society to prepare draft)
- Centralization of Procurement Function
- Centralization for the procurement training
- Development of an official procurement career path
- Regional Harmonization (Legislation, Free Trade Zone, etc)

## **Roundtable 2: Procurement and Public Financial Management**

### **AGREED EFFECTIVE PRACTICES, SIGNIFICANT COUNTRY EXPERIENCES AND USEFUL LESSONS LEARNED**

Rapporteur: Robert Hunja / Marie Louise Refsgaard

#### **1. OBSTACLES TO INTEGRATION OF PROCUREMENT IN PUBLIC FINANCIAL MANAGEMENT SYSTEMS**

a. The problem of “voice”: Many procurement systems are characterized by a lack of “voice”. Procurement officers are often not well placed to take part in policy dialogues due to their position within organisational framework at country level. At the same time, the field of procurement is struggling against misconceptions and lack of awareness, which often causes procurement functions to be overlooked or assigned a low priority. The Round Table Session considers the problem of voice a main obstacle to integration of procurement in public financial management.

a.b. Dissonance in reform efforts: Public administration reform efforts are in many cases characterized by dissonance due to the fact that different reform areas have different stakeholders and agendas, and move at different speed. A coordinated reform agenda and synchronised reform efforts in the field of procurement and public financial management is required to integrate systems.

#### **2. ENTRY POINTS FROM WHICH TO DEAL WITH OBSTACLES**

a. The procurement planning process

a.b. Control mechanisms

#### **3. KEY DRIVERS FOR CHANGE**

The Round Table session identified a number of factors, which may serve as useful drivers for change when seeking to integrate procurement in the broader public financial management framework. The identified drivers include:

a. Technology: Increased use of technology such as Integrated Financial Management Information System (IFMIS) which offers opportunities for electronic integration of procurement and public financial management systems may serve as key drivers towards building integration between the two systems, while at the same time solving the potential issue of delegation. At the same time, such systems should not overlook the fact that technological solutions must be based on sound practices in order not to risk embedding bad practices in new systems. E-Procurement offers another technological solution which may assist integration, e.g. through e-Contract Management, electronic payment functions, etc.

b. Training of senior staff: Focus on upgrading of procurement skills and competencies, particularly among senior level staff, is necessary in order to obtain the necessary support for change.

c. High level stakeholder involvement: Involvement of high level decision makers in the change process may act as another key driver in the change process, as high level involvement will provide the process with a “voice” that is likely to trickle down and generate lower lever support for integration processes.

d. Use of available assessment tools: The tools available in the field of procurement and public financial management, including the PEFA tool and the OECD-DAC procurement assessment methodology, also serve as important drivers as they motivate key stakeholders in both procurement and public financial management structures to further improve their systems in accordance with the best practices / indicators provided by the tools. Further integration of the two tools is however needed to fully act as drivers towards integration.

e. Marketing / communication of the value created by sound and integrated procurement systems, e.g. through focus on successes.

## **Working Group III: Transparency and fairness**

### **Pillar 4: Audit, anti-corruption, appeals mechanism**

#### **Philippines**

Ind. 9: Commission on Audit – yearly audit – takes some time to be acted upon  
Internal audit still has to be established

Ind. 10: Appeals mechanism – unclarity on what is to be understood by appeals mechanism – can the office of the president/ courts serve as such

Ind. 12: Anti-corruption:

Validation: Civil Society, NGOs, development partners

#### **Mongolia**

- External and internal audit is weak – 1,45 on Pillar 4 - score does not reflect reality on the ground – high score on indicators related to review mechanism
- Sound legal framework has resulted in high score
- External and internal audit is not focussing specifically on procurement. Control organs in need of training/ capacity development
- Sound review mechanism – independent complaints body (independent body of experts – list experts)

#### **Chile**

Sound appeals mechanism – special informal complaints mechanism – 500 claims per month (0,1 % of all bidding processes). Less formal process is more appealing to bidders than a more formal process

New mechanism – only 4 months

No information on follow-up by PEs (enforcement and accountability)

#### **Tanzania**

3 tier system: first PE, then Public Procurement Authority, third: Public Procurement Appeals Board

#### **Bangladesh**

3 tier system: first PE, then head of PE, e.g. PS, then Independent Review Body

#### **Rwanda**

Handling of complaints – during or after awards?

#### **Vietnam**

First tier is at the PE level, then you go to the investment owner (end user), then to the independent council, then to the courts of law

Independent council includes 11 representatives from professional associations, State Procurement Administration Body (regulator) - chair, representative of complainant

#### **Rwanda**

- Confusion on indicator 10 – appeals mechanism. Appeal during or after award?
- 30 different districts, each district has its own review committee including 5 members (2 public sector, 3 NGO and private sector). Committees are independent. Dissatisfied bidder complain to district committee, then to the national tender committee. Decisions of national tender committee are binding. Then to court.
- Tender opportunities are publicised on web-site of national tender committee

- Evaluation reports can be accessed. The law request to publicize the whole report
- Q: How and what information should be made available to the public – especially related to the award
- Ind. 12: Civil society organisations are not really interested or working with public procurement
- 12.c:
- 12.f: Q: is there a system that will allow for reporting (whistleblowing) while ensuring the protection of the person blowing the whistle.

### **Zambia**

- Draft law being discussed in parliament. Current law basis for assessment.
- Appeals: bidder first complain to PE (the PS, being the chair of the tender committee), the appeal to the Board of Directors (ministers, eminent people within society). In the past, people did not understand the role of the Board. Very few complaints are received at the Board. The court of law, but this is a lengthy and resource demanding process.
- Anti-corruption Commission. In the last 2 years, out of 100+ cases taken to the ACC, only 5% were taken to court, out of these 1,5% resulted in conviction. ACC lacks procurement expertise.
- Record management is very poor throughout the public sector
- The assessment not so relevant for Zambia with its current regime
- 90% of procurement is small value, and therefore not part of assessment

### **South Africa**

- Political participation in procurement is prohibited
- Procurement Investigating body – has the power to investigate and arrest
- Asset forfeiture unit – assets are confiscated – reversed burden of proof
- Blacklisting, minimum 5 years and maximum 10 years (both individuals and companies)
- Public servants and politicians disclose business interests

Q: Can an appeals mechanism be the courts – according to the indicator

- Having the administrative tier is useful, as it brings in expertise and filtrates out issues going to court
- Also an issue of efficiency of the system
- The courts are more likely to confirm the decisions of the specialised administrative review bodies
- Suggested to have guiding notes to some of the indicators

Q: How and what information should be made available to the public – especially related to the award?

In South Africa: tender bulletin: all tenders going out, all awards (names of winners) + on government website

Philippines: publication on website + government procurement portal. Compliance to posting requirement is monitored by the procurement agency. Awards are also posted (names and sums)

For Rwanda a solution would be to use SMS as a means of disseminating information

Civil society involvement is crucial.

Watchdog is not acceptable to civil society in the Philippines, they prefer to be perceived as partners. Voluntarism is key.

Q: is there a system that will allow for reporting (whistleblowing) while ensuring the protection of the person blowing the whistle.

The main thing is to provide the whistleblower anonymity.

Different countries have different models, and there is not really a perfect model for whistleblowing. Legal protection is an element.

# Second Meeting of OECD-DAC Joint Venture for Procurement

19-21 September 2007  
Copenhagen, Denmark

Rapporteur Name:

Bill Buckhold (USAID)

Date:

19.09.07

Round Table # 3

Theme: Transparency and fairness

Background Note and Discussion Points (to be drafted by the facilitator):

Panelists:

Facilitators: Els Hinderdael (World Bank) & Henry Malinga (South Africa)

## AGREED EFFECTIVE PRACTICES, SIGNIFICANT COUNTRY EXPERIENCES AND USEFUL LESSONS LEARNED

1.

Audit:

- Audits are generally time consuming, often due to lack of internal audit mechanisms in place
- The Assessment methodology does not always reflect the reality.
- There is probably a need for further guidance on the interpretation of indicator 9 – and also the separation and the linkage between compliance and baseline indicators
- There should be increased focus on training of auditors in procurement, including full scale procurement audit
- It was generally observed the a main problem persist in the lack of action on/ enforcement of audit findings.

2.

Appeals mechanism:

- There were questions on whether the appeals mechanism should be non-judicial or whether recourse to the court system could be considered appeal in the sense of the assessment framework. Thus, there appears to be a need for further explanation of this matter, e-g- through a guidance note or examples.
- There was also questions on whether the assessment tool contains a requirement for a 2 or a 3 tier system
- The Independence of appeals body remains important, e.g. no political influence or presence within the appeals body
- Lack of enforcement of appeals decisions remains an issue

# Second Meeting of OECD-DAC Joint Venture for Procurement

19-21 September 2007

Copenhagen, Denmark

- Discussion also centered on whether the assessment methodology presupposes a common law system. For example, in some civil law systems, it is not possible to appeal an administrative decision to the judicial system
- Administrative appeals are quick, informal and relatively inexpensive, whereas judicial appeals are typically time-consuming and expensive

3.

Information dissemination on procurement – especially contract award:

- Recommendation that the same mechanism, which is used for announcing tenders, is also used when contract awards
- The publication should include: Contract sum, type of work, awardee, awarding agency

4.

Whistleblowing:

- The issue of whistleblowing was addressed. In particular how to encourage whistleblowing while at the same time protecting the whistleblower. A key element of the protection of whistleblowers is the granting of anonymity. However, in practice anonymity has proven very difficult to ensure, and no perfect system could be identified.

5.

**AGREED EFFECTIVE PRACTICES, SIGNIFICANT COUNTRY EXPERIENCES AND USEFUL LESSONS LEARNED (cont.)**

#### **Roundtable 4: Compliance and Performance Management**

Facilitators: Pam Bigart (World Bank) and John Rawden (Australia)

##### **Issues:**

1. Applying the indicators – reflections on what worked and what did not work? – challenges?
2. Are we thinking of this the right way – do we have the concept of performance measuring rights?
3. Looking ahead – what should we focus on?

##### **Niger:**

- Difficulties concerned the territorial groupings – communities very far from the capital. In some of the remote areas, they do not even have 3 suppliers for certain goods, hence cannot live up to a basic demand of having at least 3 suppliers
- National defence expenses – in contradiction with assessment criteria
- How to comply with criteria in large and highly dispersed and differing country conditions

**Kenya:** We thought that the system (laws and institutions) was more or less right. Challenges are at the performance level. This was confirmed by the assessment: Structures are right, but we have to focus on performance

Now we have an empirical basis – and can focus on closing the gap

We will develop our strategic priorities and plans around this

We had external help to collect data, which meant that we could avoid mistakes

To collect the data is a very complicated exercise, and so is the validation and aggregation. It would help if the JV could provide assistance on this data collection

How do we put in place a system that continuously measure performance? We have commenced on this work, but would be interested in hearing of good examples from others

**Cameroun:** Institutional structures are quite rigid and if you look at the performance criteria, the integrated PFM system collect data, but the data collected does not provide data on timing

Decentralised level is not integrated in the current PFM system and hence it is not possible to follow up – this is a challenge

**Philippines:** Data collection: systematic selection of sample (6 largest PEs measured by largest volume). Use of students to go to the institutions and collect data (contracts, etc). Now working on validation.

Now working ahead, establishing a database – also in order to have historic data, when the process continues.

Definitely an issue related to record keeping and hence the possibility of obtaining sound data

**Rwanda:** BLIs and Performance and compliance indicators – are they at the same level of development. We need to work additionally on the performance indicators.

**UNDP:** Is it useful to have a list of performance and compliance indicators to work from – or does it block creativity?

How many performance and compliance indicators should there be? More/ less?

Need for differentiation between national and decentralised levels?

Difference btw performance and compliance?

**World Bank:** EU countries look at procurement statistics from the angle of competition.

However, in other OECD countries on the whole there are no uniform standards, e.g. on data collection/ level of competition/ etc.

World Bank methodology aim at establishing a baseline on performance in order to monitor over time whether performance improves or deteriorates

Realise that at present there is no big differentiation between compliance and performance

**Facilitator:** How did you select indicators?

Selection of contracts?

Report on performance – how will the assessment be used?

**Niger:** Need for a sound information system

We have had a recent audit in our country. We developed/procures a software which compiles data on procurement

Banking restrictions + data restrictions in general putting constraints on data collection. Also indicators can have cross impact on each other.

It is important to consider capacity development. We do not have enough specialists on procurement. We lack sufficient human resources

Are the indicators measuring the right things, and do they provide the basis for overall view

**Burkina Faso:** Worked with the 6 largest ministries (based on spending data). Worked with 2006 data.

We are in the midst of a reform process.

**Kenya:** Selection of indicators depends on what we want to use the information for. We looked at the baseline and the most critical areas. We chose indicators which provide information to management on how the PE is performing on procurement. We guided the exercise (contract 3, 5, 7, etc). We are now analysing results and will make it all public

Indicators are helpful – they provide guidance.

Need for methodology guidance – e.g. best practice

Focus on performance management – should be directly useful for the PEs, otherwise they will not buy in. Here it is important to ensure leadership buy-in in all relevant PEs

**Rwanda:** Selected 8 indicators, 30 PEs out of 124. The sample was not a statistical sample. For the PEs selected we looked at contracts from 2006. We narrowed it further down and only looked at contracts above 80.000 USD.

**Philippines:** We chose random sampling in selecting contracts for review.

Q: Is this first assessment an appropriate baseline, since we will be refining our approach. And perhaps not measure

**Malawi:** We looked at all of the indicators. Problems with time and funds, meant that we chose a qualitative assessment rather than a quantitative assessment.

Suggest that the JV should focus on capacity development (human resources and institutional support)

**Facilitator:** What did you find valuable?

What have you learned through undertaking this exercise?

**Burkina Faso:** Important that this is a self-evaluation. We ourselves identify the weaknesses. And the data put the spot on the weaknesses and this is the first step for reform

**Vietnam:** Should we set up a satisfactory threshold for the indicators – what do we do with the rating – what constitutes good/ bad performance

**Kenya:** Bad record keeping – document management and retention policy will be issued

E-procurement system should be interlinked with the performance management (indicator) system. This will be our focus

Has highlighted the need for a proper performance management and measurement system, which is useful and that we can respond on

**Philippines:** We found that the level competition increases when using the country system as opposed to using donor systems

**Botswana:** Used all the CPIs, because we wanted to obtain a global picture. Also problems with data keeping.

We distributed the results to stakeholders: PEs, NGOs, media, anti-corruption agency, etc.

Held a validation workshop where the results were discussed

Our main problem remains with ensuring implementation/ enforcement

**Bangladesh:** Recommend to limit the number of sub-indicators, e.g. to 30

There is not sufficient clarity on baselines and performance and compliance indicators

**Zambia:** Advertisement: rules are quite clear, but at the local level, they cannot live up to the standards set in the methodology (no newspaper circulation)

We found out that on quite a number of contracts payments were delayed, despite clear rules.

We were not able to measure the perception of civil society – will undertake a survey

“Tender talk” on national radio – many people were asking questions to specific interventions – e.g. specific construction projects. Though, useful talk and important in engaging wider society. We also plan on having a separate session with the media

**Rwanda:** The national procurement authority should be able to collect information on a continued basis, e.g. through electronic means

JV could provide support in the design of systems – especially software. Also in designing processes themselves

**Peru:** Enormous degree of fragmentation. 1800 local governments and each work on their own parameters. Our public procurement system is quite complex, which means that many public institutions prefer to use donor systems, because they are less complex.

**Sri Lanka:** Record keeping is good at the higher/ central level. Lower levels is more of a challenge.

We have a system of monitoring procurements above certain thresholds. System is now being tested in 5 ministries. Reporting will take place via the internet. At present the monitoring is based on manual reporting.

Concerning e-procurement, we are a little bit cautious. We need to ensure that all the ministries are ready – also just in relation to IT level.

In the future we want an electronic register for various items

Now we publish procurement plans, procurement notices and awards on our website

In the assessment we chose those ministries which have large volume procurement

**Facilitator:** JV to look at e-procurement, data management, information management, but are there more issues

**Kenya:** There is a role for the central procurement agency to work with the PEs

PEs need to put in place performance management system for their own purposes. The challenge here is to ensure management buy-in. And for this purpose one has to identify the incentives

**Facilitator:** Can you have a procurement monitoring system that stands alone?

What is the effective role of the lead procurement agency in monitoring?

**Sri Lanka:** Whether procurement can be monitored in isolation

Planning including procurement planning is key in the monitoring

**Facilitator:** Do countries have capacity to maintain their records

What is the capacity needed to establish systems

Identify incentives and establish systems building on this knowledge

JV – what are the lessons learned from e-procurement –World Bank has a lot of information on this.

- Valuable exercise: Confirms that the challenge in procurement is in improving practices
- Need to simplify the CPIs.
- Need for guidance on methodology (e.g. sampling strategy), and on development of indicators (selection of indicators, development of new indicators).
- Link between BLIs and CPIs: The BLIs appear more developed in terms of definitions, indicators and scoring, than the CPIs.
- Challenges in the data collection: How to ensure reliable data? What to do about poor record keeping?
- Need for more capacity development: document retention etc.
- Challenge to institutionalise monitoring.
- Need for supporting ICT tools.

### **Roundtable 5: Improvements to the v.4 Methodology**

#### **Presentation from Ghana:**

*Lesson 1:* Do not underestimate the desk studies needed to obtain documentary evidence for assessing the baseline indicators (part 1 of the methodology)

*Lesson 2:* Develop a sound strategy for performance measurement and pay high attention to quality assurance of data

*Lesson 3:* Facilitate dialogue among National Normative, Regulatory Body and other Stakeholders

*Lesson 4:* Part I (Baseline Indicators and compliance) and Part II (Performance Indicators) of the methodology are separate systems that do not serve as a joint platform for scoring

*Lesson 5:* The Procurement Assessment Method and the PEFA/PFM (Performance Framework Measurement) are not well aligned.

#### **Representative from Mongolia**

Clarification needed in the methodology

Separation of pillars for the general score

Add a third party to do an independent assessment (civil society for example)

The data collection was the most difficult part. Information must be broad-based.

We are not so happy with the result of the assessment

**Representative from World Bank:** We cannot look at assessments from a pure scoring point of view. We have to put it in a broader context. The goal is to have a benchmark, and use it in a progressive way to improve areas of weakness.

**Representative from Mongolia:** Pillar I, II, III and IV got high scores because of the legal underpinnings of each pillar. The recommendation is to separate legal issues in a different pillar, because a country can have a very good legal framework but face problems in the execution of the procedures.

**Representative from Chile:** The score is not showing the reality of the countries.

**Representative of Bangladesh:** The indicators for compliance should be more specific and independent to properly reflect a reality and allow us for better real scoring. Some indicators are not directly related to the compliance of the procurement processes and should be removed.

**Representative from Ghana:** The Monitoring report spreadsheet that to help explain the assessment of each sub-indicator and its applicability. It also gives space for suggestion for improvement and for additional compliance /performance indicators. In the case of the CPI we found out that some indicators are not measurable, not applicable or not available.

**Representative from Rwanda:** The criteria used to score (a, b, c and d) is not clear for some indicators (1a, 1b, 1d, 1f, 2a, 3c, 6a, 7b, 8a, 8c, 10a and 10c). For example, if a country meets b and c, it does not explain which score should be given. 12(f) and (g), there is confusion in the translation to French.

**Representative from Bangladesh and Ghana:** In the 2(f) indicator, the recommendation would be to delete it as it is covered in the GCCs under 2(b) (models include GCCs). Distinction between 3(a), 3(b) and 3(c) should be properly synchronized. The Indicator 3(a) includes budget and commitments. Indicator 3(b) includes cash flow. Indicator 3(c) refers to availability of funds before solicitation and therefore should be mentioned before the indicator 3(b).

**Representative from Bangladesh:** Indicator 4b should be clarified (separation and clarify so as to avoid conflict of interest and direct involvement in the execution of procurement transactions). This should be included in the reference to the regulation. Compliance indicators such as the number of processes declared misprocured could be eliminated.

**Representative from Germany:** We need a benchmark for the number of processes declared misprocured. Benchmarks are difficult to define and interpret.

**Representative:** Regarding Item # 17 in the user's guide, the second part in referring to the performance. It is very complex and it should not be measured in sampling methods.

**Representative from UNDP:** The user's guide should include at least the minimum required to do the assessment. Another suggestion is to include some examples.

**Representative from Ghana:** The indicators applicability is essential. This is the place where you can clarify issues clearing discussions. In general, there is a need for clarification and guidance.

**Representative from Germany:** Lack of information on the indicators. If one indicator is related to another, there are issues with the application. We should not change the rules when we are playing the

game. I suggest we should wait for a period of time to apply some changes in the methodology. First, we have to finish what we have started and assess results.

**Representative from Ghana:** On the other hand, we can clarify some issues immediately. A recommendation is the creation of a working group per region among the pilot countries to prepare some suggestion to the Joint Venture.

- Lessons learnt from Ghana and Mongolia was shared in the group (see separate note)
- Pillar 1 tend to score higher than other pillars due to legal focus
- Lack of linkage between CPIs and BLIs
- Reporting spreadsheet does not contain guidance on the assessment of sub-indicators
- Lack of consistency in the scoring of certain indicators
- Overlaps have been identified between certain indicators
- The guidance provided in the methodology on data collection for CPIs is very brief – should be elaborated.
- Challenge to improve the BLIs while at the same time maintaining the possibility of benchmarking with previous exercises

#### **Roundtable 6. Validation of the Process and the Results**

- Validation important to ensure credibility of the assessment process and achieve acceptance by all stakeholders, including at the political level.
- The validation process should be done by the country itself if the capacity is there. If not, the donor community may take part in the process.
- Need for technical validation where technocrats have been involved. And political validation where the political level is involved.
- Challenge to address areas of disagreement in the scoring.

**ANNEX B: Suggestions from “Food for Thought” session**

**Participant Suggestions from “Food for thought” session (Sept. 20, 2007)//**

**Take stock of where the JV is at in implementing its initial mandate and how the Paris Declaration objectives are being met.**

1. Capacity development as common requirement/ challenge

The JV should play a key role in strengthening a coordinated donor approach to capacity development efforts: sharing/disseminating information on initiatives, good practices, lessons learned.

2. Requirement to better define CPIs

Organising brainstorming workshops, provide technical assistance

This would also constitute an entry point to address the need for integrated procurement information systems that can provide adequate and accurate procurement information.

3. E-Procurement (this is the same thing that needs to be on the agenda even if not all the same)

JV could play an important catalytic role as a forum for sharing experiences and information.

Re: Workplan

C2 must continue to be a catalyst for country level activities to improve procurement systems.

1. Assessment Tool is already fine

- No need for additional dictionary
- No need for further specification and definitions

2. JV to be a forum for exchanging key procurement reform challenges/problems, best practices and trends

3. Pushing compliances

- e.g. pushing procurement publications

4. Fostering local markets

- e.g. increase capacity of local private sector

5. Developing procurement career system

6. Deliver and “selling” tangible outcomes/benefits of procurement reform e.g. better service delivery, better prices

NIGER

- Partage expériences et comparaison
- Connaissance standards internationaux
- Bénéficiaire outils
- Renforcement capacité
- Validation résultats pilot exercices
- 1<sup>er</sup> étape : stock-taking  
Analyser les résultats des exercices de pilotage et éventuellement adapter la méthodologie

BANGLADESH

- JV should validate the self-assessments of the pilot countries
- Capacity development – JV should monitor these efforts

RWANDA

Will the JV formally validate all these pilot exercises?

DCD/DAC/EFF/M(2007)8/PROV

To avoid BIASED evaluation, Rwanda planned to use an international Team but World Bank advised against it

- Better to have Rwanda to do the exercise itself
- Rwanda credited its own team

QUESTION: How and who will validate the pilot exercise assessment?

NIGER

- Méthodologie n. 4 est incomplète Mandat du JV doit être d'abord de compléter la méthodologie

Present mandate version n 5

- Objects against a mandate for the JV to validate the assessments

Next mandate:

- Monitoring
- for implementation of the tool

Facilitateur

+ capacity development action

Sharing of experiences

YEMEN

Short term: evaluate existing systems

Adopt the existing system

RWANDA

Develop performance indicators now only baseline indicators are well established.

NIGER

No, already in pilot exercise now both evaluation systems have been used.

Already in present mandate both performance and baseline indicators should be finalized.

NIGER

Pas indicateur d'impact à présent

p.c. sur le terrain, pour la population

Impact sur le PFM sur le développement

f.c. 90% of all procurement should use published notices

f.c. min. 3 offers need but what if only 1 company exists? Basis for performance indicators should be adapted to the results of each country. Basis for performance indicators should be not absolute, but relative.

NIGER

Risk that donor will determine minimum basis for Min 50% published notice as condition

RWANDA

Current capacities still very low

JV's mandate to promote creation and use of information systems for monitoring procurement

Conclusion:

1<sup>st</sup> Mandate: Finalize what we started: make a revised and final version of methodology

2<sup>nd</sup> Mandate: Monitor a forum for capacity development action

TABLE NOTES – Wolf Kruska

Monitoring	5b*
And	and link 2b
Toolkit	
Reconstitution	harmonization
Promote acceptance	between donors
Expansion of	Building concessions
Methodology use	

\* establishing a common understanding to assess/measure 5b in the same way

The JV – to play the role, a strong role, of harmonizing, show acceptance, promote use of results for harmonization

Baseline

(fix indicators)

Establish BLIs for all countries



Performance the country factor

Compliance

Connects to performance



Use

Harmonized behavior

JV: Code of compliance/performance

JV: Monitor not only the money flowing but also is money flowing towards capacity development –

JV: Additional guidance in assessment process

**Series of topics that the Joint Venture can provide best practices as guidelines/principles  
(Ruby Alvarez, Philippines)**

1. Performance indicators

- Monitor competition
- What is the benchmark?
- Performance audit – How do you measure performance in procurement

2. Internal controls

3. Contract administration and management

- Transparency during contract implementation in infrastructure/medicine

4. Good complaints mechanism

- What are the good practices and principles?
- Independent review system – written decisions should be publically available
- Invite the best judicial and legal experts
- Train procurement officials to write decisions

5. Record keeping in Procurement

6. Blacklisting

- Due process should be respected

7. Using past performance as a criteria for eligibility for bid evaluation

- Formal past performance system
- Open compilation vs. restricted or adequate competition
- Inclusive rather than exclusive short list

**Way forward after 2008.**

1. Whether others exist outside this group of donors partner governments who should be at the table, seek views on BLI/CPIs methodology.  
Group might include NGOs, private sector what about other players like China who are substantial global powers.
2. Some confusion exists around what is being assessed. It appears that we are assessing partner country system against various Pillars P indicators to see how a system measures up. Are we also assessing how this measures up in terms of international best practice.  
No agreement that the current BLIs/CPIs represent best practice or allow you to conduct an assessment of sufficient depth. As currently drafted the ADB couldn't just accept a self-assessment using their indicators which don't assess risk.

In summary

Need a definition of what good practice is that all can agree with.

- Currently we don't have a framework that allows a donor to be happy say if a partner government receives a suitable assessment. Then donor funds will flow through country systems.
- Concerns that time is running out for achieving Paris Decorator targets without an agreed way forward.
- Insufficient guidance on how validation process works.
- A concern also exists that country level assessments are insufficient. For example, if you looking at doing something in health in Indonesia then you would wish to conduct an assessment of the health department, could you just apply the CPI's?
- A feeling exists this wouldn't be sufficient.

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### Second Meeting

19/09/2007 - 21/09/2007

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