

NATIONAL PUBLIC PROCUREMENT POLICY

Draft

December 2020

National Public Procurement Policy

Draft

Table of contents

COMMONLY REFERENCED ACRONYMS AND ABBREVIATIONS	III
Part 1. INTRODUCTION AND BACKGROUND	4
1.1 PUBLIC PROCUREMENT SYSTEM IN SOMALILAND	4
1.2 RATIONALE FOR THE NATIONAL PUBLIC PROCUREMENT POLICY	4
Part 2. GUIDING NATIONAL PUBLIC PROCUREMENT POLICIES	6
2.1 CORE NATIONAL PROCUREMENT POLICIES	6
2.1.1 Value for money (VfM)	6
2.1.2 Economy	6
2.1.3 Integrity	6
2.1.4 Fit for Purpose	7
2.1.5 Efficiency	7
2.1.6 Transparency	7
2.1.7 Fairness	7
2.2 FIVE RIGHTS OF PUBLIC PROCUREMENT	7
2.2.1 The Right Quality	7
2.2.2 The Right Quantity	8
2.2.3 The Right Price	8
2.2.4 The Right Place	8
2.2.5 The Right Time	8
Part 3. CORE STRATEGIC DIRECTIONS AND OBJECTIVES	9
3.1 STRATEGIC VISION, MISSION, GOAL, AND CORE VALUES	9
3.2 MATRIX OF STRATEGIC OBJECTIVES	11
3.2.1 Strengthen Accountability through New Regulatory Framework	11
3.2.2 Harmonize Rules and Regulation Governing Public Procurement into Single Integrated Public Procurement System	15
3.2.3 Decentralize Public Procurement System	17
3.2.4 Improve and Make Independent Complaints and Grievance Handling Mechanisms	19
3.2.5 Strengthen Transparency, Accountability, Competitiveness, Efficiency, and Effectiveness of Public Procurement System	21
3.2.6 Capacity Building and Professionalization of Procurement	34
3.2.7 Enhance Partnership, Collaboration, and Networking to Support Procurement Reform	45

List of Tables

Table 1: Procurement Core Values	10
Table 2: Key issues and Challenges in Capacity Building	35

List of Figures

Figure 1: Procurement Complaints Review Systems in Cyprus and Japan	20
--	-----------

Figure 2: Challenges in Auditing Public Procurement in ASEAN Countries	21
Figure 3: Uganda - Transparent Public Procurement Website - PPDA Uganda	24
Figure 4: Philippines - Online Reporting on Public Procurement.....	27
Figure 5: South Asia Procurement Innovation Awards	31
Figure 6: France - Vade-Mecum of Public Procurement.....	31
Figure 7: Philippine Government Electronic Procurement System (PhilGEPS)	33
Figure 8: Main Areas of Public Procurement for Improvement in OECD Countries	36
Figure 9: France - A Single Reference Framework for Procurement Trainings	37
Figure 10: Approaches to Assessment and Stages of the Certification Process.....	39
Figure 11: France - Professionalization Strategy for all Public Buyers.....	40
Figure 12: Certifying Procurement Practitioners in Croatia-Case Study	41
Figure 13: Procurement iNET and Open Learning Campus -The World Bank	43
Figure 14: France - Training Scheme for E-learning	44
Figure 15: France – Specialized Master’s Degrees in Procurement	45
Figure 16: France - Association for Sourcing in Public Services (APASP).....	46

COMMONLY REFERENCED ACRONYMS AND ABBREVIATIONS

ACRONYM	DEFINITION
AG	Auditor General
CSC	Civil Service Commission
DRMPFMCSP	Domestic Revenue Mobilization and Public Financial Management Capacity Strengthening Project
EAFS	External Assistance Fiduciary Section
GGACC	Good Governance and Anti-Corruption Commission
GoSL	Government of Somaliland
HRCBD	Human Resources and Capacity Building Department
ICT	Information and Communications Technologies
ICTD	Information and Communications Technology Department
IHE	Institutions of Higher Education
IRPP	Implementing Regulations for Public Procurement
LGA	Local Government Authority
M&E	Monitoring and Evaluation
MoFD	Ministry of Finance Development
NGO	Non-Governmental Organization
NSA	Non-State Actors (i.e. NGOs, private sector, research or academic institutions, community organization, donor organizations, etc.)
NTB	National Tender Board
PCRC	Procurement Complaints Review Committee
PE	Public Entity
PEFA	Public Expenditure and Financial Accountability
PFMCS	Public Financial Management Capacity Strengthening Project
PMAD	Performance Monitoring and Audit Department
PMRS	Procurement Monitoring and Reporting System
PPA	Public Procurement Act
PPCP	Professional Procurement Certification Program
PSRST	Procurement System Reform Steering Team
PU	Procurement Unit
RMS	Risk Management Strategy
SBD	Standard Bidding Documents
SME	Small and Medium Enterprises
SWOT	Strengths, Weaknesses, Opportunities, and Threats
VFM	Value for Money
TD	Treasury Department

Part 1. INTRODUCTION AND BACKGROUND

1.1 PUBLIC PROCUREMENT SYSTEM IN SOMALILAND

The legal framework governing public sector procurement in the Republic of Somaliland comprises the Public Procurement Act No. 82/2018 (PPA). The additional Implementing Regulations for Public Procurement and set of Standard Bidding Documents are yet to be adopted to enable full implementation of the PPA.

The National Tender Board (NTB), the executive body of the Government of Somaliland (GoSL), is in charge of procurement financed from the GoSL national budget.

Procurement for donor funded projects/programs is managed by the External Assistance Fiduciary Section (EAFS) of the Ministry of Finance Development (MoFD).

Due to its enormous impact on efficiency and effectiveness of public services, the reform public procurement as an important part of budget expenditure management mechanism has been supported through Public Financial Management Capacity Strengthening Project (PFMCSP).

Completing the legal and regulatory framework for public procurement is a top priority of the Government of Somaliland. The GoSL objective is to improve the transparency mechanism through the establishment of a procurement regulatory framework under which the NTB will function as the regulator and procurement auditor while the public entities will be responsible and accountable for carrying out the procurement. Conflict resolution or the complaints and grievance handling mechanisms should be improved and made independent with the creation of a sanction regime. In addition, the rules, regulations and procedures for public procurement will be enacted to increase competitiveness, transparency, and efficiency.

1.2 RATIONALE FOR THE NATIONAL PUBLIC PROCUREMENT POLICY

The Government of Somaliland (GoSL) considers it necessary to regulate and improve the way in which the public procurement of goods, works and services is undertaken. In order to improve the procurement system, the Government has introduced the Public Procurement Act, No. 82/2018 (PPA).

The purpose of this Implementing Regulations for Public Procurement (IRPP) is to state the ways in which the PPA shall improve public procurement in the GoSL. These are to:

- (1) ensure procurement is conducted in the most efficient manner possible;
- (2) encourage competition between persons and/or firms who are willing to supply/provide goods and services and undertake works in the public sector;
- (3) ensure that all persons and firms, who are providing works, goods, and services, in the public sector, are treated equally;
- (4) ensure that public sector procurement is implemented fairly;
- (5) improve business opportunities within the GoSL; and
- (6) introduce the PPA, IRPP, and Standard Bidding Documents which shall apply to all public entities involved in public procurement.

The PPA and IRPP when used together should ensure that all procurement activities are performed in an appropriate manner and that public entities, government officials, bidders, suppliers, contractors, consultants, persons or firms involved in procurement shall be fully accountable for their actions. The PPA and IRPP stipulate the sanction in the event of non-compliance by any involved party.

Legislation can only provide the overall framework to be followed, and with the increasing importance, value and complexity of procurement, effective guidelines and step-by-step IRPP are required to assist procurement staff and public officers involved in the procurement process. Therefore, there is a need to provide necessary interpretations, clarifications, instructions and examples in order to make the PPA user friendly. The IRPP is expected to immensely help the procurement units in the relevant public entities and their officers to apply the PPA correctly and with full confidence. The clarifications, explanations and examples given in the IRPP are expected

to clarify procurement issues and applications for procurement officer in applying the PPA. Compliance with the IRPP along with the PPA is a mandatory requirement for all public entities.

Part 2. GUIDING NATIONAL PUBLIC PROCUREMENT POLICIES

2.1 CORE NATIONAL PROCUREMENT POLICIES

Pursuant to Section 2, Sub-section 2 of PPA all procurement actions under PPA and this IRPP are governed by and are consistent with the following Core Procurement Policies:

2.1.1 Value for money (VfM)

The principle of value for money means the effective, efficient, and economic use of resources, which requires an evaluation of relevant costs and benefits, along with an assessment of risks, and non-price attributes and/or life cycle costs, as appropriate. Price alone may not necessarily represent value for money.

VfM is achieved through the application of the following:

- a. ensuring integrity throughout the procurement process;
- b. clear statement of needs and procurement objectives;
- c. procurement approach that is proportional to the risk, value, context, nature, and complexity of the procurement;
- d. appropriate specification of the requirements;
- e. selection of appropriate contractual arrangements;
- f. suitable evaluation criteria;
- g. selection of the firm that best meets the needs and objectives of the procurement; and
- h. effective contract management to ensure successful execution of the contract and ensure that the deliverables are met as agreed in the contract.

2.1.2 Economy

The principle of economy takes into consideration factors such as sustainability, quality, and non-price attributes and/or life cycle cost as appropriate, that support value for money. It permits integrating into the procurement process economic, environmental, and social considerations. It also permits augmenting identified sustainability criteria with specific criteria in support of the NTB's sustainable procurement policy.

2.1.3 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 policies of good governance. The NTB therefore requires that all parties involved in the procurement process, including without limitation, public entities, bidders, consultants, contractors, and suppliers; any sub-contractors, 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 GoSL financed contracts, and refrain from fraud and corruption.

2.1.4 Fit for Purpose

The principle of fit for purpose applies both to the intended outcomes and the procurement arrangements in determining the most appropriate approach to meet the project development objectives and outcomes, taking into account the context and the risk, value, and complexity of the procurement.

2.1.5 Efficiency

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

2.1.6 Transparency

The principle of transparency requires that the NTB and public entity 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 activities; and (iii) the use of confidentiality provisions in contracts only where justified.

2.1.7 Fairness

The principle of fairness refers to (i) equal opportunity and treatment for bidders and consultants; (ii) equitable distribution of rights and obligations between public entities and suppliers, bidders, consultants, and contractors; and (iii) credible mechanisms for addressing procurement-related complaints and providing recourse. Open competitive procurement shall be the NTB's preferred procurement approach, whenever possible, to maximize fairness of opportunity to bid. Whenever possible, the NTB shall require that eligible individuals and firms be given the same opportunities to compete for GoSL financed activities.

2.2 FIVE RIGHTS OF PUBLIC PROCUREMENT

Procurement objectives should be set against the five rights of procurement, which are a combination of the key deliverables of a successful procurement process.

2.2.1 The Right Quality

Quality is referred to the quality of the product or service procured, and standards required, that will suit the needs. Although the quality of the product or service is relevant, quality objectives also include:

- a. Quality of relationships;
- b. Quality of communication;
- c. Quality of process;
- d. Quality of management;
- e. Quality of (public entity) image.

2.2.2 The Right Quantity

The right quantity dictates that the buyer should buy the right quantity of product or service. Too much or too little could result in higher costs or unfulfilled orders. It is not just the product that must be of the right quantity. Quantity objectives as part of the five rights of procurement also includes:

- f. Quantity of Orders;
- g. Quantity of Staff;
- h. Quantity of Suppliers;
- i. Quantity of Products;
- j. Quantity of Customers.

2.2.3 The Right Price

Procurement professionals are supposed to aim for a competitive price. Price also involves other costs which need to be taken into account, such as maintenance costs, operational costs and disposal costs (also termed as life cycle costing). Price no longer only applies to the amount paid for goods or services in the five rights of procurement. It now looks at the costs involved in:

- k. The cost of the procurement unit;
- l. The cost of operation;
- m. The cost of holding and moving stock;
- n. The price to the environment and society.

2.2.4 The Right Place

Place has usually referred to goods and services being delivered to the right place. But it's not just where the goods and services are going to. There are more places to consider, such as:

- o. The source from which goods and services are acquired;
- p. The location of the procurement function;
- q. The location of the end user;

2.2.5 The Right Time

Public entity should aim to buy at the right time. As the lead-time required for goods and services is no longer the only aspect of time that needs to be considered, the procurement professionals also need to consider the following other areas of time:

- r. Time of order;
- s. Time spent ordering;
- t. Time spent with suppliers;
- u. Time management;
- v. Time spent analyzing.

Each of the five rights of procurement must be viewed from a broader angle taking into account the wider implications of quality, quantity, price, place and time.

Part 3. CORE STRATEGIC DIRECTIONS AND OBJECTIVES

3.1 STRATEGIC VISION, MISSION, GOAL, AND CORE VALUES

3.1.1.1 Vision

NTB's forward-looking expectation on what it should be in the future is the following:

NTB Vision

"To be a center of excellence in implementation of innovative public procurement tools and methods and benchmark in procurement professional development in East Africa and beyond."

The vision statement seeks to provide direction and inspiration to NTB.

NTB will aspire to be the focal point of procurement regulation, monitoring of performance, capacity building, advocacy, and partnerships in public procurement.

3.1.1.2 Mission

To achieve successfully the vision and effectively and efficiently implement procurement policies, the quality objectives and operational actions will be guided by the following mission statement:

NTB Mission

"To empower key stakeholders participating in public procurement processes in Somaliland to strengthen transparency, accountability, competitiveness, efficiency, and effectiveness of public procurement system in Somaliland and achieve value for money to contribute to national development."

3.1.1.3 Goal

Goal

"Create a robust, flexible, and responsive public procurement system that will be aligned with and supporting the NTB vision, mission, and strategic objectives and ensure achievement of **value for money**."

While vision states the strategic direction, mission statement exists to describe briefly the specific tasks and goals that will be engaged in realizing strategic vision. Together with the strategic goal, the mission will serve as an anchor for both strategic and operational decision-making

The underlying principle of this goal and its mission is **value for money**. Value for money is defined as a robust system that must ensure quality of goods, works, and services, their procurement on best possible terms, and their provision on agreed time and standards that satisfy both the purchaser and the final recipient.

3.1.1.4 Core Values

When pursuing its vision, mission and strategic objectives and creating a quality culture, NTB should be guided by the following ethical values and their associated activities:

Table 1: Procurement Core Values

Values	Activities
Value for Money	Public procurement will be based on the concept of creating value for money.
Excellence	Improving continuously by applying the quality, operational performance and scientific standards to achieve excellence in all areas.
Integrity	Acting professionally, ethically, and honestly.
Professionalism	Procurement staff to develop their professional skills through training programs and to apply their skills, knowledge, and experience in their services to the public and stakeholders.
Innovation	Taking on new challenges by creative and forward-looking thinking to meet the evolving needs of stakeholders and partners.
Teamwork	Acknowledging cooperation, mutual support and shared expertise within the NTB and with stakeholders.
Partnership	NTB will build strong partnerships with oversight agencies, development agencies and NSA through effective collaboration and information sharing.
Reliability	Understanding and meeting the needs of stakeholders by carrying out its commitments in full and on schedule.
Transparency	Demonstrating transparency in interactions with stakeholders and general public.
Accountability	Measuring, reporting, and continually improving all professional development activities.
Passion	Performing with positive emotions and personal commitment and devotion to quality to make a positive difference.
Respect	Recognizing dignity, diversity and cultural differences in all relationships.

The values shown above speak to what is most important and is worth investing in continuously. The achievement of the vision and mission are highly dependent on a solid value base; as these values impact the beliefs, behaviors, attitudes, and personal characteristics of each individual involved in implementation of procurement policies.

3.2 MATRIX OF STRATEGIC OBJECTIVES

This section describes how national procurement policies can be addressed over the next seven (7) years to ensure NTB achieves the overall goal of value for money in public procurement. The strategic plan is comprised of seven (7) strategic objectives that have been identified and agreed upon by key stakeholders. The achievement of strategic objectives will be facilitated by the use of ICT as a transformational platform.

The next paragraphs elaborate on each of the strategic objectives:

3.2.1 Strengthen Accountability through New Regulatory Framework

3.2.1.1 Key Constraints & Challenges of the Current System

According to the ratings established by the Public Expenditure and Financial Accountability (PEFA) assessment framework, the current state of the legal and regulatory framework in the Republic of Somaliland could be described, as follows:

i. Transparency, comprehensiveness, and competition in the legal and regulatory framework to be improved

The current procurement legal framework is more focused on the procurement process not on the outcomes on procurement. As legal and regulatory framework for procurement does not have provisions guaranteeing public access to all relevant procurement information such as: government procurement plans, bidding opportunities, contract awards, and data on resolution of procurement complaints and it does not provide an independent administrative procurement review process this PEFA dimension needs improvement.

ii. Use of competitive procurement methods to be increased

Based on the Public Procurement Act, less competitive methods are used when: (1) procurement is urgent, (2) goods or services can be obtained only from a single source, or (3) the winning bidders breach the contract by not providing goods/services as agreed in the contract. Unfortunately, information on what proportion of the less competitive contracts was justified in accordance with legal requirements is not available. Due to the lack of relevant data on justification of use of non-competitive practices, this PEFA dimension needs improvement.

iii. Public access to complete, reliable and timely procurement information to be provided

In accordance with PEFA framework specifications, the following key procurement information should be available to the public: procurement plans, bidding opportunities, contract awards, and data on resolution of procurement complaints. As procurement plans, contract awards, and data on resolution of procurement complaints are not available to the public in complete, reliable, and timely way this dimension must be improved.

iv. Independent administrative procurement complaints system to be established

Since no separate independent procurement complaints mechanism exists this PEFA dimension must be improved.

PEFA recognizes procurement system reform as a high priority due to its enormous impact on efficiency and effectiveness of public services. PEFA assessment's particular concern for efficient use of resources is the poor performance of monitoring of compliance with procurement regulations, which is hampered by lack of data and transparency of the procurement systems as well as the lack of an independent procurement review body. Combined with the apparently significant delays in

paying suppliers for goods and services - who are likely to raise prices to cover financing of outstanding invoices - the GoSL is unlikely to generate good value for money on much of its expenditure.

3.2.1.2 Insufficient organizational performance of NTB

In addition, there are several challenges NTB is currently facing in organizational performance. These include lack of clarity on strategic priorities, the absence of a meaningful performance management system, and limited capability to handle complex capacity building interventions. This merge of challenges has hindered NTB's ability to deliver services to stakeholders and in turn, the performance of the public procurement system.

In order to achieve strategic objectives NTB management needs to conduct an organizational development exercise to realign the organization structure to obtain effectiveness and team coherence, develop a robust performance system able to cascade goals/results down from top management to all staff, as well as assess and address competency levels within NTB. NTB shall be able to attain its strategic direction against rising demands for better service delivery from stakeholders if the internal capacity, resources, and infrastructure are strengthened.

3.2.1.3 Key Strategic Interventions and Envisaged Results

The amended Public Procurement Act and new Implementing Regulations for Public Procurement (IRPP) should warrant the strategic and holistic use of public procurement in addressing the entire procurement cycle including integration of public procurement with other elements of strategic governance such as budgeting and financial management and to reflect the critical role management of public procurement must play in ensuring greater efficiency and effectiveness in the use of public funds.

In order to align procurement system in Somaliland with internationally accepted good practice and following OECD recommendations on the strategic use of public procurement¹ and its Methodology for Assessing Procurement Systems (MAPS), the PPA amendments should encompass the following:

Key Strategic Interventions / Activities	
I.	Legislative and regulatory framework
1.	Determine scope of application and coverage of the legislative and regulatory framework: <ul style="list-style-type: none"> • Organize framework hierarchically (laws, regulations, procedures,) and clearly established precedence; • Determine the extent of framework coverage; • Ensure that laws and regulations are published and easily accessible to the public at no cost;
2.	Introduce provisions for delegating procurement authority and accountability to PEs who have the capacity to exercise responsibilities;
3.	Prescribe appropriate segregation of duties throughout the procurement process and clearly lay down responsibilities to ensure there are checks and balances in the system;
4.	Ensure that policy and procedures for internal and external control and audit of public procurement operations are in place to provide a functioning control framework.
5.	Prepare procurement manual for PEs detailing all procedures for the correct administration of PPA and IRPP;
6.	Ensure that procurement planning is part of the budget formulation process and contribute to multiyear planning;

¹ OECD Recommendation on Public Procurement, 2015

Key Strategic Interventions / Activities	
7.	<p>Introduce framework agreements to improve procurements and achieve greater value for money by fulfilling similar procurement requirements of various public entities or recurrent procurement requirements of public entity and achieving savings in both costs of procurement of common-use goods and services and time spent in the procurement process;</p> <p>The following are principal benefits of using framework agreements:</p> <ul style="list-style-type: none"> (a) They may provide public entities with a convenient, flexible, streamlined and efficient process for purchasing the goods or services covered by the framework agreements; (b) They allow public entities to enter into call-off contracts with framework agreement's suppliers without a further procurement process; (c) They require fewer steps to make a purchase and in turn they provide faster procurement processes, while still achieving value for money; (d) They may provide better pricing than public entity can obtain through regular procurement processes; (e) They may provide a reduced need for warehousing as goods are stored by suppliers; (f) They may remain valid up to three fiscal years (depending on the life of the framework agreement); (g) They allow central management of the contract; (h) Agreed terms, conditions and performance criteria apply over a series of different requests for goods or services provision; (i) In summary, they may make purchasing easier for public entities because they can be faster, more efficient, and can offer better pricing. <p>These benefits can be important especially when public entities are making frequent purchases of the same or similar item or are involved in small projects.</p>
8.	Introduce provision on establishment of independent administrative/judicial review body;
9.	Introduce provision that will allow NTB determine procurement threshold for decentralized PEs;
10.	Introduce preferential procurement policies targeting local small and medium sized enterprises;
11.	Integrate in PPA mandatory introduction of risk management strategies for mapping, detection, and mitigation risks throughout the public procurement cycle;
12.	Include provisions addressing corruption, fraud, conflict of interest, and unethical behavior and set out the actions that can be taken with regard to such behavior;
13.	Include adequate provisions on fraud and corruption in SBDs;
14.	Define responsibilities, accountabilities, and penalties for individuals and firms found to have engaged in fraudulent or corrupt practices;
15.	Introduce requirements for internal controls, compliance measures and anti-corruption programs, including appropriate monitoring;
16.	Avoid inclusion of requirements which duplicate or conflict with other legislation or regulation;
II. Strengthen status and functions of NTB as public procurement regulatory body	
1.	Clearly define in the legislative and regulatory framework the status and basis of NTB as normative/regulatory body to ensure that NTB has an appropriate level of authority to enable it to function effectively;
2.	<p>Define set of responsibilities of the NTB that include but are not limited to the following:</p> <ul style="list-style-type: none"> (a) Providing advice to public entities; (b) Drafting amendments to the legislative and regulatory framework and implementing regulations; (c) Public procurement oversight; (d) Providing procurement information; (e) Managing statistical databases; (f) Reporting on procurement to other parts of the GoSL;

Key Strategic Interventions / Activities	
	(g) Developing and supporting implementation of initiatives for improvements of the public procurement system; and (h) Providing implementation tools and documents to support training and capacity development of implementing staff.
3.	Define the NTB's organization, funding, staffing and level of independence to enable it to carry out its responsibilities without interference;
4.	Ensure that the NTB is not responsible or involved in the execution of direct procurement transactions and is free from other possible conflicts of interest (e.g. by preparing bidding documents or being member of evaluation committees, etc.).

Matrix of envisaged results is the following:

Outputs	Outcomes
1. Public Procurement Act amended; 2. Functions of the regulator (i.e. NTB) and public entities defined; 3. Corresponding implementing regulations improved to further detail and clarify application of amended Public Procurement Act; 4. Procurement manual for PEs prepared; 5. Guides on developing technical specifications, identifying appropriate award criteria, and contract management developed; 6. Risk management strategy developed; 7. NTB organizational development exercise completed.	(I) Increased compliance with procurement regulations by 50% by the end of 2027.

3.2.2 Harmonize Rules and Regulation Governing Public Procurement into Single Integrated Public Procurement System

3.2.2.1 Key Constraints & Challenges of the Current System

The current procurement system is fragmented because of two separate regulatory frameworks applicable for procurement financed from the national budget and by external donors.

According to Section 4 (2) of the Public Procurement Act, procurement funded from the national budget is the responsibility of the National Tender Board;

Procurement for externally financed projects/programs in Somaliland is governed by the External Assistance Fiduciary Section (EAFS) of MoFD. This exception has ground in Section 5 (a) of the PPA which stipulates: *“To the extent that this Act conflicts with any treaty provisions or with procurement rules of a donor or funding agency pursuant to an agreement entered into by the Government, the requirements of such treaty or agreement shall prevail; but in all other respects, the procurement shall be governed by this Law.”*

A number of assessment studies carried out by development partners and PEFA program in developing countries stressed necessity to integrate and harmonize provisions of both nationally and externally funded procurements into one common legislation that is in accordance with international procedures and best practice.

Some advantages of harmonizing and consolidating procurement regulating framework and processes are the following:

1. Budget savings through reduction of the operational expenses, as follows:
 - 1.1. Elimination of similar or overlapping activities by National Tender Board and EAFS;
 - 1.2. Standardization of data across all public entities in GoSL;
 - 1.3. Centralized oversight of all public procurement activities in GoSL;
 - 1.4. Centralized reporting on performance of public entities in carrying out public procurements;
 - 1.5. Centralized quality assurance of process work;
 - 1.6. Centralized and well-regulated tracking of procurement processes' cycle;
2. Budget saving by avoidance of use and payment of different software applications used in the process;
3. Elimination of different procurement related documents used as input for the same process;
4. Increased transparency of procurement system and ensured access to all key procurement information for stakeholders and overall public via NTB Website;
5. Establishment of single procurement monitoring and reporting system (PMRS);
6. Reduction of the need to maintain parallel rules and train staff in two sets of guidelines;

3.2.2.2 Key Strategic Interventions and Envisaged Results

The harmonization and consolidation of procurement regulating framework and processes should align different variants of procurement processes that currently exist in the GoSL by capturing their commonality and variability in a consolidating and efficient manner, without attempting to make different processes identical. This means that, when harmonizing the variants, certain differences between procurements funded under national budget and procurements under externally financed projects/programs may be kept if there is good reason to do so.

The harmonization of the PPA and IRPP with the World Bank Procurement Regulations for IPF Borrowers should be done in parallel with overall consolidation of public procurement legal and regulatory framework. It is expected that new single harmonized rules and regulations will be fully acceptable to Somaliland's primary development partners (i.e. the World Bank, African Development Bank, etc.) and, consequently, used as a reference by development partners in formulating their Aide Memoire, Memorandum of Understanding, and Financing Agreement.

The following strategic interventions /activities are planned to be undertaken during the course of harmonization process:

Key Strategic Interventions / Activities	
1.	Revise/harmonize procurement methods and circumstances under which each method is appropriate including a requirement for approval by an accountable official;
2.	Revise/harmonize advertising rules for procurement opportunities and time limits;
3.	Revise/harmonize rules on participation in a tendering process and qualitative selection;
4.	Revise/harmonize SBDs and assess whether their content is relevant to making an award decision and sufficient for bidders to be able to respond to the requirement;
5.	Revise/harmonize provisions in respect to the objectivity and transparency of the evaluation process and degree of confidentiality kept during the process to minimize the risk of undue influences or abuse;
6.	Revise/harmonize provisions related to the process of submission, reception, and bid opening;
7.	Revise/harmonize provisions establishing complaints/review system;
8.	Revise/harmonize procedures for pre-qualification of participants in a particular procurement;
9.	Revise/harmonize procedures for selection of consulting services or other requirements in which technical capacity is a key criterion;
10.	Revise/harmonize general conditions of contracts (GCC) covering goods, works and services and ensure their consistency with national and, when applicable, international requirements.

Matrix of envisaged results is the following:

Outputs	Outcomes
<ol style="list-style-type: none"> Procurement regulating framework and processes consolidated as a single set of regulations to provide defined processes and procedures which are not included in higher-level legislation; Single Public Procurement Manual developed. 	(I) Value of contracts awarded via open competitive procurement methods increased by 30% by the end of 2027.

3.2.3 Decentralize Public Procurement System

3.2.3.1 Key Constraints & Challenges of the Current System

The devolution of procurement functions and their assignments to various levels of PEs and LGAs should be priority in the agenda of GoSL.

To support the national budget system reform and devolutions plans, the following long-term measures should be considered:

- Readiness and mature system and management structure;
- Increased capacity and skills to sufficient levels;
- Promote and tighten financial compliance;
- Develop a clear framework for accountability and responsibility.

This is fully in line with international best practice where the capacity of PE and LGA and the efficiency and effectiveness in the delivery of services/programs are the key criteria for determining the transfer of functions.

3.2.3.2 Key Strategic Interventions and Envisaged Results

Decentralizing procurement function by placing it closer to the needs of the final users is likely to be an economically efficient exercise, produce more effective outcomes for local community, and better promote development of the local suppliers, especially SMEs.

The common arguments for decentralized procurement are:

- Reduced opportunities for corruption;
- A closer match to end-user requirements;
- Less bureaucracy;
- Shorter time frames;
- More opportunity for SMEs to compete for contracts;
- More opportunities for lower prices from local suppliers; and
- Improve effectiveness and accountability of PE and LGA.

Despite the obvious benefits of decentralizing procurement function, due to the existing lack of capacity at central and local government level, the proposed key strategic interventions towards decentralization should be balanced against the primary procurement reform goal of achieving value for money and increasing competitiveness, transparency and efficiency.

Key Strategic Interventions / Activities	
1.	Introduce provision in Public Procurement Act (PPA) that will allow NTB to determine procurement threshold for decentralized public entities depending on: <ul style="list-style-type: none">• Their capacity to exercise responsibilities in accordance with PPA;• Achieved level of compliance with PPA;• Associated risks;
2.	Precisely define accountability of decision-making authority in decentralized PEs;
3.	Amend PPA by introducing preferential procurement policies targeting local small and medium sized enterprises (SMEs) and, if possible, include gender specific preferential policies;
4.	To facilitate the participation of local SMEs in public procurement the following measures could be introduced: <ul style="list-style-type: none">• Determine contract sizes or specific goods or services to be reserved for SMEs to bid on;• Reserve a designated portion of the procurement budget for SMEs;• Encourage PEs at local government level to split contracts into smaller lots to make tenders more accessible to local SMEs;• Limit turnover required to participate in a tender procedure to allow more local SMEs to participate;

Key Strategic Interventions / Activities	
	<ul style="list-style-type: none"> • Reduce and streamline the documentary evidence required for participation in procurement procedures; • Introduce framework agreements for SMEs to facilitate continued and more engagement by SMEs;
5.	Strengthen and harmonize capacity building interventions to encompass all stakeholders at local government level;
6.	Strengthen quality assurance and standardization of capacity building system (e.g. establish certification mechanism);
7.	Ensure and integrate diverse approaches in capacity building of local government authorities (e.g. coaching and mentoring, introduce professional networks for learning and knowledge exchange, etc.);
8.	Ensure adequate funding for demand driven capacity building at local government level;
9.	Develop and implement PMRS to support informed decision making at local government level;
10.	Introduce e-tools to make available relevant information on tender opportunities, monitoring systems, evaluation, and contract award procedures;
11.	Collaborate with relevant MoFD departments to ensure efficient and sustainable resource mobilization.

Matrix of envisaged results is the following:

Outputs	Outcomes
1. Increased procurement thresholds for PEs depending on achieved level of compliance; 2. Preferential procurement policies targeting SMEs introduced in PPA; 3. Capacity building activities at local government level carried out.	(I) 70% of PEs increased budget execution rate to 95% by the end of 2027 (More responsive public service delivery.).

3.2.4 Improve and Make Independent Complaints and Grievance Handling Mechanisms

3.2.4.1 Key Constraints & Challenges of the Current System

Part 13 with Sections 95, 96 and 97 of the Public Procurement Act define the settlement of complaints and appeals review proceedings but do not establish an independent institution to review procurement complaints. In case of a dispute, the settlement of the appeal / complaint is addressed by the Chairman of the National Tender Board. Complainants who are not satisfied with the decision made by the Chairman of National Tender Board may appeal to the competent court of law (i.e. Supreme Court).

Pursuant to PEFA Dimension 24.4 - Procurement complaints management, complaints must be reviewed by a body that:

1. is not involved in any capacity in procurement transactions or in the process leading to contract award decisions;
2. does not charge fees that prohibit access by concerned parties;
3. follows processes for submission and resolution of complaints that are clearly defined and publicly available;
4. exercises the authority to suspend the procurement process;
5. issues decisions within the timeframe specified in the rules/regulations; and
6. issues decisions that are binding on every party (without precluding subsequent access to an external higher authority).

According to PEFA, the reviewing body responsible for complaint resolution need not be separate from the procurement authority, but it must operate independently from procurement operations and not be subject to the influence of procurement managers.

Therefore, the establishment of such independent mechanism must be of the highest priority for the GoSL.

3.2.4.2 Key Strategic Interventions and Envisaged Results

To meet requirements of PEFA and OECD Methodology for Assessing Procurement Systems (MAPS) an administrative/judicial review body shall be established. Ideally, the body shall be a separate agency that is independent from the NTB or procuring public entity and with no direct interest in the procurement process. The procurement legal framework should provide the following:

- (a) The right to review for participants in a procurement process;
- (b) Provisions to respond to a request for review at the PE level with administrative review by another body independent from the PE that has the authority to grant remedies and includes the right for judicial review;
- (c) Establishes the matters that are subject to review;
- (d) Establishes timeframes for issuance of decisions by the public entity and the administrative review body.

The reviewing body may charge fees which are country specific and should be treated as such.

To accomplish above, the following strategic interventions /activities are planned:

Key Strategic Interventions / Activities	
1.	Asses legal framework related to resolution of disputes and complaints;
2.	Benchmark international best practices and standards in setting up independent procurement complaints and grievance handling mechanism;
3.	Create and enact regulatory framework for establishment of independent Procurement Complaints Review Committee (PCRC), as follows: <ul style="list-style-type: none">• Establish PCRC which shall handle complaints from suppliers and any other interested parties arising out of the execution of the procurement function;• Introduce corresponding sanction regime for PEs which decisions on complaints resolution are dismissed by the independent PCRC;• Set out time limits in the legal framework for managing and resolving complaints;

Key Strategic Interventions / Activities	
	<ul style="list-style-type: none"> • Prepare Manual on Procurement Appeal Management / Complaint Review procedure for the purpose of establishing detailed rules and procedures to ensure legal protection of rights of complainants; • Prepare standard forms to be applied in complaints review procedure;
4.	Conduct independent procurement complaints reviews;
5.	Establish Web based information system to provide access to decisions on complaints resolutions to all interested parties and to the public.

Examples of public procurement complaints review systems in Cyprus and Japan are given in Figure 1 below.

Figure 1: Procurement Complaints Review Systems in Cyprus and Japan

<p style="text-align: center;">Cyprus</p> <p>The public procurement review and remedies system in Cyprus can be subdivided into three elements: a complaint to the contracting authority, non-judicial review through the Tenders Review Authority (TRA) and judicial review through the Supreme Court of Cyprus. The TRA was set up with the power to review any decisions taken by contracting authorities prior to the conclusion of any public contract for an alleged infringement of the law. Hence it is a specific public procurement review body independent from the government. However, the members of this body do not have a status that is comparable to that of judges. The TRA has five members, including the chairperson. Any person aggrieved by a decision of the TRA or by any decision taken by a contracting authority before or after the conclusion of the contract can challenge such a decision before the Supreme Court of Cyprus. The members of the Supreme Court and its chairperson are judges, and their status is governed by the Constitution. The Court fulfils the requirement for a court of law set forth in Article 177 of the EEC Treaty. Source: SIGMA, <i>Establishing Procurement Review Bodies</i>, Brief 25, July 2013</p>	
<p style="text-align: center;">Japan</p> <p>1. <u>Council of Government Procurement Review</u> Headed by the Cabinet Vice-Minister, this council is composed of vice-ministers and other officials from related ministries. It formulates complaint-handling procedures.</p> <p>2. <u>Procurement Review Board</u> This board is composed of members with academic backgrounds in government procurement. It reviews complaints regarding procurement by central government entities and other government-affiliated entities based on procedures defined by the Council of Government Procurement Review from a position of impartiality and independence, according to the details of procurement to the relevant procedures defined in the Agreement on Government Procurement (including the revised Agreement on Government Procurement of April 2014, hereafter referred to as the "Government Procurement Agreement") and international agreements and regulations separately designated by the Chairperson of the Council of Government Procurement Review. Source: <i>Office for Government Procurement Challenge System</i>, Cabinet Office, Government of Japan</p>	

Matrix of envisaged results is the following:

Outputs	Outcomes
1. Regulatory framework to make procurement complaints and grievance handling mechanism independent revised; 2. Sanction regime developed and introduced; 3. Manual and standard forms on Procurement Appeal Management / Complaint Review created; 4. Decisions on complaints resolutions accessible to public.	<p>(I) 70% of participants in the complaints review process have favorable opinion on the fairness of the system by the end of 2027;</p> <p>(II) 70% of complaints processed within proscribed time limits by the end of 2027.</p>

3.2.5 Strengthen Transparency, Accountability, Competitiveness, Efficiency, and Effectiveness of Public Procurement System

Public procurement is a function of government that is most prone to corruption, particularly where there is insufficient transparency and competition in procurement processes. Procurement in Somaliland is no exception. Corruption in procurement erodes bidder confidence and results in higher bid prices. This ultimately increases the cost of delivering services to citizens and means that fewer services are provided with the available resources. Although no public procurement system will likely ever be fully free of all corruption, a system that promotes transparency, accountability, efficiency, effectiveness, and fairness will be a system where corrupt activities will be more difficult to conceal and will be easier to punish administratively or criminally.

Broader actions to address general corruption have been proposed and implemented by the Government of Somaliland (GoSL). However, this strategic document proposes additional specific measures that will minimize corruption in procurement.

3.2.5.1 Strengthen assessment and procurement post review mechanism

3.2.5.1.1 Key Constraints & Challenges of the Current System

Part of NTB's mandated responsibilities is to ensure public procurement complies with existing laws and regulations. This is currently done through the post procurement reviews/audits conducted by the Auditor General. There is commendable effort going into ensuring post reviews/audits verify that operations of the public procurement system are compliant with PPA and IRPP. The scopes of public procurement audit encompass the planning, tendering, and awarding process, implementation and monitoring and quality control phases. The most common findings of the post procurement reviews/audits in terms of process, cost, time, quantity, and quality are irregularities in the bidding process, limited competition, splitting of contracts, delayed project completion, defective projects, short/under delivery, project completion/goods supplied not in accordance with specifications, excessive project cost, bloated claims/payments, incorrect deductions, non-imposition of liquidated damages, sub-standard/poor quality work and failure to correct defects.

The common challenges faced by Supreme Audit Institutions (SAI) of Brunei, Cambodia, Indonesia, Malaysia and Philippines in auditing public procurement are summarized below.

Figure 2: Challenges in Auditing Public Procurement in ASEAN Countries

(1) Financial Regulations and Budget Issues

- Financial regulations are not up-to-date and in line with the development in technology and procurement methods;
- SAI has limited budget in conducting the audit;

(2) Auditing Capacity

- Lack of skills, experience or expertise in procurement activities, rules and regulations pertaining to procurement as well as technical aspects of the contract works or project. As a result, the audit opinions or recommendations are affected;
- Absence of a guideline on auditing procurement contract and procurement activities for references which renders auditing a challenge especially for new auditors;
- Broad audit scope and the audit is not conducted in-depth;
- Limited competent experts, laboratory facilities and technical tools;
- Limited time to audit;
- Auditing the public procurement process tend to be complex and complicated;

(3) Cooperation from Auditee

- Difficulty in obtaining documentation relating to the procurement contract or poor documentation and improper record keeping which at times delay the audit work;
- Lack of co-operation from the audited agencies during the field work;
- Information provided by Auditees (sometimes) is not accurate;
- The officers' in-charge of the project is not knowledgeable about the contracts/projects as there is no proper handover from the previous officers.

Source: *The Research Project on Public Procurement Audit of ASEAN Supreme Audit Institutions*

The additional challenge is the fact that compliance in itself is not enough to deliver a transparent, accountable, and efficient procurement system. Over focus on compliance could in some cases compromise achievement of value for money. For instance, where bidders are eliminated over minor administrative errors that would not significantly affect the ability of the bidder to perform and this often results in award of contract to higher priced bids.

The focus of public entities on compliance is partially driven by the AG post review/audit methodology that emphasizes compliance without adequate attention to performance. It must be remembered that while compliance may be a necessary condition, it is not sufficient for the achievement of value for money in procurement. The focus must therefore look beyond compliance to performance and outcomes, which may require greater use of professional judgement requiring that procurement personnel are adequately skilled to make and defend these judgements. Capacity building and the nature of post review/audit will have a major role in driving this focus change and influencing how the public entities behave with respect to compliance versus performance.

3.2.5.1.2 Key Strategic Interventions and Envisaged Results

The focus of post procurement reviews / audits will be changed to evaluating how well procurement processes are performing and whether value for money has been achieved instead of only evaluating whether PEs are compliant with the rules and regulations of public procurement.

To achieve this, the following strategic interventions /activities are planned:

Key Strategic Interventions / Activities	
1.	Assess current procurement post review policies, methodology, and procedures;
2.	Develop the Procurement Post Review Manual to focus post reviews / audits on performance areas;
3.	Develop the Procurement Post Review Manual to capture satisfaction level of contracts;
4.	Enforce follow-up on findings and recommendations of the post reviews / audits and their implementation within six months of submission of the auditors' report;
5.	Integrate post review / audit findings with development of training curriculum to better incorporate lessons learned;
6.	Build capacity of NTB to conduct performance focused post reviews / audits;
7.	Conduct performance focused post reviews / audits;
8.	Introduce annual reporting on good practices to enhance performance identified in post reviews / audits;
9.	Strengthen Procurement Review Code of Professional Conduct.

Matrix of envisaged results is the following:

Outputs	Outcomes
1. Developed Procurement Post Review / Audit Manual focused on performance post reviews / audits; 2. Annual reporting on good practices introduced and published; 3. Procurement Post Review Code of Professional Conduct strengthened.	(I) Number of PEs rated “very satisfactory” in post reviews / audits increased by 30% by the end of 2027.

3.2.5.2 Enhance functionalities of NTB Website to increase transparency of procurement system and access to all key procurement information for stakeholders and overall public

3.2.5.2.1 Key Constraints & Challenges of the Current System

According to PEFA framework specifications, key elements of publishing procurement information are procurement plans, bidding opportunities, contract awards, and data resolutions on procurement complaints. As a matter of public interest and to promote transparency, OECD Methodology for Assessing Procurement Systems (MAPS) recommends introduction into legal framework the following conditions:

- Procurement opportunities other than sole source or price quotations to be publicly advertised;
- Publication of opportunities provides sufficient time, consistent with the method, nature and complexity of procurement for potential bidders to obtain documents and respond to the advertisement. Such timeframes are extended when international competition is sought;
- Publication of open tenders is mandated in at least a newspaper of wide national circulation or in a unique NTB Internet official site, where all public procurement opportunities are posted, that is easily accessible;
- Content of publication includes sufficient information to enable potential bidders to determine their ability and interest in bidding;

Currently, procurement plans, contract awards and data on resolution of procurement complaints are not available to the public in a complete, reliable and timely way.

3.2.5.2.2 Key Strategic Interventions and Envisaged Results

It is necessary to ensure an adequate degree of transparency of the public procurement system in all stages of procurement cycle by allowing free access via an online NTB portal for all stakeholders, including potential domestic and foreign suppliers, NSA and the general public to the following public procurement information:

- guide “How to do business with the GoSL”,
- upcoming tender opportunities,
- contract award information,
- links to various procurement manuals,
- contact list of key procurement officials,
- frequently asked questions,
- legislative information,
- links to various document templates for suppliers to use when preparing bids,
- on-line supplier registration,
- “whistleblower” hotline
- user help desk, and
- feedback module, etc.

With single online NTB portal the need for practitioners to navigate multiple websites and formats to find the help or information they need will be eliminated. Having all information in one place also makes it easier for users to locate the right source of information verified by the official authorities, rather than relying on outside providers.

In order to be able to provide above information the following strategic interventions /activities are planned in the coming period:

Key Strategic Interventions / Activities	
1.	Define functional and technical requirements for the enhancement and reconfiguration of existing NTB Website to increase its functionality and responsiveness to end users’ needs;
2.	Configure NTB Website as a single point of access to all GoSL centralized and decentralized procurement opportunities including procurements of externally financed projects/programs;
3.	Set up a whistleblower hotline on the NTB homepage for reporting fraudulent, corrupt, or unethical behavior to enable investigators from the NTB to get in direct contact with whistleblowers, with the anonymity of the latter being assured.

Matrix of envisaged results is the following:

Outputs	Outcomes
<ol style="list-style-type: none"> 1. Redesign of NTB website proposed; 2. Whistleblower hotline set up on the NTB homepage; 3. NTB Website reconfigured. 	(I) Bidders' positive perception on the transparency in awarding public contracts increased to 70 % by the end of 2027 (All prospective suppliers have equal opportunity to bid.).

Example of a functional website providing all the relevant public procurement information is provided in Figure 3 below.

Figure 3: Uganda - Transparent Public Procurement Website - PPDA Uganda

The screenshot displays the PPDA Uganda website. At the top, it features the PPDA logo and the text 'THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS AUTHORITY'. Below this is a language selection dropdown and a search bar. The main navigation menu includes links for HOME, ABOUT US, DOWNLOADS, FAQs, CAREERS, and CONTACT US. The central banner prominently displays the 'eGP' logo with the tagline 'ELECTRONIC GOVERNMENT PROCUREMENT Efficient | Transparent | Secure'. To the right of the banner are four buttons: 'Register of Providers (ROP)', 'Government Procurement Portal (GPP)', 'E-Learning', and 'Suspended Providers'. Below the banner, there are three main sections: 'News Updates' with links to the Annual Public Procurement Review Forum (PPRF 2020), Circular No. 3/2020 on Guidance on Undertaking Procurements during the COVID-19 Lockdown, and the PPDA Quarterly Procurement Digest; 'Tweets by @PPDAUganda' featuring a tweet from the Anti Corruption Unit - State House; and 'Bidding Opportunities' with a section titled 'Available Bidding Opportunities at PPDA' and a 'Zero Tolerance Against Corruption and Fraud' banner. The footer contains 'Important Links' for various government entities, 'Connect with Us' with social media icons and email, and 'Other Procurement Bodies' from neighboring countries.

Source: Public Procurement and Disposal of Public Assets Authority (PPDA) Uganda,
<https://www.ppda.go.ug>

3.2.5.3 Set up an automated procurement monitoring and reporting system

3.2.5.3.1 Key Constraints & Challenges of the Current System

One of the key challenges facing public entities is that document management, recordkeeping, and reporting is not often done properly, which could seriously jeopardize achievement of set objectives to transform public procurement system and practices. Lack of reliable solution for tracking procurement activities and providing status visibility creates a challenging managerial oversight environment, prevents prompt decision making and greater access to information to all relevant stakeholders, which result in insufficient transparency and managerial, political, and financial accountability.

Therefore, there is a critical need to invest in an automated procurement monitoring and reporting system to collect, manage, integrate, and store information. This system will provide intelligence that can be used by both internal and external stakeholders to make value-adding decisions. Furthermore, NTB will need to stay ahead of the curve with respect to the latest trends in public procurement and therefore place itself in a position to be the leader in transferring knowledge to public entities and other stakeholders.

3.2.5.3.2 Key Strategic Interventions and Envisaged Results

A robust public procurement monitoring and reporting system should be fully integrated into overall budgeting and PFM processes (i.e. FMIS) to successfully interact with core financial, asset management, inventory, and other sub-systems in order to certify budget appropriation, commitment against an appropriation, disbursement, and support contract closeout processes. In addition, the Procurement Monitoring and Reporting System (PMRS) is expected to ensure an adequate and timely degree of transparency in each phase of the public procurement cycle and tracking and showing progress of the entire procurement system.

Integrated PMRS must be designed with effective and efficient interrelationships between software, hardware, personnel, procedures, controls, and data contained within the system. To be integrated, public procurement management and reporting system should have, as a minimum, the following characteristics:

- i. Central management of dislocated procedures:
 - interconnectedness of the NTB and public entities;
 - central defining of transaction policies;
 - central supervision over all transactions in real time;
- ii. Comprehensiveness of database's contents;
- iii. Integrity connection with all segments of database in real time;
- iv. Openness towards other systems:
 - open system towards MoFD FMIS and other systems in the GoSL;
 - open system towards Internet and Intranet;
 - open system towards other services;
- v. Unique codification system in the MoFD and all public entities;
- vi. Elimination of erroneous duplication of transaction entry in system;
- vii. Elimination of additional, redundant transaction in system;
- viii. Elimination of doubling main registers of programs, projects, contracts, assets, etc.;
- ix. Dynamic control of each phase of handling documents and transactions;
- x. Standard data classifications (definitions and formats) established and used for recording procurement events;
- xi. Common processes used for processing similar kinds of transactions;
- xii. Internal controls over data entry, transaction processing, and reporting applied consistently.

As Treasury codes do not possess the level of information or detail to allow a proper analysis of procurement expenditures to be undertaken and public entities could miscode or inconsistently code expenditures providing an inaccurate picture for analysis purposes, to accurately interpret outcomes from expenditure analysis and to further support the standardization of management reporting, performance measurement, and benchmarking it is necessary to consider introduction of the unique commodities classification system (e.g. UNSPSC - United Nations Standard Products and Services Code). Use of standard procurement classification system will:

1. Allow procurement managers to seek opportunities for cost reduction, supplier rationalization, and streamlined contractual arrangements.
2. Supports the planning process including identification of areas where procurement and financial resources should be focused for maximum benefit to the GoSL.
3. Provide the overarching framework for the successful deployment of e-GP system.
4. Introduction of procurement classification system will standardize procurement information in the GoSL, produce more meaningful management data, and put public entities in a better position to make more informed management decisions.

Consequently, PMRS is expected to be a key tool for:

- Providing standardized information on processed procurements and electronic data interchange;
- Safeguarding information and public entities' resources;
- Assessing periodically and consistently the results of the procurement process;
- Measuring performance, effectiveness, and savings of the public procurement system.

In order to ensure visibility of the flow of public funds from the beginning of the budgeting process throughout the public procurement cycle the following strategic activities are recommended:

Key Strategic Interventions / Activities	
1.	Assess actual record keeping and data collection system;
2.	Address specific procurement data requirements and categorization;
3.	Create a set of fundamental procurement reporting templates for efficient review of existing procurement processes, identification of possible gaps and areas for improvement. Reports to address level of performance in exercising key steps of procurement processes, level of achieving key performance targets, and highlight significant procurements and possible issues;
4.	Create a set of key performance benchmarking indicators and targets for quantitative / qualitative measurement of progress toward achieving the desired outcomes of individuals, teams, services, or authorities;
5.	Embed into reporting module one of widely accepted coding and classification systems to: <ul style="list-style-type: none"> • further support standardization of management reporting, • produce meaningful management data, • accurately interpret outcomes from expenditure analysis, and • ensure the aggregation of demand by consolidating purchases of commonly used items;
6.	Ensure that the new system is able to: <ul style="list-style-type: none"> • closely track individual transactions, • map process performance against approved time standards and targets, • select obtained data in adequate format;
7.	Ensure that the new system will be able to collect data on procurement by method, duration of different stages of the procurement cycle, awards of contracts, unit prices for most common types of goods and services and other information that allows analysis of trends, levels of participation, efficiency and economy of the purchases, and compliance with requirements;
8.	Carry out procurement of the new automated procurement monitoring and reporting system;
9.	Prepare and enact regulation on report management system and required contents of reports;
10.	Identify current infrastructure, personnel, and processes required for efficient procurement statistics / M&E system;

Key Strategic Interventions / Activities	
11.	Conduct training on the use of new reporting and performance measurement system;
12.	Roll out fully operational procurement monitoring and reporting system.
13.	Prepare manual on record management and record keeping in PEs that will be in line with norms for the safekeeping of records and documents related to procurement transactions;
14.	Establish security protocols to protect records either physical or electronic.

Matrix of envisaged results is the following:

Outputs	Outcomes
<ol style="list-style-type: none"> 1. Set of fundamental procurement reporting templates that will address level of performance of public entities created; 2. Key performance benchmarking indicators and targets for quantitative / qualitative measurement of results established; 3. Coding and classification system embedded into new reporting module; 4. PMRS procured; 5. Regulation on report management system enacted; 6. PEs trained on the use of new reporting system; 7. Fully operational PMRS rolled out; 8. Manual on record management and record keeping prepared. 	<p>(I) Improved management information ability to control and analyze budget execution across all areas of procurement;</p> <p>(II) Increased managerial, political and financial accountability of the GoSL through providing greater access to information.</p>

Example of an automated online procurement monitoring and reporting system of Philippines is shown in Figure 4 below.

Figure 4: Philippines - Online Reporting on Public Procurement



Source: PhilGEPS, <https://www.philgeps.gov.ph/notices.html>

3.2.5.4 Enhance the efficiency of the public procurement process by reducing procurement lead time

3.2.5.4.1 Key Constraints & Challenges of the Current System

Procurement delays are frequently resulting in some public entities unable to absorb their budget by the end of fiscal year and, therefore, not achieving their service delivery targets. Both internal and external sources of delays must be addressed for improvement of speed of procurement. In doing this, NTB must work with MoFD relevant stakeholders who are not directly in the procurement system but are contributors to successful budget execution.

3.2.5.4.2 Key Strategic Interventions and Envisaged Results

In order to reduce the bottlenecks that delay procurement processes, the contributing factors must be highlighted and addressed. This strategy is therefore aimed at ensuring public procurement processes are streamlined and made more efficient by minimizing the delays that are currently prevalent in the system.

Therefore, it is necessary to undertake the following strategic interventions /activities in the forthcoming period:

Key Strategic Interventions / Activities	
1.	Revise time limits for execution of all types of procurement methods that are currently set in the legal framework;
2.	Track procurement lead time to identify and resolve causes of delay; <i>There are several causes of delay in procurement processes. When compounded together, the result is low government budget absorption rate and ultimately poor service delivery to the public. Strategic intervention in this area will identify causes of delay and prioritize solutions.</i>
3.	Develop the Procurement Post Review Manual to ensure tracking of lead-time and identification of causes of delay and possible solutions when post reviews/ audits are conducted; <i>Auditors will therefore be required to report on lead-time and causes of delay.</i>
4.	In order to have meaningful impact on the efficiency of procurement process within PEs, NTB will continuously explore options and identify opportunities in public procurement for minimizing time taken to complete procurement process; <i>These activities will be done through comprehensive studies. Audit and monitoring reports shall also document innovations in reducing lead times and these shall be disseminated for wider application by other PEs. Furthermore, stakeholders will be educated and informed on new system and processes likely to improve procurement efficiency.</i>
5.	Upgrade automated procurement monitoring and reporting system to ensure lead times are reported for each contract awarded at the time of publishing contract award; <i>NTB will also ensure that reports on this lead-time can be generated and utilized by the PEs themselves as well as making them accessible to all relevant stakeholders via NTB website.</i>
6.	Conduct monitoring of progress of procurement plans implementation by PEs with the aim of reducing time variances between planned spending and actual spending; <i>It is in the interest of GoSL to ensure procurement by PEs is unhindered by bottlenecks as this will limit the impact of key GoSL programs. NTB will conduct appraisals on a quarterly basis of procurement plan implementation This will contribute to providing timely information to PEs to take remedial actions in a timely manner.</i>
7.	Develop joint action plans with stakeholders to reduce procurement lead time and ensure that any bottlenecks within their control are resolved. <i>The procurement process is such that there are several stakeholders who indirectly affect the process. These stakeholders are important since they contribute to the effectiveness of the public procurement process.</i>

Key Strategic Interventions / Activities	
8.	Advocacy with MoFD Treasury Department for timely fund release; <i>MoFD Treasury Department is responsible for timely release of funds. Timely payment is essential as suppliers' low liquidity affects ability to deliver on time. To alleviate this, NTB will carry out a number of advocacy initiatives and develop joint action plans with internal and external stakeholders to ensure that any bottlenecks within their control are resolved to improve procurement lead-time.</i>

Matrix of envisaged results is the following:

Outputs	Outcomes
1. Time limits for execution of all types of procurement methods revised; 2. Procurement monitoring and reporting system upgraded to track lead time; 3. Regular monitoring of procurement plans' implementation progress by PEs established.	(I) Efficiency of the public procurement process enhanced by reducing procurement lead time for 20% by the end of 2027.

3.2.5.5 Strengthen contract management and promote good performance

3.2.5.5.1 Key Constraints & Challenges of the Current System

Procurement post reviews/audits reveal that many contracts are not successfully implemented because of the following reasons:

- i. Weaknesses in procurement planning and evaluation;
- ii. Failure to use appropriate contract terms and conditions;
- iii. Long contract implementation;
- iv. Failure to conduct inspection and actual handover;
- v. Inadequate skills of contract managers;
- vi. Delays in payment;
- vii. Weak arrangements for monitoring and reporting on contract management.

NTB will need to address and minimize these factors in order to ensure that activities related to delivery of goods, works, and services do not jeopardize effects of sound procurement evaluation, selection, and award processes and to ensure that intended beneficiaries will not miss the benefit that the successful contract completion would otherwise bring.

3.2.5.5.2 Key Strategic Interventions and Envisaged Results

Effective management of contracts which begins after contract award and continue to acceptance and final payment will result in improved government service delivery. There is a need to ensure value for money. This means that contracts are implemented on time and delivered with the right specifications. Within the coming seven years, NTB's focus will be on closing out the gaps that hinder effective contract management from the procurement process through to the contract delivery phase and its closeout. Specifically, this includes improvement and accomplishment of the following:

Key Strategic Interventions / Activities	
I.	Address gaps in contract management
1.	Procedures for acceptance of final products and for issuance of contract amendments to be part of the legal/regulatory framework or are incorporated as standard clauses in contracts;
2.	Include in contracts dispute resolution procedures that provide for an efficient and fair process to resolve disputes arising during the performance of the contract;
3.	Improve bidding and contract award processes, as follows:

Key Strategic Interventions / Activities	
	<ul style="list-style-type: none"> • Improve financial criteria for bidders; • Regularly review and update existing terms and conditions of contract; • Reduce proportion of bids which are excluded for administrative reasons; • Set maximum period to award a contract from bid submission date • Reduce approval time;
4.	Conduct evaluation and dissemination of suppliers' performance to identify and reward high performers and to eliminate poor performing suppliers;
5.	Supervision of civil works to be carried out by independent engineering firms or qualified government supervisors and inspectors;
6.	Strengthen capacity in contract management by: <ul style="list-style-type: none"> • Preparing contract management manual; • Building capacity of contract managers in effective contract management; • Carrying out specialized training for civil works and infrastructure contract management; • Improving quality assurance in PEs;
7.	PEs to improve financial procedures to ensure contract's payments are processed in accordance with contract terms.
II. Strengthen contract monitoring mechanisms	
1.	Establish baseline targets for satisfactory contracts;
2.	Establish monitoring system for high-value contracts;
3.	Publicize loopholes in contract management and their impact on contract execution;
4.	Follow-up on implementation of recommendations from procurement post review;
III. Promote good performance	
1.	Promote systematic building and dissemination of data and information on best practices and topical issues in public procurement, as follows: <ul style="list-style-type: none"> • Publications through different avenues: media, e-mail groups, website, etc. • Distribution of Guidelines; • Creation and Periodic Review of Database of Stakeholders;
2.	Recognize and reward good performance of individuals and PEs; <ul style="list-style-type: none"> • Set up excellence reward schemes for individuals and PEs who excel in the field of public procurement; • Publicize the good performers to promote good practices and improve the reputation of public procurement profession.
3.	Develop specific guidance to help PEs prevent and detect fraud and corruption in its various forms (e.g. conflicts of interests, kickbacks or bid rigging, etc.) and to empower authorities to apply more effectively the integrity-enhancing mechanism. <ul style="list-style-type: none"> • Raise awareness, provide training and guidance on various forms of malpractices to empower public procurement officials to prevent such practices; • Set up internal reporting channels contributing to the effectiveness of the procurement system by increasing the probability that malpractice is reported.
4.	Develop public procurement methodological manuals as explanatory documents that will act as reference guides for PEs providing practical information regarding the implementation of the procurement legislation through examples, cases and advices when conducting procurement procedures, thus ensuring time saving, increased legal certainty and reduced margin of errors.
5.	Regularly conduct, publish and disseminate case law analysis to supports the interpretation and correct application of public procurement legislation, particularly those provisions that are ambiguous or complex (e.g. provisions concerning the acceptance of abnormally low tenders, selection and award criteria as well as contract modifications, etc.).

Matrix of envisaged results is the following:

Outputs	Outcomes
<ol style="list-style-type: none"> 1. Contract management manual prepared and implemented; 2. Weak Contract management scenarios publicized; 3. Documentation of best practices and topical issues published on NTB website; 4. Award scheme for good performance introduced. 	<p>(I) 70% of contracts completed as per contractual time by the end of 2027;</p> <p>(II) Percentage of contracts found with incomplete records reduced to 30% by the end of 2027.</p>

An example of recognition of good and innovative procurement practices is South Asia Procurement Innovation Awards established by South Asia Regional Public Procurement Network (SAPPN), the World Bank, and Procurement iNET is shown in Figure 5 below.

Figure 5: South Asia Procurement Innovation Awards

“The South Asia Procurement Innovation Awards recognize the innovative thinking that has gone in and the way information and communication technology has been seamlessly utilized towards achieving better value for money, efficiency, and transparency in a wide range of procurement scenarios. With 78 submissions and a winner selected for every country, these coveted Awards are a feather in the cap of procurement professionals in South Asia. The wide-spread response and acclaim that these Awards have received make it clear that they are here to stay for many more years.

The second successful conclusion of the Awards reaffirms the strong partnership between members of the South Asia Public Procurement Network (SAPPN), consisting of all procurement policy and regulatory bodies of the region, the World Bank, and its knowledge and networking platform Procurement iNET. This partnership goes a long way in achieving the objectives of enhancing learning and knowledge sharing with regard to innovative procurement practices adopted within the South Asian countries.

A review of the submissions shows that public procurement is moving away from mere administrative and operational focus to strategic thinking for delivering developmental objectives of institutions. There are clear evidences that procurement processes are driving Social, Economic, and Environmental Sustainability; with transparency and enhanced efficiency.”

Elmas Arisoy, Practice Manager, Solutions and Innovations in Procurement (SIP), Governance Global Practice (GGP), The World Bank

Source: <https://www.procurementinet.org/sapia/index.php>

Example of good practice in developing public procurement methodological manuals is shown in Figure 6 below.

Figure 6: France - Vade-Mecum of Public Procurement

The Directorate of Legal Affairs (DAJ) of the French Ministry of the Economy and Finances (Minefi) is in charge of the development of the national public procurement law. The DAJ is France main procurement body, tasked with representing France in public procurement councils and experts' groups nationally and internationally. It also plays a key role in providing legal advice to central, regional and local public administrations.

In this context, the DAJ has produced a comprehensive manual on public procurement called the Vade-Mecum of Public Procurement. This manual is the result of the work of a taskforce composed of legislative experts within the Ministry with extensive knowledge of public procurement rules and experience in advising contracting authorities.

A first version of the Vade-Mecum was published in 2013 and was last updated in 2015. The manual is extensive and structured around four main sections. The first one is divided in five sub-sections that each cover a phase of the procurement lifecycle, for which good practices and

examples are provided. The second section complements the first one by providing technical fiches on key topics at each phase of the procurement lifecycle such as sector-specific procurement information for instance. The third section provides several tables summarizing the rules, times and thresholds for publishing and awarding contracts according to the different procurement procedures. Tables are available for both public entities falling under the Public Procurement Code including the State and state public institutions, local authorities and local public institutions, public health establishments, and entities falling under the Ordinance of 6 June 2005 concerning contracting authorities. The last section is dedicated to flowcharts illustrating the different steps in conducting the following six procurement procedures:

- Open procedures;
- Restricted procedures;
- Competitive dialogue procedure;
- Negotiated procedure with prior advertisement;
- Negotiated procedure after prior advertisement;
- Specialized procedure.

Finally, at the end of the manual, an index of procurement-related terms is available, where each term is linked to a relevant technical fiche and/or a paragraph within the manual.

The Vade-Mecum is available in PDF and HTML formats and can also be consulted on tablet computer. Being both a practical tool and a reference book for interpreting the law, the manual encounters a great success with procurement practitioners as well as with academia.

More information at: <http://www.economie.gouv.fr/daj/vade-mecum-des-marches-publics-ed2015>

Source: Toolbox of good practice, European Commission, Strasbourg, 3.10.2017

3.2.5.6 Improve Procurement Outcomes through Implementation of e-Government Procurement

3.2.5.6.1 Key Constraints & Challenges of the Current System

ICT inarguably increases efficiency in public procurement processes. It has the added advantage of leveraging limited financial resources. Currently, the public procurement system is heavily reliant on manual processes.

Problems inherent in traditional paper-based procurement processes include incomplete management information, inefficient procedures, and high compliance costs for suppliers and public entities, simplistic and inferior procurement methodologies, and insufficient transparency. Persistence with paper-based procurement processes also slows the adoption of productive ICT in the economy generally, and it is characterized by:

- (i) Uncoordinated procurement across government with different public entities having different contracts and different prices for the same goods;
- (ii) High process costs associated with researching the market;
- (iii) Outdated market intelligence;
- (iv) Inefficient payments processes;
- (v) Obsolete post review/audit information;
- (vi) Error-prone contract management tracking;
- (vii) Complex post review/audit tracking.

In the years to come many of these constraints can be addressed through the effective use of ICT and e-government procurement (e-GP).

Use of ICT and e-GP will provide a platform for:

- (i) increasing transparency in procurement procedures and practices;
- (ii) improving efficiency in the procurement process, by minimizing the procurement cycle time, maximizing value for money, and fostering accountability;
- (iii) improving confidentiality, integrity, and authenticity of transactions between the public entities and the suppliers; and

- (iv) developing a common database and electronic trail of procurements to facilitate proper monitoring, reporting and planning of public procurements.

3.2.5.6.2 Key Strategic Interventions and Envisaged Results

Technology is key to transforming the face of public procurement in Somaliland. It is therefore essential that ICT is included as one of the NTB objectives for the next seven (7) years. It is the intent of NTB to use ICT as a platform to help support the achievement of all its other objectives. Following OECD Recommendation of the Council on Public Procurement, which emphasizes the need to promote e-procurement as a clear part of a sound public procurement system, the implementation of e-GP will be at the heart of the ICT transformation. NTB plans to employ a phased approach of e-GP implementation and assess the success and effectiveness of each phase prior to embarking on the next phase.

Philippine Government Electronic Procurement System (PhilGEPS) is the good example of phased approach in implementing e-GP, as shown in Figure 7 below.

Figure 7: Philippine Government Electronic Procurement System (PhilGEPS)

The PhilGEPS started as a pilot system for the purchase of common-use supplies, materials and equipment. By operating the service, the government was able to gain a better understanding of the design and architecture requirements, evaluate the business model, identify strategies for operation and evaluate funding sources in preparation for the construction of its own system. The PhilGEPS was launched using a phased approach to give time to introduce, educate, train and support government agencies and suppliers. It adopted a government managed service with the back-end system outsourced to a third-party provider. This business model was seen to be the most viable option to mitigate the risks associated with development and delivery and the difficulty in recruitment and retention of technical expertise required for the system under government rules and regulations. Under the Government Procurement Reform Act (GPRA) that was passed in 2003, the PhilGEPS became the single portal to serve as primary source of all government procurement information.

Many stakeholders are benefiting from the pilot of the PhilGEPS. The government has saved over P564 million in advertising costs alone. It is also getting better prices and substantial savings in administrative procurement costs and time. Suppliers find the PhilGEPS to be a cost effective and efficient way of doing business with government. It is also providing greater opportunity for small and medium enterprise participation.

Source: Asian Development Bank, Philippines: Case study on The Philippine Government Electronic Procurement System (PhilGEPS), June 2011

Presently, PhilGEPS offers the following functionalities: Electronic Bulletin Board, Subscriber's Registry, Electronic Catalogue, Integrated Notices Publication Interface, Government of the Philippines-Official Merchants' Registry, Module for Auditors and CSOs, and E-Bidding.

NTB approach to implementing e-GP will be the following:

Key Strategic Interventions / Activities	
1.	Conduct nationwide diagnostic e-GP readiness assessment to identify the current status of the public procurement environment, its weakness and pitfalls related to the existing use of ICT tools, and desired objectives deriving from a greater and better use of such tools;
2.	Evaluate international experience and lessons learned from e-GP system implementation;
3.	Ensure reliable leadership and seek for political support willing to embrace the changes proposed and to support all actors involved in e-GP implementation;
4.	Develop strategy for the adoption and implementation of e-GP system:
	i) Define benefits from e-GP implementation;
	ii) Define required legal and regulatory framework for e-GP implementation;
	iii) Define key e-GP objectives;
	iv) Define framework for e-GP system;

Key Strategic Interventions / Activities	
	v) Define functional requirements of e-GP solution (i.e. to be scalable and configured to comply with the standardized GoSL procurement processes, support multiple service delivery channels (Web, mobile, etc.), support phased implementation, able to be integrated/interfaced with FMIS and other national systems); vi) Define critical success factors and risks;
5.	Develop a creative public awareness strategy covering print (magazine, newspaper, posters, flyers, brochures etc.), radio, and digital mediums to: i) raise awareness of and support for the e-GP adoption and implementation; ii) inform GoSL entities, suppliers, and general public of the benefits of e-GP; iii) educate suppliers of technical requirements and need to register their firms with GoSL in order to participate;
6.	Procurement of e-GP system;
7.	Pilot rollout of e-GP in selected champion PEs with better e-GP preparedness;
8.	Country wide rollout of e-GP system.

Matrix of envisaged results is the following:

Outputs	Outcomes
1. Nationwide diagnostic e-GP readiness assessment conducted; 2. Strategy for the adoption and implementation of e-GP system developed; 3. Public awareness strategy on e-GP developed and implemented; 4. E-GP system procured; 5. E-GP system fully operational in pilot sites.	(I) Tenders processed through the e-GP platform in the pilot phase reported a reduction of 15% in prices; (II) 100% of tender and award notices published electronically in e-GP pilot sites by 2027.

3.2.6 Capacity Building and Professionalization of Procurement

3.2.6.1 Enhance coverage and effectiveness of training in basic and specialized procurement skills by broadening capacity building tools and methods that respond to the needs of stakeholders

3.2.6.1.1 Key Constraints & Challenges of the Current System

The Government of Somaliland is currently facing a shortage of skilled staff with general understanding of key procurement policies enshrined in the procurement regulations.

In addition, there is growing demand for basic procurement skills bearing in mind the increasing number of public entities. There is also need for specialized procurement and contract management skills as the business environment evolves and new business sectors emerge such as the high government investments in infrastructure that call for specialized procurement and contract management skills in these areas.

It also creates a challenge for NTB to attract procurement practitioners with extensive experience to be able to train and mentor other staff. More work also remains in assessing and addressing the institutional and organizational deficiencies that affect the performance of public entities beyond just the skills of procurement staff.

Most of NTB's capacity building efforts have been primarily focused on training and conducting of training workshops. While this approach is beneficial for some capacity building aspects, it may not be for others. Further, with the limited training staff it is not feasible to reach the large target audience with the available resources. A broader set of capacity building approaches tailored to the different needs would increase coverage and effectively build capacity. Further training would also be effective when integrated within the competency requirements for career progression of the GoSL staff and tailored to the specific needs of different public entities. Some of these capacity building

interventions will be highly specialized with no in-house skills to provide them and NTB would benefit from collaborating with other institutions that can meet these needs.

Table 2 below summarizes some of the main constraints, challenges and priorities in capacity building. It highlights common policies which have made capacity building interventions acceptable and applicable, areas in which improvements could be made, challenges faced and areas for future work and development. While this section does not provide a fully representative analysis of issues and challenges faced by all stakeholders in public procurement, it does offer a starting point for highlighting new priorities and needs and charting the way forward.

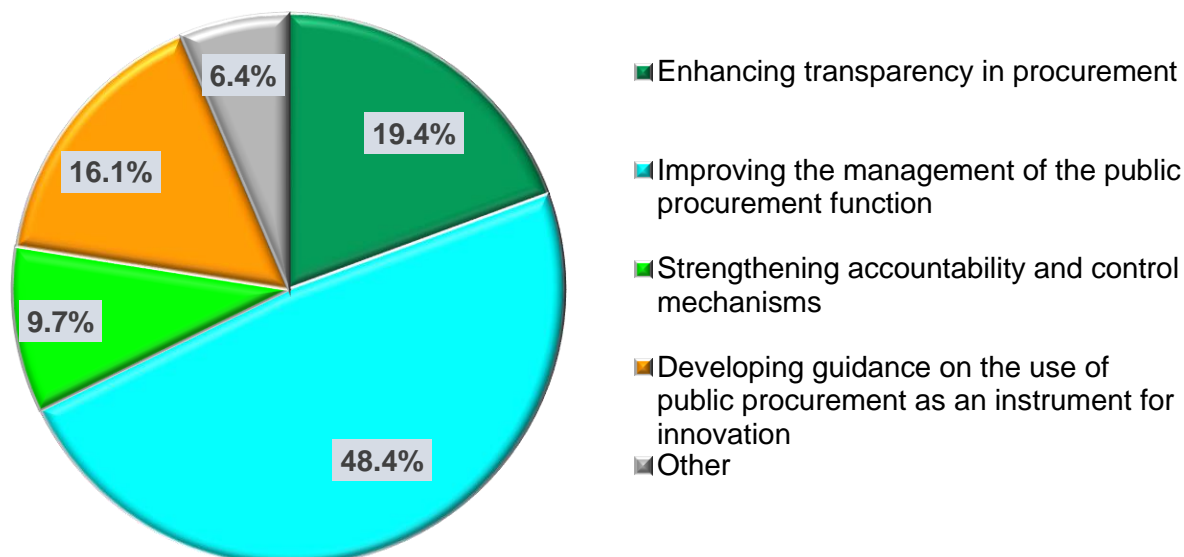
Table 2: Key issues and Challenges in Capacity Building

No.	Key Issues and Challenges
(A) NTB capacity building practice	
1.	The training programs are not sufficient in terms of content and frequency (waiting time) for participants from PEs;
2.	Information and training programs on public procurement for suppliers are not offered regularly;
3.	Training programs' design is not always based on a skills gap inventory to match the real needs of end users;
4.	Need for systematic evaluation and impact assessment of capacity building interventions to help practitioners generate lessons learnt and to analyze and improve performance;
5.	Need for introduction of performance-oriented learning methods and participatory approach in training with more learning-by-doing approach enabling participants to apply skills and knowledge gained from courses in their daily work throughout the training;
6.	Need for PEs' organizational capacity assessment / building (i.e. quality of business processes in place, office space and equipment necessary to perform duties, etc.) to enhance their understanding of the importance to increase organizational effectiveness;
7.	Need for reskilling NTB staff skill mix to strengthen its internal capacity to respond to emerging demands of e-GP and e-learning;
8.	Insufficient funding from national budget, therefore, high dependency on donor support.
(B) Internal organization and functioning of PEs	
1.	Level of stakeholders' understanding of PPA and regulations not consistent with their procurement responsibilities;
2.	Inadequate organizational capacity and knowledge;
3.	Insufficient and unsustainable funding of PUs;
4.	Inadequate number of PU members to operate effectively;
5.	Lack of information sharing and communication gaps between PUs and technical departments;
6.	Inadequate analytical and ICT skills and adaptive capacity;
7.	Lack of stringent disciplinary measures by PEs and profession;
8.	Low salaries, no incentives, and high staff turnover in relevant PUs;
9.	Administrative bureaucracy.
(C) Contextual external factors/relations	
1.	Insufficient capacity for networking and collaboration among NTB, PEs, IHE, and NSA;
2.	Inadequate capacity to engage with local communities and NGOs;
3.	Insufficient outreach to suppliers, NGOs, and community;
4.	Lack of nationally recognized and institutionalized professional procurement qualification standards;
5.	Lack of the critical importance of learning and acquiring new knowledge/skills by PEs;
6.	The challenge of dichotomy in the placement of professionals in central and local government authorities.

3.2.6.1.2 Key Strategic Interventions and Envisaged Results

According to the OECD 2010¹ survey on Reporting Back on Procurement Recommendation, improving the management and capability of the procurement function is considered as the main area for improvement.

Figure 8: Main Areas of Public Procurement for Improvement in OECD Countries



Source: OECD (2013), *Implementing the OECD Principles for Integrity in Public Procurement*

Considering new legislative and regulatory developments and increased use of ICT, it is essential that a systematic approach to capacity development for procurement officials be used to build and update their knowledge and skills.

The NTB capacity building strategy will aim to improve individual capabilities in parallel with improving PE's functions vis-à-vis public procurement.

In the forthcoming period, the NTB shall establish substantive, permanent, and relevant training programs for existing and new procurement professionals. These programs will be essential to maintain the adequate number of qualified procurement staff to PEs.

Some of these capacity-building interventions will be highly specialized with no in-house skills and NTB would benefit from collaborating with IHE that can meet these needs.

Another objective is to continuously strengthen capacity of trainers by diversifying, strengthening, and reskilling their knowledge.

A well-functioning system for evaluation of the training programs and monitoring of progress in addressing capacity issues will also be established.

Example of good practice in defining reference framework for procurement trainings is shown in Figure 9 below.

Figure 9: France - A Single Reference Framework for Procurement Trainings

The State Purchasing Directorate (DAE) was created in March 2016 with the mission of defining the State's purchasing policy. The DAE provides trainings to public buyers and is in command of the overall purchasing training program strategy.

DAE has defined a professional purchasing "family": 5 business areas encompassing 27 registered procurement professions. These 5 business areas are:

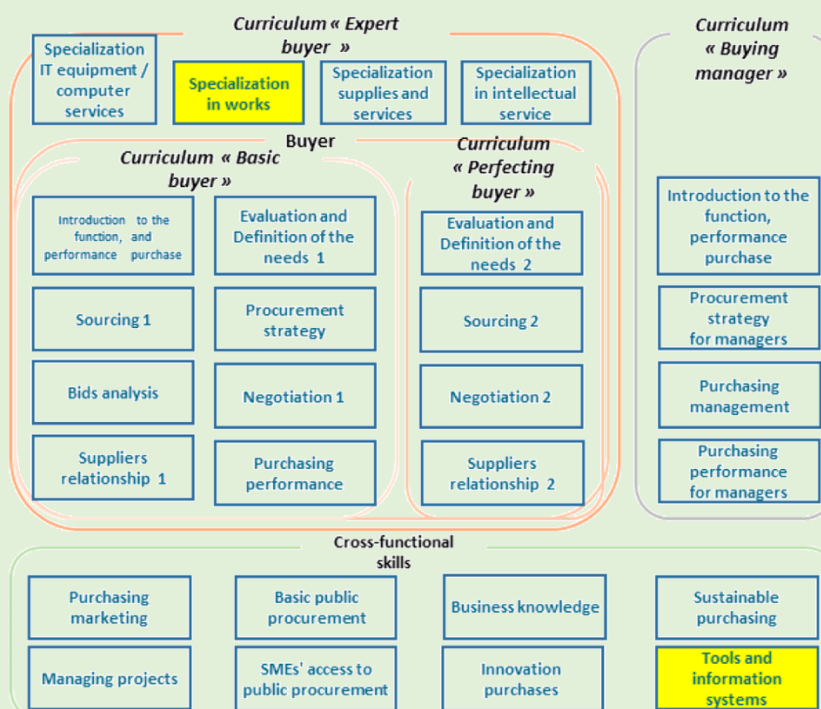
1. Purchasing Manager;
2. Buyer;
3. Purchasing Engineering Advisor;
4. Public Procurement Editor / Contract Specialist;
5. Supplier.

The objective of this "family" is to give recognition to the whole procurement function by the different State's ministries and agencies, and externally by suppliers.

An official HR **reference framework** was also set up after a process of inter-ministerial consultation with the aim of:

- Defining precisely the nature and task of each procurement function;
- Ensuring adequate career management and give consistency to the professional PP family scheme.

Setting up a reference framework for PP could help achieve a better definition of PP professions, enhancing career paths and mobility.



More information at www.economie.gouv.fr/dae

Source: *Toolbox of good practice, European Commission, Strasbourg, 3.10.2017*

Consequently, the following key capacity building interventions/activities are proposed:

Key Strategic Interventions / Activities	
I.	Enhance coverage and effectiveness of training
1.	Prepare capacity needs self-assessment tool to identify gaps between existing knowledge, skills, and experience of public procurement regulations at organizational, functional, and individual level of PEs and knowledge, skills, and experience required to effectively perform specific procurement activity:

Key Strategic Interventions / Activities	
	<ul style="list-style-type: none"> Identify all potential knowledge/skills challenges that could prevent the achievement of performance targets; Prepare skills gap inventory at: <ul style="list-style-type: none"> Institutional level (legal and regulatory frameworks governing activities and mandate of PEs); Organizational level (quality of business processes in place, office space and equipment necessary to perform duties); Individual level (public procurement skills, knowledge, competencies and attitudes necessary to perform activities to the expected level of quality);
2.	Set required competence levels and knowledge profiles for specialized procurement jobs and prepare capacity building and development plans to identify elements of learning, methods of its provision, timing for learning and determine by position level whether the element of learning is mandatory, essential or desirable;
3.	Introduce participatory approach in training following performance-oriented learning methods, such as: blended learning (i.e. a mixture of e-learning and interactive human contact), coaching - on the job learning, mentoring - supporting an individual's career and personal development, knowledge exchange (e.g. twinning, fora, peer to peer, study tours, etc.), and "Best fit" methods (e.g. focus group, expert panel, world café, citizens jury, etc.);
4.	Introduce mandatory integrity training programs for procurement officers;
5.	Conduct trainings in basic and specialized procurement skills;
6.	Establish programs to build capacity/skills of the local suppliers, including small businesses and carry out trainings to help new entries into the public procurement marketplace;
7.	Establish program to train internal and external auditors to ensure that they are well acquainted with procurement policies, operations, laws, and regulations.
II. Strengthen capacity of trainers by diversifying and strengthening their knowledge	
1.	Train NTB trainers in new Professional Procurement Certification Program (PPCP) roles as Constructor : person qualified to develop or construct exams, Assessor : person to assess the performance of PPCP learners and to document the results in the assessment protocol, Ascertainer : person qualified to determine the quality of technical content of exams, and Examination expert : person with expertise in legal requirements of PPCP certification;
2.	Train NTB staff in e-learning roles as e-learning curriculum creators / designers and trainers who facilitate / monitor user progress and support users when asking technical questions;
3.	Train NTB staff in new participatory training methods, such as: Focus Group Discussion, Expert Panel, Citizens Jury, etc.;
4.	Train NTB staff in new performance-oriented training and learning methods, such as: Blended learning (i.e. a mixture of e-learning and interactive human contact), Coaching - on the job learning, Mentoring - supporting an individual's career and personal development, and Knowledge exchange (e.g. twinning, fora, peer to peer, study tours, etc.).

Matrix of envisaged results is the following:

Outputs	Outcomes
1. Capacity needs self-assessment tool prepared and implemented; 2. Capacity building and development plans prepared; 3. Integrity training programs for procurement officers introduced; 4. New training and learning methods introduced; 5. Trainings carried out; 6. NTB trainers trained in new training roles and performance-oriented training and learning methods.	(I) Learners' perception of their knowledge and skills gains from capacity building interventions increased by 30% by the end of 2027; (II) All NTB trainers have sufficient expertise, knowledge, and skills to be able to successfully implement PPCP, e-GP, and e-learning by the end of 2027.

3.2.6.2 Develop framework for professionalization in public procurement

3.2.6.2.1 Key Constraints & Challenges of the Current System

Currently, procurement is not regarded as a professional discipline. There are no actual records kept by NTB of procurement staff in PEs. There are minimum degree and experience requirements for recruiting procurement officers, but public entities do not apply these requirements in all cases, nor do they report to NTB on new staff, nor any changes in procurement staff, except at Head of Procurement Unit level. Public entities can transfer procurement officers, even where they are fully qualified and trained, out of PU into other areas and vice versa, so there is no definable procurement cadre and no protection for officers who may try to apply the PPA more rigorously. Procurement officers have ad hoc training arranged by NTB. Also, the staffing of major PEs is low.

3.2.6.2.2 Key Strategic Interventions and Envisaged Results

NTB plans to develop and implement a long-term professionalization framework for public procurement tailored to the needs of PEs, available resources, and existing administrative structure. The aim is to attract, develop, and retain professionals with adequate procurement skills, focusing on performance and ensuring public entities possess the right tools and knowledge to carry out bidding procedures and manage contracts efficiently. The framework should:

- Address all the relevant participants in the procurement process and be developed through an inclusive process at national and local government level;
- Be applied in coordination with other strategies / policies across the whole public sector.

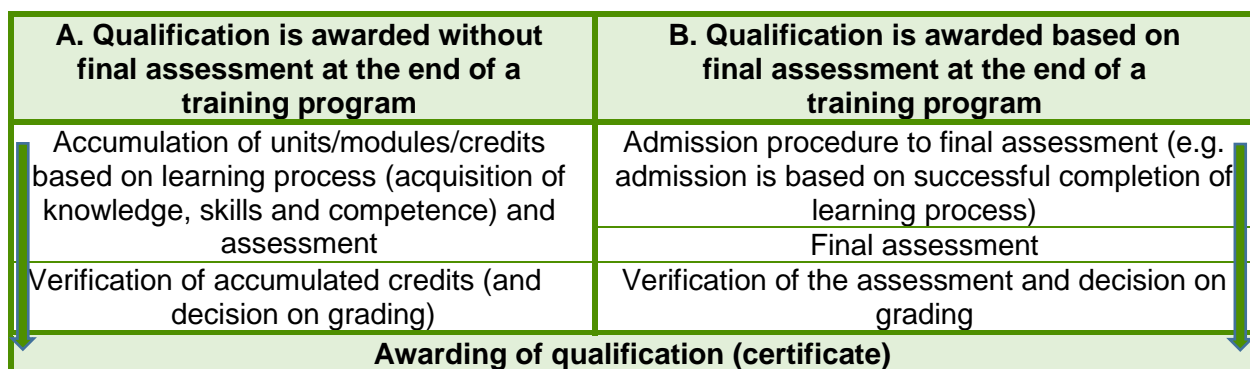
Professional procurement qualification has great value to procurement professionals / practitioners as it serves to progress in career by evidencing that procurement qualification holders have acquired the learning outcomes that are necessary for efficient and effective fulfilment of their regular job duties.

The certification process is particularly important in this context: it confirms that the learner has successfully completed a learning process through a regulated training and education program, passed the required exams or assessments and is awarded the professional procurement qualification certificate on the basis of his or her acquired competences.

European Centre for the Development of Vocational Training (CEDEFOP) defines certification as the “process of issuing a certificate, diploma or title formally attesting that a set of learning outcomes (knowledge, skills and competences) acquired by an individual have been assessed and validated by a competent body against a predefined standard”.

The CEDEFOP consecutive stages or elements of a certification process are shown in Figure 10.

Figure 10: Approaches to Assessment and Stages of the Certification Process



Professional procurement certification will be compulsory component of the process of harmonization of public procurement system in Somaliland with the international standards and optimization of centralized and decentralized procurements.

Professionalization of public procurement profession will include introduction of the differentiated qualification levels of “public procurement specialist” and setting qualification requirements to professionals engaged in performing relevant functions at various stages of the procurement process.

Required competencies for procurement professionals will cover professional, technical and personal effectiveness skills, e.g. teamwork, communication, leadership and the management of people, projects and resources, and information technology (IT) competencies.

The strategy should aim to ensure that procurement professionals achieve a threshold level of knowledge and practice requirements in order to obtain procurement positions and other responsibilities. These certifications or validations of experience should be defined in co-operation with the academic partners, under the supervision of the steering committee. Examples of best practice in this area are shown in Figures 11 and 12 below.

Figure 11: France - Professionalization Strategy for all Public Buyers

In order to enhance the development and efficiency of the public administrations, French national authorities have defined a legal and a human resources framework for the professionalization of public buyers. Article III of Decree 2016-247 of 3 March 2016, provides that the State Purchasing Directorate – i.e.: *Direction des achats de l'État* - has exclusive competences in matters regarding the strategy for professionalization of public procurement, and in particular:

1. Defines the training strategy for actors in the procurement function of the French State;
2. Supervises the provision of training in this field;
3. Proposes any measures to reinforce the professionalization of these agents, and to structure their professional career at the heart of the purchasing process common to the services of the State and its agencies.

As a first step, the State Purchasing Directorate has defined a training strategy aimed at professionalizing the procurement chain management function within State services and agencies;

- The catalogue of labelled training courses – i.e.: in accordance with the training strategy – is made available to the procurement and training departments in order to organize the training of buyers;
- Both the strategy and the catalogue are published online in the intranet procurement portal and are accessible to all potential trainees;
- Ministries have then been asked to develop a procurement training plan in line with the strategy and certified training offer laid down by the State Purchasing Directorate.

The training part of the project targets the most invested staff in the procurement function, namely those dealing with public procurement related issues **more than 50% of their working time**. The project aims to train staff in purchasing techniques, enabling them to achieve greater efficiency.

The lessons learned after implementing the project are the following:

- clarify the objectives, orientations, results to be achieved;
- develop tools to accompany change, such as rules for the labelling of training courses or tools for collecting feedbacks from training courses; and
- rely on motivated staff to create further synergies and ensure common support.

Besides developing a training plan and appropriate tools, the strategy includes designing a full career structure for public buyers (see detailed examples infra) and providing them with the tools for cooperation, team working and sharing of expertise among buyers across all the procurement workforce in order to create a community of practice and project teams.

The professionalization strategy aimed, in a first step, towards central and regional State administrations (ministries and their regional directorates) will be extended to other bodies of the central public administration (in particular the health services), and in finally developed towards the decentralized public administration (local and regional authorities).

More information at: <https://www.economie.gouv.fr/dae/formation-et-filiere-achat>

Source: Toolbox of good practice, European Commission, Strasbourg, 3.10.2017

Figure 12: Certifying Procurement Practitioners in Croatia-Case Study

In the context of accession to the EU, Croatia recognized the need for large-scale capacity building in public procurement, as the majority of its public administration staff had limited knowledge about public procurement legislation. Furthermore, Croatia's geographic fragmentation posed a barrier to a capacity building effort delivered from a central institution.

To address these challenges, the Ministry of the Economy, Entrepreneurship and Crafts launched a nation-wide certification scheme for procurement practitioners. The scheme aimed at creating a critical mass of people knowledgeable about procurement laws, bylaws, and rules for the implementation of EU funds. Essentially, the Croatian procurement law requires that for any public procurement procedure worth more than EUR 26,000 for services and goods or EUR 66,000 for works, a Public Procurement Committee must be nominated, and it must include at least one certified procurement practitioner.

To be certified, a civil servant must go through a 50-hour training covering the main elements of procurement legislation and practice. At the end of the training, there is a test to obtain the certification of procurement practitioner, which is valid for three years. An additional 32-hour curriculum must be completed to renew the certification. Approximately 75% of those who take the exam receive the certification. The main certification costs EUR 500, while the renewal course costs EUR 150.

The role of the certified procurer is to be involved in all the steps of the procedure, keep track of other people involved in the procurement, and make sure that the procedure is conducted correctly. While there is no personal liability, the certified practitioner faces reputational damage in case of proceedings launched against the contracting authority in relation to a procedure in which she/he was involved. Importantly, a contracting authority is not required to have a certified procurer on its payroll at all times but can request the services of a certified procurer on an ad-hoc basis.

The Ministry of the Economy, Entrepreneurship and Crafts is responsible for certifying the trainers, who in turn train the certified procurers. Training providers can come from the private or public sector. The Ministry is also responsible for making sure that procurement procedures have in fact involved a certified practitioner. To do so, the Ministry conducts regular checks. In case the rules are not enforced, the contracting authority is fined.

Since the introduction of the certification program, a network of 5,000 certified procurers has developed, whose members are listed on the Ministry's website. Among these, around 35 certified procurers are recognized as high-profile experts and are in high demand. Furthermore, the certification has spurred the creation of a new profession, as certified practitioners may exercise their function as external consultants.

Source: Credentials for procurement professionals, European Commission, http://ec.europa.eu/regional_policy/sources/good_practices/GP_fiche_08.pdf

Envisaged strategic interventions/activities are listed below:

Key Strategic Interventions / Activities	
1.	Define and develop framework for national professional procurement certification program: <ul style="list-style-type: none">• Collaborate with national and international higher education institutions, and other professional development institutions concerning establishment of national PPCP;• Benchmark best practices in setting up PPCP;• Define main elements and requirements of the professional procurement certification process (i.e. assessment, verification, and awarding of certificate);• Define learning outcomes for each qualification level;• Define information policy/channels to ensure optimum disclosure of quality results/outcomes to candidates, assessors, and trainers;• Define arrangements relating to the profile, selection and training of assessors, composition of examination boards, and provision of guidelines for assessment and grading;
2.	Design new curricula for PPCP:

Key Strategic Interventions / Activities	
	<ul style="list-style-type: none"> • Carry out in-depth investigation in order to establish key skills and competences needed by PEs today and in the future; • Determine the GoSL procurement competency framework by identifying the skills and competency levels required by all staff involved in the procurement process; • Redesign curriculum – Determine changes needed in the curriculum in order to bridge the gap (learning outcomes, didactics, and contents); • Determine performance / evaluation standards for monitoring and evaluation of curriculum effectiveness & efficiency in achieving newly set goals;
3.	<p>Prepare implementation plans and implement PPCP:</p> <ul style="list-style-type: none"> • Establish implementation plans for PPCP including consideration of resources required, capacity of the users, and tools and guidelines needed for support; • Implement PPCP by following pre-defined quality arrangements that will improve quality of processes; • Obtain feedback from trainers and learners on their individual experience on learning and training environment to inform further actions; • Define procedures, performance standards, and instruments for undertaking reviews of results/outcomes; • Discuss results/outcomes of the evaluation process with relevant stakeholders and put in place appropriate action plans.

Matrix of envisaged results is the following:

Outputs	Outcomes
<ol style="list-style-type: none"> 1. Framework for national professional procurement certification program defined and developed; 2. Procurement competency framework determined; 3. Curricula for PPCP redesigned; 4. PPCP performance / evaluation standards determined; 5. PPCP implementation plans prepared and PPCP implemented; 6. PPCP reviewed and discussed with stakeholders. 	<p>(I) PPCP established and approved by GoSL by the end of 2021;</p> <p>(II) 80% of procurement professionals working at PUs successfully completed PPCP programs by the end of 2027;</p> <p>(III) 70% of learners are “satisfied” or “very satisfied” with PPCP and learning and training environment.</p>

3.2.6.3 Introduce ICT enabled performance-oriented e-learning tools to strengthen individual skills / capacity

3.2.6.3.1 Key Constraints & Challenges of the Current System

Most of NTB's capacity building efforts have been primarily focused on training and conducting of training workshops. While this approach is beneficial for some capacity building aspects, it may not be for others. Further, with the limited training staff it is not feasible to reach the large target audience with the available resources. A broader set of capacity building approaches, such as introduction of e-learning tailored to the different needs of procurement officers and public entities would increase coverage and effectively build capacity of geographically dispersed learners.

In the context of public procurement, e-learning can be a useful tool to professionalize procurement practitioners by strengthening their professional development and enhancing their knowledge and skills. In addition, the e-learning platforms can serve as tools for various promotional and dissemination activities. The e-learning platform provides a transparent and open interface to promote professional criteria and standards related to public procurement and to communicate the government's priorities in procurement policy.

E-learning can offer effective instructional methods, such as practicing with associated feedback, combining collaboration activities with self-paced study, personalizing learning paths based on learners' needs and using simulation and games.

3.2.6.3.2 Key Strategic Interventions and Envisaged Results

Since most of the currently available e-learning solutions are targeting learners at high school and university level, the fact that users of the NTB e-learning system will be adults who have already completed their education must be taken into consideration during the design of learning programs.

There are several examples of good practice in designing courses for procurement professionals. In the last few years the World Bank has been offering the world's largest initiative in capacity building for public procurement. It has introduced an integrated online knowledge and learning platform which offers a Massive Open Online Course (MOOC) as a certificate program in public procurement in several languages, along with consulting and job opportunities, a monthly news feed, and an online professional directory, among other features.

All e-learning courses can be accessed through **Procurement iNET** and **Open Learning Campus** - integrated platforms targeted to public procurement practitioners. A layout of those platforms is shown in Figures 13 and 14 below.

Figure 13: Procurement iNET and Open Learning Campus -The World Bank

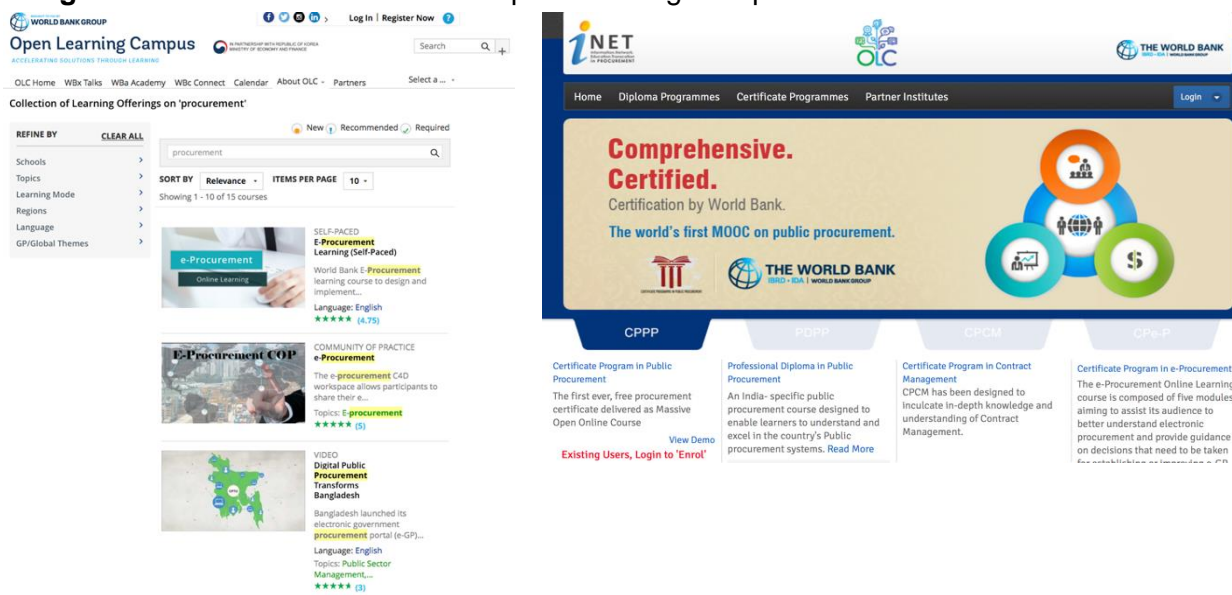


Figure 14: France - Training Scheme for E-learning

<p>The State Purchasing Directorate (<i>Direction des achats de l'Etat</i> – DAE) has developed several training schemes for e-learning learning:</p> <ul style="list-style-type: none"> • ORME classical online training: E-learning training on the fundamentals of public procurement and on tools of dematerialization for drafting call of tenders. • MOOC (Massive Open Online Course) training: innovative and more accessible, specifically for public works: 15 short video modules on real estate policies (purchasing strategies, purchasing leverage, negotiations, measure/ computing of economic gains and national and European standards). To be expanded depending on success of 1st modules. <p>More information at: https://www.economie.gouv.fr/dae</p>
--

The following standardized approach will be applied when designing and implementing e-learning solution:

Key Strategic Interventions / Activities	
1.	Conduct e-learning readiness assessment to identify ICT infrastructure, institutional, management, and stakeholders' capacity to generate e-learning opportunities by facilitating computer-based technologies;
2.	Design and implement public workshops and meetings to raise public awareness and encourage stakeholders' participation;
3.	Identify key organizational, technological, educational, financial, and sustainability issues and critical success factors underlying the implementation of e-learning;
4.	Establish e-learning program goals/scope;
5.	Create a high-level implementation plan;
6.	Identify required ICT infrastructure and procure e-learning system;
7.	Define roles and responsibilities for e-learning curriculum creators / designers, trainers who will facilitate / monitor user progress; IT staff who will be providing ongoing support for trainers and e-learning users, and users attending e-learning courses;
8.	Design and develop self-paced and facilitated instructor-led courses;
9.	Implementation of e-learning courses and facilitation of learners' activities;
10.	Establish "Help Desk" to instantly provide feedback and guidance to all stakeholders via the following communication channels: NTB Website, toll-free telephone line, e-mail, social media (i.e. WhatsApp, Twitter, etc.);
11.	Establish an object-oriented knowledge management platform accessible via NTB Website for gathering, organizing, sharing, and analyzing knowledge in terms of resources, documents, and staff skills to help stakeholders solve specific on-the-job questions / issues;
12.	Carry out systematic evaluation and impact assessment of capacity building to help practitioners generate lessons learnt and to analyze and improve performance.

Matrix of envisaged results is the following:

Outputs	Outcomes
<ol style="list-style-type: none"> 1. Wide e-learning readiness assessment of GoSL conducted; 2. Public awareness campaign on e-learning carried out; 3. Key issues and critical success factors identified; 4. E-learning program goals/scope established; 5. E-learning Implementation Plan created; 6. ICT infrastructure identified and e-learning system procured; 	<p>(I) Learners' enhanced their knowledge by 30% after completing e-learning training;</p> <p>(II) Learners' perception toward the impact of e-learning system on their competencies, performance and productivity is highly positive;</p>

Outputs	Outcomes
7. Roles and responsibilities for e-learning support staff defined; 8. E-learning courses designed; 9. E-learning courses implemented; 10. "Help desk" support provided; 11. Knowledge management platform established; 12. M&E activities carried out regularly.	(III) Users' satisfaction with NTB's feedback and guidance via "Help Desk" concerning application of public procurement regulations rated "very satisfactory"; (IV) 50% of PEs use knowledge management platform by the end of 2027.

3.2.7 Enhance Partnership, Collaboration, and Networking to Support Procurement Reform

3.2.7.1 Key Constraints & Challenges of the Current System

Social accountability has been identified as an emerging opportunity for improving outcomes in public procurement. Given existing resource constraints and recognizing that achievement of some of the strategic objectives will require synergy with other stakeholders to achieve better results, it is therefore imperative that NTB identify, develop, and maintain a strong collaboration with the different categories of stakeholders in carrying out various activities such as research, capacity building, procurement monitoring, watchdog, whistleblowing, etc. Use of social accountability can be enhanced through public awareness/ education campaigns, capacity development of persons involved in procurement and contract administration and other activities. The lack of a clear framework for engagement with these actors inhibits NTB's engagement with them. The framework including the terms of engagement and expected benefits will be developed and implemented to guide and stimulate this engagement.

3.2.7.2 Key Strategic Interventions and Envisaged Results

NTB is expected to establish relationships with stakeholders having common interests in the development of public procurement system. In mapping the way forward, it is necessary to identify new NTB's core functions to leverage collaborations with the following stakeholders:

- i. Regional and international institutions to gain an opportunity to source and adopt best practices, seek areas for knowledge sharing, actively participate in regional and international forums, etc.;
- ii. Institutions of higher education with regard to introduction of initial learning programs aimed at prospective public procurement practitioners and carried out at the graduate or post-graduate educational level, usually before practitioners start their respective professional careers or with a view to perform tasks requiring more expertise or to occupy more senior positions;
- iii. Auditor General (AG) and Good Governance and Anti-Corruption Commission (GGACC) in monitoring procurement performance;
- iv. Non-State Actors (NSA) in procurement and contract implementation monitoring;
- v. High spend public entities to improve overall procurement;
- vi. Civil Service Commission in building the capacity of stakeholders and supporting implementation of Professional Procurement Certification Program (PPCP).

A key learning is that partnerships will be mutually beneficial where they are accountable to one another and when they have strong interest in exploiting common synergies. Partnerships could also avoid duplication of efforts with other accountability bodies such as AG and GGACC in fighting vices such as corruption.

Partnerships could also form a strong springboard for greater visibility of NTB as regulator of the highest GoSL expenditures i.e. public procurement - enabling it to build a strong trusted and respected image.

Examples of good practice in partnering with IHE and NSA are shown in Figures 15 and 16 below.

Figure 15: France – Specialized Master's Degrees in Procurement

Initial training programs have not been introduced in France yet. However, both in universities and preparatory schools, courses on law and procurement practice are gradually being held. For example, the **University of Paris-Sud (Paris XI) offers a master program entitled *Public contracts and procurements – the public purchasing practice***. The program aims at reflecting the multidisciplinary approach of the subject-matter:

- The first pillar has a mainly legal nature and focuses on lectures on European public procurement, concessions and public private partnership contracts, judicial remedies and also policy architecture in Africa;
- The second pillar has a more economic nature and is composed of lectures on finance and public contracts taxation, forbidden agreements (i.e.: cartels) and abuse of dominant position and also public and private accounting;
- The third pillar focuses more on the public buyer profession, and lectures focus on defining needs, drafting specifications, dialogue and negotiation, prevention and litigation management and also on organization and strategy for public procurement of services through electronic tools.

After a 7-month course, students have to complete an internship within a public sector organization or a company for a period between 4 to 6 months. The academic year ends up with the drafting of a thesis on public procurement related topics to be defended before an academic. In years to come this specialization will turn into a comprehensive master that will enable prospective students to work at a company or a public sector organization. It has to be noticed that it is very common for students who are enrolled in this training to find internships both in the public and private sectors

More information at: <http://www.u-psud.fr/fr/index.html>

Figure 16: France - Association for Sourcing in Public Services (APASP)

APASP, *Association Pour l'Achat dans les Services Publics*, is a national non-profit association of individuals and organizations active in public procurement, comprised of around 2000 members including public authorities at the local level and the healthcare and education sectors, as well as economic operators and students in public procurement-related programs. The APASP's goal is to promote the professionalization in the public buyers by means of training, advice and information exchange, hence improving the image of the profession as a whole.

Among the different activities carried out by APASP, there are several types of business information services available to its members - i.e.: synthesis and analysis of public procurement rules, publication of dictionary of public procurement - in addition to trainings, conferences, exhibitions, as well as internships for students enrolled in dedicated public procurement programs. APASP produced a mobile application collecting all jurisprudence, notices from the Ministry of Economy and Finance with commentaries.

APASP is also an intermediary between its members and different partners and bodies such as the Ministry for Economy and Finance, the State Purchasing Directorate (DAE), the central purchasing body (UGAP) or the European Commission.

The association also assists its members by means of technical support, acts as official support for the MAPA publication, and finally operates as a sourcing platform and a meeting platform between public procurement practitioners and economic operators.

More information at: www.apasp.com

Source: Toolbox of good practice, European Commission, Strasbourg, 3.10.2017

The following strategic interventions / activities are envisaged in the forthcoming period:

Key Strategic Interventions / Activities	
1.	Establish collaboration with regional and international institutions to strengthen knowledge sharing;
2.	Establish partnership with IHE in capacity building and research areas: <ul style="list-style-type: none"> • Discussion with IHE about their partnership with NTB with regard to strengthening capacity of procurement practitioners through introduction of initial learning programs at graduate or post-graduate educational level; • Develop and implement framework for partnership and collaboration with IHE;

Key Strategic Interventions / Activities	
	<ul style="list-style-type: none"> Identify with IHE research areas and themes for continuous assessment of capacity needs;
3.	<p>Conduct diagnostic survey of local government accountability entities, NSA and community leaders to identify key issues of concern in public procurement to communities in order to have greater impact of NTB outreach activities (i.e. Open Dialogues), as follows:</p> <ul style="list-style-type: none"> Analyze results of diagnostic survey and select target regions for Open Dialogue; Identify and map internal and external stakeholders and potential partnerships; Assess nature of stakeholders' influence on public procurement processes and their importance (i.e. stakeholders whose problems, needs and interests are priority for PEs and community);
	<ul style="list-style-type: none"> Define specific communication objectives for each Open Dialogue; Develop a resource mobilization plan to sensitize respective local government authorities, NSA, and development partners with a value of Open Dialogue initiatives and solicit financial support; Obtain support from institutions dealing with corruption, policy makers and political leaders;
4.	Implement Open Dialogues to discuss challenges in conducting public procurement processes and explore and analyze the root causes of weaknesses in implementing certain GoSL projects and blocks that keep PEs from efficient, effective and transparent procurement;
5.	Select the most effective media for dissemination of the messages from Open Dialogues;
6.	Assess the number and types of NSA in a community to determine their interest in monitoring high-value or complex procurements that entail significant risks of mismanagement and corruption;
7.	<p>Design effective mechanisms for systematic monitoring / oversight of progress on the execution of procurement plans and contracts implementation that require high technical expertise, such as:</p> <ul style="list-style-type: none"> Introduce voluntary oversight to be conducted by national oversight authorities, which may be called for support by public entities in case they consider that a procurement procedure may be at risk of corruption; Establish partnerships with universities to require engineering students to participate in the monitoring of infrastructure projects as part of their curricula; Partnering with retired government officials or experts from professional associations willing to volunteer their time; Use media to exert pressure on PEs to ensure that the relevant information is made public; Secure special registration rights for NSA which grant them full access to the NTB website; Develop web-based tool to help NSA recognize the red flags of corruption;
8.	<p>Provide training to NSA interested in procurement monitoring to address identified problems/challenges and increase their understanding/knowledge on:</p> <ul style="list-style-type: none"> Procurement processes; Monitoring techniques Sector-specific issues; Contexts of the region in which they operate;
9.	Regularly collect information on procurements/contracts monitoring activities carried out by NSA.

Matrix of envisaged results is the following:

Outputs	Outcomes
1. Research areas and themes with IHE identified; 2. Diagnostic survey of NSA, PEs, SMEs, and communities conducted and analyzed;	(I) Expanded formal networking / partnerships with institutions of higher education (IHE) by signing partnership

Outputs	Outcomes
<ul style="list-style-type: none"> 3. Procurement Open Dialogues implemented; 4. Messages from Open Dialogue disseminated and discussed with stakeholders; 5. Community monitoring mechanisms designed; 6. Mapped NSA interested in monitoring of public procurements; 7. Partnership agreements with NSA signed; 8. Training / support to NSA provided. 	<p>agreements with 5 IHE by the end of 2022;</p> <p>(II) Local government accountability entities, NSA, SMEs and other stakeholders obtained sufficient understanding of GoSL projects and public procurement reform efforts from NTB outreach activities.</p>