

Checklist: Background Documents

2021



**INTRODUCTION**

The Methodology for Assessing Procurement Systems (MAPS) includes a number of templates and checklists developed to facilitate the application of the methodology.

**PURPOSE**

This template provides a list of documents typically needed to prepare and conduct a MAPS assessment. It is intended to streamline the process of data collection and to support advance research.

In particular, it can be used by the assessor to identify documents and data that are publicly accessible, for example: international indices; information on international memberships; national policies, laws, regulations and other documentation related to public procurement, financial procedures and controls, anti-corruption, etc. published on government websites; and additional information published by the private sector or civil society organisations.

It can also be used by country officials to provide guidance to the assessment team, identity and collect the documents that are not publicly accessible, and to share these documents with the assessment team in due time to ensure a smooth implementation of the assessment. The documents listed under Indicator 9 (Public Procurement Practices), in particular the sample procurement files, should be available on site once the assessment starts. The sampling approach and details on how the review of files will be organised should be agreed upon during the preparation phase.

 Methodology for Assessing Procurement Systems (MAPS), Version of September 2018

## **Country Context**

* National statistics (e.g. Ministry of Finance, etc.)
* National development plans, e.g. sustainable development plan
* Any strategies related to sustainability, national development or similar overarching topics, any horizontal initiatives, action plans, etc.
* Indices on political and economic situation (e.g. Doing Business Report (World Bank); Government at a Glance (OECD); Country Classifications (World Bank and others); GDP growth rates; Corruption Perception Index (Transparency International); Global Competitive Report (World Economic Forum); Human Development Index (UN), etc.
* International obligations (e.g. international/regional treaties and memberships including information on potential/pending memberships (e.g. GATT/GPA; OECD; regional organisations and trade agreements; signatories to the United Nations Convention against Corruption; ILO core conventions; etc.)
* Previous studies/assessments related to public procurement or public financial management (PFM) (e.g. any previous MAPS assessment, or PEFA)
* Key stakeholders with regards to public procurement
* Documents on public procurement reforms, recent and current priorities and implementation plans (incl. dates and key objectives)

## **MAPS Indicators**

### Pillar I – Legal, Regulatory and Policy Framework

#### 1 The public procurement legal framework achieves the agreed principles and complies with applicable obligations.

* All laws, acts, decrees governing public procurement including provisions on appeals mechanisms, e-Procurement, and preferences for domestic firms
* Specialised legislation governing procurement by entities in the utilities sector, such as water, energy, transport, postal services, etc.
* Procurement related provisions in other national laws (e.g. laws governing public private partnerships and concessions, trade and competition, access to information, anti-corruption, alternative dispute resolution, state-owned enterprises, safekeeping of records, documents and electronic data)
* Binding international and/or regional agreements that impact public procurement
* Proposed amendments to the legislation mentioned above, if any, including potential policy discussions in terms of upcoming changes
* List of website(s) of institution(s) in charge of the normative/regulatory function

#### 2 Implementing regulations and tools support the legal framework.

* All regulations to the law (1) that further detail and clarify its application
* All model procurement documents available for goods, works, and services, including consulting services
* All standard contract conditions currently in use
* Any guidance (user’s guide or manual, guidelines, handbooks, circulars or similar) available for procuring entities

#### 3 The legal and policy frameworks support the sustainable development of the country and the implementation of international obligations.

* Any laws, regulations, policies, implementation plans or similar to implement sustainable public procurement (SPP) or those that are generally about sustainability and mention public procurement
* In-depth assessment of SPP, if any
* All binding international agreements that have relevance for public procurement (see above)

### Pillar II – Institutional Framework and Management Capacity

#### 4 The public procurement system is mainstreamed and well integrated with the public financial management system.

* Most recent national budget
* Any documents (laws, regulations, financial procedures, etc.) that relate to budget preparation, formulation and execution including information on multi-year budgeting and financing, procurement plans, timely appropriation and payment of suppliers
* Information on electronic PFM systems in use

#### 5 The country has an institution in charge of the normative/regulatory function.

* If not captured above, any documents (laws, regulations, etc.) that pertain to the normative/regulatory function (i.e., the institution(s) in charge of public procurement), see above
* Annual budget of the institution (most recent available and potentially also developments over time)
* Number and functions of the staff fully dedicated
* Annual reports (most recent and current), reports on procurement to other parts of government
* Strategic plans/action plans of the normative/regulatory function
* Information on statistical data bases
* Centralised online platform (if any)

#### 6 Procuring entities and their mandates are clearly defined.

* If not captured above, any documents (laws, regulations, etc.) that define and regulate the institutions that have procurement responsibilities and authorities
* Provisions for delegating decision-making authority (e.g. awarding and executing contracts; acceptance of contractual obligations, initiating payment, etc.) to procuring entities and staff
* Should there be one or several centralised procurement bodies: any documents (laws, regulations, etc.) that define legal status, funding, responsibilities, decision-making powers and accountabilities
* Centralised body’s annual budget, number and functions of staff
* Any evaluations or assessments considering the (partial) centralisation or decentralization of procurement

#### 7 Public procurement is embedded in an effective information system.

* Links / access to centralised online portal (alternatively: information portals, publishing portals, other management websites/bulletins or journals/media used to publish information)
* Any documents or websites that define rules for accessing public procurement information
* Beyond what is captured above, any documents (laws, regulations, feasibility studies, assessments, strategies, action plans, status reports, etc.) that relate to e-procurement
* Statistical information on public procurement
* Audits verifying reliability of data

#### 8 The public procurement system has a strong capacity to develop and improve.

* Curricula of existing training programmes for new and existing staff in government procurement
* Skill gap inventory
* Evaluation of training programmes including statistics on training provided
* Training strategy and requirements, other measures to develop the capacity of key stakeholders involved in public procurement
* Websites of procurement related training institutions
* Contact information of any help desk function for different topics
* Information on recognition of procurement as a profession in the country’s public service (e.g.. career path for procurement professionals, job descriptions, competency frameworks, appointments and promotion)
* Information on evaluation of staff performance including quality standards/evaluation criteria (performance indicators)
* Information on policies and programmes for staff development and training
* Any evaluation reports, strategic plans and results frameworks to improve the public procurement system

### Pillar III – Procurement Operations and Market Practices

#### 9 Public procurement practices achieve stated objectives.

* Description of sampling approach (focus, sample size, selection of cases, representativeness)
* Sample of x actual procurement transactions (files)

#### 10 The public procurement market is fully functional.

* Any documents that relate to the engagement of the private sector or support for businesses in the area of public procurement, such as lists of fora for dialogue with private sector, consultative processes, information on programmes to help build capacities among private companies, surveys
* List of private sector associations
* Studies on the capacity of the private sector including small and medium-sized enterprises, systemic constraints to access the public procurement market
* Any risk assessments related to public procurement/certain sectors

### Pillar IV – Accountability, Integrity and Transparency of the Public Procurement System

#### 11 Transparency and civil society engagement strengthen integrity in public procurement.

* Information from the legal/regulatory and policy framework regarding the involvement of civil society and/or citizens.
* Links or contact information to any website (platform, portal, etc.) that makes procurement information publically available (including laws, procurement decisions, etc.)
* Information on consultative processes conducted when formulating changes to the public procurement system
* Information on programmes to build the capacities of civil society organisations to support participatory public procurement, examples of input taken into account
* Information from the review of procurement practices

#### 12 The country has effective control and audit systems.

* Laws, regulations and written procedures and standards covering the control framework (external audit, internal audit, internal control)
* Internal control/audit reports on procurement
* Independent external audit report provided by the country’s Supreme Audit Institution (SAI) including specialised procurement audits
* Mechanisms ensuring clear reporting lines, review by legislature and follow-up on findings
* Training programmes for internal and external auditors
* Selection criteria for auditors

#### 13 Procurement appeals mechanisms are effective and efficient.

* Beyond what is captured above, any documents (laws, regulations, brochures, set of clauses used in standard procurement documents, etc.) that pertain to appeals mechanisms, e.g. responsibilities, procedures, evidence to be provided, time frames for submission and review of challenges and appeals, access, fees, etc.
* Composition of appeals body, funding, functions, number and qualifications of staff
* Statistics on appeals decided, any assessments or audits of appeal function

#### 14 The country has ethics and anti-corruption measures in place.

* If not captured above, any documents (laws, regulations, etc.) that define prohibited practices, conflict of interest and associated responsibilities, accountabilities and penalties
* Provisions on fraud, corruption and other prohibited practices in procurement and contract documents (templates, mandatory clauses)
* Procedures for reporting allegations of fraud, corruption and other prohibited practices to law enforcement authorities
* Debarment procedures
* Information on the country’s anti-corruption framework including responsibilities, anti-corruption body, corruption risk assessments, statistics on corruption-related legal proceedings and integrity training as well as overview of the respective attendance of the procurement workforce
* Policies, strategies, action plans, programmes, guidelines, manuals that aim at reducing corruption and increasing integrity
* If not captured above, any documents (laws, regulations, etc.) that relate to secure mechanisms for reporting, e.g. whistle blowing
* Code of conduct/ethics for all public official; special provisions for those involved in public procurement
* Financial disclosure requirements for public officials
* Other tools, such as self-declarations by suppliers, compliance checklists, etc.
* Any (current) lists of debarred firms or individuals
* Media clips