

République Démocratique du Congo

PRIMATURE



Autorité de Régulation des Marchés Publics

Transparence-Equité-Probité

A.R.M.P.

Direction Générale



GROUPE DE LA BANQUE MONDIALE

PUBLIC PROCUREMENT SYSTEM ASSESSMENT

EXECUTIVE SUMMARY

MARCH 2022

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OVERVIEW

Introduction

Evaluation Context

The evaluation of the public procurement system in the Democratic Republic of Congo (DRC) according to the MAPS II methodology is the most comprehensive and detailed analysis of the system that has taken place since 2012. The evaluation took place during the period from June 2018 to March 2022; it was carried out by a team of Congolese experts who benefited from the technical support of the World Bank (WB) Procurement Team in Kinshasa and of the financial support of a Multi-Donor Trust Fund managed by the WB and the financial support of the government through the PROFIT-CONGO project. The evaluation was entrusted to the Public Procurement Regulatory Authority (ARMP), one of whose responsibilities is to evaluate the system and propose reforms to improve it. ARMP has set up a Steering Committee *Comité de Pilotage* (ST) composed of 13 people representing all stakeholders, namely the administration, civil society organizations and the private sector. Building on past experience in system evaluation, ARMP has established a Technical Secretariat – *Secrétariat technique* (TS) under the responsibility of the ARMP General Manager, composed of six ARMP managers, all selected on the basis of their experience in the field of evaluation, most of whom have participated in previous evaluations.

To conduct the evaluation, the TS selected, on a competitive basis, the 12 expert evaluators from the ARMP, Direction générale du Contrôle des Marchés publics (Authority in charge of Procurement control – DGCMP), Cellules de Gestion des Projets et des Marchés publics (units in charge of procurement within the Contracting authorities) (CGPMP) and from Contracting authorities (CA), all of whom received the necessary training to carry out the evaluation.

As stipulated in the concept note, the evaluation process began with a preparation/planning phase (July-November) including, inter alia, in addition to the logistical aspects:

- (a) the training of members of the TS team,
- (b) the finalization of questionnaires and meeting templates with representatives of the private sector, civil society, administration,
- (c) the preparation of the contract information sheet to be used for the survey,
- (d) the identification of sources of information for the collection of quantitative data,
- (e) the preparation of the sample of contracts to be examined, their number, stratification, etc.).

At the beginning of the planning phase, the WB experts and team felt that the exercise should focus more on (i) public procurement activities i.e., Pillar III of the methodology, and (ii) accountability, integrity and transparency of the system, Pillar IV. It was felt that Pillar I, which deals with the legal, regulatory and policy framework, as well as Pillar II, on the institutional framework and management capacity, should not require a great number of resources because, on the one hand, the legal framework had been

reviewed in 2016 and the review had concluded that it corresponded to international standards and, on the other hand, the institutional framework was in place and it was believed to be working quite efficiently. At the end of the planning period, the evaluators found that Pillar II had a much broader scope than the evaluation of institutions and included the evaluation of the systems underlying the management of the system in addition to the ability of the public procurement system to meet all its obligations. After noting the shortcomings in the integration of public procurement into public financial management, the profound deficiencies of the information system and the absence of strategies and programs for the development of the system, they decided to include Pillar II in the evaluation priorities.

For the quantitative aspect of the evaluation, a sample of 152 contracts awarded in 2016 out of an estimated total population of 1792 contracts was examined. The selection of the 152 contracts was carried out in two stages: (i) a procedure similar to that recommended by the WB to conduct the reviews a posteriori was used for the selection of 50 contracts, and (ii) a procedure of drawing lots following a stratification of the contracts by CA, types of contracts, method of selection and risk perception for 115 contracts. Of the 165 contracts, 13 were subsequently eliminated as they had been awarded under the procedure used by Technical and Financial Partners (TFPs) and not under national procedures. The sample of 152 contracts thus constituted has a confidence level of 95% with a margin of error of plus or minus 7.5%.

The quantitative element of the MAPS II methodology also includes opinion polls of the main players in the system. The surveys were conducted as recommended by the methodology: the evaluators **used the minimum and recommended evaluation criteria** to interview the groups mentioned in order to collect the information sought. The surveys were conducted with the administration, private sector organizations and civil society. The TS first distributed the list of questions to the entities concerned. It then held face-to-face meetings with the aim of obtaining answers and also with the aim of starting a broad discussion to ask subsidiary or follow-up questions. The objective of the TS was, on the one hand, to lay the foundations for the validation workshop (held on 21 November 2019) and, on the other hand, to demonstrate the willingness to involve stakeholders in the preparation of the action plan and strategy that is planned for 2022. In the opinion of all those who participated in the evaluation, the quantitative element of the methodology provides an insight that allows for an accurate view of the situation with supporting evidence. This quantitative information should make it possible to engage in a dialogue based on proven facts and not on sometimes subjective perceptions.

The evaluation phase itself started in March 2019 and ended in June 2019. It was conducted with the utmost respect for the MAPS II methodology which, unlike the previous methodology, seeks to present the facts without passing judgment on the level of achievement focusing rather on the search and identification of numerical data that corroborate perceived situations. By exposing the situation as it is, the MAPS II methodology makes it possible to indicate the shortcomings compared to the standards and thus to identify areas for potential improvement. The evaluation was conducted end-to-end in close collaboration with all stakeholders who participated in the launching workshop, who were consulted throughout the process and who took an active part in the validation workshop on 21 November 2019.

The evaluation focused on central-level institutions that carry out about 60% of all procurement operations in DRC. The reasons for this approach are: first, the contracting system has just been rolled out in the provinces, which could have been a barrier to obtaining reliable data, and second, the resources available did not allow for the exercise to be conducted at the central and provincial levels.

During the period of July-October 2019, the experts drafted their report, validated the findings, conclusions and recommendations at their level, at the level of representatives of the private sector, civil society and the administration before holding the validation workshop attended by more than a hundred people; during the workshop, the conclusions and recommendations of the interim report were endorsed.

The government's approach to involving experts from the institutions and departments in charge of public procurement in the conduct of the evaluation had two major consequences. The first was that the experts, for obvious reasons of potential conflicts of interest, were unable to carry out an assessment of the institutions responsible for public procurement, namely the ARMP, the DCGMP and the CGPMP, from which they all come. To remedy this, this evaluation was conducted by an external expert who was recruited for this purpose. The second consequence that led to delays was the ineligibility of certain categories of expenditure on the trust fund, of which reimbursement of civil servants' expenses. It was therefore necessary to resort to other sources of funding to acquire certain information technology equipment and to cover the costs of catering and transport incurred by experts who are civil servants.

The evaluation rigorously followed the MAPS II methodology and its operational standards. The evaluators' findings, conclusions and recommendations were all validated within their own team. They were then validated by the Congolese side during the workshop in November 2019. In addition, the reports were validated by external actors including TFPs, the WB procurement team in Kinshasa; WB experts based in Kinshasa and elsewhere who acted as peer reviewers. The WB Kinshasa Office, the MAPS Secretariat and the ATAG experts then validated the findings, conclusions and recommendations of this report as well as compliance with the methodology. The validation process, both internal and external, is described hereinafter. It is established with a high level of certainty that the findings and conclusions of the evaluation reflect the situation of public procurement in the DRC and that the recommendations are considered adequate and appropriate for the improvement of the system.

The evaluation involved a large number of individuals, government institutions and external participants, including:

Ministries: Finance, Budget, ICT, Plan, EPST, Transport, Health, Agriculture, Rural Development, Energy;

General Inspectorate of Finance, Court of Auditors and Judiciary;

Public companies: SNEL, DGDA, OCC, SCTP, RTNC, REGIDESO, OVD, OR, CRD, COREF, BCECO, ACGT, Infrastructure Unit, Project Execution Agencies etc.

Private sector: FEC, FENAPEC, COPEMECO, CEC, Congolese Association of Banks, SONAS, Bar, Press, OSCEP, Universities, Training Institutions (Centers of Excellence).

Civil society: SAC, ACIC, BUFORDI, GREM, LICOCO.

Technical and Financial Partners: BM, AFDB, AFD, DFID, Canada, Holland, EU, UNDP, ENABEL (formerly BTC), OSISA, GIZ, JICA, KOICA, USAID, UNFPA, UNOPS, UNICEF, GAVI, Global Fund.

Important factors affected the conduct of the process, which experienced significant delays compared to the original schedule. First, the December 2018 elections resulted in a postponement of the start date of the assessment originally scheduled for December 2018; it could not start until March 2019, three months later.

Secondly, the difficulties of experts in accessing contract files. This situation has been extensively documented under indicator 9 and is the result of a lack of precise archiving rules, laxity in the constitution and updating of files and a lack of cooperation on the part of certain authorities. This problem is not new and has been identified by external auditors during the public procurement audits mandated by the ARMP.

Finally, the COVID-19 pandemic with the containment measures and border closures decreed by the authorities has delayed the work of finalizing the report to take into account the comments from the peer review.

Background of the DRC

The Democratic Republic of Congo (DRC) is a country of extremes, located in the heart of Africa, a region that has experienced many internal and external conflicts. It is a highly decentralized unitary state with 26 provinces; the first French-speaking country in the world (87 million inhabitants) with an urbanization rate of 30% and a young population (70% of the population would be under 30 years old) and a literacy rate of 67%. It is the second country in terms of area in Africa. Endowed with immense agricultural potential, natural resources including minerals and forests, the DRC is said to have 40% of Africa's water resources. Against this backdrop of great wealth, the situation in the DRC has deteriorated over the years. At the time of its independence in 1960, the country ranked second just behind South Africa in terms of industrialization. Today, it ranks ^{12th} out of 54 African countries with a GNP of \$US 41 billion and 38th in terms of GNP per capita estimated at US\$500. The fall in commodity prices, the many years of mismanagement of public finances and the various internal and external conflicts since the mid-90s have made the DRC one of the poorest countries in the world. In 2018, the DRC ranked 176th out of 189 countries on the United Nations Human Development Index.

In terms of governance, in 2019, Transparency International ranked the DRC ^{168th} out of 180 countries. Corruption is a problem that covers all sectors of the economy. In 2019, the World Bank ranked the country 184th out of 190 "Doing Business" countries. In 2017, the DRC ranked 75th out of 89 countries in the Mining Sector and 84th out of 89 countries in the Oil and Gas Oil sector. The Mo Ibrahim Index of African Governance (IIAG Index) for 2019 characterized the situation in the DRC as "Increasing deterioration" and ranked the country 45th out of¹ 54 countries.

The DRC is a country with enormous potential, but which has experienced long periods of mismanagement that have left marks still visible today. The clientelism that has developed throughout several decades is still very present. Most of the indicators for assessing the conditions conducive to development, such as the application of the rule of law, the quality and security of living conditions, the absence of violence, the existence of economic opportunities, the formalization of the framework of economic operations indicate at best stagnation and, in some cases, deterioration. The perception of economic opportunities, whose index was 38.2 in 2013, is 33.6 in 2017, although there has been an improvement in the infrastructure sector. Reducing corruption and creating transparency in public management are enormous challenges. Some progress has been made in public financial management; the economy has experienced an average annual growth rate of 7% since 2010. Foreign investment has been encouraged, particularly in the country's resource-exploitation enterprises. However, the majority of the Congolese population has not benefited from these advances. The new Government seems to have incorporated the notion that the

¹ A state of deterioration that is increasing

adoption of regulatory texts alone will not generate the economic and social development of the country. It should be noted, however, that the current President of the Republic does not, perhaps, have all the latitude required to bring about profound changes since he does not have a majority in Parliament and the provincial assemblies and that the desire for real change does not yet seem to be displayed by all the protagonists. It is in this general context that the government has embarked on the evaluation of the contracting system in order to know its current state, to identify the improvements to be made and especially the recommendations for the desired improvements to materialize.

It is extremely difficult to get a fair idea of the importance of public procurement in the DRC's economic landscape. Indeed, information management systems at both the budget and procurement levels generate only partial information. Not all Contracting Authorities (CAs) have set up their Project management and Public Procurement Unit (PRM) and the CAs that created it do not transmit all relevant information about the contracts they award. Thus, the ARMP would have received only 66% of the information on public procurement in 2016, 55% in 2017 and 32% of the contracts in 2018. Based on the information available, the total amount of contracts for 2017 would be \$2.6 billion and \$3.6 billion for 2018. This demonstrates, on the one hand, the economic importance of public procurement and, on the other hand, the lack of reliable management information which is detrimental to the proper functioning of the procurement system.²³

The DRC has been an original member of the WTO since 1 January 1997 but is not a full member since not all the formalities have been completed with regard to procurement. It is also a member of the African Union, the African Economic Community, the Great Lakes Community (GLFC), and three of the eight Regional Economic Communities (RECs) recognized by the African Union, namely the Economic Community of Central African States (ECCAS), the Common Market for Eastern and Southern Africa (COMESA), and the Southern African Development Community (SADC). It joined the Extractive Industries Transparency Initiative (EITI) in 2007. For the moment, its participation in these institutions does not have a positive impact on public procurement since **each of the countries has specific standards that are not harmonized as exists in West Africa**. Efforts to harmonize procurement rules more closely are already under way within the framework of ECCAS, which, during the second meeting of ministers of the steering committee for institutional reform, adopted as its objective the establishment of a Community public procurement code. Discussions are also ongoing at the EAC and SADC levels. **There is also a major difficulty in harmonizing the rules, namely the fact that these organizations cover three linguistic areas (French, Portuguese and English) each with a different legal regime than the others.**

Public procurement reform

The reform of public procurement in the DRC began in the 2000s with the resumption of cooperation. A first evaluation, conducted in 2003-2004, resulted in an action plan whose primary objective was to put in place a modern legal and regulatory framework, necessary for the proper functioning of the system. The TFPs, the WB in particular, provided very important technical and financial support to achieve in 2010 the adoption of the Law on Public Procurement (LRMP) and the creation of the procurement bodies ARMP, DGCMP and CGPMP. Technical and financial support then continued for the establishment of management systems.

² ARMP report on the identification of public procurement 2016 p.5

³ PEFA Report p.118

A first evaluation in 2012 noted progress in the implementation of the reform while indicating the sectors in which actions should continue:

- (i) continue the effective establishment of public procurement bodies;
- (ii) set up and deploy the Public Procurement Information System (SIGMAP) and the Computerized Public Financial Management System (SIGFIP);
- (iii) ensure good public procurement planning through a multi-year budget;
- (iv) plan and organize a specific training and outreach programme for the LRMP and its implementing texts for civil society and the private sector;
- (v) develop and implement an electronic public procurement and management system;
- (vi) encourage open dialogue with the private sector and establish formal mechanisms for discussions with civil society organizations;
- (vii) establish a framework for consultation of the government, public sector, private sector, civil society and TFP (as observers);
- (viii) make prompt payments of invoices and statements in accordance with the terms of the contract in order to reassure and encourage economic operators;
- (ix) carry out annual audits of public procurement; and
- (x) establish a public procurement transparency charter and a code of ethics.

The conclusions of the various evaluations since the past 2012 evaluation are relatively homogeneous:

- The legal and regulatory framework is broadly in line with international standards but its operationalization needs to be improved;
- The functioning of the institutional framework requires improvements to strengthen the capacity of institutions and give them the consequent means to play their roles;
- Procurement must become an integral part of the expenditure chain;
- The independence of the institutions must be guaranteed;
- The public procurement sector must have an effective and efficient information system to supervise the conduct of operations and provide relevant management information leading to the development of strategic orientations;
- Procurement operations are deficient in project design, planning and preparation, coordination and procurement management, which explains the low rate of disbursements (budget implementation);
- Procurement under the a priori review thresholds must be strengthened;
- There are many bottlenecks in approvals;
- Misuse and contrary to the LRMP of exceptional procedures is noted;
- Mechanisms for monitoring execution including the verification of invoices and statements are weak, which delays payments;
- Consultation with the private sector and civil society must be strengthened;
- Public procurement control mechanisms, internal procurement audit and external audit should be established or strengthened to contribute to the improvement of practices and the identification and sanctioning of irregularities to make the system more transparent;
- The implementation of measures to ensure the enforcement of decisions rendered by the ARMP Dispute Settlement Committee (DRR) is also essential to strengthening the credibility of the system;

- The establishment of a penal mechanism and its application to all actors in the system is imperative to ensure the implementation of the decisions rendered; and,
- The fight against corruption as well as the promotion of transparency and integrity must be accentuated: the lack of mechanisms guaranteeing the accountability of agents, the monitoring of the application of the code of ethics are shortcomings that have an impact on the credibility of the system with external actors, civil society and economic operators.

It should be noted that the vast majority of 2010-2016 evaluations followed the OECD approach, an earlier iteration of MAPS II. Despite this, the conclusions of this evaluation are almost similar to those of previous evaluations. **Indeed, this evaluation notes, more or less, the same shortcomings with some improvements/degradations over the years.** It brings a new element in that it involves the examination of a series of quantitative indicators that allow a much more precise vision to be obtained than under the previous OECD version. However, it is difficult, if not regrettable, to note that over the period the situation has changed little and that the implementation of the public procurement reform has been very slow, difficult without any real progress. There is a broad consensus that the results achieved are well below expectations. The causes of this situation are of three kinds:

(i) Weak political support

The main cause of the slow implementation of the recommendations of previous assessments is the lack of interest on the part of the authorities and the weak political will to implement them. To this must be added a lack of coordination of actors in order to make the system work. For example, the ARMP's mission is to "carry out reforms for the modernization of procedures and tools for public procurement and public service delegations"; it is essential that it be able to count on the support of the High Authorities, in particular its guardianship. **Only a firm political will embodied by a high-level Authority** will make it possible to implement the long-awaited reforms to improve the performance of the system and to align it with international practices of good governance.

(ii) Inadequate funding

Funding for the implementation of reforms has not allowed the mobilization of the human and technical resources necessary for the development, implementation and monitoring of reforms. The public procurement fee was only introduced in 2018; it only applies to a small number of contracts and is not always paid. For example, the lack of an effective information system is a substantial shortcoming, probably the most important; without an efficient system, the public procurement sector will not be able to develop. However, to date, the funding needed to set up the information system is not yet available.

(iii) Resistance to change

The correction of the dysfunctions that affect the system requires, in addition to substantial funding, the collaboration of all the actors of the system. One of the biggest difficulties comes from the resistance of some of the actors to the implementation of real changes.

The three preceding factors largely explain the lack of progress that has been made. If we add the low level of capacity of most organs of the system, we will understand the reasons why the reform is slow to show the expected results.

EVALUATION RESULTS

Compliance Overview

The following table shows the level of compliance for each of the indicators and sub-indicators. Each sub-indicator is presented below by color to match the results according to the following diagram:

- Green = full compliance
- Yellow = identified gaps
- Red = significant deficiencies identified

This is followed by a detailed description of the situation under each of the pillars.

PILLAR I	
1. The public procurement legal framework achieves the agreed principles and complies with applicable obligations.	1(a) – Scope and scope of the legal and regulatory framework
	1(b) – Procurement methods
	1(c) – Advertising rules and time limits
	1(d) – Rules on participation
	1(e) – Procurement documentation and technical specifications
	1(f) – Evaluation and award criteria
	1(g) – Submission, receipt and opening of tenders
	1(h) – Right of challenge and appeal
	1(i) – Contract management
	1(j) – Electronic procurement (e-Procurement)
	1(k) – Norms for safekeeping of records, documents and electronic data.
1(l) – Public procurement principles in specialized legislation	
2. Implementing regulations and tools support the legal framework.	2(a) – Implementing regulations to define processes and procedures
	2(b) – Model procurement documents for goods, works and services
	2(c) – Standard contract conditions
	2(d) – User’s guide or manual for procuring entities
3. The legal framework reflects the country's secondary policy objectives and international obligations	3(a) – Sustainable Public Procurement (SPP)
	3(b) – Obligations deriving from international agreements

PILLAR II	
4. The public procurement system is mainstreamed and well-integrated into the public financial management system.	4(a) – Procurement planning and budget cycle
	4(b) – Financial procedures and procurement Cycle
5. The country has an institution in charge of the normative/regulatory function.	5(a) – Status and legal basis of the normative/regulatory institution
	5(b) – Responsibilities of the normative/regulatory function
	5(c) – Organization, funding, staffing and level of independence and authority
	5(d) – Avoiding conflicts of interest
6. Procuring entities and their mandates are clearly defined.	6(a) – Definition, responsibilities and formal powers of procuring entities
	6(b) – Centralized procurement body
7. Public procurement is embedded in an effective information system.	7(a) – Publication of public procurement information supported by information technology
	7(b) – Use of e-procurement
	7(c) – Strategies to manage procurement data
8. The public procurement system has a strong capacity to develop and improve.	8(a) – Training, advice and assistance
	8(b) – Recognition of procurement as a profession
	8(c) – Monitoring performance to improve the system

PILLAR III	
9. Public procurement practices achieve stated objectives.	9(a) – Planning
	9(b) – Selection and contracting
	9(c) – Contract management
10. The public procurement market is fully functional.	10(a) – Dialogue and partnership between public and private sector
	10(b) – Private sector’s organization and access to the public procurement market
	10(c) – Key sectors and sector strategies

PILLAR IV	
11. Transparency and civil society engagement foster integrity in public procurement.	11(a) – Enabling environment for public consultation and monitoring
	11(b) – Adequate and timely access to information by the public
	11(c) – Direct engagement of civil society
12. The country has effective control and audit systems.	12(a) – Legal framework, organisation and procedures of the control system
	12(b) – Coordination of controls and audits of public procurement
	12(c) – Enforcement and follow-up on findings and recommendations
	12(d) – Qualification and training to conduct procurement audits
13. Procurement appeal mechanisms are effective and efficient.	13(a) – Process for challenges and appeals
	13(b) – Independence and capacity of the appeals body
	13(c) – Decisions of the appeals body
14. The country has ethics and anticorruption measures in place	14(a) - Legal definition of prohibited practices, conflicts of interest and associated responsibilities, accountabilities and penalties
	14(b) – Provisions on prohibited practices in procurement documents
	14(c) – Effective sanctions and enforcement systems
	14(d) – Anti-corruption framework and integrity training
	14(e) – Stakeholder support to strengthen integrity in procurement
	14(f) – Secure mechanism for reporting prohibited practices or unethical behaviour
	14(g) – Codes of conduct/codes of ethics and financial disclosure rules

Pillar I. Legal, regulatory and policy framework

Overall, the legal framework is in line with good practice. It was introduced in 2010 and has not been modified since then, although there have been changes in the approach to procurement, in particular with regard to the criteria for selecting tenders, the management of complaints, discussions (well supervised) during the tendering process with potential candidates with a view to improving the project and the quality of tenders. These new concepts have not yet appeared in the DRC legislation. Financial criteria always take precedence over social and environmental criteria that are not taken into account,

whereas the current trend is more in a global direction, namely that of the most advantageous offer incorporating financial, environmental and social aspects. The regulatory framework needs to be improved. Existing texts have not been updated, important texts are missing and not all texts have been published. A very serious shortcoming is the absence of a mandatory standard contract for mutually agreed or single source contracts.

Although generally in line with good practice, the legal framework has shortcomings that should be addressed in the short term. Some of the gaps are substantial and pose a high risk to the system as a whole; others are less important and lower priority. To correct substantial deficiencies, it is recommended that:

- Lack of a policy for the collection, preservation, archiving of documents: develop a procedure for the preservation of tenders and, more generally, a procedure for archiving all procurement documents; the policy should clarify the rules for the constitution, protection and retention of archives and documents in the award, including:
 - A list of all procurement and contract management documents that make up the contract file;
 - Responsibilities, physical place of conservation, conditions of conservation;
 - The rules and conditions of access to the information contained in the files;
 - Rules on the retention period of archives that will take into account limitation periods, time limits governing criminal prosecutions for fraud and corruption and audit cycles.
- Measures relating to the *Comité de Règlement des Différends* (Committee in charge of appeals - CRD)
 - Take measures to ensure the implementation of the decisions of the CRD;
 - Amend the texts to set deadlines for the publication of CRD decisions;
 - Accelerate the adoption of the text amending Decree 10/21 which contains measures providing for the granting of compensation to injured candidates during a procurement procedure.
- Guarantee confidentiality
 - Incorporate in the DTDP intellectual services the mention relating to the obligation of confidentiality as is the case for the DTAO supplies, works and services;
 - Develop and mandate the use of the written deed of commitment of CAS members not to disclose confidential information throughout the process.
- Make it compulsory to open tenders **at the end of the tender period** and at the place of receipt.
- Publication
 - Publish all texts relating to public procurement; complete the publication of public procurement texts by adding circulars and policy briefs to make them accessible to the public;
 - Publish contracts whose estimated value is within thresholds on the ARMP website.

- Revise upwards the thresholds determining the procedure for AOI, AON and DC; in addition, revise upwards the review thresholds of the DGCMP. The purpose of these revisions is to take into account the effects of the devaluation of the Congolese Franc since 2010.
- Specify the texts concerning the participation or not of public enterprises, *Agences locales d'exécution* (local implementation agencies ALEs) and NGOs in calls for tenders.
- Correct the discrepancy with regard to the signature of the minutes and not the register; IC 26.1 diverges from the provisions of Article 95 of the Procedure Manual (PM).
- **Amend Article 146 of the PM to make the use of the standard contract containing standard clauses mandatory, in all cases, including for mutually agreed or single source contracts. Eliminate the possibility of using unregulated document for direct contracting.**
- Develop, have adopted and disseminate the user guide and manual and the public procurement guide.
- Develop, adopt and disseminate the PM of the CGPMP.
- Update the PM manual and more generally all texts and documents with a view to modernizing them to take account of developments in the field since 2010.
- **The ARMP urgently needs to put in place mechanisms to carry out an inventory of missing texts, texts requiring updating and texts that are not published in order to fill the gap and ensure that all texts are prepared, updated, published and easily accessible within a 12-month horizon.**
- Review the standard contract with the aim of granting a bonus in cases where the performance of the contract exceeds the agreed standards.
- Examine the possibility of introducing the inclusion of environmental and social criteria in the award of certain procurement contracts, the nature of which would be particularly suitable for this exercise, involving the private sector and civil society.
- Accelerate the adoption of the amendments proposed by the experts – which are prerequisites for access to WTO government procurement agreements – involving the ARMP in this process led by the Ministry of Foreign Trade, Ministry of Foreign Affairs and International Cooperation and Regional Integration.

Pillar II. Institutional framework and management capacity

In principle, the procurement system is integrated into public financial management. The texts are clear and the obligations arising from them are very well specified. In fact, there is no such thing. There is a very serious problem of governance, namely: **the budget adopted by the legislator and promulgated by the President of the Republic has only a theoretical value.** "It is still only a few entities such as the Presidency, the Prime Minister, the Ministries of Finance and Budget, which decide how the budget will be used, according to a 'cash drawer' basis as highlighted in the IMF reports." The budget adopted by the legislator

is not implemented as adopted; its implementation is flexible according to new priorities; under the pretext of urgency. Variances are usually subject to simple procedures, i.e., an authorization from MINBUD to transfer funds from one CA to another. The contract resulting from the new priorities is then awarded by mutual agreement due to the urgency with the authorization of DGCMP, also under the supervision of MINBUD.⁴⁵

Funds for the payment of a contract are not "committed" prior to the launch of the call for tenders; they **are certified "available"**. But this certification does not guarantee that they are available at the time of payment due to budget reallocations. It will be seen under Pillar III - review of 152 contracts - that: (a) contracts that are regularly awarded cannot be executed due to lack of funds at the time of execution - even though there were the necessary funds at the time of the launch of the call for tenders - usually because the funds have been reallocated for other purposes, or (b) contracts are executed and not paid because the "certified available" funds have been reallocated and have become unavailable.

The status and legal basis of the normative/regulatory function are well specified in the legal and regulatory framework. The powers of the ARMP are also clear and precise in the texts. Its level of independence is established in the texts. However, the ARMP, as a public institution, does not have sufficient authority within the governance structure to enable it to fully exercise all its responsibilities; sometimes even its decisions suffer from non-implementation or that its requests to the CAs remain unanswered. It is not clearly established that it is adequately endowed in terms of human, financial and material resources. In principle, its financing is ensured by the parafiscal charge "the fee" which is a percentage of the amount excluding taxes that the economic operator must pay to the ARMP. In practice, its financing is not guaranteed because the financing from the Treasury is not regular and the collection of the fee established by the texts encounters many difficulties. Personnel management is deficient both in terms of planning manpower needs, recruitment, management policy, remuneration and staff motivation.⁶**The mandates of some of the leaders of the ARMP have come to an end and have not been renewed, which casts doubt on the validity of the actions taken and the decisions.** The ARMP has put in place rules to prevent conflicts of interest at the level of the members of the Board of Directors and the General Management. There are no rules at the level of professional staff, administrative staff and all ARMP agents. At the workshop with the private sector on 22 May 2019, 9 of the 15 companies represented considered that the ARMP is in a situation of conflict of interest while 6 considered that the ARMP is not in a situation of conflict of interest. Despite all the measures taken to avoid this perception, it must be concluded that **60% of companies have a false perception of the situation.**

The organization of the functions of the CA corresponds to the traditional scheme. The texts create the different bodies, clearly establish the attributions and responsibilities of the CAs, the CGPMP, the DGCMP and the approval authority.

The DGCMP's action levels are precise and its responsibilities are well defined. In terms of internal organization, the DGCMP has not established a policy of delegation to the lowest levels based on risks and amounts. All decisions, regardless of amounts and/or levels of risk, are the responsibility of *the Direction générale*. It does not have the resources it would need to fully play its role. Material resources are

⁴Evaluation of the Performance of Public Financial Management in the DRC (2019) according to the PEFA Methodology p.13

⁵ PEFA Report, page 108

⁶ In reality, the situation is quite different since its guardianship stopped the payment of staff salaries for 12 months following a conflict with the Directorate-General.

deficient; human resources are not considered to be always aligned with needs; there is a high level of disconnect between the institutional needs and the skills, experience, qualifications and the characteristics of the staff in place.

As for the CGPMP, they have not yet all been constituted in accordance with the institutional framework. Large companies, such as SNEL and SONAS, have not yet created their CGPMP. Not all CGPMPs are adequately resourced and some survive only because they manage TFP-funded projects. The evaluation of the ARMP, the DCGMP and the CGPMP found that there are serious management problems within these institutions. It is estimated that the CGPMP in the 10 pilot ministries that were trained under the administrative reform project are still not operational.

The current system is essentially based on the physical movement of documents from one post to another. **The absence of a public procurement information system is a substantial shortcoming, certainly one of the most serious affecting the whole system.** This is a very serious problem that has negative consequences for the entire system. This (i) prevents the collection of all relevant information, (ii) does not allow access to all procurement documents that would be necessary for the transparency of operations, (iii) limits the evaluation of the effectiveness and efficiency of procurement, and (iv) does not allow the conduct of the analyses necessary for the elaboration of development strategies. The lack of a public procurement management system was identified as one of the most significant threats to the development and functioning of the system from the earliest assessments. **It is important to note that this serious deficiency and its consequences were identified in the first evaluations of the system in 2012.**

There are no strategies and programs in place to develop the capacity of procurement staff and other procurement actors in the DRC. There are training courses developed following a request from the various structures and contracting authorities and these trainings are financed by them. The programs are not permanent. For the moment, training is aimed more at public structures than at civil society and the private sector. There was no prior assessment of competencies in the system. The professionalization of procurement has long been a topic of discussion, but concrete measures to achieve this goal have yet to be clarified and adopted. Procurement personnel are often considered "administrative staff" and not "professional", although procurement-related jobs are defined with minimum job descriptions, qualifications and skills requirements. It is imperative that the DRC eventually has a pool of qualified and certified professionals as such and that public procurement be officially recognized as a profession.

The assessment of the institutional framework and management capacity highlighted substantial gaps and the recommendations to address the gaps are as follows:

- Availability of funds. Establish a mechanism whereby the estimated amount of the contract would be deducted as soon as the DGCMP approves a Procurement Plan in order to "freeze funds" before the launch of the call for tenders (Art. 6 Procurement Code). Introduce a similar procedure in the case of contracts below the thresholds to ensure that "certified available" funds cannot be used for other purposes and are available at the time of payment application;
- A similar measure should be introduced at the level of the Treasury Committee which would have the effect of taking into account current and future commitments before proceeding with the updating of the cash management plan (PEFA p. 105). However, such a solution could have a limited effect in the event that the update is necessary due to lower-than-expected receipts;

- Apply the regulations in force and ensure transparency in the processing of invoices and payment authorizations by regularly publishing the list of invoices paid;
- Immediately take the necessary measures to clarify the status of the ARMP, in particular because of its role as regulator and its attachment to its current supervision (Primature) to provide it with the powers necessary for the proper execution of its mission concerning the implementation of reforms;
- Proceed to provide the Board of Directors of the ARMP and the General Management with high-caliber managers with the will and ability to (i) redress the management of the institution, (ii) attract the support of the high authorities and (iii) mobilize them on the project of reform of the public procurement sector. It is these representatives who will be in charge of steering the reforms;
- Review the texts on the fee (*redevance*) to clarify them if necessary but specially to ensure that the fee is actually paid. At the same time, the ARMP will have to set up an accounting system that will guarantee transparency in its financial management;
- Institutional framework: Modify the decree creating the ARMP in order to place it under the technical supervision of the Prime Minister, which would allow recourse to his authority when the CAs and other actors of the system refuse to comply or apply its decisions;
- Supplement the provisions relating to conflict of interest to make all ARMP staff subject to it;
- Develop a communication program that would highlight the impartiality of the ARMP and other procurement institutions;
- **It is a priority, necessary and urgent to provide the ARMP with an integrated public procurement and management system. This system should provide a framework for procurement and produce the necessary documents for the planning, procurement, execution, monitoring and evaluation of contracts. In addition, it should provide all the information that the ARMP needs to fulfil its mission, develop and support the implementation of reforms, assess the performance of the sector, assess the results of the implementation of reform strategies and the implementation of corrective actions;**
- Capacity building: develop a comprehensive capacity-building strategy and training programs in procurement and system management:
 - Develop a global strategy for capacity building i.e., planning of medium- and long-term needs, assessment of existing skills to identify needs in the short, medium, and long term, by categories of posts, level of expertise required, supervision. Develop and test programs to ensure their quality and relevance. Planning is an essential exercise;
 - Develop and adopt a plan to mobilize the necessary human resources, necessary knowledge and experience. A human resources conservation plan; basic training, development, management strategy (working conditions, motivation, teamwork, work

ethic, etc.) in order to obtain and retain human resources in quantity and quality to meet the needs identified;

- Develop a proactive approach: identify future needs and plan development and capacity building activities. Capacity-building should be an integral part of the short-term development projects incorporated into the ARMP strategic plan.
- Set up a reflection/working group to define the approach to bringing up the procurement professions to the professional level. The ARMP should take the lead in the first place and possibly transfer it to the experts themselves in collaboration with representatives of civil society and the private sector, including NGOs already involved in the sector;
- Develop an action plan to periodically evaluate the performance of staff and include this activity in day-to-day operations. As part of the strategic plan, the human resources development strategy must include performance evaluation;
- Develop, in the longer term, an action plan to periodically evaluate the performance of the system and its components with a view to improving it and achieving higher quality results at a lower cost. This could very well be part of the objectives of the President of the Republic when he creates a strategic intelligence function that would make it possible to observe the functioning of the system, to provide solutions to the problems identified, to implement them and to draw lessons from their application. Establish a core system function (ARMP) that will periodically evaluate the performance of the system and its components with a view to making improvements, proposing and implementing promising actions, evaluating the results and readjusting the approach as necessary.

Pillar III. Public procurement activities and market practices

The evaluation found that contract planning, procurement, and monitoring operations are deficient from start to finish. After 10 years of implementation of the Procurement Code, several training activities and support from TFPs, unfortunately, the quality of operations, from the planning of operations to the execution of the procurement process to contract management, is still deficient and much remains to be done to align it with international good governance practices. As recommended by the methodology, the evaluators examined a representative sample of 152 contracts, drawn from all contracts awarded in 2016 according to national procedures, mainly concluding that:

Contract planning is flawed

- Preparatory activities such as preliminary studies, discussions with beneficiaries, definition of expected results and objectives to be achieved are conducted without prior consideration of options to achieve the best value for money, or they are conducted in a superficial manner.

Procurement procedures demonstrate significant defects

- Funds are not committed as indicated in indicator 4; this was a problem in almost 20% of contracts regularly awarded in 2016;
- Standard documents are not always used;

- Special authorizations, derogations, opinions of the DGCMP, although mandatory, are not always requested, always obtained or obtained irregularly;
- Selection methods and modes are often poorly chosen;
- Procurement documents, decisions and other documents are not always published;
- Some CAs still deviate from the rule of transmission of documents;
- The files of the contracts awarded, archived do not contain all the documents as required by law, the archiving is at best incomplete; the essential parts are found in different places: CA, MINFIN, guardianship, etc.;
- The time between the launch of the call for tenders and the award is long;
- **Just under half of the processes (48%) are conducted in full compliance with the law.**

Contract management procedures are also deficient

- Some amendments are granted in violation of the law;
- Inspection, quality control, acceptance of work are poorly carried out;
- The payment of invoices is not made on time, although the verification procedure is regularly observed;
- Archives are very often non-existent.

As far as market practices are concerned, the situation is equally problematic: there is no real dialogue, no real collaboration between the administration and the private sector. Both do not really seem to realize that they are partners in this public procurement arena and not adversaries. Nor do they seem to realize that their collaboration is essential to the development of the public procurement system and that, ultimately, it is the beneficiaries of public procurement who bear the brunt of this lack of partnership. The formal consultation framework is lacking.

The difficulties of the private sector to access public procurement are numerous: lack of financing, difficulty in obtaining guarantees, insufficient working capital, irregular payments from the State or lack of payment due to lower revenues or higher expenses, due to budget reallocation to other priorities, urge private operators to exercise caution.

To correct the situation, it is recommended to

At the planning level

- Strengthen the capacity of CAs to plan investment projects and incorporate dialogue with beneficiaries and all stakeholders;
- Precisely define the final product CAs want to obtain;
- Develop a standard sheet that presents all the information that guarantees a common understanding;
- Integrate the project study sheet into the bidding documents;
- Integrate all this information into the bidding documents and the contract.

At the level of selection and attribution

The risk arising from all identified dysfunctions is high because it threatens not only the performance of the system but also the transparency, credibility and fairness of the procurement processes. The technical measures recommended will not solve the problems by themselves:

- It was noted that some CGPMPs do not use standard documents: the establishment of an integrated public procurement system should make it possible to solve this problem. In the meantime, the ARMP could carry out individual training actions with the CGPMP considered the weakest;
- Misuse of derogation procedures: conduct an information campaign with the political authorities (at the origin of the requests for derogations) and the persons in charge of the contract on the procedures and fundamental principles of public procurement and on the consequences/dangers of non-compliance on the development of the Country, on exposure to fraud and corruption;
- Initiate a reflection at the ARMP with a view to finding a specific directive for the recruitment of *Agences locales d'exécution*;
- Make explicitly mandatory the publication of the contract award notice in the regulatory framework (provisional and final);
- Complete the system for receiving and storing tenders;
- Assess the competitiveness of the private sector with a view to targeted capacity building actions;
- Pay more attention to gross violations and take appropriate sanctions measures by their perpetrators, bearing in mind that any unsanctioned violation directly undermines the credibility of all other actors and the system;
- Organize high-level meetings with the guardianship and the Presidency of the Republic with a view to setting up an effective mechanism allowing a good involvement of the Government in the effort to strengthen both the application of the procedures and the ARMP as a regulatory body;
- Establish a mechanism to measure and improve procurement practices.

At the contract management level

- Contracts do not start on time: accelerate the payment of advances. If the problem lies in the guarantees, the reasons for this situation should be examined, the methods of assessing the bidder's financial capacity should be reviewed and conclusions drawn;
- Quality control is deficient, final approvals, if they take place, are not the subject of a written statement in the file; introduce a final acceptance procedure;
- Files of mutually agreed or sole source (direct) contract are often missing. Even if there is no formal file i.e., call for bids, proposal, guarantees, etc., the CA must constitute a file for its own purposes such as monitoring the execution of the contract and documenting the steps;
- Amendments must be authorized as per the Procurement Law and regulations They must be documented;
- The provisions of the CGPMP Decree relating to the settlement of disputes between the CA and the DGCMP should be rigorously applied, so as to refer any conflict to the ARMP;
- Archiving is deficient: this problem will be solved when SIGMAP is in place.

It is also necessary to make the following recommendations with regard to the relationship between government and the private sector:

- Initiate (under the aegis of the ARMP) dialogue through information exchange and consultation meetings between the private sector and MINFIN and MINBUD/Public Expenditure Chain in order to establish direct links, better understand the concerns/needs of the private sector, explain the government's constraints, particularly financial, and present actions to improve the payment cycle. This will require a long-term commitment;
- Initiate dialogue through information exchange and consultation meetings with the private sector and ANAPI, including the Office for the Promotion of Small and Medium Enterprises to communicate and validate the strategies put in place at their level for the development of the local private sector;
- Identify the needs, the level of competitiveness and develop with the private sector a capacity building program for existing actors and new entrants, including training; implement the agreed agenda to promote their participation in public procurement;
- Define and set up a framework for consultation between the government and the private sector on public procurement to facilitate access to financing and guarantees but also, to promote Congolese companies through government public procurement policies;
- Conduct a study of overall public expenditure in relation to supply by type of expenditure and by segment of service providers with the aim of defining optimal strategies for the use of public expenditure to stimulate the development of promising sectors and companies best able to seize opportunities.

Pillar IV. Accountability, integrity and transparency of the public procurement system

The analysis of the 4 indicators of Pillar IV reveals an almost total absence of the basic elements deemed necessary for a system to function properly and which would promote accountability, integrity and transparency in procurement. There is one exception, however; this is the appeals mechanisms (indicator 13) that is recognized as effective and efficient even though some CAs refuse to implement CRD decisions. Civil society plays a role that falls far short of what it should play; weak procurement and enforcement controls, ineffective audits that are very delayed and ineffective, and weak ethical and anti-corruption measures largely explain the system's failures. A positive element that is slowly developing is the interest of civil society in public procurement even if it is not considered by the government as a leading partner even if it is represented on the Board and in the CRD of the ARMP. The administration does not seem to regard civil society organizations as emanations of the population and representatives of various social groups who must have a look at governance issues, including issues related to corruption. It is not perceived as an ally that could help improve the system and is simply ignored for certain issues such as the development or updating of regulatory texts.

The legislative/regulatory framework does not allow for the direct participation of civil society in procurement operations. As such, it is not formally consulted at the stage of planning the goods, works and services to be provided to the beneficiaries, that is to say to itself, civil society, nor at the stage of the selection of the contractor, the award of the contract. Its role is almost non-existent, during the execution

of the contract, in supervising the execution and evaluation of the results. The situation is characterized by, in addition to the lack of interest in considering civil society as a partner of choice on the part of the authorities, by the absence of an effective information system necessary for monitoring operations and the weak capacity of civil society to understand the ins and outs of the system.

Control and audit mechanisms are also poorly developed. Internal control and audit within the CAs are being implemented under a project funded by the WB. A priori control exists, it is under the responsibility of the DGCMP; despite all the measures put in place by the Procurement Law and the regulations, political interference still exists, which causes a good number of malfunctions, including the abusive and contrary to the law use of mutually agreed contract, sole source and direct contracting. The control of the ARMP is exercised on all contracts, by its responsibilities in control a posteriori by means of external audits and by its CRD responsible for reviewing the decisions of the CAs when there are complaints. Annual audits, a posteriori, are one of the weak points of the system. They are conducted at a very irregular frequency, according to procedures that have not been the subject of clear and well-defined policies and rules. The qualifications of the auditors were not specified. In addition, the procedure for validating results, implementing recommendations and monitoring results does not exist so that the same problems recur on a recurring basis.

Procurement complaints and appeals mechanisms work relatively well in terms of timelines for making a decision and the balance between the contractor and the CA. In fact, the appeal mechanisms are under the jurisdiction of the CRD, the technical body of the ARMP. The decision-making members of the CRD do not come from the ARMP, they come from the public, private and civil society sectors and are appointed by decree of the Prime Minister. The CRD is chaired by a member representing civil society, chosen by his or her peers. It should be noted, however, that the private sector is poorly informed about the possibility of appealing procurement decisions, which explains the rather low number of appeals on an annual basis. There is, however, a major problem which clearly shows the lack of respect for the CAs responsible for enforcing the rules. Some CAs refuse to apply decisions of the CRD that are not favorable to them even though they are final and enforceable, when they have not been appealed within the required time. Unfortunately, there has been no cure for such a situation.

The DRC does not have a comprehensive framework that promotes the elimination of fraud and corruption, the emergence of ethical behavior, the monitoring of denunciations, the protection of those who denounce violations as well as unlawful behavior. Mechanisms for promoting ethics and combating corruption are very weak or non-existent and where/when they exist, they are not enforced. There has been a code of ethics for civil servants and public servants since 2002; its provisions are not applied. The Observatory for the Monitoring of Corruption and Professional Ethics, abbreviated as OSCEP, is the government's technical and advisory body responsible for promoting ethical values, moralizing the management of public affairs, as well as preventing and combating anti-values in socio-professional circles in accordance with Article 4 of Decree No. 16/020 of 16 July 2016. The OSCEP has among other things the signature of the few acts of ethical commitment, the declaration of agents and officials of the State, the declaration of assets of 22 agents of public companies and that of the property and assets of members of the current government. However, its actions remain insignificant in relation to the enormous challenges that lie ahead. There is no policy in this area relating to public procurement. The creation by the President of the Republic of the Agency for the Prevention and Fight against Corruption (APLC), in March 2020, to replace the office of the Special Advisor to the Head of State in charge of the fight against corruption and terrorism could well bring the long-awaited necessary changes.

To improve the situation under the last pillar, it is proposed to:

- Establish the mechanism of citizen participation in the planning, awarding and execution of public contracts;
- Develop, adopt and implement a program of actions to initiate a productive dialogue with civil society and include procurement training for civil society organizations;⁷
- The strategic plan should also aim at the **sustainable training** of civil society in the monitoring of procurement operations. This is essential in order to enable the latter to ensure citizen control and monitoring of the execution of contracts and to equip it to fight against bad practices and promote ethics;
- Conduct a pilot test with the possible aim of modifying the PM in order to encourage participation when opening tenders. Solicit the participation of civil society organizations in the preparation of projects and the monitoring of their implementation;
- Set up the implementing texts of the Law on Finances (LOFIP) on the framework of expenditure control;
- Strengthen the capacity of the Inspector general of Finances (*Inspection générale des Finances* IGF) and the Court of Accounts (*Cour des Comptes* CC) to enable them to carry out their missions effectively;
- The CGPMP, DGCMP and the ARMP should develop a joint action plan to address the identified control and audit issues: the CGPMP should use the resources provided to them on the ongoing project to develop their capacities to monitor procurement and execution operations in order to fulfill the prerogatives assigned to them by the CGPMP Decree;
- The DGCMP must equip itself with the means that will allow it not to issue favorable opinions, derogations or authorizations when the conditions are not met. To do this, a strict application of art. 24 et seq. of the CGPMP decree which stipulate that in case of disagreement the CA may refer the matter to the ARMP (CRD) for arbitration. By combining the weight of DGCMP and ARMP, this could have the effect of changing the approach of CA;
- The ARMP must strengthen the capacities of the CC and the IGF in public procurement audit in order to facilitate synergy between it and these two institutions in the public procurement audit function. It will also develop a procedure manual that would specify the technical approach to be adopted, the performance to be maintained with the audited CAs, the steps for conducting audits, the discussions of conclusions with the CAs concerned, the revisions and adoption of audit conclusions and timeline for recommendations implementation;
- In a second stage, the MP will have to address the issues of implementation of the recommendations: implementation procedures, deadlines, arbitrations, expected results, evaluation of results. As the cost of audits is high, the ARMP and the administration need to

⁷ It is not a question of procurement training but rather of training that would cover the most important aspects of economy, transparency, competition and efficiency.

strengthen the capacity of the CC and the IGF to conduct audits in order to alleviate the recurring annual operating costs of the system;

- In general, accelerate the implementation of internal control, internal audit and external audit measures decided by the government and supported by the project to modernize the administration;
- Procurement bodies, with the ARMP as the lead agency, should approach the Agency to Prevent and Fight Corruption (*Agence de Prévention et de Lutte contre la Corruption* - APLC) when it is operational to collaborate on:
 - Propose measures to promote ethics and integrity in the public procurement sector,
 - Propose and discuss with the APLC the options for enforcing the texts,
 - Participate in the development of a new code of ethics to replace the 2002 code of ethics which would include specific provisions applicable to all actors, public officials, companies and individuals involved in the public expenditure chain,
 - Mobilize private companies to implement compliance standards,
 - Propose a text protecting whistleblowers,
 - Propose mechanisms to guarantee the anonymity of whistleblowers,
 - Set up a toll-free number for reports of fraud and corruption,
 - Develop training modules on ethics in public procurement,
 - Organize trainings in all CAs.
- Revise the texts to include provisions relating to the waiting period for former civil servants;
- Maintain a record of judicial convictions related to procurement.

During their work to analyze the findings of the general framework and the operational framework of public procurement, the experts considered it necessary to take stock of the strengths and weaknesses of the system in the DRC. They identified four main strengths, including a system that has solid foundations, human resources that can be relied upon and are fully committed to their work to build a system that meets international standards, a growing interest on the part of the private sector and civil society in all issues related to public procurement and finally the system can count on the support of its partners who have shown tireless interest since the 2000s.

Against this encouraging background, the system demonstrates significant weaknesses as has just been described. The preliminary analysis of the strengths and weaknesses of the system conducted by the team prior to the drafting of the evaluation report is the subject of the document "Strengths and Weaknesses of the System" which is annexed to this report and has also been downloaded from the ARMP website and is accessible from the link entitled "MAPS II DRC Resources" at the following address: www.arpmp-rdc.org/index.php/fr/rapport-d-audit-4

CONSOLIDATED RECOMMENDATIONS

The previous chapter presented the situation under each of the 4 pillars following the detailed evaluation and recommendations to mitigate the shortcomings identified. This chapter focuses on consolidated recommendations for system-wide improvement. The evaluation team considered it necessary to consolidate all the recommendations in order to provide an overall picture of the system and a preliminary overview of the reform that needs to be undertaken to strengthen the system. The experts wanted to avoid the shortcomings of previous evaluations, which were limited to producing long lists of recommendations without establishing relationships between each of the recommended actions. For the record, when the government undertook the evaluation of the system, it did not want the exercise to include the preparation of a strategic reform plan. The objective was to take stock of the situation and then to undertake a consultation of all stakeholders so that the high political authorities could finally decide on the government's strategy. It was noted that one of the main reasons for the failure of reform efforts that followed previous evaluations was that policymakers were not involved in the development of broad reform objectives. Indeed, the experts have produced a list of recommendations that are certainly justified and necessary, but they have not been endorsed by the very people who were to promote and steer them. As a result, the conclusions and recommendations of the various evaluation reports were adopted without a strong will to implement them. In such a context, as the necessary actions did not materialize, the system did not improve and, in some cases, more or less seriously deteriorated. Therefore, the ARMP recommends that the highest authorities give their agreement and support the evaluation report so that the Technical Secretariat can prepare the strategic plan.

Two approaches were considered to optimally communicate the evaluation recommendations:

- The first option was to present the recommendations pillar by pillar, in the order of the methodological guide. This approach had the disadvantage of not clearly distinguishing the priorities or sequence of actions of one pillar from the other. In addition, the pillar approach did not reflect the fact that some gaps have their origin under certain indicator(s) while they manifest themselves under certain other indicator(s) such as the inefficiency of the information system. Finally, the evaluation team wanted to propose a more convincing framework than a long list of recommendations, since the recommendations will have to be discussed and adopted by the senior authorities before the development of the strategic plan.
- The other approach was first to follow the spirit of the methodology, namely each of the pillars represents an essential element of the system: (i) the foundations/foundations of the system, (ii) the management systems necessary for its optimal functioning, (iii) the results obtained and, (iv) the safeguards, the marking mechanisms necessary for its proper conduct. Second, the approach would take into account the priority elements to be put in place to ensure the preparation of reform programs and their implementation. In the present case, this approach led to the definition of 'major projects' covering a multitude of tasks to be undertaken and also to the establishment of priorities in terms of time, in particular with a view to opening up opportunities for the performance of tasks that require prior action. It was this approach that prevailed. The recommendations are therefore presented under 8 "major projects".

All major projects have a high order of importance; they are all necessary to improve the procurement system. For practical reasons, they have been classified into two categories, namely: (i) projects whose implementation is prior to the implementation of reforms, and (ii) those that will improve the system. It

is necessary to recall that the recommendations will, from time to time, refer to the strategy. It is not a question here of entering into the outline of a strategic plan but rather of indicating the actions that will be part of and must be included in the strategic plan to be developed in a later phase.

The priorities among the projects have been established as follows:

In the first place, the preliminary projects that will allow progress on the subsequent stages of the reform of the system:

- Clarification to all actors including High Authorities of the status of the bodies of the procurement system. This specifically concerns the ARMP in particular because of its role as regulator and its attachment to its current guardianship (Primature) to give it the powers necessary for the proper execution of its mission concerning reforms. Indicators 5 and 6 as well as indicator 13 for the CRD; The clarification also involves the appointment of managers/state representatives to succeed to those whose mandate have expired a long time ago. This is a recommendation of very high importance and priority because the representatives are the very people who will have to implement the strategic plan once adopted by the political authorities.

The two previous recommendations are intended to send a strong signal from the country's Highest Authorities of the need to bring order to the public procurement system. Without a strong signal from the government as a whole, there is a concern that the recommendations proposed in this evaluation report cannot be implemented. Reference to be made to the lack of political will mentioned earlier as one of the three factors explaining the little progress made since 2010.

- Development of strategic communication programs aimed both at disseminating the findings and recommendations of the MAPS II evaluation and at the communication and dialogue of the administration with stakeholders: the private sector, civil society and all the institutions of the administration whose shortcomings were highlighted during the evaluation. Indicators 10 and 11.

Secondly, the projects that will make it possible to improve the functioning of the system.

- Measures to address the lack of professionalism and procedural violations in the conduct of procurement operations. This project includes the application of the measures provided for in the texts in case of violation of the rules against the actors of the system. The reason why this project appears at the top of the list is to demonstrate the seriousness and commitment of the authorities to enforce the rules provided for in the texts. Results can thus be demonstrated in the short term. Indicators 9 and 14.
- Deployment and effective use of an Integrated Public Procurement Management System (SIGMAP) with a gateway synchronized with the public expenditure chain to ensure that available certified funds are not reallocated and that contracts are paid. Tangible and demonstrable results can also be achieved in the short term. Indicators 4 and 7.
- Revisions, additions and modifications of the texts defining the legal, regulatory and institutional framework. Some texts need to be prepared, updated, supplemented or modified such as the PM, the guides and especially Article 146 of PM. Indicators 1, 2 and 3.

- Establishment of an integrated public procurement information management system. The use of an integrated public procurement information management system is a sine qua non for the development of the system. The reason it does not appear at the top of the list is that it represents the most complex and difficult task to achieve in the current context. This project must be approached with the collaboration and involvement of all the actors who will be sensitized via the communication program. Indicator 7.
- Development of a strategy for capacity building and certified professionalization of actors. This project is a less complex task than the previous one. Nevertheless, it is a project whose results will manifest themselves in the long term. Indicator 8.
- Establishment of a sustainable system of internal audits and controls as well as external audits to ensure that planned audits and controls are carried out within the prescribed time frame. This project can only really start and deliver tangible results when the public procurement information system and archiving (record keeping) are greatly improved Indicator 12.

The report does not present a forward-looking timeline due to (a) pandemic uncertainty. Indeed, it is difficult to plan in the absence of a good level of visibility on the resumption of activities in the Country and the institutions concerned; (b) the lack of communication of the detailed results of the evaluation to the political authorities and the deadlines for high-level decision-making; (c) uncertainty about the availability of funding. Applications for funding from these funding sources still have to wait for the "MAPS" certification.

This chapter concludes with the presentation of priority actions, which are not complex to carry out in the short term and which would have a short-term and visible effect on the performance of the system. The implementation of the actions will clearly demonstrate the will to move forward in the implementation of the reforms. In addition, the implementation of the identified actions will allow all parties concerned (High Authorities, administration, institutions of the procurement system, private sector, civil society, TFP) to consult with a common objective of improving the system. In doing so, everyone will be able to fully appreciate the difficulties to be overcome, the obstacles to frank cooperation on a subject as sensitive as public procurement, but also the satisfaction when tangible and visible results are at hand.

PRIOR ACTIONS

In the first place, the preliminary projects that will allow progress on the subsequent stages of the reform of the system:

1. Clarification to all actors, including senior authorities, of the status of procurement system bodies

The evaluation has repeatedly referred to the fact that CAs or other actors in the system do not agree to implement the provisions of the law, the decisions of the CRD, among others. This is partly due to the fact that the ARMP is not located at a very high hierarchical level in the administration. It is recommended to raise its level by technically linking it to the Prime Minister without altering its independence. Thus, it will be able to appeal to its guardianship in case of conflict with the other actors. It will greatly need the support of this authority during the implementation of the strategic plan. The modalities for the

implementation of this recommendation should be discussed during the preparation of the strategic plan. Two essential activities will have to be carried out:⁸

- Clarification to all actors including senior authorities of the status of the bodies of the procurement system. This specifically concerns the ARMP in particular because of its role as regulator and its attachment to its current guardianship (Primature) to give it the powers necessary for the proper execution of its mission concerning reforms. Indicators 5 and 6 as well as indicator 13 for the CRD;
- The clarification also involves the replacement of the managers/state representatives who have all been out of mandate for a long time. This is a recommendation of very high importance and priority because the representatives are the very people who will have to implement the strategic plan once adopted by the political authorities.

2. Development of strategic communication programs

This priority consists in diffusing and disseminating the results of this evaluation to target audiences but also to the High Authorities. This exercise should be done in a professional manner in order to properly explain the nature and effect of the shortcomings, the urgency of the situation, the need to build a coalition, create the vision and communicate it well, obtain short-term gains that will demonstrate the merits of the reforms undertaken and the results of the system transformation activities (system reform). Essentially, this is a change management project.

Three (3) other priorities were identified during the indicator review. They concern (i) the development of a training program for private sector operators with the aim of facilitating their access to public procurement and making them more competitive, (ii) the development of a strategy to promote the participation of civil society in public procurement, and (iii) the updating and implementation of an anti-corruption program, promotion of ethics and good behavior, implementation of the few texts that already exist (Code of Good Conduct).

These three (3) priorities have been grouped together since the mitigation of the risks of each of them requires the development and implementation of communication programs for the same target audiences: the public sector, civil society, the private sector, the population in general, elected officials and political-administrative authorities for certain issues. The three communication programs have, in part, common themes: proper functioning and transparency of the system, reduction/elimination of corruption, better budget implementation. The proposal to conduct the programs simultaneously builds on the synergies that could result. The professionals responsible for the development of the communication strategy and the implementation of the programs will be able to rely on the same media, using and even transferring the knowledge acquired in one sector to all the programs. Indeed, a common program would target the general problem while separate components would be added to the common core to better target the target audiences and give a tailor-made focus to each of the components. With regard to the specific components for the various audiences, each should be carefully assessed and aimed at strengthening the role of each, for example (i) the private sector as a partner of the government in the award and execution of contracts, (ii) civil society as an observer and third party guarantor, (iii) the

⁸ Article 57 of Decree 10/21 grants the CRD the power to impose sanctions "against tenderers, candidates and holders of public contracts" and not against other institutions.

Congolese people who want to be delivered the goods and services promised to them in the best conditions of quantity, quality, time and price, (iv) the elected representatives of the people concerned with the management of public finances could exercise real parliamentary control, and (v) the technical and financial partners who, for a long time, would like to support serious and consistent reforms carried out with a declared political will.

It is important to note that the recommendation relates to the development and delivery of communications programs. However, it is a communication that will reflect the government's political will to really implement the reform of public procurement with the support and participation of the private sector and civil society.

Communication should be the focus of a key component of the government's strategy. The implementation of a real anti-corruption program will face many and significant challenges. As mentioned earlier, public procurement is plagued by endemic corruption. These programs are likely to face significant opponents. It will require a broad, concerted program covering the whole system: the implementation of sanctions in cases of violations of established rules, the manifestation of the political will to follow through and defeat this scourge that undermines the entire system.

SYSTEM IMPROVEMENT

The projects that will improve the functioning of the system

3. Measures to address the lack of professionalism and procedural violations in the conduct of procurement operations

This situation is not a new or recent phenomenon. It is relatively difficult to make realistic proposals given that there are currently no measures that could compel the recalcitrant to comply with the procedures. It is probably preferable to wait for the implementation of the integrated public procurement information management system, which will force the actors of the system to use the procedures provided for in the texts, otherwise it will not be possible to award a contract. It is clear that strengthening the control environment of the public expenditure chain can help to ban procedural violations since non-compliance with procedures should lead to the ineligibility of the contract concluded for payment from public funds.

In order to measure the political will to move forward in compliance with the established (but never implemented) rules, it is proposed to take measures to implement the code of ethics and to oblige public procurement officials to declare their personal assets and debts and those of their immediate family in accordance with the relevant rules to the Observatory for monitoring Corruption and Ethics. pursuant to Article 9(5) of Decree-Law No 017/2002 on the Code of Conduct for State Officials.

4. Establishment of an integrated public procurement system with a gateway synchronized with the public expenditure chain.

In the very short term. It is a question of taking a text, the nature of which has yet to be specified, to "freeze the funds" at the time of the certification of the availability of funds, before the launch of the contract / call for tenders (Art. 6 LRMP). This would ensure that the funds could not be used for other purposes and would no longer be available at the time of signature and/or performance of the contract. However, such an approach will not entirely solve the problem of non-payment resulting from cash flow problems but will limit the volume of arrears arising from procurement, i.e., receipts below expectations.

As mentioned in the evaluation of the indicators, this is a governance issue and goes far beyond public procurement. It is, however, imperative to provide a temporary solution, until the permanent solutions are implemented within the framework of ongoing projects. The temporary solution should come from the deployment and effective use of the Integrated Public Procurement Management System (SIGMAP).

In the medium term, permanent measures will be put in place within the framework of ongoing projects.

5. Revision, additions and amendments to the texts defining the legal, regulatory and institutional framework

The evaluation revealed certain substantial shortcomings in the legal and regulatory framework that require immediate attention since the texts concerned have a direct effect on the results of the system such as: **(i) the amendment of Article 146 PM concerning the use of "free form" contracts in the case of mutually agreed, sole source contract should take place and make the use of model contracts compulsory**, (ii) the development, adoption and implementation of the PM of the CGPMP, (iii) the development, adoption and implementation of the user manual and the public procurement guide, (iv) the updating of existing texts, and (v) the deadlines for publication of CRD decisions. The revision of other smaller texts could come a little later as part of the modernization of the system.

Under the coordination of the Prime Minister, these actions could be undertaken and executed by ARMP staff who are best placed to succeed in this task and who have the experience and expertise, in collaboration with other stakeholders (DGCMP, CGPMP, civil society and the private sector, among others).

6. Establishment of an integrated public procurement information management system

The establishment of an information system is a "sine qua non" condition for the development of the public procurement sector. In fact, **all evaluations since 2012 have recommended addressing this issue as a matter of priority**. Examples of malfunctions caused by the lack of an effective system are numerous and concern, among others, the following areas: registration of information, production of documents required according to the procedure (tender documents, evaluation reports, etc.), supervision and monitoring of procedures, preservation of essential documents, evaluation of the performance of actors, production of statistics. However, implementation has significant technical, financial and political requirements.

The most important technical requirement is the development of the system, its design, its implementation, user training, testing, etc. The development of a system as complex as this one also entails very high financial requirements. It will be important to obtain from the government, through the projects or directly from the partners, a firm commitment to the financing of this huge project. Consideration may be given, in due course, to entering into a partnership with an ARMP that has already developed its system and is functioning properly, with the aim of capitalizing on its experiences.

As for the political requirements, an awareness-raising campaign should be considered with a view to attracting the widest possible support and overcoming resistance, since a high level of resistance to the establishment of a management system that would provide information that would go far beyond the mere collection of market intelligence should be expected. There will certainly be interests that will seek to counter the introduction of a system of transparency.

Given the magnitude of the problem that has an impact on the system as a whole, it is important that the work of preparing the strategy include a very detailed assessment of the options that will reduce the risks and even provide alternative plans if not all the conditions for success are met. In terms of urgency, immediate intervention is required to correct the lack of an effective information system.

7. Development of a strategy for capacity building and certified professionalization of actors

The development of a capacity-building strategy is a priority. The aim is to strengthen all the elements of the system and the system's ability to self-evaluate, choose the most promising corrective actions, implement them, evaluate the results and start the learning cycle again. The ARMP has organized numerous training sessions on an episodic basis, but the reflections initiated within the framework of the PRC-GAP project have not been able to lead to a global strategy involving universities, the internal training services of the bodies (ARMP, MINBUD with regard to the DGCMP, the sectoral ministries with regard to the CGPMP) and other training organizations interested in public procurement. The same is true of the strategy aimed at the professionalization of procurement professions, which has been talked about for a long time but has not yet seen the light of day. The only downside is that the content of the procurement professions may evolve or be modified soon because of the implementation of the public procurement information management system. This should be taken into account in the terms of reference of the team responsible for developing the strategy. In any case, this project will have to involve all the actors of the system: private sector, civil society, public sector.

8. Establishment of a sustainable system of internal audits and controls as well as external audits conducted in the prescribed time frame

The strengthening of the capacities of the *Inspection Générale des Finances* and those of the *Cour des Comptes* to properly carry out their respective functions of internal control and external audit began under the PROFIT-CONGO which is now closed. It will therefore be necessary to seek new funding under the ENCORE project which has just entered into force. One of the countries - among those that have put in place control and audit mechanisms and developed programs and training modules already tested - could be contacted to offer basic training in internal audit of public procurement. The same approach could be used with regard to external audit. The WB has some experience in implementing training courses that bring together the private sector and government officials. Such an approach could be used when the implementation of the component is more advanced.

These are the 8 priority projects (in terms of sequencing) that bring together all the recommendations following the evaluation of the 14 indicators.

ACTIONS WITH IMMEDIATE AND VISIBLE EFFECT (QUICK WINS)

The implementation of these major projects is subject to the decision of the political authorities, which can only come after discussions at the highest level. In the meantime, the experts who evaluated the system identified six (6) actions that could be undertaken fairly quickly and whose implementation would have short-term effects. These priority actions would bring short-term gains that would demonstrate the government's commitment to reforms and would be a first step, together with other actors and partners, towards a far-reaching reform agenda. These actions are of low complexity, do not require very high funding and would have an immediate and visible effect.

- Reflection and discussions with the High Authorities on the attachment of the ARMP to the Prime Minister (technical supervision), a subject also discussed under indicator 5;
- Reflection and discussions with the High Authorities on the adoption of a text specifying that the decisions of the CRD are enforceable. This issue has been addressed under indicator 1 and in more detail under indicator 13;
- Meetings to present the findings of this report and discussions with the private sector, civil society and administration including CAs. It is essential that the findings of this report be widely discussed within the procurement community in order to gain the support of pro-reform actors and to counter the objections of those opposed to it or among skeptics;
- Implementation of measures to ensure the freezing of funds at the time of the launch of the call for tenders. As has been explained at length, the fact that funds are certified as available at the time of the launch of the call for tenders leads to major problems that will either prevent the execution of the mandate or prevent suppliers and service providers from being paid under the terms of the contract. In both cases, the credibility of the system is at stake. This problem, which is a matter of governance rather than public procurement, can easily be solved if all parties consult and implement the proposed recommendations;
- Revision of article 146 of the manual of procedures on the form of mutually agreed contracts. This is a very easy to correct and non-funding requirement. This is a problem of governance and public procurement. All contracts must be regulated and obey uniform rules to ensure transparency. This short-term action as well as the next (and last) one will validate the will to move forward in the reform of public procurement;
- Implementation of Article 9(5) of Decree-Law No 017/2002 on the Code of Conduct for State Officials under the Authority of the Observatory for the Supervision of Corruption and Professional Ethics, which provides that State officials working in the field of public finances must declare their assets and those of their immediate families. This obligation has not yet been in effect since 2002.

Whether or not the above six (6) actions are implemented will give a good indication of the level of political will to move forward in implementing the necessary reforms.

VALIDATION OF RESULTS

The validation of the results of the evaluation was carried out internally and externally in three stages: (i) first, the Steering Committee approved the preliminary report and convened the validation workshop held on 21 November 2019, (ii) secondly, at the decision meeting of 27 May 2020, chaired by the Director of WB Operations in the DRC, the final version of the preliminary report was validated after peer review internal World Bank evaluators including TFPs and the World Bank MAPS team, and (iii) thirdly, the final version of the report was submitted for validation by the ATAG and the MAPS Secretariat for certification of the report in terms of compliance with the MAPS II procedure and methodology.

Internal validation

March-June 2019. Steering committee through the TS ensured that the expert evaluators fully applied the MAPS methodology, that their findings reflected reality and that internal stakeholders and other members of the evaluator team had the opportunity to be heard in order to present the situation in its entirety. Indeed, the organization of the evaluation implied that each of the expert teams had to validate the findings and conclusions of its own work through discussions within the evaluation teams themselves.

June 2019. The TS organized a session to report on the findings and conclusions of each of the teams, not necessarily to develop a consensus within the group, but rather to arrive at a majority position. During this meeting, each of the experts was able to take note of the results of the work of all the teams so that they could cross-check with their own results. It should be noted here that the teams responsible for reviewing the 152 contracts with the 38 CAs, at the end of their work, discussed their findings and conclusions with the CGPMP managers to share with them the results and ensure the accuracy of the understanding of the situation as well as the conclusions. In the rare cases where there were discrepancies, the discussions led to a common understanding of the situation, which eliminated differences of view between evaluators and CAs. In the case of surveys of government, the private sector and civil society, the evaluators ensured that participants were in sync and that there were no differences of opinion among different groups.

July-November 2019. The TS produced the preliminary report in June 2019 and submitted it to SC for discussion and adoption prior to the validation workshop. To facilitate the approval of the preliminary report, the SC requested that preliminary validation meetings be organized specifically for the benefit of representatives of each of the stakeholders (private sector, civil society and training institutions as well as the public administration). These validation meetings took place in October 2019. The minutes of these meetings are annexed to the present report. Following meetings with stakeholders, the SC adopted the preliminary report and convened the validation workshop that took place at the Grand Hotel in Kinshasa on 21 November 2019.

The workshop was held under the very high patronage of H.E. M. the Prime Minister and consisted of a detailed presentation of the findings, conclusions and recommendations by the TS Coordinator. In this workshop, a hundred people from public administration, CAs, the private sector, civil society, training institutions and TFPs participated. The assembly endorsed all the findings, conclusions and recommendations subject to some minor amendments.

The most important discussion at the workshop focused on one of the recommendations, which was the creation of a public procurement authority that (i) should be located at an appropriate hierarchical level, (ii) would have the necessary prerogatives to enforce all the provisions of the LRMP and the decisions of the ARMP, (iii) would also have the power to coerce recalcitrants. The creation of such a new authority has given rise to reluctance in view of the fact that the Procurement Law places the ARMP under the financial and administrative supervision of the Prime Minister. Considering that the objective of the recommendation was to link the ARMP to a political authority with a high hierarchical position so that it could bring all CAs into compliance with the provisions of the legal framework, the participants recommended that the ARMP - which is technically independent - should be able to benefit from the support of its guardianship to enforce the LRMP.

In reality, there was very little discussion or divergent views during the validation workshop. Congolese stakeholders unanimously agreed that (i) the public procurement system in the DRC is not at all efficient, (ii) planning, awarding, monitoring and execution operations are completely deficient and that, (iii) ethical rules and anti-corruption mechanisms are non-existent. There has therefore been a convergence of views on the fact that the system must be improved as soon as possible.

The proceedings of the validation workshop and the list of persons and participants are annexed to this report. All these documents have been downloaded from the ARMP website and are accessible from the link entitled "MAPS II DRC Resources" at the following address: www.armac-rdc.org/index.php/fr/rapport-d-audit-4. The amendments made at the workshop were taken into account in the final version of the December 2019 preliminary report which was transmitted to the WB for validation by it and the ATAG.

The report of the independent expert was endorsed by the technical secretariat. It was then the subject of comments from the ARMP and the DGCMP to which the expert provided a detailed response. There was no follow-up to this response and the report is considered to have been internally validated and is an integral part of this report.

External validation

The validation was carried out in two stages at WB level, namely (i) first, at the decision meeting of 27 May 2020, and (ii) secondly, at the end of the review of the ATAG and the MAPS Secretariat for the certification of the report seen from the point of view of compliance with the MAPS II procedure and methodology.

May 2020. The decision meeting on 27 May 2020 was held following the review of the final version of the preliminary report by the peer reviewers including the TFPs and the WB MAPS team. Comments from the peer review were forwarded to the TS for consideration in the final draft report. The decision-making meeting, chaired by the Director of World Bank Operations in the DRC, decided on the revised version of the report incorporating the comments of the peer reviewers and validated it by taking into account the following points, (i) prioritizing the causes of the system's dysfunction, (ii) prioritizing the recommendations, and (iii) identification of triggers based on recommendations.

November 2020. The final version of the report incorporating the comments of the decision meeting was submitted for validation by ATAG and the MAPS Secretariat on 14 October 2020 for approval of the report in terms of compliance with the MAPS II procedure and methodology. Comments from these proceedings were received on November 16, 2020 and incorporated into this final evaluation report. The delays in question are due, in large part if not in full, to the pandemic, which has considerably slowed down or even stopped work on the Congolese side as well as on the World Bank and the approval bodies.

All comments received during the various reviews are annexed to this report. They have been downloaded from the ARMP website and can be accessed from the link entitled "MAPS II DRC Resources" at the following address: www.armac-rdc.org/index.php/fr/rapport-d-audit-4.

In conclusion

There is a convergence of views on the part of the Congolese side and the WB that the evaluation report presents an accurate picture of the situation of the public procurement system in the DRC. Not only does it highlight the major problems under each of the pillars, but it also establishes the

relationships between dysfunctions that are found under more than one pillar or that originate under different pillars. It should be noted that, as in previous assessments, there are no significant differences of opinion between the Congolese side and stakeholders, or even within the Congolese side. The vast majority, if not all, of the problems noted in this evaluation are well known to all stakeholders.

It is also well known that the most difficult task will be to correct weaknesses, not least because of the political will that this requires. That is why the approach has been to assess the situation and obtain a broad consensus of all stakeholders on the flaws in the system.

The second step will be to obtain the vision of the High political Authorities on the future of the public procurement system and their agreement on the recommendations; they will have to set out the broad guidelines and give clear instructions on the way forward. They will also have to appoint managers and State representatives to lead the reform program. This is when the implementation of the strategic plan for the reform of the public procurement sector will begin.