

Rwanda

Assessment of the Public Procurement System

Volume III - Annexes



**Methodology for Assessing
Procurement Systems (MAPS)**

May 2020



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Volume III: Annexes

Table of Contents

Annex 1 Concept Note and related material (P166470) – Revised June 2019	4
1. Context and background	4
2. Objectives.....	1
3. Focus of Assessment (Scope of Work)	1
4. Information Sources	4
5. Leadership and Assessment Team	4
6. Validation of assessment results.....	7
7. Communication and Cooperation	7
8. Outputs and timetable	8
9. Source Documents	10
Appendix A: Composition of Assessment Steering Committee/Team/TAG	11
Appendix B– List of documents reviewed.....	13
Appendix C – List of stakeholders consulted during the process.....	15
ANNEX 2: Additional Material in support of the assessment	33
ANNEX 3: e- GP System in Rwanda	40
ANNEX 4: Voices from Private Sector- Results of Survey	50
ANNEX 5: Rwanda- Sample Cases –Approach for Sampling	52
ANNEX 6 Letter of Request from MINECOFIN	55

Annex 1 Concept Note and related material (P166470) – Revised June 2019

1. Context and background

The Public Procurement System is a key to the effective and efficient functioning of the public sector as it underpins the performance of all sectors and at different levels of Government and thus to the development of the country. Government expenditure on public procurement accounts for a sizeable part of economic activity. Governments around the world spend approximately USD 9.5 trillion in public contracts every year which could constitute 12-20% of a country's GDP¹. With GDP of USD 9.1 billion² for Rwanda in 2017, the estimated value of public procurement could be in the range of USD 1 billion.

The 1994 genocide was unprecedented and left dysfunctional institutions & economy and a divided society in Rwanda. However, in December 1994, the government endorsed an economic agenda for a "New Rwanda" that embodied commitment to a market economy with strong private sector presence. In 2000, the government embarked on a multi-phased decentralization initiative to foster reconciliation of the Rwandan people, engage citizens in participatory planning and decision making, promote accountability, and enhance service delivery.

Large scale public investments over the years have contributed to improved access to water sources and sanitation, road transport, electricity, and ICT as well as housing conditions. But unpaved rural and feeder roads remain in poor conditions, impeding farmers' connection to input and output markets, while high cost and low reliability of energy is a persistent hurdle to enterprise development.

In 2010, the Government performance in advancing the private sector agenda was recognized by the World Bank in its 2010 Doing Business Report that identified Rwanda as the top reformer worldwide jumping 76 places in ease of Doing Business from 143 to 67 by fostering improved governance, access to credit and streamlined regulation for the private sector.

Rwanda Public Procurement Law (Law No. 12 of 2007) was passed in March 2007. The Government of Rwanda's legal framework is based on the UNCITRAL Public Procurement model law and covers all aspects of public procurement at all levels of the Government. The public procurement system of the Government of Rwanda (GOR) generally complies with the objectives of transparency, competition and fairness. The institutional structure of the public procurement system in Rwanda has independent regulatory bodies, namely, Rwanda Public Procurement Authority (RPPA) and an Independent Complaint Review Body.

Based on a report on Use of Country System by the World Bank (updated June 2010), which was based on OECD/DAC benchmarking tool, it was considered that law was generally consistent with international standards, but one of the key gaps identified in the UCS assessment was RPPA combining both transaction and regulatory function, which required devolution of the transaction

¹ MAPS 2018

² The World Bank Data 2017

function to procuring entities including through capacity building strategies and professionalization of procurement function.

Rwanda Public Procurement Law was revised in 2013 (Law No. 5 of 2013). The law was revised again in August 2018 (No 62/2018) to enshrine the e-Procurement system and to consolidate the law into one Public Procurement Law by including all amendments made so far. Based on RPPA Annual Activity Report of 2017-2018, the main function of RPPA now is to regulate, monitor and build capacities in public procurement

The latest “Doing Business Report of 2019” ranks Rwanda 29 out of 190 countries in the world for the ease of establishing and running a business (World Bank Group 2019). Despite the fact that the private sector still maintains a relatively limited presence, overwhelmingly dominated with small firms that lack the scale of economies critical for competitiveness and have limited export presence (World Bank Group; Government of Rwanda 2019). The high costs of energy, finance, trade logistics and low returns have been important contributing factors.

Rwanda’s overall governance quality has improved significantly and been a driving force behind its rapid development story. The government’s effort in integrating the community including holding all government officials accountable for performance through the *imihigo* system of performance contracts is well reflected in Rwanda’s international rankings, with particularly strong performance on indicators of government effectiveness, control of corruption, rule of law, and regulatory quality. For example, Rwanda ranks 48 (out of 180 countries) for control of corruption in the Transparency International’s Corruption Perception Index of 2018, a vast improvement over its 2006 ranking of 121, placing it 3 (alongside Mauritius) on the continent. However, Rwanda’s ranking on voice and accountability remains below that of its regional and low-income peers (World Bank Group; Government of Rwanda 2019).

The GoR is moving towards modernizing its procurement function to improve compliance, efficiency, transparency, fair competition, value for money and controls in public procurement. Accordingly, Rwanda has in place a policy of modernization and professionalization of procurement function to help achieve above objectives. GoR has developed and rolled-out e-Procurement System across the entire country from national level to districts and district hospitals which is the first of its kind in the Africa Region where the e-GP is rolled out across all agencies, at all levels and covering all procurement categories from July 1, 2017. Further, they have enacted a law to establish “Procurement Professionals Association” to maintain professional standards and certification of procurement professionals.

Despite having robust legal framework and institutions, there are challenges and the public procurement could do much better with the objectives of economy and efficiency to achieve value for money. Weak implementation capacity at sub-national level, resulting into lack of compliance, efficiency and value for money remain a challenge, due to capacity constraint.

As per findings of RPPA as reflected in their Annual Activity Report(s), there are several non-compliances in procurement process and contract implementation identified in the past which *inter alia* includes lack of clear technical specification, lengthy bidding process, price negotiations which is not as per law, use of discriminatory criteria for open tenders, poor record keeping, excessive delays in contract execution and resolution of issues with contractors. Further as per Auditor General's Report ending June 30, 2017, there were persistent cases of delayed and abandoned contracts.

Similarly, there are areas within the e-GP System and Procurement Professional Association that need improvement, as summarized below:

- Following the development and roll-out of the e-GP across all government procuring entities at national and sub-national levels, there is a need for continuous system stabilization and enhancement with technological advancements. Accordingly, enhancing the system with change/advancement of technology, introducing important e-GP features, such as Open Contracting Data Standards (OCDS), info-graph, Data Analytics and geo-tagging are necessary. To this end, MAPS can contribute to identify areas that need enhancement and problem areas that need to be addressed. In addition, MAPS can identify provisions of the legal framework that need to be amended for consistency and effective implementation of the e-GP and data analytics.
- Improved demand side governance by better disclosure of procurement data is another area where improvement could bring accountability, transparency and improved service delivery.
- The legal framework mandates to maintain procurement professional standards and certification of procurement professionals. The professional body is in its infancy and has many problems to stand as an independent body to discharge its mandate. Currently, the association does not have a full-time manager due to resource constraints and thus is relying on the government to undertake its duties compromising its independence. MAPS could help contribute towards identifying bottlenecks and suggestions on alternative organizational/sustainable arrangements.
- Rwanda was one of the countries identified under Use of Country System (UCS) and UCS assessment carried out in 2010-11. Rwanda was considered to meet the UCS requirements. Hence at this stage also Rwanda could be a candidate for Alternative Procurement Arrangement (APA) following Procurement Framework 2016. MAPS II assessment can layout reform roadmap for next generation reforms to comply with APA

2. Objectives

This assessment will support strengthening public procurement system in Rwanda which is an IDA country, to improve efficiency of public spending and enhance service delivery. This aligns well with third theme; Accountable Governance of the Country Assistance Strategy (CAS) for Rwanda (2014-2018). The third theme comprises of: ‘Supporting accountable governance through public financial management and decentralization’. This supports the Government’s objective of decentralizing decision-making and making Government more open and participatory in its processes. This theme includes likely IDA investment in Public Financial Management (PFM), fiscal decentralization, statistical systems and open data. Based on draft Concept Note of December 05, 2018 on Rwanda Systematic Country Diagnostics there are five groups or “pathways” as constraints for progress towards reducing extreme poverty and increasing prosperity which are: investing in people; letting markets play a bigger role; investing sustainably for development: building resilience; and strengthening state efficiency and accountability. The recommendations and action plan of MAPS assessment could feed into future IDA PFM operations.

In summary, the main development objectives are:

- i. to assess the strengths, weaknesses and gaps of the public procurement system, in general
- ii. to identify gaps in the implementation of newly developed e-GP system, in particular;
- iii. to improve effectiveness of procurement professionalization;
- iv. to improve procurement process and contracts management in practice; and
- v. develop roadmap for next generation of reforms with possibility to use Alternative Procurement Arrangement as per Bank’s Procurement Framework 2016 for the Bank financed operations in future, and
- vi. to improve demand side governance by disclosing procurement data following Open Contracting Data Standards or through other enhancements in the existing system

The MAPS methodology (2018) would identify the gaps in the existing country procurement system by applying assessment criteria expressed in qualitative and quantitative terms.

3. Focus of Assessment (Scope of Work)

For achieving the above-mentioned objectives, the assessment will: (i) identify possible and significant gaps that negatively impact the quality and performance of the country’s public procurement systems, in general and implementation of e-GP and procurement professionalization in particular; (ii) provide a comparative analysis of the country’s procurement system compared to international practices as reflected in MAPS

methodology and (iii) suggest recommendations to enhance the efficiency and performance of public procurement system and Procurement Professionalization compatible with second generation procurement reform and jointly with the government to suggest an action plan and implementation strategy to continuously enhance the quality and performance of the public procurement system, procurement data disclosure and Procurement Professionalization. In addition to the above key areas, the exercise will subsequently help the GOR, the Bank and other development partners in targeting and prioritizing the public procurement system development challenges to be supported within their respective upcoming Country Partnership Frameworks (CPF). and to explore possibility of use of Alternative Procurement Arrangement as per WB and AfDB's Procurement Framework for the Bank financed operations.

The specific tasks to meet the objectives of this assessment will revolve around the following key function(s):

Conducting the MAPS Assessment:

The team of consultants will conduct the assessment in close cooperation with the government. The assessment will focus on the following elements:

- a) Conduct the analysis of the Country Context including mapping of stakeholders;
- b) Conduct the assessment of the Public Procurement Systems;
 - Develop and regularly update assessment schedule by the Assessment Team in consultation with RPPA,
 - Collect data (qualitative and quantitative data) mostly through e-Procurement (e-GP-UMUCYO portal) by going through data from July 1, 2017 till December 31, 2018. For sample cases, this will involve 10-12 entities and about 80 sample contracts. As some of the large value contracts are under implementation which did not use e-Procurement, the Assessment Team shall collect data through physical files and visits to Procuring Entities. RPPA staff shall actively support the Assessment Team in this task.

- Apply the MAPS indicators using the following three-step approach:

Steps	Assessment	Ref.
Step 1	<p>Review of the system applying assessment criteria expressed in qualitative terms.</p> <p>Preparation of a narrative report providing detailed information related to this comparison (actual situation vs. assessment criteria) and on changes underway.</p>	Section I 15-16
Step 2	<p>Review of the system applying a defined set of quantitative indicators (applying at least the minimum set of quantitative indicators defined).</p> <p>Preparation of a narrative report detailing the findings of this quantitative analysis</p>	Section I 17-19
Step 3	<p>Analysis and determination of substantive or material gaps (gap analysis).</p> <p>Sub-indicators that exhibit a “substantive gap” need to be clearly marked to illustrate the need for developing adequate actions to improve the quality and performance of the system.</p> <p>In case of identified reasons that are likely to prevent adequate actions to improve the system, “red flags” need to be assigned. Red flags are to highlight any element that significantly impedes the achievement of the main considerations of public procurement and that cannot be mitigated directly or indirectly through the system.</p>	Section I 20-24

- The assessment includes the review of a sample of actual procurement transactions (files). Expected number of files to be reviewed: 80
 - The assessment includes a survey of private sector participants which will be conducted to substantiate the assessment of the some of the sub-indicators.
- c) Facilitate the validation of findings and develop recommendations for a prioritised procurement reform strategy.
- d) Prepare the Assessment Report in English.

Quality Review process: The Assessment Report will be provided in a draft version and then a final version that takes account of suggestions and comments received during the quality assurance process. The first draft report will be reviewed by RPPA, steering committee and then validation workshop. The next review will by internal stakeholders, peer review by

Bank staff, TTLs and CMU. The next review will be by MAPS TAG. The final report will be submitted to the Bank's decision meeting. The report will consist of an executive summary and a main report that follows the outline provided as per MAPS template for Assessment Report (2018)

4. Information Sources

Collection of information and existing data as well as inputs from similar analytical and diagnostic works already done in the country: AfDB conducted assessment of its portfolio using some indicators in the MAPS. This report will provide the challenges and possible solutions for donor funded projects. In addition, interviews will be held with identified relevant stakeholders, such as e-Procurement project team, Private Sector Federation, CSO, Regulatory and oversight Institutions (Office of Ombudsman, OAG, TI-Rwanda), Contractors Association, Consulting Firms Association and Procurement Professional Association and surveys will be carried out as needed, and data and performance indicators from the e-procurement system will be collected

Carry out an assessment using the MAPS analytical framework and indicators: The assessment will first cover a qualitative review of the existing public procurement regulatory, Institutional and policy frameworks governing procurement practices of the government entities. The team will explore possibility to co-opt AfDB and other Donors in the assessment. This sub-activity will include careful analysis of the assessment's findings particularly in terms of strengths and weaknesses as well as the determination of targeted measures or reform actions that are required to address substantial gaps and improve the quality and performance of the country procurement system, e-GP and Procurement Professionalization. This would result in the development of recommendations for short, mid and long-term prioritized action plan and strategy intended to address the identified gaps.

5. Leadership and Assessment Team

The assessment will be led by Lead Procurement Specialist as Task Team Leader and shall be carried out by the Assessment Team that will be composed of the following members:

A. The government will assign the following expert(s):

- Rwanda Public Procurement Authority will assign **2 National Procurement Experts:** The national procurement experts will do the assessment under the guidance of the Lead Consultant, a consultant with procurement legal background and a consultant with procurement operations background. The team members are in charge of supporting the assessment by collecting and analysing data, reviewing selected procurement cases,

proposing recommendations and documenting the detailed assessment results in accordance with the methodology.

The government will provide timely access to necessary information and data and will facilitate meetings with public and private stakeholders (e.g. private sector organizations, civil society). These agencies have been identified. The government will also facilitate the review of the sample of procurement cases by making the files available for review, preferably in a central location. RPPA has identified two staff to assist the Assessment Team.

B. There will be three consultants contracted for the assignment who will work in close cooperation with the experts assigned by the government:

- **Lead Consultant [international] public procurement specialist:** The Lead Consultant with support from Senior Procurement Specialist based in Rwanda, is responsible for conducting the assessment in accordance with the MAPS methodology, project management, quality assurance of the data analysis and recommendations, writing the report and presentation of the report, as required. The Senior Procurement Specialist based in Kigali will liaise with the government to ensure timely implementation.
- **Two Local Consultants [national] public procurement specialist:** The Local Consultant with procurement legal experience & procurement operations experience and fluent in the three most used languages, namely Kinyarwanda, English and French, will lead the exercise of collecting and organizing data in accordance with the MAPS methodology. The consultants will work closely with the two national procurement experts assigned by RPPA. The local consultants will liaison with RPPA, public institutions and World Bank to ensure the assessment is done as in accordance with the MAPS methodology and within the time frame. Their focus would be collection of data and analysis in particular those related to data from e-Procurement system and on sample cases covering planning, selection and contracting and contract management in practice.

C. **Procurement Legal Expert:** A Procurement Legal Expert from WB HQ will guide the team on issues related to procurement legal frameworks and prepare a report on legal framework related indicators.

D. **E-Procurement Expert:** an expert on E-Procurement will be hired for short time and will be responsible for E-Procurement assessment and will produce a report on related indicators.

The team members are in charge of supporting the assessment by collecting and analysing data, reviewing selected procurement cases, proposing recommendations and documenting the detailed assessment results in accordance with the methodology.

The Assessment Team will work in close cooperation with the Assessment Steering Committee. The Assessment Steering Committee is composed of the following members

1. RPPA: DG-RPPA, Chair Person,

2. DP: WB – Representative, Co-chair,
3. MINECOFIN – PS or representative, Member,
4. Office of Ombudsman – PS or representative, Member,
5. MINALOC – PS or representative, Member,
6. MINIJUST – PS or representative, Member,
7. DP: AfDB – Representative, Member,
8. DP: DFID – Representative, Member,
9. Private Sector federation (PSF) – Representative, Member,
10. Transparency International-Rwanda – Representative, Member,

The Assessment Team will liaise with external partner to support a timely and smooth implementation of the assessment.

Stakeholders

The following stakeholders are identified and will be engaged during the MAPS exercise:

- ✓ Ministry of Finance and Economic Planning (MINECOFIN)
- ✓ Rwanda Public Procurement Authority (RPPA)
- ✓ National Independent Review Panel (NIRP)
- ✓ Selected number of procuring entities including state owned enterprises
- ✓ Office of Auditor General (OAG)
- ✓ Authorities in charge of internal and external controls and audits
- ✓ Office of Ombudsman
- ✓ Rwanda Development Board
- ✓ Ministry of Public Service and Labour
- ✓ Public Service Commission
- ✓ Training institutions
- ✓ Procurement professional body
- ✓ Representatives of the private sector
- ✓ Representatives of civil society
- ✓ Research institutions, Academia
- ✓ Media
- ✓ External partners engaged in public procurement in the country (if applicable)

6. Validation of assessment results

To ensure that the assessment findings are valid and credible, a validation workshop involving key stakeholders will be held to agree on the findings of the assessment, reform priorities and have a shared strategy to address key weaknesses in the system. The assessment findings will be presented to the MAPS Steering Committee prior to the validation workshop, for review and endorsement. In terms of sequencing, the initial results of assessment shall be shared with RPPA at the stage of preparation of draft report and their input sought. The Assessment Team shall seek input from stakeholders including private sector at the stage of draft report. The draft report shall be peer-reviewed internally in the Bank before presenting to the MAPS Steering Committee and subsequently holding a validation workshop with key stakeholders. The report shall be sent for Technical Advisory Group (TAG) of MAPS for quality assurance before clearance from the Bank management.

7. Communication and Cooperation

External partners will be engaged right from the beginning. They will also be key stakeholder to provide input during the study besides being part of the steering committee. They will also be involved in the validation Workshop of the report. Such involvement of stakeholders shall be both individually and collectively in Steering Committee and validation workshop. There shall be active involvement and feedback from private sector as well by holding a workshop on the perception of public procurement and constraint faced by them. This workshop shall be held for direct interaction in addition to seeking electronic and anonymous feedback through SurveyMonkey.

8. Outputs and timetable

<u>Output</u>	<u>Responsible</u>	<u>Cooperation with</u>	<u>Deadlines [ENTER DATES]</u>
Concept Note	The Bank	Internal and External partner, as applicable	15.02.2019 15.06.2019 (Revised)
Organizational and logistical arrangements (including selection of experts/consultants and ensuring that required information and data is available)	Government and the Bank	Internal and External partner, as applicable, and Assessment Steering Committee	15.02.2019
Analysis of County Context	Assessment Team	Assessment Steering Committee	15.04.2019
Assessment of the Public Procurement System <ul style="list-style-type: none"> ▪ Develop and regularly update assessment schedule ▪ Collect data (qualitative and quantitative data) ▪ Apply the MAPS indicators using the three-step approach (refer to MAPS User's Guide, paragraphs 13-24) 	Assessment Team	Assessment Steering Committee	15.06.2019
Developing Recommendations for Prioritized Reform	Assessment Team	Assessment Steering Committee	15.09.2019
Validation of Findings	Government, facilitated by Assessment Team	Stakeholders External partner Peer Reviewers	30.10.2019
Assessment Report <ul style="list-style-type: none"> ▪ Draft ▪ Review/Comments ▪ Final report 	Assessment Team	Assessment Steering Committee	First Draft Report: 15.10.2019 Updated draft after validation workshop comments internal review (CMU) and peer- reviewers 25.11.2019

			Decision Meeting: 15.12. 2019
In case of MAPS Quality assurance: Technical Advisory Group	TAG (4 weeks review time)		
Publication and Dissemination of MAPS Assessment Report- A dissemination workshop to be held	Government/ World Bank		31.12.2019

1. External support and budget- What are the total cost of the assessment? US\$120,000 (\$100K from MDTF and BB \$20K from CMU)
2. How much external support (if any) and budget will be needed? Not required,
3. Who will contract external experts (consultants), if any? N/A
4. Who will be responsible for logistical arrangements (e.g. office space, scheduling interviews)? RPPA & WB Rwanda CO.

The following table can be used to estimate the budget:

Item	Unit cost	Units	Total (US\$)
Government staff	NA	NA	NA
Assessment Steering Committee	NA	NA	NA
Assessment Team	NA	NA	NA
Administrative support including local travel	\$50	100	5,000
Sub-Total Government Staff			5,000
Staff of external partners (as applicable)	NA	NA	NA
Facilitator	NA	NA	NA
Adviser/Analyst?	NA	NA	NA
Administrative support			NA
Sub-Total External Staff			
Expert Costs	Daily rate	Days	US\$
2 Procurement Experts from RPPA for Field Survey (Data Collection)	150	2*30	9,000
External Expert(s): National consultant(s)	275	50	13,750
External Expert(s): International consultant(s)	975	45	43,875
Sub-total External Experts			66,625
Travel Costs (Travel, accommodation, per diem)	Cost/trip	Trips	US\$
Travel costs Government staff (2 travels)	5,000	2	10,000
Travel costs External expert(s) (2 travels)	7,500	2	15,000
Local travel			10,000
Sub-Total Travel costs			35,000

Other Expenditure (costs for consultations, etc.)			
Consultation conference; Validation workshop (30 participants, interpretation, venue); etc.	10,000	1	10,000
Video conferences (per hour / line)			
Other expenditures:	3,375	1	3,375
Sub-Total			13,375
TOTAL ESTIMATED COSTS			120,000
TOTAL Available budget			120,000

9. Source Documents

- Methodology for Assessing Procurement Systems (MAPS), Version of 2018
- Template: Terms of References - Assessment of the Public Procurement System of (Country) using the MAPS methodology 2018
- Website Link
- <http://www.mapsinitiative.org/about/>
- <https://rppa.gov.rw/index.php?id=188>

Appendix A: Composition of Assessment Steering Committee/Team/TAG²

Members of Assessment Steering Committee:

Function	Institution	Name	Designation	Email
Chair	RPPA	Seminega Augustus	Director General	aseminega@rppa.gov.rw
Members:				
Co-Chair	WB	Mulugeta Dinka	Sr. Procurement Specialist	mdinka@worldbank.org
Representative(s)	MINECOFIN	Nsengiyumva Emmanuel	Procurement	
Representative(s)	Office of Ombudsman	Irambona, M. Chantal	Ombudsman Officer	
Representative(s)	MINALOC			
Representative(s)	NINIJUST	Furaha David,	Senior State Attorney	
External Partner(s)	AfDB	Munyaruyenzi Emmanuel,	Task Manager	
External Partner(s)	DFID	Donato Pezzuto,	Governance Adviser,	
External Partner(s)	Private Sector Federation (PSF)			
External Partner(s)	Transparency International	Uwingabire Consolatrice,	Senior Project Coordinator,	

Members of Assessment Team:

Function	Institution	Name	Designation	Email
Lead	World Bank	Devesh Chandra Mishra,	Lead Expert-Consultant	dmishra1@worldbank.org
Members:				
Local Expert	World Bank	Denise Kayigamba	Local Expert-Consultant	d.u.kayigamba@gmail.com
Local Expert	World Bank	Bernard Rukumbi	Local Expert-Consultant	rukumbi@gmail.com
Support Staff	RPPA	Raymond NAHAYO	Procurement Auditor Expert	rnahayo@gmail.com
Support Staff	RPPA	UMUHOZA Yvette	Proc Capacity Building Expert	hozyvette@gmail.com

² To be completed, as applicable

Members of Technical Advisory Group:

Function	Institution	Name	Designation	Email
Chair				
Members:				
Financier(s) active in the country				
Independent reviewer				

Date: _____

Appendix B– List of documents reviewed

The Constitution of the Republic of Rwanda of 2003 (Revised in 2015)

Law Governing Public Procurement (No. 62/2018 of 25/08/2018)

Regulations on Public Procurement, Standard Bidding Documents and Standard Contracts (Ministerial order No. 001/14/10/TC of 19/02/2014)

Ministerial Instructions No. 001/11/10/TC of 24/01/2011 establishing Code of Ethics Governing Public Agents involved in Public Procurement

Rwanda Utilities Regulatory Authority: <http://rura.rw>

RPPA Medium Term Strategic Plan 2018/19- 2020/2021

RPPA Annual Activity Report 2017-2018

Internal Procurement Control & Audit Manual at: <http://rppa.gov.rw>

Public Private Partnership Guidelines (June 2018- Official Gazette no 29bis of 16/07/2018)

Report of the Auditor General of State Finances for the year ended 30 June 2018

Rwanda: Doing Business 2019 and 2020 of the World Bank

The World Bank Data 2017

Future Drivers of Growth in Rwanda, The World Bank Group and Government of Rwanda (2019)

Rwanda: Systematic Country Diagnostics: The World Bank (June 25, 2019)

Methodology for Assessing Procurement System (MAPS) 2018

Global Gender Gap Report of 2018

The Country Policy and Institutional Assessment (CPIA) for Africa for 2017

Rwanda Anti-Corruption Policy (June 2012)

Public Private Partnership Guidelines (June 2018)

Rwanda Investment Policy (April 2017)

PEFA Report for Rwanda PEFA Secretariat 2017

2019 Rwanda Voluntary National Review (VNR) Report (June 2019)

National Independent Review Panel Activity Report 2017-2018

Benchmarking PPP Procurement 2017

Anti-corruption Office of European Commission (OLAF)

Key websites

RPPA: <https://rppa.gov.rw> (for all procurement related legal documents)

World Bank: For GDP data: www.worldbank.org

For Budget Papers: MINNECOFIN RWANDA _ MacroFramework _Public_ Dataset-

For Office of Auditor General: <http://www.oag.gov.rw>

For Ombudsman: <http://ombudsman.gov.rw>

For Ministry of Justice: <http://minijust.gov.rw>

E- Procurement website: <http://www.umucyo.gov.rw>

Rwanda Development Board: <https://rdb.rw>

Remarks: The above is a partial list of key documents and websites. All documents which were reviewed are listed as footnotes at the relevant paragraph of the Main Report and the Detailed Matrix (Volume I and II of the Report)

Appendix C – List of stakeholders consulted during the process

List of people met during the missions:

Key contacts:

1. Siminega Augustus, Director General, Rwanda Public Procurement Authority
2. Simomana Celestin, Director of Capacity Development
3. Obadiah R. Biraro, Auditor General, Office of the Auditor General
4. Mbarubukeye Xavier, Permanent Secretary, Office of the Ombudsman
5. Philippe Munyaruyenzi, Infrastructure Specialist, African Development Bank
6. Mupiganyi Appollinaire, Executive Director, Transparency International Rwanda
7. Yves Tuyishime, Project Coordinator, Decentralization and Energy, KFW

List of Agencies for Sample Cases (Indicator-9)

1. Central University Hospital of Kigali (CHUK)
2. Rwanda Housing Authority (RHA)
3. Rwanda Transport Development Agency (RTDA)
4. Rwanda Bio-Medical Center (RBC)
5. MINAGRI
6. Ministry of Finance and Economic Planning (MINECOFIN)
7. Huye District
8. Kayonza District
9. Musanze District
10. Rubavu District
11. Bugesera District
12. Nyanza District
13. Energy Development Corporation (EDCL)
14. Rwanda Development Board (RDB)
15. Rwanda Education Board (REB)

MISSION OCTOBER 21-25, 2019- Attendance List

1. Steering Committee Meeting

#	Names	Title	Organization	E-mail address
1	Seminega Augustus	Director General	Rwanda Public Procurement Authority	aseminega@rppa.gov.rw
2	Sibomana Celestin	Director of Capacity Development	Rwanda Public Procurement Authority	csibomana@rppa.gov.rw
3	Buhiga Goretti	Director of Audit and Monitoring	Rwanda Public Procurement Authority	gbuhiga@rppa.gov.rw
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13	Devesh Mishra	MAPS Lead Expert	The World Bank	dmishra1@worldbank.org

2. Meeting with Civil Society Organizations (List of Participants - October 23, 2019)

#	Names	Title	Institution	Email address
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5	Kabera Godfrey	Representative	CLADHO	Kabegodfrey50@gmail.com

PRIVATE SECTOR CONSULTATION WORKSHOP ON MAPS II

KIGALI GALAXY HOTEL, JUNE 12, 2019

ATTENDANCE LIST

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3. Validation Workshop on October 24, 2019

#	Names	Title	Institution	Email address
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			Procurement Authority	
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19	Bernard Rukumbi Kayiranga	Local MAPS Expert	The World Bank	rukumbi@gmail.com
20	Dimitrie Sissi Mukanyiligira	Program Assistant	The World Bank	dmukanyiligira@worldbank.org

Minutes of the Steering Committee Meetings

MINUTES OF THE FIRST STEERING COMMITTEE MEETING FOR THE ASSESSMENT OF THE PUBLIC PROCUREMENT SYSTEM OF RWANDA BY USING METHODOLOGY for ASSESSING PUBLIC PROCUREMENT SYSTEM (MAPS)

Date: 16/05/2019

Location: World Bank Office, Kigali

Present:- Seminega Augustus, Director General, RPPA

- Furaha David, Senior State Attorney, Minijust
- Sibomana Celestin, Director of Capacity Development, RPPA
- Buhiga Goretti, Director of Audit and Monitoring, RPPA
- Rwamirindi Michel, Legal Affairs, RPPA
- Karangwayire Charlotte, Pr&Co, RPPA
- Nsengiyumva Emmanuel, Procurement, Minecofin
- Munyaruzenzi Emmanuel, Task Manager, AfDB
- Uwingabire Consolatrice, Senior Project Coordinator, Transparency International
- Rajesh K Shakya, e-gp Specialist, World Bank
- Donato Pezzuro, Governance Adviser, DFID
- Nagaraju Duthaluri, Lead Governance Specialist – Procurement,
- Mulugeta Dinka, Senior Procurement Specialist,
- Devesh Chandra Mishra, Lead Expert,
- Denise Kayigamba Local Expert

The meeting was chaired by the Director General of the Rwanda Public Procurement Authority (RPPA). In his opening remarks, he brought out the objective of MAPS exercise and its importance for further improving the public procurement system of Rwanda. After this opening remarks, he gave the floor to the Lead Expert of the MAPS exercise to update the Steering Committee on the status on the assessment. The Lead Expert thanked RPPA for providing all required support for MAPS exercise and to DG for his guidance and encouragement for identification of gaps so that public procurement system of Rwanda could improve further.

The presentation covered the following points:

- 1. The role of the Public Procurement in the national economy:** The public procurement plays a crucial component of public services delivery, good governance and sustainable economies with inclusive growth.
- 2. Last Country Procurement Assessment of Rwanda:** This was carried out in 2009/2010 by the World Bank in the context of Use of Country System and based on assessment at that time, 49 out of 54 sub-indicators met the required scoring. Several improvements have taken place since then in particular devolution of transaction function to procuring entities and the main functions of RPPA now is to regulate, monitor and build capacities in public procurement.
- 3. Methodology of Assessing the Procurement System (MAPS):** MAPS is a universal tool for use in the assessment of public procurement system- used both for developing as also for developed countries. This tool

has been developed by Organization for Economic Cooperation and Development (OECD) in collaboration with development partners to assess together with Governments to meet government's policy objectives and increase public trust

4. The objectives of the MAPS: (i) to assess the strengths, weaknesses and gaps of the public procurement system in Rwanda, and the gaps in the implementation of newly developed e- Procurement system; and (ii) to help the government to prioritize efforts in public procurement reform. Assessment is being carried out by the World Bank in collaboration with Rwanda Public Procurement Authority (RPPA) with support from donors like African Development Bank (AfDB) and other development partners.

5. The methodology used for the MAPS also requires: (i) analysis of country context- political, economic and geostrategic situation of the country; and (ii) analysis of the link between public procurement and public financial management including public governance system.

6. MAPS analytic framework: This will be done through four pillars: (i) Pillar I: Legal, Regulatory, and Policy Framework (ii) Pillar II. Institutional Framework and Management Capacity (iii) Pillar III. Public Procurement Operations and Market Practices (iv) Pillar IV. Accountability, Integrity and Transparency of the Public Procurement System. Under these pillars there shall be 14 indicators, 55 qualitative sub-indicators and a minimum set of 15 quantitative indicators and total 210 sub-criteria to determine gaps. The analysis as per MAPS 2018 requires recommendation and priority of action based on identified gaps

After this presentation, the Chair requested for comments/questions from the Steering Committee members. Various questions were asked related on the methodology used. The Lead Expert clarified that the this MAPS exercise based on methodology of 2018 is different than the previous MAPS done in 2009/2010 in the sense that no scoring is required as in the previous version of MAPS or as required by PEFA Framework of 2016.

The status of the MAPS exercise was reported as under:

- Desk Review and preparation of draft report on Indicator Matrix (Indicator 1- Indication 14) in progress;
- e-GP expert on the Assessment Team is in Kigali and expected to provide his input by early June 2019;
- Collection and Analysis of Data for Sample cases: in progress-this activity is slightly delayed and requires attention;
- Use of Survey and seeking feedback: to be initiated; and
- The Assessment Team is trying to complete initial assessment and findings as per Indicator matrix by end of June 2019.

Next Meeting: It was decided by the Chair that next Steering Committee meeting will be held on June 10, 2019

After the presentation and discussions, the Director General of the RPPA thanked all the participants and closed the meeting.

RWANDA- MAPS- MINUTES OF THE SECOND MEETING OF THE STEERING COMMITTEE

Date: June 10, 2019

Location: RPPA Conference Room, Kigali

Present:- Seminega Augustus, Director General, RPPA

- Sibomana Celestin, Director of Capacity Development, RPPA
- Buhiga Goretti, Director of Audit and Monitoring, RPPA
- Rwamirindi Michel, Legal Affairs, RPPA
- Karangwayire Charlotte, Pr&Co, RPPA
- Nsengiyumva Emmanuel, Procurement, Minecofin
- Uwingabire Consolatrice, Senior Project Coordinator, Transparency International
- Donato Pezzuto, Governance Adviser, DFID
- Mulugeta Dinka, Senior Procurement Specialist,
- Devesh Chandra Mishra, Lead Expert,
- Nahayo Raymond, auditor in RPPA,
- Muhoza Yvette, Capacity Building Coaching RPPA
- Furaha David, Senior State Attorney, Minijust
- Irambona, M. Chantal Ombudsman Office,
- Denise Kayigamba Local Expert

The meeting was chaired by the Director General of the Rwanda Public Procurement Authority (RPPA). After a brief introduction of all participants following points were discussed:

1. **Approval of the minutes of the First Steering Committee meeting of May 16, 2019:** The Steering Committee was presented with draft minutes. Director of Capacity Development. RPPA requested to add a line that “role of the Steering Committee was explained by the Chair”. With this change the draft was adopted and finalized.
2. **Report of the actual status of the MAPS exercise.** The Lead Expert gave a summary of the progress of the MAPS exercise:
 - The Assessment Team is working on Indicator Matrix 1-14 during the mission in the week of June 10, 2019 with a view to collect balance missing data and information
 - Clarifications requested by World Bank Procurement Legal expert on Pillar I- a meeting is to held with RPPA later in this week
 - On Pillar III – Cases- activities are to be expedited
 - On the perception of private sector on public procurement electronic survey questions shall be launched by June 11, 2019
 - A consultation workshop with the private sector is scheduled for June 12, 2019 in Kigali

The Chair requested the Steering Committee members to attend the consultation workshop with the private sector

- 3. Plan for Completion of the Balance Activities:** A table covering the Completion of activities was presented to all members. During the discussion it was noted that the activities on collection of information on Sample cases (15 entities and 80 cases) needs to be expedited. DFID representative asked if the full draft report shall be presented to the Steering Committee for review. It was clarified that intermediate outputs on detailed report shall be shared with RPPA to seek their comments and input. After revision of the draft report, the Steering Committee shall be presented with a brief report on key findings and recommendation before holding a wider stakeholder consultations. It was decided that RPPA shall be given adequate time for such review and the time table shall be realistic. The tentative plan of action is given in the **attached** table.

After the presentation and discussions, the Director General of the RPPA thanked all the participants and closed the meeting.

Attachment

Task	Responsibility	Review	Expected Date
Assessment of the Public Procurement System: Collect data (qualitative and quantitative data) and complete Indicator Matrix 1- 14	Assessment Team (by Lead Expert)	Task Team Leader of World Bank	25. 07.2019
Sharing of the detailed matrix report with RPPA as above and receipt of comments from RPPA (10 days review time)	Bank Task Team Leader	RPPA representative	05.08.2019
Completion of the first draft of Assessment Report (detailed matrix) after receiving RPPA comments and submission of the first draft of the main report	Assessment Team: (by Lead Expert)	Task Team Leader of World Bank	26 .08.2019
Review by RPPA for comments (10 days for review)	Bank Task Team Leader	RPPA representative	06.09.2019
Developing Recommendations for Prioritized Reform - Third Meeting of The Steering Committee	Assessment Team: (by Lead Expert) Task Team Leader of World Bank /	Assessment Steering Committee	15.09.2019 Third Steering Committee meeting planned for second half of September 2019
Validation of Findings	Government, facilitated by Assessment Team	Stakeholders External partner Peer Reviewers	Second half of September 2019

Task	Responsibility	Review	Expected Date
Final Draft Assessment Report	Assessment Team /Task Team Leader of the World Bank	Assessment Steering Committee and Bank Management	Draft Report: 15. 10.2019 Comments internal peer-reviewers: 31.10. 2019 Decision Meeting: 15.11. 2019
Review by Technical Advisory Group of MAPS	TAG (4 weeks review time)		16.12. 2019
Report to be revised based on TAG comments -Publication and Dissemination of MAPS Assessment Report- A dissemination workshop to be held	Government/ World Bank	Any publication and dissemination of the Assessment Report shall be carried out after clearance from the Government of Rwanda	January/ February 2020

RWANDA-MAPS MINUTES OF THE THIRD MEETING OF THE STEERING COMMITTEE

Date: October 21st, 2019

Location: RPPA Conference Room, Kigali

Were Present:

1. SEMINEGA Augustus, Director General of RPPA
2. SIBOMANA Celestin, Director of Capacity Development, RPPA
3. BUHIGA Goretti, Director of Audit and Monitoring, RPPA
4. MIGAMBI Richard, E-procurement Project Coordinator
5. RWAMIRINDI Michel, Legal Office, RPPA
6. NSENGIYUMVA Emmanuel, Procurement, MINECOFINE
7. UWINGABIRE Consolatrice, Senior Project Coordinator, Transparency International
8. MULUGETA Dinka, Senior Procurement Specialist, World Bank
9. DEVESH Chandra Mishra, RWANDA-MAPS Lead Expert
10. NAHAYO Raymond, Auditor in RPPA
11. UMUHOZA Yvette, Capacity Building & Coaching, RPPA
12. FURAHA David. Senior State Attorney, MINIJUST
13. MUNYARUYENZI Philippe, AFDB
14. NYIRAKANYANA Christine, Ombudsman Office
15. KAYIRANGA RUKUMBI Bernard, RWANDA-MAPS Local Expert

Were excused:

1. KARANGWAYIRE Charlotte, PR & Co, RPPA
2. Donato PEZZULO, Governance Adviser, DFID
3. KAYIGAMBA Denise was replaced by KAYIRANGA R. Bernard

Agenda

- Summary Report of the Assessment of the Public Procurement System of Rwanda

The Meeting started at 3:00 p.m., chaired the Director General of Rwanda Public Procurement Authority (RPPA). After a brief introduction by the chairperson of the meeting on the purpose and proceedings of the meeting, the floor was given to DEVESH Chandra Mishra to make the presentation of the summary report of the Assessment of the Public Procurement System of Rwanda.

With a power point presentation started by presenting the Background of MAPS, objective of MAPS Assessment, main components of the Methodology of the Assessment, the composition of the Assessment Team and supervising team of RWANDA-MAPS. He recalled previous meetings with the Steering Committee, then he went through the main presentation whereby he presented the current Status of Assessment and give the brief report on RWANDA- MAPS dated Oct 15, 2019 findings through the following:

1. Country context
2. Previous assessments
3. Linkage to Public Financial Management and Governance
4. Linkage of procurement to sustainable development goals and gender gaps

He shared key observations related to four pillars (strengths, substantial gaps, recommended actions) which we may find on paragraph 9 pages 8-15 of the summary report- to covering four pillars (pillar by pillar (From Pillar I to Pillar IV)

At the end of the presentation and related explanations of each section he shared with participants the following recommendations:

1. Update regulations, bidding documents, guidance manual to align these with overall legal and regulatory framework with changes resulting from the PPL 2018 and the introduction of e-procurement;
2. Enhance budget allocation to RPPA so that they can discharge their core functions like update and alignment of regulation and guidance documents with PPL 2018, training and capacity building of all the actors in procurement including private sector and Civil Society Organizations (CSOs);
3. Remove the conflicting role of RPPA in authorizing use of less competitive bidding, define conditions for its use more precisely to prevent its misuse and make procuring entities fully accountable without leaning on RPPA, with a provision of targeted ex-post audit by RPPA and OAG;
4. Enhance professionalization of procurement function by holding regular trainings to meet the requirements of “skill gaps” of all the actors in procurement (including decision makers, oversight

and control bodies, private sector, CSOs), instituting a system of mandatory certification of procurement professionals and in future , with some planning and resources, this professional body may be converted into a center for learning on procurement professionals in Africa region;

5. Improve contracts management: may need host of measures like strengthening needs analysis at planning stage, incorporation of appropriate contract clauses consistent with laws and regulations which are consistently applied, improving capability of contract officers on contract monitoring, sector market analysis for determining optimum contract size and to analyze if contractors fail due to their capacity to deliver, improving capability of local construction companies, removing constraints of delayed payment, instituting a formal system of contract closing so that contracts do not “expire passively”, but “closed actively” after contractor fulfills all its obligations, provides a no- dues certificate, before their performance security is released;
6. Improve dialogue and partnership with private sector and civil society organization, and citizens engagement and bring better transparency with business intelligence tool with visual representation of data and infographics on the entire procurement cycle including contract implementation;
7. And finally, there is a need for balance among four pillars for a well- functioning procurement system including effective contract implementation. A strong legislative framework including extensive provisions on articles related to contract execution in PPL, effective control and audit system with strong measures on ethics and anti-corruption measures, as it stands now, needs to be balanced with professionalization, adequate and regular training including on application of judgement with due discretion on the part of procurement professionals. This enabling environment needs to be combined with focus on the pillar for private sector and civil society engagement. It is expected that all these actions would pave way for a conducive public procurement environment that fosters economy, efficiency, transparency accountability, and where actions are taken by procurement/supervising officials with integrity, knowledge and confidence to deliver results on the ground.

After the summary presentation the floor was given to participants for comments, questions or discussions. During the session of comments, questions or discussions the following key comments and questions were raised:

1. The Assessment team should include in the part about introduction on MAPS methodology how/why they moved from MAPS 1 to MAPS 2. How many countries used MAPS 1 before the change?
2. Where MAPS has been conducted, how much countries have availed needed information. Did countries publish MAPS reports? Are they accessible?
3. MAPS is useful for reform program, but cannot help to improve public procurement transactions. MAPS may be more addressing need of multilateral development organizations than Governments, because some criteria seem to be almost impossible to be met by the Government.

The meeting ended at 4:40 p.m.

Rwanda-Methodology for Assessing Procurement Systems – MAPS (P166470)

Steering Committee Meeting Report

1. The Steering Committee Meeting for the Methodology for Assessing Procurement Systems – MAPS in Rwanda was held on March 5th, 2020. The meeting was chaired by Mr. SEMINEGA Augustus, Director General of RPPA at RPPA Meeting Room.
2. Participants:
 1. Mr. SEMINEGA Augustus, RPPA and Chairperson of the Steering Committee
 2. Mr. RWAMIRINDI Michel, (Legal Officer, RPPA)
 3. Mss. KARANGWAYIRE Charlotte (RPPA)
 4. Mss. BUHIGA Goretti (RPPA)
 5. Mr. SIBOMANA P. Celestin (RPPA)
 6. Mr. NAHAYO Raymond (RPPA and Member of MAPS Team)
 7. Mr. NSENGIYUMVA Emmanuel (MINECOFIN)
 8. Mr. NGOBOKA Stanley (MINALOC)
 9. Mss. UWINGABIRE Consolatrice (TRANSPARENCY Int-Rwanda)
 10. Mr. FURAHA David (MINIJUST)
 11. Mr. MULUGETA Dinka (World Bank and Member of MAPS Team)
 12. Mr. KAYIRANGA R. Bernard (World Bank and Member of MAPS Team)
3. For the introduction, the Director General of RPPA and Chairperson of the Steering Committee welcomed participants to the meeting in recapping the background of Rwanda-MAPS and its objectives. DG gave overview of the whole MAPS exercise, the stages the exercise went through and informed participants the current status, in that it was reaching its final stage. He expressed his gratitude to the World Bank, Steering Committee Members and Assessment Team members for the role and contribution of everyone to get where the Rwanda-MAPS is today.
4. The objective of the meeting was to approve, after presentation, the Final Report of Rwanda – Assessment of Procurement Systems using MAPS, revised by incorporating comments from the Validation Workshop with Stakeholders on October 24th, 2019, follow-up meeting with RPPA

senior management and team on Oct 25th, 2019 and Comments received from DG- RPPA on the Detailed Matrix on December 29, 2019.

5. The presentation of the Executive Summary of the Final Report, which contains key findings and recommendations of the Assessment was made by NAHAYO Raymond, one of the Rwanda-MAPS Assessment Team members.
6. The main issues discussed, and the key decisions taken during the Steering Committee Meeting are summarized below:
 - The Steering Committee approves the Final Report of Rwanda-MAPS 2019;
 - There are Rwanda-MAPS findings and recommendations on which RPPA and the Assessment team agreed on and the MAPS team revisited areas where RPPA raised concern. The team believes all comments are addressed, however, if any will be discussed at the implementation plan stage. The steering committee understands that these discussions will be undertaken as part of the implementation of the MAPS recommendations;
 - There are recommendations which are extremely useful in public procurement, such as sustainable procurement and open contracting. These require particular attention in the implementation and hence RPPA and World Bank will continue collaborating in the implementation of these recommendations;
 - Implementation of the recommendations requires a lot of resource and time. In this regard the Government (MINECOFIN/RPPA) and World Bank will continue consultations on agreed points and find ways to get them implemented;
 - Going forward, the RPPA and stakeholders need to conduct detail follow up assessment on the findings of MAPS assessment, especially on why the finding shows, Pillar-III which is the procurement practice happen to be weakest? Whether this is due to capacity constraints or otherwise should be established and plan of action be prepared accordingly.
 - Dissemination of the final report will be undertaken after all remaining stages and approvals (e.g. by the Technical Advisory Group) are completed.
 - Next steps:
 - (1) Upon this approval by the Steering Committee and Technical Advisory Group, the WB will formally submit the report to Government of Rwanda;
 - (2) Upon approval of the GoR the report will be published;
 - (3) Following publication of the report, RPPA and WB will be engaged in discussion on the implementation;

Rwanda: Public Procurement Assessment Report following Methodology for Assessing Procurement Systems (MAPS) - (P166470)

Decision Meeting Note

1. A Decision Meeting for the proposed **Rwanda: Public Procurement Assessment Report following Methodology for Assessing Procurement Systems (MAPS) (P166207)** was held on February 25, 2020. The meeting was chaired by Yasser El-Gammal (Country Manager, AFMRW) and had participants connecting from Washington DC, Kigali, New Delhi and Nairobi.
2. Participants: *Washington DC*: Hiba Tahboub (Practice Manager, EA1RU), Nagaraju Duthaluri (Lead Procurement Specialist, EA1RU), Devesh Chandra Mishra (Consultant, ISAE1), Demelash Demssie (Senior Procurement Specialist, EA1RU). *Kigali*: Yasser El-Gammal (Country Manager, AFMRW), Mulugeta Dinka (Senior Procurement Specialist, AFMRW), Bernard Kayiranga Rukumbi (Consultant, AFMRW), Antoinette Kamanzi (Operations Analyst, AFMRW), Dimitrie Sissi Mukanyiligira (Program Assistant, AFMRW). *Nairobi*: Pascal Tegwa (Senior Procurement Specialist, EA1RU), *New Delhi*: Chenjerani Simon Chirwa (Lead Procurement Specialist) and *Webex*: Luis Prada (Lead Procurement Specialist).
3. Written comments were provided by peer reviewers Aghassi Mkrtchyan, Senior Economist, AFMRW; Luis Prada, Lead Procurement Specialist, Beirut, Lebanon; Chenjerani Simon B. Chirwa, Lead Procurement Specialist, New Delhi; Nurbek Kurmanaliev, Senior Procurement Specialist, Tashkent, Uzbekistan and the MAPS Global team.
4. The main issues discussed, and the key decisions taken during the Decision Meeting are summarized below:
 - The report should be strengthened in the following sections: (i) the role RPPA is currently playing in the independent complaints review panel, (ii) in providing waiver in use of less competitive tenders which conflict with its regulatory role and (iii) the need for allocating adequate budget to RPPA to train procuring entities.
 - Bringing more positivity to the report, for example in contract management;
 - Rwanda as the first Sub-Saharan African country to develop and implement full-fledged e-GP. The merits and gaps need to be highlighted more, for example on contract management module and IFMIS interface;
 - Strengthen exclusion of commercial enterprises from Public Procurement Law para and what action is recommended related to commercial enterprises, State Controlled Enterprises and SOEs should be more clear;
 - Revisit red flag paragraph which is phrased strong compared to the findings in the report, and explain basis of “Red- Flags” in the Executive Summary;

- Rewrite the impact of competition due to presence of SOEs;
- To explain basis for initiating an implementation policy dialogue with the Government to ensure donor support;

5. Next Steps:

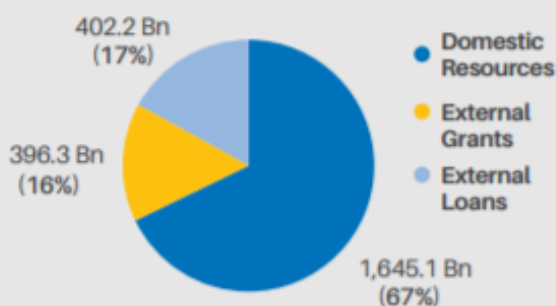
The Chair cleared the draft Rwanda Public Procurement Assessment Report following Methodology for Assessing Procurement Systems (MAPS) and authorized the team to proceed with the discussions of the final report with RPPA and decide if there will be need for dissemination workshop in Kigali.

ANNEX 2: Additional Material in support of the assessment

How big is the approved Budget for 2018/19?

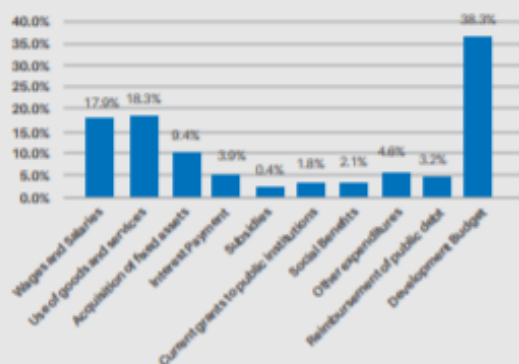
The total budget for 2018/19 is 2,443.5 billion of which domestic resources account for 67%. The pie chart below illustrates expected total domestic revenues, External grants and External loans for the Total State Budget for the fiscal year 2018/2019.

2018/19 REVENUE SOURCES CONTRIBUTION TO THE BUDGET



The Total State Expenditures are allocated towards current expenditures, capital expenditures and debt repayment as illustrated in the graph below;

TOTAL STATE EXPENDITURE ALLOCATION

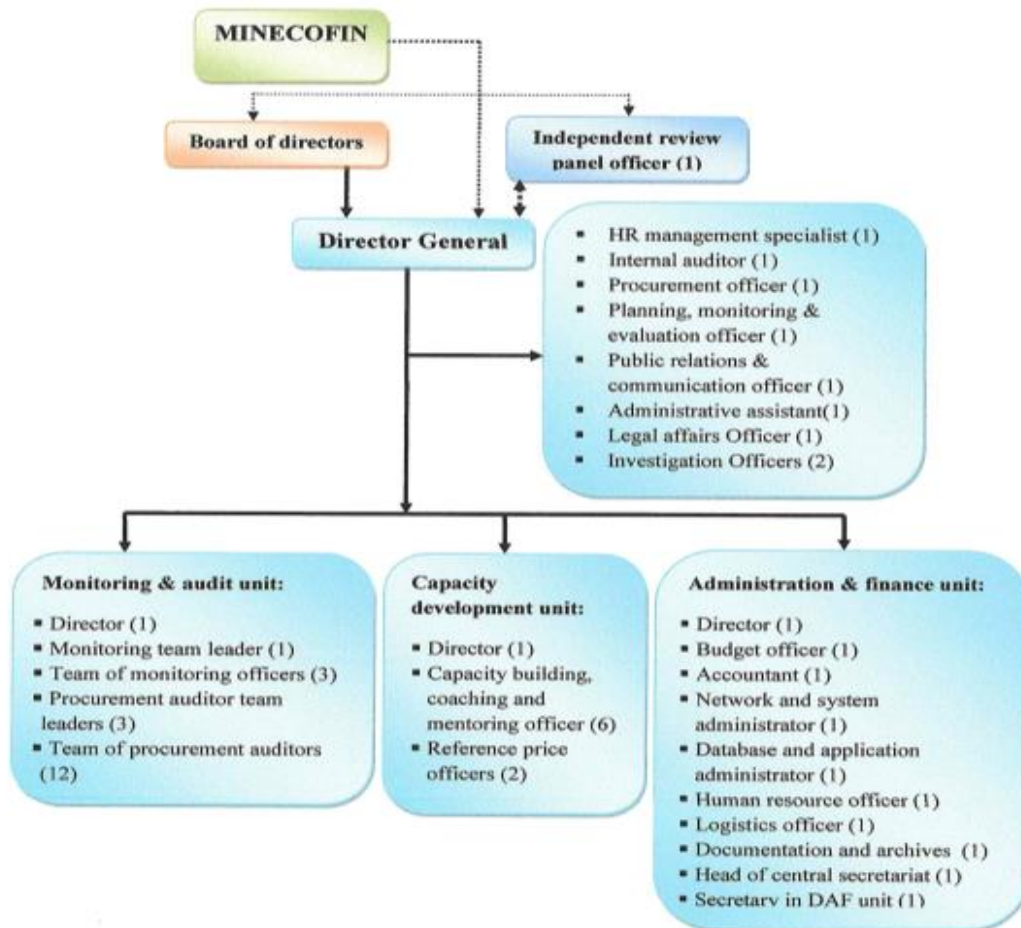


Reference 1 – Main Report – Vol I Analysis
Country Context

RWANDA PUBLIC PROCUREMENT AUTHORITY STRATEGIC PLAN

2018/19-
2020/21

Figure 1: The currently approved organization structure:



**REPORT OF THE AUDITOR GENERAL OF STATE FINANCES
FOR THE YEAR ENDED 30 JUNE 2018**

Public entities should consider applying lessons learnt from past experiences in procuring assets going forward. Particularly, in infrastructure sector (hygiene and sanitation), NST1 targets include the construction of modern landfills in all districts and, putting in place waste treatment facilities, to scale up the sanitation and hygiene conditions in cities, towns and rural areas. Considering the unutilized landfills and faecal sludge treatment plants in Kayonza, Nyagatare and Nyanza Districts, due care should be exercised by the government before investing in these infrastructures in other targeted areas of the country. A proper needs assessment should be carried out, coupled with the existence of infrastructure operation plans to limit instances of idle assets and ensuring that value for money is derived from invested funds.

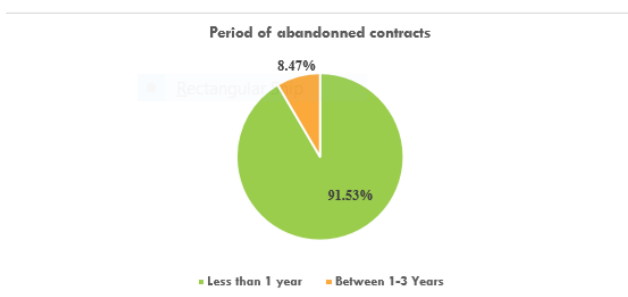
3.2.4 Failure to recover advance payment and performance securities

The audits identified fifteen (15) entities which did not recover amount of advance payment and performance securities worth **Frw 2,297,606,521** resulted from the failure of contractors to execute the contracted works.

From our audit work, it is observed that Public entity management are not performing adequate follow ups to ensure that funds are recovered within reasonable time. On the other hand, the delays by the insurance companies and banks to deposit the related funds as per the guarantees on the entities bank accounts is also contributing to low rate of recovery. This denies these public entities funds that would have been utilized to complete the planned activities.

There is a need for Public entities management to increase their control systems and procedures to ensure timely follow up of outstanding funds in the form of guarantees.

REPORT OF THE AUDITOR GENERAL OF STATE FINANCES
FOR THE YEAR ENDED 30 JUNE 2018



Furthermore, contractors are not paid on time as contractually agreed resulting in delayed and abandoned contracts. There are also cases of poor project feasibility studies which lead to delay and abandonment of projects.

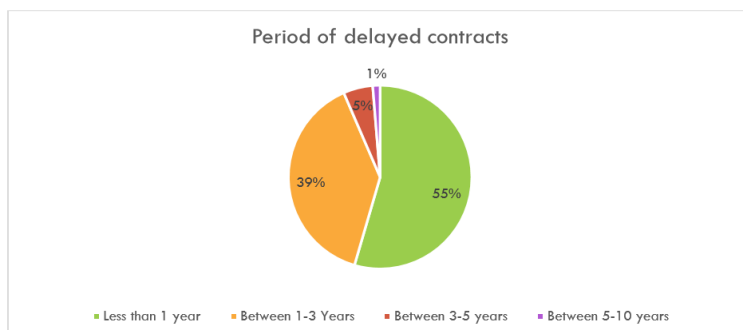
The above cases have resulted in increased cost of Government projects, significant delays in completion and lack of value for money for many Government projects. This adversely affects service delivery to citizens. This year, the majority of the delayed and abandoned contracts were identified in Boards and districts.

Public entities should ensure that there is adequate coordination and engagement among entities to scale down instances of cases of delayed and abandoned contracts. Adequate definition of contract scope and market analysis for relevant pricing information and proper tender evaluations during the procurement process to minimise instances of significant contract variations, delays or price undercuts that significantly contribute to abandonment of contracts.

Furthermore, there is need for improved supervision of contracts to minimize unexpected delays or abandonment of work. Public entities need to improve cash flow planning to ensure that they pay contractors on time as per agreed payment schedules to address cases of abandoned or delayed works.

Most of the contracts highlighted above have been delayed for a period ranging between 1 to 10 years. This is further illustrated in table and chart below.

Period	Number of assets	Cost Frw	Percentage (%)
Less than 1 year	42	74,293,961,236	53%
Between 1-3 Years	30	51,072,327,981	39%
Between 3-5 years	4	10,107,137,593	5%
Between 5-10 years	1	698,260,619	1%
Total	77	136,171,687,429	100%



Rwanda Public Procurement Authority
Annual Activity Report
For the Fiscal Year 2017-2018

Overall serious issues observed for all PEs audited.

1. Lack of clear technical specifications required in the bidding documents;
2. No quantities needed were specified in the bidding documents for some awarded tenders of framework contracts;
3. Lack of local preference recommended in the bidding documents;
4. Excessive delays in contract execution and procuring entities did not take appropriate decisions
5. Use of discriminatory criteria for some open tenders;
6. Evaluation of bids which is not in compliance with evaluation criteria of the tender document;
7. Materials used in construction works not responding to the technical specification requirements;
8. Procuring entities delay to resolve issues raised by contractors;
9. Minutes for reception of goods or acceptance of works and validation of reports for studies are not available.

2.1.5 Serious issues observed during the audit

As noted above, 68 PEs were audited and their numbers of the procurement issues for each category of tenders audited are listed in the following table:

Table 2:4. Number of issues for each stage of all tenders audited

	In stage 1: Tenders to be advertised within 6 months	In stage 2: Tenders advertised but contracts not yet signed	In stage 3: Ongoing contracts	In stage 4: Recently completed contracts	Total
Tenders with no issues	69	40	81	47	237
Tenders with moderate issues	147	125	154	109	535
Tenders with serious issues	14	104	208	178	504
Total:	230	269	443	334	1,276

ANNEX 3: e- GP System in Rwanda

Rwanda e-GP System

By Dr. Rajesh Kumar Shakya, e-GP Specialist

Background

Rwanda was ranked 49th in Transparency International's 2013 Corruption Perception Index, when it started exploring the option of introducing the e-Procurement system for making the procurement process more efficient and transparent, promote competition among bidders, and generate cost savings. Today Rwanda is at the 48th rank out of 180 countries according to the Corruption Perception Index (CPI), 2018³. In Rwanda, share of government spending as percent of GDP in 2017 accounts to 15.22%⁴ (Source: The World Bank, TheGlobalEconomy.com). Internet Connectivity: According to the published sources the number of internet users in Rwanda is 5,634,047. The statistics show that out of 5,634,047 Rwandans with internet, only 7,237 or 0.1% use fixed internet. In other words, 99.9% of Rwandans access the internet via handheld mobile devices, such as smartphones. The infrastructure comprises of a 2,300-kilometer fiber-optic telecommunications network across the country.

Rwanda started the pilot implementation of the e-Procurement System "Umucyo (Transparency)" in July 2016 from nine (9) key agencies at the central level as well as the district level, and now the system is rolled out across the country to all procuring entities up to district level, except the sectors, schools, and health facilities. The nine entities chosen were the Ministry of Finance and Economic Planning (MINECOFIN), Single Project Implementation Unit (SPIU) of MINECOFIN, the Ministry of Infrastructure (MININFRA), the Ministry of Health (MINISANTE), the Rwanda Development Board (RDB), the Rwanda Transport Development Agency (RTDA), the Rwanda Biomedical Centre (RBC), the Gasabo district, and the Kicukiro District (both districts in Kigali, Rwanda's capital). An engagement strategy for sectors, schools, and health facilities is being worked out. Rwanda's e-GP system is the first in Sub-Saharan Africa, an end-to-end system implemented and completed the pilot phase and started now to roll out across the country. The E-GP system will be rolled out at the district level hospital from July 2019 (Figure 1).

³ <https://www.transparency.org/country/RWA>

⁴ https://www.theglobaleconomy.com/rankings/Government_size/Africa/

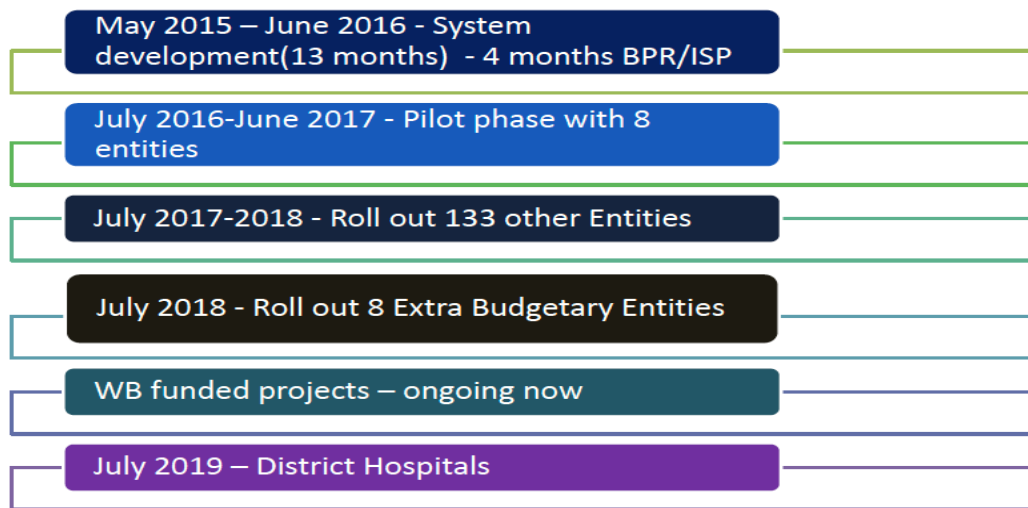


Figure 1. Roll-out plan of e-GP System implementation.

The e-Procurement system was developed in collaboration with the Ministry of Finance and Economic planning and the Rwanda Public Procurement Authority (RPPA) under the Public Sector Governance Program-For-Results credit (Indicator to establish e-GP and pilot e-GP worth US\$12.5 million) from the World Bank. In January 2014, the Rwandan government formed a joint venture with Korea Telecom Corporation, the Republic of Korea's largest telecommunications provider, to create a new company: Africa Olleh Services Limited (AOS) (Rwanda Development Board 2014). The government opted not to hold an open procurement process to develop the e-procurement system, and instead contracted AOS directly in December 2014. Over the following 18 months, AOS developed a customized online e-procurement system, based on the Korean model. The World Bank provided technical support to support the e-GP implementation. Current, management, and operation arrangement for the implementation of is given here (Figure 2).

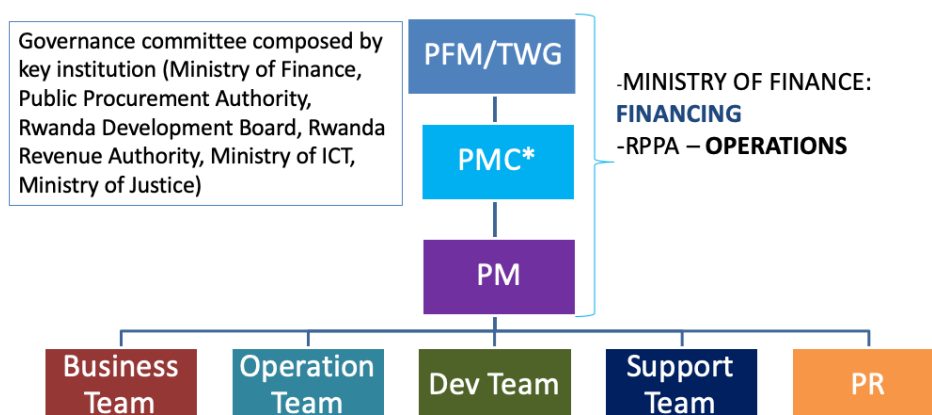


Figure 2. Management and Operation Structure of e-GP Implementation

The e-GP System is intended to automate the public procurement process, enable the interactions of Government with the bidding community, infuse efficiency in the public procurement process, enhance transparency and standardization of electronic documents, supplier registration, and authentication, goods, and services information and streamline all elements of public procurement transactions. This system ensures that the evaluation of bids, contracts management, and payments are done electronically.

The e-procurement system is already integrated with different government electronic services, and now it can automatically access the database from Rwanda Development Board to authenticate registration status of bidders, Rwanda Revenue Authority to check the status of Tax performance, and the Rwanda Social Security Board for compliance with fund contribution. The bids will also be secured within the e-procurement system that is linked to the Rwanda Public Key Infrastructure supported by the Cyber Security Unit.

The World Bank also assessed the Rwanda e-Procurement system - Umucyo (www.umucyo.gov.rw) on the security, integrity, and procedures of the e-Procurement system based on best international practice in line with the MDB e-GP requirements. The assessment concluded that the system could be used for World Bank-funded Project procurements with a couple of enhancements and addition of features to improve the procurement processes based on international best practices and facilitate the incorporation of transaction and communication between the foreign funding agencies or development partners and the government agency handling the project procurements.

The total number of bids submitted on line are 37,236, and the number of suppliers registered are approximately 7000 and international suppliers registered are 635 as of May 15, 2019.

Procurement Processes in e-GP System

The e-GP system covers end-to-end procurement processes and functions of the modern procurement systems. The system in Rwanda follows the International best practices and also developed in line with the public procurement law and regulations prevalent in the country. E-Procurement platform is implemented as a unitary centralized system, but the Procuring Entities (PEs) carry out their procurement transactions in a decentralized way and independently on the platform following prevalent law and regulations and circulars. Provisions available in acts and regulations are configured in the e-GP System to make most of those requirements automatically compliant while carrying out the e-GP transactions by all stakeholders. The government of Rwanda has issued an amendment to the public procurement law and gazette on 07/09/2018 (Box 1), which makes the e-Procurement system mandatory for all the procuring entities to carry out any kind of procurement procedure.

Article 4: Use of electronic system for public procurement

In all public procuring entities, public procurement must be done using e-procurement system through the e-procurement portal. Rwanda Public Procurement Authority may give authorization to conduct public procurement proceedings without using the e-procurement system. Such authorization is requested by the procuring entity that gives grounds for not using the electronic system.

Any tender awarded contrary to the provisions of this Article shall not be paid for by the Government.

Box 1. Use of electronic system for public procurement

e-Procurement system supports the procurement of goods, works and services using all procurement processes, and practices through all procurement methods (quotation, direct, open competitive, restrictive, single and multi-stage, framework agreement and auctions) from national and International bidders leveraging the innovative functions and tools to address all aspects of good governance through the electronic environment.

The e-Procurement system is developed as a single collaboration platform among the legislative, regulatory and oversight agencies, public procurement entities, bidders, and civil society to carry out all kinds of procurement-related transactions and execute given mandates under the authority and role-based workflow enhancing accountability across the process through the automated notification and time-stamped audit trails.

a. Key Functionalities Supported by the e-Procurement System

The e-Procurement system developed and implemented in Rwanda is adequately comprehensive, covering largely all functional areas and processes of public procurement following the Public Procurement Act of Rwanda and international best practices. It supports all the procurement methods provisioned under the act and additionally supports the e-Catalog as well. These modules include:

- 1) e-Registration and Users management,
- 2) e-Bidding and e-Disposal
 - a) preparation and publication of procurement plans,
 - b) publication of advertisements
 - c) Submission and the opening of bids
 - d) Selections and notification of winners,
 - e) Negotiation and signing of contracts,
 - f) Complaint lodgment and handling
- 3) E-Contract Management
- 4) Submission of goods delivery notes and transmission of goods
- 5) Inspection and acceptance report

- 6) Framework agreements
- 7) Electronic catalog (database of goods and services) and
- 8) Electronic shopping mall

1. e-Registration and Users Management

Umucyo system identifies users by their Digital Certificates (Digital Identity); this certificate is issued by Rwanda Development Board (RDB) in its PKI Division. Local companies should physically visit the PKI office. Foreign Companies use their email address with their credential information to get PKI.

Once you have obtained the digital certificate, Bidders can register into Umucyo System.

The system is open to all (bidders, consultants, and public members). To register in the E-procurement system does not require any fee for everyone (individuals or firms, foreign or local bidders). The system supports all levels of users who are part of the procurement workflow, which is shown below (Figure 3):

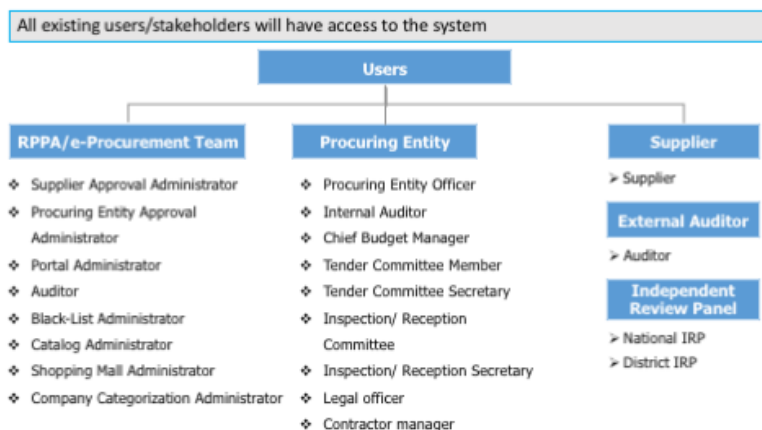


Figure 3. Users supported by e-GP System

2. Publication of Advertisement

Currently, advertisements for the procurement packages above 2 million FRW is published. The simplified method is used for the procurements FRW 2-10 million, and all contracts above FRW 10 million are procured through an open competitive bidding procedure. Currently, advertisements are not published in the paper media.

It is **recommended** that an abridged version of an advertisement can be published in paper for wider access to procurement opportunities and better bidders' participation in the procurement proceedings.

3. Clarification:

Clarification to the bidding document process is available in the system, but it does not alert the bidders when posting a response to clarifications. Questions and responses are made public, and the bidders also can see the same from their dashboard when they login to the system.

4. Amendment

Amendments are currently published as a separate procurement item in the list of announcements. It should be published along with the original Invitation to Bidders and should be properly versioned, and automated alerts are also not sent to the bidders. RPPA is working on the new version of the system, which will provide features of automated alerts.

5. Contract Award

The draft contract is prepared in the system. The draft contract is communicated to the contractor after seven days of the sleeping period. Notification is not currently sent to the contractor about the receipt of the draft contract. Above 500 million FRW should seek a legal opinion from the Attorney General, i.e., the Ministry of Justice/ Minister is an Attorney General. QR codes are printed on the contract representing the signature.

After CBM signs the contract online, it will be sent to the contractor and IFMIS by the Procurement officer.

With this, a designated budget officer can create a purchase order from the IFMIS system.

6. Complaint Handling

A period of 7 days is provided to other bidders for lodging complaints on the contract award if any.

The appeal fee is applicable in case of appeal submission, amount of which is based on the submitted quote.

There are two types of fees:

- 50,000 FRW fee for appeal < 20 million FRW
- 100,000 FRW they pay for appeal > 20 million FRW

7. Bid Security:

Bid security is received only issued from the local banks. Major banks are linked with the e-Procurement System through API/web services. For the foreign bidders, local representatives can submit the bid securities or can be directly issued by the foreign banks. Rwandan Law requires providing the fixed value of bid security. It takes % also, but supplier will see the fixed amount.

8. Contract Management Module

As a part of the decentralization, all procurement related and activities including contract awarding, signing and contract management are the responsibilities of the public procuring entities. The e-Procurement system in Rwanda provides comprehensive functional platform from procurement planning to the contract awards. However, contract management function is still not well developed in the e-Procurement System and not being used by the procuring entities. Contracts management issues are critical and contract execution related information is difficult to obtain. Rwanda needs a contract management module with a comprehensive analytical tool to track and monitor, analyze and improve the contract execution practices for the better use of public fund.

9. IFMIS Integration

Corruption is difficult to trace when the systems run in silos and do not coordinate in handling the related transactions. The introduction of e-GP and its integration with the IFMIS and other government electronic systems now facilitate services to establish a fiscal discipline in handling the payments for the contracts based on the availability of funds, the authority of using the fund, and accomplishment of the job based on contractual agreements.

In Rwanda, the IFMIS is integrated with the e-GP System at different stages of procurement -planning, advertisement, contract award, a contract amendment, and contract closure, to ensure the public fund is handled efficiently and ethically. No payments are made if the funds are not allocated, and the assignments are not completed. The integration of e-Procurement with the IFMIS facilitates reconciling the funds spent and strengthens the internal control automatically.

10. Technology:

e-Procurement system is developed on ORACLE 12 Linux version database platform.

Challenges

Implementation of e-GP in Rwanda has been significant for Rwanda in enhancing public procurement sector weaknesses. However, there are couple of challenges ahead Rwanda has to address leveraging benefits of the e-Procurement system, and improving the e-Procurement system and operational processes in the procuring entities focusing on some of the key issues:

1. **E-GP Regulation or guidelines:** Currently the e-GP System fully comply with the existing procurement legislation. Law for supporting e-GP is amended, but should provide details in

regulations to elaborate more. Moreover, looking at the issues and weaknesses so far observed during the implementation of the e-GP System, it is recommended to carry out a comprehensive Business Process Reengineering (BPR) to enhance the efficiency in procurement and contract execution processes. Recommend to revisit the processes and number of days and other thresholds in case of bid submission, number of days for evaluation, number of days for contract awards, and contract executions to minimize the delays of procurement and project execution. Based on the reengineering, identify the gaps between PPL and e-GP system and issue e-GP Regulation or e-GP Guidelines to ensure the alignment of PPL and the e-Procurement system.

- a. Clearly define what should be published, how long should be the time for certain activity, what are the thresholds.
 - b. Clarity on data retention policy, how long, what records (list), what will be for public access, what is the protocol of access?
 - c. What is data security protocol or policy (physical and electronic)
 - d. E-GP governance and Business continuity policy
2. **Open Contracting Data Standard (OCDS):** Currently, the e-GP system does not support the Open Contracting Data Standard (OCDS) and does not publish data on machine-readable formats. It is recommended to incorporate OCDS for structured data dissemination to facilitate transparency, citizen engagement and support better use of data in policy decisions.
3. **Development of Comprehensive Business Intelligence System:** e-GP system in Rwanda currently lacks a comprehensive tool for data mining, analysis, and generating comprehensive reports with visualization and infographics for using in decision makings. There are some report formats available, but not adequate to get a complete picture of procurement sector. Recommended to develop and integrate a comprehensive business intelligence tool with visual representation of data and infographics.
2. **Focus on improving efficiency:** Based on the data analysis, major weakness in the procurement system in Rwanda seems to be the significant delays in evaluation and awarding contracts. Only a few contracts are awarded within the planned time. E-GP System should track the critical timelines and alert the procuring entities and authorities to act according to the plan. Recommended to conduct a value chain analysis for e-GP to improve efficiency, especially the time and saving money.
4. **Development and use of Contract Management Module:** Contract Management seems to be challenging and needs a robust tool in e-GP System to streamline the issue of the contract management. The contract management module should be comprehensive and equipped with the project management tools and processes comprising of the processes and workflows but not limited to:
 - Support processes, electronic forms, and tools for goods, works and services contract management
 - Schedule management – Track time and milestones of key events.
 - Scope management – record and track the tasks, scope and milestones.

- Budget and payment management capturing invoicing and payments of time and values.
 - Risk management – Define indicators and red flags.
 - Quality Management – ensure quality assessments and record the results of assessments.
 - In-contract procurement management
 - Sub-contractor management
 - Security management
 - Monitoring and performance evaluation
 - Analytics on performance, red flags on fraud and corruption, risk and performance alerts based on Artificial Intelligence (AI) and other disruptive technologies
 - Visualization dashboard of all aspects of contract performance for effective actions.
 - Comprehensive standard and ad hoc analytical reports preparation and generation,
5. **Micro, Small, and Medium Enterprises (MSME) categorization:** Currently the e-Procurement system does not capture the information about the MSMEs, which does not provide the status of MSME engagement in the public procurement. Recommend to capture information about MSME to facilitate the policy decisions on MSMEs. Rwanda a
 6. **Contracts Carried Out Outside e-GP:** There are still a lot of contracts carried out outside the e-GP System, which poses threat of abuses of public fund as well as poses challenges to monitor and track the contract progress.

Impact of introducing e-Procurement

A few of the research scholars (Harelimana, J. B., 2018⁵; Nyiramana, D., 2018⁶) have carried out research on the impact of e-GP and the impact of IFMIS and e-GP integration in Rwanda. Findings revealed that e-bidding offers a more efficient communication infrastructure with lower transaction costs. This was followed by the finding that MINECOFIN has experienced an improvement in the efficiency of procurement indicated by the application of electronic procurement. Hence, e-procurement has improved the performance of the ministry since it reduced its expenses from 24.4 million in 2015 to 18.6 million in 2016. The researcher learnt that e-procurement in terms of electronic bidding, electronic supplier registration, electronic billing and electronic payment is significantly related to the performance in MINEFCOFIN.

Based on the feedback of the users, the system, for instance, has reduced time and allowed cost savings for both government officials and contractors, as the single online portal provided all the documents and information required, eliminating the need for in-person visits and printing costs.

⁵ Harelimana, J. B. (2018). *The Impact of E-Procurement on the Performance of Public Institutions in Rwanda*. GIMBR

⁶ Nyiramana, D. (2018). *The Contribution of E-Procurement of goods to enhancing Integrated Financial Management System of public institutions in Rwanda*. University of Turin.

The system also contributed in reducing fraud and corruption as there is no personal contact with bidders, and when complaints are received, these are responded to through the E-Procurement system in a transparent way.

The research findings of Nyiramana (2018) concluded that the linkages between e-procurement and IFMIS are reported to be of many benefits such as enabling effective control over public finances, contributes to the enhancement of transparency and accountability and serves as the best tool to fight fraud and corruption. The study also established that e-procurement affects the overall IFMIS enhancement in the pilot entities where improvement of contacts management, facilitation of payment, improved budget control and execution, assets and inventory management, revenue and tax, relationship with partners as well as the fight for fraud and corruption are the key indicators of e-procurement contribution which has a positive effect on IFMIS enhancement and better public funds management.

Impact on SMEs

There is a perception that the introduction of e-GP may reduce the opportunities for the SMEs, However, the experience in other countries shows a different scenario. In South Korea, the share in contracts to SMEs through the country's e-procurement portal increased from 55% of the value of all contracts in 2003, a year after the portal was launched, to 75% in 2010. Chile's e-procurement portal Chile Compra lifted the share of contracts (by value) that go to small and micro enterprises from 24% in 2003 to 44% in the first half of 2013.

8. In Chile, despite apprehensions, the digital divide did not prove a barrier to small firms, and today 91% of the 116,000 suppliers registered in e-GP portal are micro and small businesses.

The use of e-Procurement enables cheap and quick communication, particularly of benefit to SMEs with internet access either through mobile devices or other data services. This can include the use of email to communicate and share information, access to bidding opportunities, submit bid proposals, participate in the bid openings, access to policies and information about the procurement process among others. The submission of bids through electronic means reduces transaction costs for bidders, no matter the tool used, and increases the potential for SMEs to become suppliers, create linkages to other companies and thereby build capacities, receive transfers of technology and facilitate more business. The centralization of these online tools can greatly reduce information search costs for SMEs, who may otherwise have to search through several different online procurement postings to find one worth bidding for. Submission of payment requests may also occur online, allowing for faster payment times for SMEs that may struggle with liquidity.

ANNEX 4: Voices from Private Sector- Results of Survey

As required by MAPS methodology, a survey was undertaken to seek feedback from the private sector. RPPA in collaboration with the World Bank launched on June 12, 2019 an Electronic Survey on: “**Perception of Private Sector on Public Procurement in Rwanda**” with the following objectives:

- Seek feedback from contractors, suppliers and consultants’ experience as to awareness on bidding/consulting opportunities when bidding/submitting proposal in government financed contract;
- To understand if there are consultations with private sector in framing or changing procurement laws and regulations;
- Understand and assess the reasons that may encourage or discourage firms from submitting bids/proposals;
- Determine awareness of government’s complaints review mechanism system;
- Gauge firms’ perceptions regarding fraud and corruption risks in procurement and how it affects competitiveness; and
- Overall, how to facilitate the dialogue and partnerships between the Government and private sector through outreach and training programs to improve public procurement system in Rwanda.

The survey was carried out through a combination of seeking anonymous feedback electronically by SurveyMonkey and face-to-face interaction with representative group of suppliers, contractors and consultants. Based on questionnaire sent to 100 participants, electronic feedback was received from 34 participants, with lot of follow-up. The consultation workshop with private sector was hosted jointly by RPPA and the World Bank in Kigali on June 12, 2019 on: “Perception of Private Sector on Public Procurement in Rwanda- How to Improve Competitive Effectiveness” was attended by 25 participants representing suppliers, contractors and consultants. After introductory remarks by DG, RPPA and presentation by the World Bank an on-the-spot quick survey was carried out based on a questionnaire of 8 critical questions and feedback obtained without any attribution to the name of the feedback provider. 24 participants provided feedback. This was followed by a lively question and answer session. The results of these survey responses and discussions in consultation workshop are captured at relevant sub-indicators of the assessment report

A summary of electronic response from 34 responses and feedback obtained as part of consultation workshop on June 12, 2019 are given as under:

Based on Electronic Response:

- ☐ 60% (out of 30 responses) indicated that there is no perceived Conflict of Interest situation in normative/regulatory institution or in procuring entity
- ☐ 40-60% (out of 26 responses) identified access to finance, appropriate procurement method, procurement rules, contracting provisions, fairness of payment provisions, effective mechanism of appeals and dispute as constraints for participation in bidding opportunities
- ☐ 70% (out of 10 responses), felt appeals system to be trustworthy and fair
- ☐ 56% (out of 25 responses) indicated that they are aware of capacity building (including on e-GP) being run by government for private sector and SMEs
- ☐ 70% (out of 22 responses) indicated that CSO's involvement in overseeing procurement contracts would be beneficial in future
- ☐ 31.82% (out of 22 responses) indicated that companies are expected to give a gift to secure contracts in public sector
- ☐ 76% (out of 21 responses) feel that introduction of e- Procurement has led to reduction in corruption
- ☐ 52% (out of 23 responses) feel that introduction of e-GP has led to loss of business for Small and Medium Enterprises due to difficulties

Critical Anonymous Written Feedback in consultation workshop based on quick survey on June 12, 2019:

- ✓ "Make sure that e- Procurement is working well"
- ✓ "Training and capacity building of SMEs required"
- ✓ "Improve contracts management"
- ✓ "Encourage Joint Venture, but find a way to better protect the locals who sometimes have no voice in the decision making as they do not have majority (*share*)"
- ✓ "Concerning JV, RPPA should put in place a mechanism to protect local companies, who should not be excluded after the contract was won"
- ✓ "Sometimes budget is coming late, and you can get our invoices (*paid*) after many months"
- ✓ Poor technical specification/Terms of Reference/Bidding Document"
- ✓ "to avail access to financing for small suppliers/consultants"
- ✓ "Sometimes RPPA get involved in decision-making of procurement on the final results of tender where there is a conflict"
- ✓ "In my view complaints review system improved because we use e- Procurement system"
- ✓ "Interest on delayed payment to be included in the law"

Note: The results of survey as per SurveyMonkey with charts and graphs and written feedback from the private sector participants are available for record and reference

ANNEX 5: Rwanda- Sample Cases –Approach for Sampling

Objective: The objective of this indicator is to collect empirical evidence on how procurement principles, rules and procedures formulated in the legal and policy framework are being implemented in practice. It focuses on procurement-related results that in turn influence development outcomes, such as value for money, improved service delivery, trust in government and achievement of horizontal policy objectives as per guidance provided under MAPS -

Scope of the assessment, approach for case samples: The assessment of Indicator 9 requires the selection and review of a sample of actual procurement transactions (files). The assessment has covered 81 number of procurement cases sampled from 15 government ministries, government departments and parastatals as listed below:

1. Central University Hospital of Kigali (CHUK)
2. Rwanda Housing Authority (RHA)
3. Rwanda Transport Development Agency (RTDA)
4. Rwanda Bio-Medical Center (RBC)
5. MINAGRI
6. Ministry of Finance and Economic Planning (MINECOFIN)
7. Huye District
8. Kayonza District
9. Musanze District
10. Rubavu District
11. Bugesera District
12. Nyanza District
13. Energy Development Corporation (EDCL)
14. Rwanda Development Board (RDB)
15. Rwanda Education Board (REB)

The samples were chosen as a mix of goods, works, consultancy services, non-consultancy services. Few cases of Force Account and Single-source were also taken into sample. Based on discussions held with RPPA, the Assessment Team considers the sample to be representative as per requirements of paragraph 28 of MAPS 2018 and consistent with the approach in the Concept Note

The collection of information and data was carried out by Bank's local experts based in Kigali. The Assessment team sought assistance from RPPA on providing additional support on data collection as there were challenges and delays in getting data, more so those related to physical files which were available at different locations in Rwanda. This assistance was provided in an efficient and timely manner by RPPA staff

As some of the large value contracts are under implementation which did not use e-Procurement, the Assessment Team was required collect data through physical files and visits to Procuring Entities. Also, for contract implementation, all the information was collected through physical files.

The assessment has covered areas related to key decision making during the course of the procurement process: Procurement planning, Selection and contracting and Contract management. The assessors prepared a case file for each procurement included but not be limited to the following information:

- (i) All documents related to the initiation and approval of the procurement and method of procurement; including budget, estimates technical specifications, letter of no objection and others as applicable;
- (ii) All documents related to the solicitation of bids including copies of request for proposals/quotations, advertisements, notices as applicable;
- (iii) All documents related to the bidding process including the bid documents; bid document approval; records of bid documents issuance, receipt and opening;
- (iv) All documents related to the evaluation including approval of evaluation committee; evaluation report, approval of evaluation report; letters of no objection to award;
- (v) All documents related to the contract award, implementation and monitoring, including contract document, purchase orders, delivery notes, payment terms and payments;
- (vi) All minutes of various meetings and discussions and correspondences amongst all parties.

Below are the total sample cases by procurement category and procurement method.

Category/ Method	IOT	IRT	NOT	NRT	RFQ	Single Source	Communi ty Part.	Force Account	Total
Works	1	0	19	0	0	0	0	3	23
Goods	1	0	31	0	0	0	1	0	33
Consultancy Services	1	0	16	0	0	4	0	0	21
Non-consultancy services	0	0	3	1	0	0	0	0	4
Total	3	0	69	1	0	4	1	3	81

IOT-International Open Competitive Tender; IRT- International Restricted Tender; NOT- National Open Competitive Tender; NRT- National Restricted Tender; RFQ- Request for quotation

An excel table was prepared for all 81 cases where all the information was consolidated and findings reflected under Indicator -9 of the Assessment Report. This Excel table is available for reference and record.

ANNEX 6 Letter of Request from MINECOFIN

REPUBLIC OF RWANDA



MINISTRY OF FINANCE AND
ECONOMIC PLANNING
P.O. Box 158 Kigali
Tel: +250-577994 Fax: +250-577581
E-mail : mfin@rwanda.rw

Mr. Yasser El-Gammal
The Country Manager
The World Bank
KIGALI

Kigali: 04 JAN 2019

N° 11470/10/19/RPPA

Dear Sir,

Reference made to your letter Ref. CL.293/2018 of 14/11/ requesting for the agreement of the Ministry of Finance and Economic Planning to the carrying out of the Rwanda procurement system assessment using the recently revised international assessment tool called "Methodology for Assessment of Procurement System (MAPS)";

Due to the expected benefits mentioned in your letter and confirmed by RPPA, I am glad to inform you that the Ministry of Finance and Economic Planning has agreed for the exercise to take place under the leadership of RPPA. For details of the implementation arrangements, the World Bank team shall work with RPPA.

Yours Sincerely,

Caleb RWAMUGANZA
Permanent Secretary/Secretary to Treasury
Ministry of Finance and Economic Planning



CC:

- Hon. Minister of Finance and Economic Planning
- State Minister in charge of Economic Planning
- Director General, Rwanda Public Procurement Authority