



**MAPS**

Methodology for Assessing  
Procurement Systems

# Sector Level Assessment (SLA)

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SUPPLEMENTARY MODULE

NOVEMBER 2024

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# Introduction

## Purpose and Use of MAPS

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The Methodology for Assessing Procurement Systems (MAPS) is intended to provide a harmonized tool for use in the assessment of public procurement systems. The methodology has been designed to enable a country, with or without support of external partners, to assess its procurement system to determine its strengths and weaknesses: the resulting information can serve as the basis for the design of harmonized system development and reform initiatives to improve capacity and to address weaknesses. The assessment provides the country with information it can use to monitor the performance of its system and the success of the reform initiatives in improving performance. In identifying weaknesses in the current system in a country, external partners are also provided with information that helps them determine risks to the funds they provide to partner countries.

## MAPS Sector Level Assessment Module

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The MAPS Sector Level Assessment (SLA) module provides a harmonized tool for assessing the functioning and performance of the public procurement system and market conditions at the sector level. As such, it focuses on a specific area of a country's public procurement system. It can be used by countries depending on their needs either in conjunction with or after a main MAPS assessment.

The overall objective of MAPS SLA is to provide a comprehensive understanding of the overall functioning and performance of public procurement and general business environment in the sector as they relate to the private sector's trust in conducting business with the government as well as its ability and capacity in accessing public procurement markets thus responding to the sector's needs. MAPS SLA provides an analytical foundation for the overall planning and budgeting in a sector and informs countries and development partners of public procurement risks in the sector including the institutional capacity shortcomings associated with the sector in terms of expenditure, competition, environmental impact, socio-economic issues, etc. This in turn will inform procurement strategy, planning and packaging that will enable fit for purpose procurement modalities to be optimally designed to achieve value for money and facilitate effective capacity building of public institutions and private organisations including civil society in the sector.

This module may be applied to any sector, such as water and sanitation, roads infrastructure, health, among others.

The table below highlights the sections and indicators of the MAPS main methodology that assess specific aspects that are highly relevant to the sector level assessments. It illustrates the information readily available from the MAPS main methodology establishing the starting point for the complementary modular based assessment.



## MAPS Main Assessment: Indicators specifically linked to Sector Level Assessments

<b>Analysis of Country Context</b>	<p>The Analysis of Country Context provides information to ensure that any MAPS assessment is based on a good understanding of the context in which public procurement institutions and other stakeholders operate in a country.</p> <p>It focusses on several potentially important factors, all of which are highly relevant to SLAs:</p> <ul style="list-style-type: none"> <li>Political, economic, and geostrategic situation of the country</li> <li>Public procurement system and its links with the public financial management and public governance system</li> <li>National policy objectives and sustainable development goals</li> <li>Public procurement reform environment.</li> </ul>
<b>Assessment of Public Procurement Systems</b>	<p>An assessment based on the MAPS main assessment tool provides plenty of information and data on the quality and performance of the country's public procurement system. The key findings, recommendations, and the programs the country is implementing to improve the system are elaborated in the MAPS assessment report and further detailed in annexes.</p> <p>All the information from the MAPS assessment is relevant to the SLA and should be thoroughly reviewed as part of the preparatory deskwork and when carrying out the SLA.</p>
<b>Links with MAPS Main Tool</b>	<p>The following MAPS main sub-indicators focus on considerations that are relevant to the SLA. They are listed in more detail in the section of this table following hereunder:</p> <ul style="list-style-type: none"> <li>Sub-indicator 1(l) Public procurement principles in specialised legislation</li> <li>Sub-indicator 6(a) Definition, responsibilities and formal powers of procuring entities</li> <li>Sub-indicator 9(a) Planning</li> <li>Sub-indicator 9(b) Selection and Contracting</li> <li>Sub-indicator 9(c) Contract Management in practice</li> <li>Sub-indicator 10(a) Dialogue and partnerships between public and private sector</li> <li>Sub-indicator 10(b) Private sector's organization and access to the public procurement market</li> <li>Sub-indicator 10(c) Key sectors and sector strategies</li> </ul>
<b>Indicator System</b>	<b>Assessment criteria</b>
<p>Indicator 1(l) assesses the extent to which the legal and regulatory framework covers procurement by entities operating in the utilities sector, such as water, energy, transport, postal services or other similar sectors and the selection and award of concession contracts and/or other forms of public private partnerships (PPPs).</p>	



<b>1(l)</b>	Public procurement principles specialised legislation in	<p>The legal and regulatory body of norms complies with the following conditions:</p> <p>Public procurement principles and/or the legal framework apply in any specialised legislation that governs procurement by entities operating in specific sectors, as appropriate.</p> <p>Public procurement principles and/or laws apply to the selection and contracting of public private partnerships (PPP), including concessions as appropriate.</p> <p>Responsibilities for developing policies and supporting the implementation of PPPs, including concessions, are clearly assigned.</p>
Indicator 6 (a) reviews whether the legal and regulatory framework clearly defines the specific institutions that are classified as procuring entities, including those in the sector, their responsibilities, functional organization, management and delegation of authority structure.		
<b>6(a)</b>	Definition, responsibilities and formal powers of procuring entities	<p>The legal framework provides for the following:</p> <p>Procuring entities are clearly defined.</p> <p>Responsibilities and competencies of procuring entities are clearly defined.</p> <p>Procuring entities are required to establish a designated, specialized procurement function with the necessary management structure, capacity, and capability.</p> <p>Decision-making authority is delegated to the lowest competent levels consistent with the risks associated and the monetary sums involved.</p> <p>Accountability for decisions is precisely defined.</p>
Indicator 9 looks at the actual performance through empirical data to assess how procurement principles, rules and procedures formulated in the legal and policy framework are implemented in practice.		
<b>9(a)</b>	Planning	<p>Needs analysis and market research guide a proactive identification of optimal procurement strategies.</p> <p>The requirements and desired outcomes of contracts are clearly defined.</p> <p>Sustainability criteria, if any, are used in a balanced manner and in accordance with national priorities to ensure value for money.</p>
<b>9(b)</b>	Selection and contracting	<p>Multi-stage procedures are used in complex procurements to ensure that only qualified and eligible participants are included in the competitive process.</p> <p>Clear and integrated procurement documents, standardised where possible and proportionate to the need, are used to encourage broad participation from potential competitors.</p>



		<p>Procurement methods are chosen, documented, and justified in accordance with the purpose and in compliance with the legal framework.</p> <p>Procedures for bid submission, receipt and opening are clearly described in the procurement documents and complied with. This means, for instance, allowing bidders or their representatives to attend bid openings, and allowing civil society to monitor bid submission, receipt and opening, as prescribed.</p> <p>Throughout the bid evaluation and award process, confidentiality is ensured.</p> <p>Appropriate techniques are applied, to determine best value for money based on the criteria stated in the procurement documents and to award the contract.</p> <p>Contract awards are announced as prescribed.</p> <p>Contract clauses include sustainability considerations, where appropriate.</p> <p>Contract clauses provide incentives for exceeding defined performance levels and disincentives for poor performance.</p> <p>The selection and award process are carried out effectively, efficiently and in a transparent way.</p>
9(c)	Contract management in practice	<p>Contracts are implemented in a timely manner.</p> <p>Inspection, quality control, supervision of work and final acceptance of products is carried out.</p> <p>Invoices are examined, time limits for payments comply with good international practices, and payments are processed as stipulated in the contract.</p> <p>Contract amendments are reviewed, issued and published in a timely manner.</p> <p>Procurement statistics are available, and a system is in place to measure and improve procurement practices.</p> <p>Opportunities for direct involvement of relevant external stakeholders in public procurement are utilised.</p> <p>The records are complete and accurate, and easily accessible in a single file.</p>
Indicator 10 assesses the functionality of the public procurement market through its response to public procurement solicitations. It identifies the key sectors and strategies, private sector's organisation, its access to the public procurement market, and the level of dialogue and partnerships between public and private sector.		
10(a)	Dialogue and partnerships	<p>The government encourages open dialogue with the private sector. Several established and formal mechanisms are available for open dialogue through associations or other</p>





	between public and private sector	means, including a transparent and consultative process when formulating changes to the public procurement system. The dialogue follows the applicable ethics and integrity rules of the government. The government has programmes to help build capacity among private companies, including for small businesses and training to help new entries into the public procurement marketplace.
<b>10(b)</b>	Private sector's organization and access to the public procurement market.	The private sector is competitive, well organized, willing and able to participate in the competition for public procurement contracts. There are no major systemic constraints inhibiting private sector access to the public procurement market.
<b>10(c)</b>	Key sectors and sector strategies	Key sectors associated with the public procurement market are identified by the government. Risks associated with certain sectors and opportunities to influence sector markets are assessed and sector market participants are engaged in support of procurement policy objectives.
<b>Links with other Supplementary Modules</b>		Sustainable Public Procurement (SPP) Public Private Partnerships (PPPs)/ Concessions Entity Level Assessments

The SLA module consists of 25 sub-indicators to be assessed. The indicators follow the structure of the four pillars of the MAPS methodology:

- I. the existing legal and policy framework
- II. the institutional framework and management capacities
- III. procurement operations and market practices
- IV. accountability, integrity, and transparency of the procurement system.

The indicators are expressed in qualitative and/or quantitative terms, as appropriate.

Before using MAPS SLA, countries, and any partners they are working with, should consider the relation between the specific sector and the general public procurement system. A MAPS SLA will be most useful if the assessed sector operates at least partially outside the general public procurement system.

As such, before deciding to use MAPS SLA, country authorities and partners should consider questions such as:

- Does the given sector operate under the same legal framework as general public procurement system?
- Do the main institutions governing procurement for the sector differ from the general public procurement system?



- Is it likely that sufficient data is available at the level of sample procurement cases for the sector?
- Does the controls, audit and ethics framework of the general public procurement system apply to the sector?

If the answers to these questions show a major overlap between the general public procurement system and the sector of interest, a MAPS SLA will provide very little additional information vis-à-vis what a main MAPS assessment would contain.

## Compliance with MAPS Framework

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This supplementary module assessment, even if used standalone, must fully comply with the latest version of the methodology. In addition to what is described in this document and annexes, compliance with the methodology includes what is prescribed in the MAPS User's Guide (main MAPS, Section I), as well as in the templates and guidance provided by the MAPS Secretariat.

Both the methodology and all associated materials, including guidance and templates, are available online on [www.mapsinitiative.org](http://www.mapsinitiative.org)

The MAPS Secretariat offers support to all users of MAPS including:

- › Advice to country teams for planning and management of a MAPS assessment including quality review of concept notes and terms of references for MAPS assessments.
- › Advice to MAPS assessment teams on the MAPS methodology.
- › Quality review of MAPS assessment reports (in collaboration with the MAPS Technical Advisory Group) to provide certification of assessments that meet the quality standards specified.
- › A fully self-paced e-learning programme covering all essentials of MAPS and freely available.



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# SECTOR LEVEL ASSESSMENT

## Preamble

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Public procurement sits at the heart of public and private interactions and has tremendous implication on the dynamism and growth opportunities for private businesses. Improving public procurement practices and market conditions is beneficial for productivity and economic growth. A vibrant private sector creates jobs, contributes to economic development, and provides goods and services to improve quality of living and reduce poverty. To optimize the market operations in any sector, a thorough understanding of the regulatory, institutional and information constraints that prohibit efficient participation of private companies in public contracting processes is needed.

MAPS SLA provides a comprehensive and holistic understanding of market characteristics including the structure, capabilities of the firms, price trends, potential fraud and corruption, inherent risks and other factors that may affect the private sector's trust in doing business with the government. MAPS SLA encourages a harmonized approach in assessing whether there is sufficient capacity in the country to respond to the sector's current and future needs.

MAPS SLA consist of sub-indicators deriving from the main MAPS that have been adapted to shift the focus from the whole country to a specific sector and sub-indicators developed to cover topics particular to sector procurement.

MAPS SLA can be used to obtain further detail on procurement in a specific sector vis-à-vis the general procurement system. Where there is overlap between the sector and the general system, the analysis of the indicators in MAPS SLA will be the same as the analysis in the main MAPS. In these cases, criteria should never be marked as not applicable, because the analysis is the same as in the main MAPS. Rather, the analysis of the main MAPS should be quoted, with a specific reference, and supplemented by any additional analysis that is relevant for the sector.

## Analysis of Context

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The application of the SLA module should be preceded by a context analysis. This section will provide the contextual background for a clearer and more comprehensive understanding of the environment within which sector institutions and other stakeholders operate in the country. During the assessment and in developing recommendations that address the findings, the context analysis should always be considered to ensure that the reforms are anchored in countries' needs. Identified below are key areas that should be analysed.

### 1. General context

This section should describe the basic structural characteristics of the country in question and its public



procurement system.

The basic structural characteristics include:

- Economic structures, such as national income level, resources at the government's disposal vs. debt, geopolitical situation, and main challenges for development
- Political structures, such as type of government, federalism vs. centralisation, roles of the national government and sub-national governments, distinctive features in the allocation of political power, aspects of fragility or conflict, and level of perception of corruption

The characteristics of the general public procurement system include:

- The structural elements of the system, such as main actors and their roles, as well as the degree of centralization
- The general economic layout of the system, such as procurement volume in relation to GDP, distribution across governmental sectors, and the role of SOEs if relevant
- History of reforms to the system

These points as well as their potential influence on the assessed sector must be covered.

If an up-to-date main MAPS assessment report exists, much of the information required for this section will be available in the country context analysis. If a MAPS SLA is done concurrently with a main MAPS assessments, there will be an overlap between the main country context analysis and this section of the MAPS SLA context analysis.

## 2. Sector strategy

This section should cover the following:

- The government's strategic vision, values, and goals for the sector
- The general opportunities and challenges in the sector
- Past sector reforms and their focus
- Past performance evaluations for the sector
- Adjustments in the strategy with respect to procurement

The main source of information for this section should be based on the sector's strategic plan, if available. If not, assessors should look at other possible sources such as studies/surveys and interviews with key stakeholders including development partners.

## 3. Business environment and investment climate

While the objective of MAPS SLA is not to carry out a comprehensive analysis of the business environment



and investment climate in the country, this section should provide a general summary of situation in the country and how it influences the assessed. This includes competition policy, business taxation, business regulation, trade, logistics, alternative dispute resolution and investment policy and promotion

There are several diagnostic tools that can be relied on for this section, including:

- Investment Climate Assessment (ICA)
- The World Bank's Business Ready (B-READY) report
- The World Bank's Private Participation in Infrastructure (PPI) Project Database
- The Worldwide Governance Indicators (WGI) project
- The World Bank Enterprise Surveys

## 4. Stakeholder mapping

The purpose of this section is to provide an understanding of the stakeholder landscape that influences the public procurement system in the country. Assessors should take into consideration both governmental and non-governmental stakeholders. The section includes:

- i) Description of the key stakeholders and what category they belong to (e.g. government authorities including control and audit institutions, professional organisations, civil society organisations, academic institutions, media organisations, international organisations if relevant)
- ii) What their role in and influence on the procurement system is both in terms of formally assigned authority and informal sway, and the level of their influence both on the assessment and on any post-assessment reform initiatives

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

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Pillar I of the MAPS main methodology assesses the existing legal, regulatory, and policy framework for public procurement. It identifies the formal rules and procedures governing public procurement within the broader legal framework affecting public procurement which includes the legal aspects of the public procurement administrative framework; those which affect the relations between the public entity and the private party; the business environment, including competition; the obligations to the public in general; international and regional obligations, and national policy objectives, including socio-economic aspirations.

This pillar assesses (i) the structure of the legal framework; clarity and precedence of the different instruments; (ii) consistency in the legal framework when it comes to procurement; (iii) consistency and coherence in addressing horizontal policy objectives and possible constraints in the policy space (such as the constitution or binding international/regional agreements) that may limit the possibility of public procurement living up to its important strategic role and contributing to sustainability; and (iv) comparability of the rules with good international standards and whether they foster competition.



The indicators under Pillar I embrace recent developments and innovations that have been increasingly employed to make public procurement more efficient. Pillar I also considers international obligations and national policy objectives to ensure that public procurement lives up to its important strategic role and contributes to sustainability. The practical implementation and operation of this framework is the subject of Pillars II and III.

## **SLA Indicator 1. The public procurement legal framework applicable to the sector achieves the agreed principles and complies with applicable obligations.**

The objective of this indicator is to assess the different legal and regulatory instruments established at varying levels, from the highest level (national law, act, regulation, decree, etc.) to detailed regulation, procedures and bidding documents applicable to the sector.

Indicator 1 of consists of four sub-indicators (a-d) which must be assessed.

### **SLA Sub-indicator 1(a) - Coverage of the sector**

The objective of this SLA sub-indicator is to assess whether sector procurement is fully covered by the provisions in the legal and regulatory framework. Some countries may exclude certain sectors from the scope of public procurement. These exclusions may not be found in the procurement rules but in other legislation such as environmental law, rules on preferences, reservation schemes, or socially responsible procurement programs.

The sub-indicator assesses whether sector exclusions have an impact on competition and participation of the private sector in public procurement in the sector and whether they should be addressed either through specialised legislation or application of customized procedures following main principles of public procurement provided they are subject to controls applicable to public procurement (refer to SLA sub-indicator 1(d)).

#### **SLA Sub-indicator 1(a): Assessment criteria**

The legal and regulatory body of norms applicable to the sector complies with the following conditions:

- (a) Is adequately recorded and organized hierarchically (laws, decrees, regulations, procedures) and precedence is clearly established.
- (b) It covers goods, works and services, including consulting services for all sector procurement using public funds.
- (c) It is applicable to all public bodies and sub-national governments and entities, in the sector, that use public funds.
- (d) Sector-related PPPs, including concessions, are regulated.
- (e) Current laws, regulations, and policies are published and easily accessible to the public



at no cost.

### **SLA Sub-indicator 1(b) - Rules on participation**

The purpose of this sub-indicator, in addition to the core MAPS sub-indicator 1(d), is to assess whether the rules on participation allow the procuring entities to apply the government's current prevailing policies and aspirations based on future development objectives and needs. In addition, it assesses whether the legal framework makes provisions for participation for sustainable procurement.

#### **SLA Sub-indicator 1(b): Assessment criteria**

The legal framework applicable to the sector meets the following conditions:

- (a) Establishes that participation of interested parties is fair and based on qualification and in accordance with rules on eligibility and exclusions. In this context, the term "supplier" encompasses all service providers including contractors, consulting firms, etc.
- (b) Ensures that there are no barriers to participation in the public procurement market.
- (c) Details the eligibility requirements and provides for exclusions for breach of environmental, social laws, criminal or corrupt activities, administrative debarment under the law subject to due process or prohibition of commercial relations.
- (d) Establishes rules for the participation of state-owned enterprises that promote fair competition.
- (e) Details the procedures that can be used to determine a bidder's eligibility and ability to perform a specific contract.

### **SLA Sub-indicator 1(c) - Electronic Procurement (e-Procurement) in the sector**

The objective of this sub-indicator is to assess the ease of use and specific interface design of the e-procurement system.

The level of sophistication, coverage and performance of e-procurement system and other e-government services are considered important factors that influence private sector behavior in public procurement. In addition, technology trends will impact the capability of firms that are/plan to join the public procurement market.

While the actual use of e-procurement system in the sector is analysed in Pillar II, sub-indicator 7 below, this sub-indicator assesses, in addition to the core MAPS Sub-indicator 1(j), the extent to which the legal framework specifically addresses, permits, and/or mandates the use of electronic methods and instruments for public procurement in the sector.





#### **SLA Sub-indicator 1(c): Assessment criteria**

The legal framework applicable to the sector meets the following conditions:

- (a) The legal framework allows or mandates e-Procurement solutions, in the sector, covering the public procurement cycle, whether entirely or partially.
- (b) The legal framework ensures the use of tools and standards, in the sector, that provide unrestricted and full access to the system, taking into consideration privacy, security of data and authentication.
- (c) The legal framework requires that interested parties be informed which parts of the processes will be managed electronically, in the sector.

#### **SLA Sub-indicator 1(d) - Public procurement principles in specialised legislation governing public entities in the sector**

The purpose of this sub-indicator, in addition to SLA sub-indicator 1(a) and the core MAPS sub-indicator 1(l), is to assess, in cases where countries have adopted specialised legislation governing procurement by public entities in the sector, whether public procurement principles (e.g. competitive procedures, transparency, fairness, value-for-money decisions) apply across the entire spectrum of public service delivery in the sector as appropriate.

#### **SLA Sub-indicator 1(d): - Assessment criteria**

The legal and regulatory body of norms covering the sector complies with the following conditions:

- (a) Public procurement principles and/or the legal framework apply across specialised legislation governing the procurement by entities operating in the sector as appropriate.
- (b) Public procurement principles and/or laws apply to the selection and contracting of public private partnerships (PPP) in the sector including concessions, as appropriate.
- (c) Responsibilities for developing policies and supporting the implementation of PPPs in the sector including concessions are clearly assigned.

### **SLA Indicator 2. Implementing regulations and tools support the legal framework at the sector level.**

The objective of this indicator is to assess consistency in the application of the rules governing public procurement in the sector across implementing agencies while highlighting differences in its application if the sector or parts of the sector are operating as an exception or exclusion under specialised legislation.

The indicator assesses, at sector level, the existence, availability, and quality of implementing regulations,



operational procedures, handbooks, model procurement documentation and standard conditions of contract. Ideally the higher-level legislation provides the framework of principles and policies that govern public procurement. Lower-level regulations and more detailed instruments supplement the law, make it operational, and indicate how to apply the law to specific circumstances.

This indicator has four sub-indicators (a-d).

### **SLA Sub-indicator 2(a) - Implementing Regulations to define processes and procedures in the sector.**

The purpose of this sub-indicator is to verify the existence, clarity, accessibility and comprehensiveness of regulations to the law the further detail and clarify its application. Regulations are an important aspect of a procurement system as they provide the details that explain and enable the application of the legal framework in a variety of applications. Regulations should be available to the public in a single accessible place.

#### **SLA Sub-indicator 2(a): Assessment criteria**

- (a) There are regulations applicable to the sector that supplement and detail the provision of the procurement law, and do not contradict the law.
- (b) The regulations are clear, comprehensive and consolidated as a set of regulations readily available in a single accessible place.
- (c) Responsibility for maintenance of the regulations is clearly established, and the regulations are updated regularly.

### **SLA Sub-indicator 2(b) - Model procurement documents for goods, works and services for the sector**

The purpose of this sub-indicator is to verify the existence of model procurement documents comprising the basic required clauses that will be incorporated into contracts for the various types of procurement of goods, works and services including consulting services for the sector. Model procurement documents should also refer to the standstill period, if applicable, and address the right to challenge decisions or actions and to appeal. If model documents are not available, there should be, as a minimum, a set of standard and mandatory clauses and templates that will help in the formulation of the procurement documents.

#### **SLA Sub-indicator 2(b): Assessment criteria**

- (a) There are model procurement documents provided for use for a wide range of goods, works and services including consulting services procured by public entities in the sector.
- (b) At a minimum, there is a standard and mandatory set of clauses or templates, for the sector, that reflect the legal framework. These clauses can be used in documents prepared for competitive tendering/bidding.



- (c) The documents support aspects that are considered important for the sector.
- (d) The documents are kept up to date, with responsibility for preparation and updating clearly assigned.

### **SLA Sub-indicator 2(c): Standard contract conditions used in the sector**

The purpose of this sub-indicator is to assess whether standard contract conditions, also referred to as general contract conditions (GCC), do exist for public sector contracts for the various types of procurement of goods, works and services including consulting services, in the sector, that set forth the basic provisions which will be included in a contract with the government. Standard contract conditions need to be mandatory in their use and not subject to negotiations on terms and conditions of contract.

If the national regulatory framework for public procurement applies to sector procurement, it should be assessed whether the national standard contract conditions are used or whether the standard contract conditions that exist in the sector surpass the quality of the nationally provided standard documents.

#### **SLA Sub-indicator 2(c): Assessment criteria**

- (a) There are standard contract conditions for the most common types of contracts and their use is mandatory in the sector.
- (b) The content of the standard contract conditions used in the sector is generally consistent with internationally accepted practice.
- (c) Standard contract conditions are an integral part of the procurement documents and made available to participants in procurement proceedings.
- (d) Public entities in the sector use the national standard contract conditions, if applicable, or standard contract conditions that surpass the quality of the nationally provided standard documents.

### **SLA Sub-indicator 2(d) - User's guide or manual for procuring entities in the sector**

The purpose of this SLA sub-indicator is to verify the existence of a user's guide or manual for procuring entities that helps provide sector staff with information that incorporates the law, policy and procedures that apply to the sector and helps turn policy into practice.

This means, that even if a user's guide or manual is available within the procurement framework in a country, this guidance may not be appropriate or sufficient to fully and coherently cover a specific sector. Depending on the situation, a sector specific guide or manual may (or may not be) necessary. Consistency with the user's guide or manuals provided within the procurement framework of the country needs to be ensured and any duplication or proliferation of guidance notes should be avoided.

#### **SLA Sub-indicator 2(d): Assessment criteria**



- (a) There is a comprehensive procurement manual detailing all procedures for the correct implementation of procurement regulations and laws in the sector.
- (b) A sector specific user's guide or manual, if any, is consistent with the user's guide or manuals provided within the procurement framework of the country.
- (c) Responsibility for maintenance of the manual, whether sector-specific or not, is clearly established, and the manual is updated regularly.
- (d) The quality of the manual, whether sector-specific or not, is sufficient enable users to carry out effective procedures.

### SLA Indicator 3 – The legal framework applicable to the sector reflects the country's horizontal policy objectives and international, including regional and sub-regional obligations.

The objectives of this indicator are to assess the existence of clear and well-articulated sectorial development strategies and an in depth analysis as to whether (i) horizontal policy objectives, normally involving goals aimed at increased sustainability; support for certain groups of society; improving the lives and well-being of citizens through economic redistribution; and protection of the environment, are consistently and coherently reflected in the legal and regulatory framework applicable to the sector; and (ii) possible constraints, if any, in the policy space, such as the binding international/regional/sub-regional agreements which may limit the possibility of public procurement living up to its important strategic role and contributing to sustainability.

A country's horizontal policy objectives may include increased consideration of sustainable public procurement (SPP), which is covered in sub-indicator 3(a) of the core MAPS.

There are also international obligations such as those covered under sub-indicator 3(b) of the core MAPS, and those derived from regional and sub-regional economic institutional associations<sup>1</sup> such as agreements with economic groupings. The legal framework applicable to the sector should enable the government to achieve its stated objectives and should reflect existing policy or be used as a proactive tool to influence change in line with the country's aspirations or higher policy objectives that the country pursues.

This indicator consists of four sub-indicators (a-d) to be assessed.

#### **SLA Sub-indicator 3(a) - Existence of sectorial policies and strategies that are clear and well-articulated to facilitate the determination of sector procurement needs.**

The objective of this sub-indicator is to verify that whether clear and well-articulated sectorial

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<sup>1</sup> Regional and sub-regional economic institutional arrangements, include cooperation agreements made by countries which are designed to foster economic integration, through a customs union, free trade areas, among others. Typically, such groupings include the EU, NAFTA, and in Africa, COMESA, UEMOA, SADC, EAC, etc.



development strategies exist which are critical to the design and formulation of procurement strategies which includes various key aspects of comprehensive procurement plans such as demand analysis (e.g., analysis of key expenditures specification of requirement issues, budget/cost breakdown and procurement strategy options (e.g., value for money assessment, selection methods to be used).

A well-articulated strategy will allow the sector to establish and make available to the users, good quality implementing regulations, operational procedures, manuals, handbooks, guidelines, model procurement documentation, standard bidding / requests for proposals documents, and standard conditions of contract, all of which are necessary to assure full effective operationalization, in the sector.

#### **SLA Sub-indicator 3(a): Assessment criteria**

- (a) The sector has a clear and well-articulated sectorial development strategy accompanied by the related operational documents, for the medium and long term.
- (b) The principal types of public procurement as well as their technical requirements or characteristics, are identified in the sectorial strategy or in the applicable sector operational documents.

#### **SLA Sub-indicator 3(b) - Sustainable Public Procurement (SPP) in the sector**

The objective of this sub-indicator is to determine whether: (a) the sector has adopted a clear and coherent policy and implementation plan to implement Sustainable Public Procurement (SPP) in support of national objectives, (b) the legal and regulatory framework includes provisions on the inclusion of SPP in public procurement, and (c) those provisions are applied in a well-balanced way to ensure value for money.

#### **SLA Sub-indicator 3(b): Assessment criteria**

- (a) The country has a policy/strategy in place to implement SPP in the sector in support of broader national policy.
- (b) The SPP implementation plan is based on an in-depth assessment of appropriate tools and systems that are in place to operationalize, facilitate and monitor the application of SPP.
- (c) The legal and regulatory framework allows for sustainability (i.e. economic, environmental, and social criteria) to be incorporated at all stages of the procurement cycle in the sector.
- (d) The legal provisions require a well-balanced application of sustainability criteria to ensure value for money.



### **SLA Sub-indicator 3(c) - Obligations deriving from international, regional/sub-regional agreements applicable in the sector.**

This sub-indicator assesses the existence of procurement related provisions in binding regional and sub-regional agreements and the consistent reflection of these obligations in procurement laws and regulations applicable to the sector.

Membership in international and/or regional/sub-regional associations or binding international/regional/sub-regional agreements, which are designed to foster economic integration, for example through customs unions or free trade areas, may result in legal obligations relating to public procurement. These obligations may impact the set-up of the procurement system and the performance of the sector market.

#### **SLA Sub-indicator 3(c): Assessment criteria**

Public procurement-related obligations deriving from binding international, regional and sub-regional agreements relating to the sector are:

- (a) clearly established.
- (b) consistently adopted in laws and regulations and reflected in procurement policies.

## **Pillar II. Institutional Framework and Management Capacity**

Pillar II within the context of MAPS SLA examines the institutional framework and management capacity of the sector. It looks at how the procurement system as defined by the legal and regulatory framework is operating in practice through the institutions and management systems that are part of the overall public sector governance in the country.

The purpose of Pillar II is to evaluate how the key institutions are set up to discharge their obligations. It assesses whether: (i) the system is adequately linked with the country's public finance management system; (ii) institutions in charge of necessary functions are in place and operating without gaps and overlaps; (iii) the system is adequately equipped to collect, manage and evaluate the policies and operations; and (iv) the managerial and technical capacities are adequate to undertake efficient and transparent public procurement processes.

This Pillar, taking into consideration the results of Pillar 1, Indicator 3, assesses whether the institutional set up supports the sectorial development objectives in line with the horizontal development objectives.



## SLA-Indicator 4. The public procurement system is mainstreamed and well-integrated with the public financial management system at the sector level.

The purpose of this indicator is to focus on the degree of integration of the procurement system within the public financial management system for the sector.

The two sub-indicators 4(a) and 4(b) have been adapted to highlight the specific links relevant to the sector and they are assessed separately under the SLA, given the importance of the direct interaction between procurement and financial management, from budget preparation to planning treasury operations for payments as mentioned above.

### SLA Sub-indicator 4(a) - Procurement planning and the budget cycle in the sector

The purpose of this sub-indicator is to determine whether the sector has a good analytical foundation to inform the procurement strategy for overall planning and budgeting in the sector in line with development objectives.

Public procurement is an element of the country's system for spending public funds. As such, its outcomes are very much influenced by the performance of components of the public financial management system – from the extent to which good procurement planning has been done within the budget process, to the ability of the executing agencies to retain money they have saved by improving procurement, and to the effectiveness and timeliness of payment for goods and services received. Timely completion of major projects and payments allow better predictions of cash flow needs within the Government and reduction of extra costs.

This sub-indicator assesses whether annual or multi-annual procurement plans are prepared for the sector, whether budget funds are committed or appropriated in a timely fashion, and whether there is a feedback mechanism for certification of execution. The reason for this is that formulation of annual or multi annual budgets are based on the outcomes or outputs that the sector expects to achieve in a given period, and overall sector strategies are the basis for this exercise.

#### SLA Sub-indicator 4(a): Assessment criteria

The legal and regulatory framework, financial procedures, and systems for the sector, provide for the following:

- (a) Annual or multi-annual procurement plans are prepared for the sector, to facilitate the budget planning and formulation process and to contribute to multi-year planning.
- (b) Budget funds for the sector are committed or appropriated in a timely manner and cover the full amount of the contract (or at least the amount necessary to cover the portion of the contract performed within the budget period).
- (c) A feedback mechanism reporting on budget execution is in place, especially regarding the completion of major contracts in the sector.



## SLA Sub-indicator 4(b) - Financial procedures and the procurement cycle in the sector

The purpose of this sub-indicator is to determine whether budget laws and financial procedures adequately support the procurement process in the sector, i.e., the preparation and timely solicitation and award of contracts, contract execution and timely payments. This has an impact on sector market performance and consequently on the perceptions of suppliers.

### SLA Sub-indicator 4(b): Assessment criteria

The legal and regulatory framework, financial procedures, and systems applicable to the sector ensure that:

- (a) No solicitation of tenders/proposals takes place in the sector without certification of the availability of funds.
- (b) The national regulations/procedures for processing of invoices and authorisation of payments are followed in the sector, or alternatively, if sector-specific regulations/procedures exist they are justified and maintain proper market conditions.\*
- (c) The regulations/procedures for processing of invoices and authorisation of payments, whether national or sector-specific, are publicly available and clear to potential bidders.

### Quantitative indicator to substantiate assessment of sub-indicator 4(b). Assessment criterion (b):

Quantitative indicator to substantiate assessment of sub-indicator 4(b) Assessment criterion (b):

- Invoices for procurement of goods, works and services paid on time (in % of total number of invoices).

Source: PFM systems.<sup>2</sup>

## SLA-Indicator 5. The sector has institutions in charge of technical standards.

This indicator covers the institutions charged with the development and validation of technical standards applicable to the sector. The purpose of this indicator is to assess whether the responsibility for technical standards is properly delegated, and whether the standards are useful and effective.

This indicator consists of one sub-indicator (a) to be assessed.

### SLA Sub-indicator 5(a) – Legal basis for authority on technical standards

The purpose of this sub-indicator is to assess whether the responsibility for technical standards in the

<sup>2</sup> In case comprehensive data is not available, this quantitative indicator should be applied when reviewing a sample of procurement cases. Refer to sub-indicator 9(c).





sector is properly delegated at an appropriate level of authority.

**SLA Sub-indicator 5(a): Assessment criteria**

- (a) The legal and regulatory framework specifies the entity or entities in charge of development and validation of technical standards in the sector.

## SLA-Indicator 6. Procuring entities in the sector and their mandates are clearly defined.

The purpose of this indicator is to ensure that implementation is carried out effectively.

This indicator assesses for the sector: (i) whether the legal and regulatory framework clearly defines the institutions that have procurement responsibilities and authorities; (ii) whether there are provisions for delegating authorities to procurement staff and other government officials to exercise responsibilities in the procurement process; and (iii) whether a centralised procuring entity exists.

This sub-indicator consists of two sub-indicators (a-b) to be assessed.

### SLA Sub-indicator 6(a) - Definition, responsibilities, and formal powers of procuring entities in the sector.

The purpose of this sub-indicator is to assess whether the institutional set up for implementing procurement in the sector is clearly defined and aligned with the organisational structure that is adopted namely centralised, decentralised or hybrid systems and responds to the needs of the sector.

This sub-indicator examines the statutes, responsibilities, competencies and organisation of procuring entities in the sector. Precision in the statement of the terms of reference of sector procuring entities is essential for a well-functioning sector system.

**SLA Sub-indicator 6(a): Assessment criteria**

- (a) Procuring entities are clearly defined in the legal/regulatory framework.
- (b) Responsibilities and competencies of procuring entities are clearly defined in the legal/regulatory framework.
- (c) Procuring entities are required by the legal/regulatory framework to establish a designated, specialised procurement function with the necessary management structure, capacity, and capability. \*
- (d) Accountability for decisions is precisely defined in the legal/regulatory framework.
- (e) The specialized procurement functions' organisation, authority and staffing are sufficient and consistent with their responsibilities and the procurement volume and complexity of the sector.
- (f) Decision making authority is delegated to the lowest competent levels consistent with the risks associated and the monetary sums involved.



**\* Quantitative indicator to substantiate assessment of sub-indicator 6(a) Assessment criterion (c):**

- Procuring entities in the sector with a designated, specialised procurement function (in % of total number of procuring entities in the sector).

**Source:** Normative/regulatory function/statute of sector agencies.

### **Sub-indicator 6 (b) - Centralized procurement body**

The objective of this sub-indicator is to assess whether the country/the sector has considered the benefits of establishing a centralised procurement function for the sector. In small countries/sectors or in countries emerging from conflict situations, procurement capacity may be stretched or there may be a need for specialized legal or technical expertise, consolidated procurement, or framework contracts.

Establishing a centralised procurement body (central procuring entity) may enhance the efficiency and effectiveness of a decentralised procurement system. A centralised procurement body could oversee the consolidation of sector procurement needs; soliciting and concluding framework agreements from which all public entities could call off according to their needs (e.g., based on electronic catalogues); managing very complex procurement or procurement requiring specialized legal or technical expertise), etc.

In case the sector establishes a centralized procurement body, the legal and regulatory framework should clearly define the body's responsibilities, formal powers, and accountabilities. Processes should be clearly described to ensure efficient workflows and appropriate communication with the entity that is responsible for service delivery.

#### **Sub-indicator 6(b): Assessment criteria**

- (a) The country/sector has considered the benefits of establishing a centralised procurement body in charge of consolidated procurement, framework agreements, or specialized procurement for the sector, as appropriate in the sector.
- (b) In case a centralised procurement body exists, the legal and regulatory framework provides for the following:
  - Legal status, funding, responsibilities, and decision-making powers are clearly defined.
  - Accountability for decisions is precisely defined.
  - The body and the head of the body have a high level and authoritative standing in government.
- (c) The centralised procurement body's internal organization and staffing are sufficient and consistent with its responsibilities.



## SLA-Indicator 7. Procurement is embedded in an effective information system for the sector.

The objective of this indicator is to assess the actual use of e-procurement systems, namely the extent to which the sector has systems to publish procurement information, to efficiently support the different stages of the public procurement process through application of digital technologies, and to manage data that allows for analysis of trends and performance of the entire public procurement system.

Even though such a system may be embedded at the country level, there may be weaknesses at the specific sector level that would affect sector market performance. This indicator captures the availability, accessibility, integration and reliability of public procurement information systems in the sector. It also examines the extent to which the system works in practice by determining the share of public procurement information published and by measuring the uptake of e-Procurement and the availability of statistical information in the sector. The system can be a stand-alone one for the sector or be part of the national procurement information system.

This indicator consists of three sub-indicators (a-c) to be assessed.

### **SLA Sub-indicator 7(a) - Publication of public procurement information in the sector supported by information technology.**

This objective of this sub-indicator is to assesses the existence, capacity, accessibility and coverage of the procurement information system, for the sector, and determine whether the system supports one-stop-service (at the national level, to the extent feasible) where those interested can find information on procurement opportunities and outcomes.

#### **SLA Sub-indicator 7(a): Assessment criteria**

The sector uses an information system that meets the following requirements:

- (a) Information on procurement, in the sector, is easily accessible in media of wide circulation and availability. Information is relevant, timely and complete and helpful to interested parties to understand the procurement processes and requirements and to monitor outcomes, results and performance.
- (b) The country's (or sector's) information system is fully utilized by sector entities, provides up-to-date information and is easily accessible to all interested parties at no cost.
- (c) There is an integrated information system (centralised online portal) that provides up-to-date information and is easily accessible to all interested parties at no cost.
- (d) The information system provides for the publication of:\*
  - Procurement plans;
  - Information related to specific procurements, as a minimum: Advertisements or notices of procurement opportunities, contract awards including procurement method and amendments, information on contract implementation including payments, appeals decisions;
  - Linkages to rules and regulations and other information that is relevant to promote



competition and transparency.

- (e) In support of the concept of open contracting, in the sector, more comprehensive information is published on the centralized online portal, in each phase of the procurement process including the full set of procurement documents, evaluation reports, full contract documents including technical specification and implementation details (in accordance with legal and regulatory framework).
- (f) Information, from the sector, is published in an open and structured machine-readable format, using identifiers and classifications (open data format). \*
- (g) Responsibility for the management and operation of the sector information system is clearly defined.

**Quantitative indicators to substantiate assessment of sub-indicator 7(a) Assessment criterion (d):**

- Sector procurement plans published (in % of total number of required procurement plans)<sup>3</sup>
- Key procurement information published along the procurement cycle (in % of total number of contracts)<sup>4</sup>:
  - Invitation to bid/Request for proposal (in % of total number of contracts);
  - Contract awards (purpose, supplier, value, variations/amendments);
  - Details related to contract implementation (milestones, completion, and payment);
  - Annual procurement statistics.
- Appeals decisions related to the sector posted within the timeframes specified in the law (in %).

**Source:** Centralized online portal.

**\* Recommended quantitative indicator to substantiate assessment of sub-indicator 7(a) Assessment criterion (f):**

- Share of procurement information and data of the sector published in open data formats (in %).

**Source:** Centralized online portal.

**SLA Sub-indicator 7(b) - Use of e-Procurement in the sector.**

The purpose of this sub-indicator is to determine the extent to which e-Procurement is currently used in the sector, the capacity of sector officials to manage and use e-Procurement systems, and/or the existence of a sector strategy to implement e-Procurement.

**SLA Sub-indicator 7(b): Assessment criteria**

<sup>3</sup> PEFA PI-24-3 (2)

<sup>4</sup> PEFA PI-24-3 (3, 4, 5, 6)



- (a) E-procurement is widely used or progressively implemented in the sector at all levels of government.\*
- (b) Sector officials have the capacity to plan, develop and manage e-Procurement systems, as required (e.g., by a national road map or general framework).
- (c) Procurement staff in the sector is adequately skilled and equipped to reliably and efficiently use e-Procurement systems.
- (d) Suppliers in the sector (including micro, small and medium-sized enterprises) participate in a public procurement market increasingly dominated by digital technology.\*
- (e) If e-Procurement has not yet been introduced, the sector has adopted an e-Procurement roadmap based on an e-Procurement readiness assessment.

**\* Quantitative indicators to substantiate assessment of sub-indicator 7(b) Assessment criterion (a):**

Uptake of e-Procurement in the sector:

- Number of e-Procurement procedures in % of total number of procedures in the sector;
- Value of e-Procurement procedures in % of total value of procedures in the sector.

**Source:** e-Procurement system.

**\* Recommended quantitative indicators to substantiate assessment of sub-indicator 7(b) Assessment criterion (d):**

- Bids submitted online in the sector (in %);
- Bids submitted online by micro, small and medium-sized enterprises in the sector (in %).

**Source:** e-Procurement system.

**SLA Sub-indicator 7(c) - Strategies to manage procurement data in the sector.**

The purpose of this sub-indicator is to verify the existence of a statistical information collection and management system in the sector, which is essential for market analysis, procurement planning, and the evaluation of the policies and the operation of the system.

**SLA Sub-indicator 7(c): Assessment criteria**

- (a) A system is in operation in the sector for collecting data on the procurement of goods, works and services including consulting services supported by e-Procurement or other information technology.
- (b) The system manages data for the entire procurement process, in the sector, and allows for analysis of trends, levels of participation, efficiency and economy of procurement and compliance with requirements.
- (c) The reliability of the information is high (verified by audits).
- (d) Analysis of information is routinely carried out, in the sector, published and fed back into



the system.\*

**\* Quantitative indicators to substantiate assessment of sub-indicator 7(c): - Assessment criterion (d):**

- Total number and value of contracts of the sector;
- Public procurement of the sector as a share of government expenditure and as share of GDP;
- Total value of contracts of the sector awarded through competitive methods in most recent fiscal year.

**Source:** Normative/regulatory function/E-Procurement system.

## SLA-Indicator 8. The sector public procurement system has a strong capacity to develop and improve.

This indicator focuses on the strategies and ability of the public procurement system that is applicable to the sector, to develop and improve. This indicator assesses whether:

- Strategies and programs are in place, in the sector, to develop the capacities of procurement staff and other key actors involved in public procurement;
- Systems have been established and are used to evaluate the outcomes of procurement operations and develop strategic plans to continuously improve the public procurement system, in the sector; and
- Sectorial policies and strategies are clear and well-articulated to facilitate determination of procurement needs in the sector.

The indicator consists of two sub-indicators (a-b) to be assessed.

### **SLA Sub-indicator 8(a) - Training, advice and assistance in the sector.**

The objective of this sub-indicator is to measure the extent to which the sector provides services to build competencies in the sector.

Building competencies within any organization requires individuals to receive consistent knowledge and signals that promote the desired practices, values and behaviours at three levels: (a) individual; (b) organisational; and (c) surrounding environment.

This sub-indicator focuses on the sector by assessing (i) the existence of specifically tailored advisory services for both public and private sector actors; and (ii) the curricula of existing programmes and judging their relevance nature, scope and sustainability for the sector.

#### **SLA Sub-indicator 8(a): Assessment criteria**

There are systems in place, in the sector, that provide for:

- (a) Substantive permanent training programmes of suitable quality and content for the needs of the procurement staff in the sector.



- (b) Routine evaluation and periodic adjustment of training programmes based on feedback and need.
- (c) Advisory service or help desk function to resolve questions by procuring entities, suppliers, and the public.
- (d) A capacity development strategy that is well integrated with other measures aimed at developing the capacities of key actors involved in public procurement, in the sector.
- (e) The environment surrounding individuals and organizations that supports the sound practices and behaviours learned.

#### **SLA Sub-indicator 8(b) - Monitoring performance to improve sector outputs and outcomes.**

The objective of this sub-indicator is to assess whether the sector has in place a good performance monitoring system.

The benefits of improvements to a procurement system might not be immediate, but governments need to know whether the effort and investment on a reform produced the expected results and if not, why not. A good monitoring system focussed on results and outcomes (besides the normal compliance monitoring) is necessary to find out whether the changes are having the expected measurable and significant impact.

The results of procurement processes, in the sector, should periodically and consistently be assessed to measure performance, effectiveness, outputs, outcomes and savings. Sector procuring entities should be at the forefront of such performance measurement and continuous improvement programmes.

#### **SLA Sub-indicator 8(b): Assessment criteria**

- (a) The sector has established and consistently applies a performance measurement system that focuses on both quantitative and qualitative aspects.
- (b) The information is used to support strategic policy making on procurement in the sector.
- (c) Strategic plans, including results framework, are in place and used to improve sector system performance.
- (d) Responsibilities for performance measurement in the sector are clearly defined.

## **Pillar III. Public Procurement Operations and Market Practices**

The objective of this Pillar is to examine the functioning and performance of the public procurement system in the sector as it relates to the way procuring entities in the sector plan, award and execute contracts.



A vibrant business environment fosters competition among providers to guarantee the lowest costs and best quality of goods and services. Therefore, this Pillar is designed to assess whether the basic business environment and market conditions in the sector are conducive to businesses.

A preliminary assessment of the business environment, market conditions and specific characteristics of a procurement system may help reveal the status of competition and private sector supply in procurement markets. The elements may include competition policy, business taxation, business regulation, trade logistics, alternative dispute resolution, and investment policy and promotion.

Even though MAPS SLA will not be assessing the above-mentioned elements of the business environment, it is critical that the context analysis, in particular the section on business environment and investment climate, is considered to facilitate a comprehensive analysis of the findings in procurement operations and market practices to identify and address structural factors that may inhibit competition and impact public procurement systems.

This Pillar looks at the operational efficiency, transparency, and effectiveness of the procurement system at the level of the implementing agency in the sector, responsible for managing individual procurements (procuring entity). In addition, it looks at the market as one means of judging the quality and effectiveness of the system in putting procurement procedures into practice.

## **SLA-Indicator 9 Public procurement practices achieve stated objectives in the sector.**

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, in the sector. The indicator 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.

The assessment of this indicator requires the selection and review of a sample of actual procurement transactions (files). The sampling methods and size should be carefully selected to ensure representativeness of the assessment results.

The indicator consists of five sub-indicators (a-e) to be assessed.

### **SLA Sub-indicator 9(a) - Planning in the sector**

The objective of this sub-indicator is to assess (i) the extent to which the sector strategy is relevant and used in defining the procurement needs (demands) and their characteristics, through analysis of programmes and investment projects which accompany implementation of the said strategy; and (ii) the adequate consideration of horizontal policies, where these exist and are applied in the sector in the achievement of objectives of the sector strategy.

This sub-indicator assesses the level of execution of adequate planning in the sector. It examines whether needs analyses are carried out, requirements and desired outcomes are clearly defined in the sector, and it assesses the level of sustainability aimed at, and achieved, by the procuring entities in the sector.





#### **SLA Sub-indicator 9(a): Assessment criteria**

- (a) Needs analysis and market research guide a proactive identification of optimal procurement strategies in the sector.
- (b) The requirements and desired outcomes of contracts, in the sector, are clearly defined.
- (c) Sustainability criteria, if any, are used in a balanced manner, in the sector, and in accordance with national priorities, to ensure value for money.

#### **SLA Sub-indicator 9(b) - Selection and contracting in the sector**

This sub-indicator assesses the performance of procuring entities in the sector in awarding contracts.

This sub-indicator focuses on achievement of value for money in the sector. It examines the contracts awarded in the sector to determine: (i) appropriateness of the procurement procedures and methods used; (ii) extent of competition; and (iii) extent of transparency and fairness in selecting suppliers.

For each criterion assessors must analyse the causes in case there are gaps identified. For example, for criterion (j), if significant time overruns are seen, based on the information available in the sample, assessors should provide their view on where in the process the overruns appear to occur.

#### **SLA Sub-indicator 9(b): Assessment criteria**

Analysis of a sample of contracts in the sector shows that:

- (a) Multi-stage procedures are used in complex procurements to ensure that only qualified and eligible participants are included in the competitive process.
- (b) Clear and integrated procurement documents, standardised where possible and proportionate to the need, are used to encourage broad participation from potential competitors.
- (c) Procurement methods are chosen, documented, and justified in accordance with the purpose and in compliance with the legal framework.
- (d) Procedures for bid submission, receipt and opening are clearly described in the procurement documents and complied with. This means, for instance, allowing bidders or their representatives to attend bid openings, and allowing civil society to monitor bid submission, receipt and opening, as prescribed.
- (e) Throughout the bid evaluation and award process, confidentiality is ensured.
- (f) Appropriate techniques are applied, to determine best value for money based on the criteria stated in the procurement documents and to award the contract.
- (g) Technical standards, if used as part of the selection and contracting, does not affect competitiveness and transparency negatively.
- (h) Contract awards are announced as prescribed.
- (i) Contract clauses include sustainability considerations, where appropriate.
- (j) Contract clauses provide incentives for exceeding defined performance levels and disincentives for poor performance wherever appropriate.
- (k) The selection and award process is carried out effectively, efficiently and in a transparent



way.\*

**\* Recommended quantitative indicators to substantiate assessment of sub-indicator 9(b)**  
**Assessment criterion (j):**

- Average time to procure goods, works, and services;
- Number of days between advertisement/solicitation and contract signature (for each procurement method used);
- Average number (and %) of bids that are responsive (for each procurement method used);
- Share of processes that have been conducted in full compliance with publication requirements (in %);
- Number (and %) of successful processes; (successfully awarded; failed; cancelled; awarded within defined timeframes)

**Source for all:** Sample of procurement cases.

### **SLA Sub-indicator 9(c) - Contract management practice in the sector**

The objective of this sub-indicator is to assess the performance of procuring entities in the sector in contract management.

This sub-indicator is to verify, in greater detail, that the contract management practices of procuring entities in the sector achieve value for money by examining whether contracts are delivered according to the contract agreement in terms of time, quality, cost and other conditions stated in the contract. The indicator assesses the extent to which (i) contracts are executed on time; (ii) inspection, quality control, supervision and final acceptance of contract outputs are carried out; (iii) the processing of payment is done as stipulated in the contract; (iv) statistics and records are available, complete and accurate; and (v) stakeholders are utilised in monitoring.

#### **SLA Sub-indicator 9(c): Assessment criteria**

Examination of contract management practices based on a sample of contracts in the sector shows that:

- (a) Contracts are implemented in a timely manner. \*
- (b) Inspection, quality control, supervision of work and final acceptance of products is carried out. \*
- (c) Invoices are examined, and payments are processed as stipulated in the contract. \*
- (d) Contract amendments are reviewed, issued and published in a timely manner. \*
- (e) Procurement statistics are available, and a system is in place to measure and improve procurement practices.
- (f) Opportunities for direct involvement of relevant external stakeholders in public procurement are utilised. \*
- (g) The records are complete and accurate, and easily accessible in a single file. \*



**\* Quantitative indicators to substantiate assessment of sub-indicator 9(c) Assessment criterion (g):**

- Share of contracts with complete and accurate records and databases (in %).

**Source:** Sample of procurement cases.

**\* Recommended quantitative indicators to substantiate assessment of sub-indicator 9(c) linked to the assessment criteria above:**

- For assessment criterion (a): Time overruns (in %; and average delay in days);
- For assessment criterion (b): Quality control measures and final acceptance are carried out as stipulated in the contract (in %);
- For assessment criterion (c): Invoices for procurement of goods, works and services are paid on time (in % of total number of invoices);
- For assessment criterion (d): Contract amendments (in % of total number of contracts; average increase of contract value in %);
- For assessment criterion (f): Percentage of contracts with direct involvement of civil society: planning phase; bid/proposal opening; evaluation and contract award, as permitted; contract implementation)<sup>5</sup>.

**Source for all:** Sample of procurement cases.

## SLA Indicator 10: The public procurement market is fully functional and competitive at the sector level.

This objective of this indicator is to assess the level of competition in the procurement of goods, works, and services including consulting services, in the sector.

The indicator assesses the sector market's response to the sectorial procurement needs in the country. The market's response is influenced by the general economic climate, policies to support the private sector, the business environment, financial institutions, the trust in the public procurement system, and the kind of goods and services being procured.

The indicator provides information on market concentration (depending on technical specifications, market size, rules and policies that can lead to perfect competition, monopolies or oligopolies), regularity and frequency of contracts that are important to identify if competitors are distributing the market among themselves, characteristics of the products/contracts, types of contracts awarded and the principal modes of procurement used, the price structure and capacity of suppliers, contractors and consulting firms.

The indicator also examines the impact of horizontal policies applicable to contracts in the sector, such as

<sup>5</sup> Preferably split into the different process phases to cover the concept of open contracting more specifically.



the use of preference margins and other such policies established to achieve the country's socio-economic aspirations at sector level.

The assessment is conducted following a two-pronged approach that comprises a combination of data collection involving desk review of information contained in existing data bases, and from interviews and enquiries targeted at sector normative bodies and the procuring entities in the sector responsible for contract awards, service providers such as contractors, suppliers and consulting firms, as well as other stakeholders in the sector such as non-governmental organizations, universities and other academic institutions, and eventually at the development partners and financial institutions operating in the country with information relevant to the conditions in the sectorial market.

The assessment is based on data from surveys, existing e-procurement systems and sector databases, where available. The indicators are meant to assess the level of competition and characteristics of the strategically important contracts in the sector, and as such focus on the following issues:

- (i) whether the key sector markets are being provided by only one or few suppliers which could be the result of policies or rules that favour a few incumbents;
- (ii) whether new firms are attracted to the sector procurement which reduces the probability of collusion and increases competition;
- (iii) regularity and frequency of contracts to analyse whether competitors are distributing the market amongst themselves;
- (iv) development of unit prices and price trends to see how they compare to reference prices published nationally; internally and to neighbouring countries;
- (v) characteristic of the contracts and capacity of service providers to determine if there is sufficient capacity and possibly if definition of needs emanate from a transparent process so that not only a few repeating suppliers are able to fulfil the contracts and see if value of money is achieved; and
- (vi) the effects of horizontal policies that are applied to works, goods and consulting services contracts, such as the use of preferential policies to achieve the socio-economic aspirations defined in sectorial strategies or in public procurement legal frameworks.

#### **SLA Sub-Indicator 10 (a) - Dialogue and partnership between public and private sector**

The objective of this sub-indicator is to assess the level of dialogue between the public and the private sector as well as the capacity development opportunities offered by the government to the private sector.

Very often governments tend to make decisions that affect private sector participation in public tenders without consulting the private sector. Creating a platform for private sector engagement is a proactive way to ensure that government officials are aware of the needs and interests of the private sector so that they can be effectively considered when developing policies, processes and reforms to promote competition and sustainable reforms.

##### **SLA Sub-indicator 10(a): Assessment criteria**

- (a) The sector encourages open dialogue with the private sector. Several established and formal



mechanisms are available for open dialogue through associations or other means, including a transparent and consultative process when formulating changes to the sector procurement system. The dialogue follows the applicable ethics and integrity rules of the government. \*

- (b) The sector has programmes to help build capacity among private companies, including for small businesses and training to help new entries into the public procurement marketplace.

**\* Recommended quantitative indicator to substantiate assessment of sub-indicator 10(a)**  
**Assessment criterion (a):**

- Perception of openness and effectiveness in engaging with the private sector (in % of responses).

**Source:** Survey.

**SLA Sub-Indicator 10 (b) - Private sector's organization and access to the public procurement market.**

The objective of this sub-indicator is to assess the level of competition in public procurement in the sector.

The costs and benefits associated with dealing with the public sector are among primary concerns for companies. Systemic constraints, such as inadequate access to financing, high interest rates or insufficient capacity in contracting processes and lack of transparency, pose major threats to the private sector's ability to access and participate in the procurement market. If administrative, transactional or other hidden costs are high or if timely, reliable payments are not the norm, then the private sector's level of trust in conducting business with the government is going to be low which in turn will lower the level of participation in bidding.

**SLA Sub-indicator 10(b): Assessment criteria**

- (a) The private sector is competitive, well organized, willing and able to participate in the competition for public procurement contracts in the sector. \*
- (b) There are no major systemic constraints inhibiting private sector access to the sector procurement market. \*

**\* Recommended quantitative indicator to substantiate assessment of sub-indicator 10(b)**  
**Assessment criterion (a):**

- Number of registered suppliers as share of total number of suppliers in the country (in %)
- Share of registered suppliers that are participants and awarded contracts (in % of total number of registered suppliers)
- Total number and value of contracts awarded to domestic/foreign firms (and in % of total)

**Source:** E-Procurement system/Supplier Database (referring to the sector).

**\* Recommended quantitative indicator to substantiate assessment of sub-indicator 10(b)**  
**Assessment criterion (b):**

- Perception of firms on the appropriateness of conditions in the public procurement market (in



% of responses).

Source: Survey.

### **SLA Sub-Indicators 10 (c) - Functionality and the level of competition in contracts awarded in the sector.**

The objective of this sub-indicator is to assess the level of competition and characteristics of the contracts in the sector.

For this sub-indicator, assessors need to consider which categories of contracts are most relevant to analyse in order to understand the functioning of the sector, and the choices made in this regard should be made explicit in the report.

#### **SLA Sub-indicator 10(c): Assessment criteria for contracts**

- (a) Existing data allows determination, and categorization if applicable, of the principal contractors in the sector, in a manner that is sufficiently precise. \*
- (b) National and international contractors qualify, in sufficient numbers, in terms of turnover, equipment and personnel, to ensure effective competition and the best value for money to meet the needs of procurement of works in the sector. \*
- (c) Unit prices in the bids for construction works conform to the official reference prices published by the appropriate competent national agencies and are in line with the objectives defined in horizontal procurement policies. \*
- (d) Major systemic obstacles limiting access of the national private sector to construction works contracts are identified and appropriate measures are defined to remove them.
- (e) Major systemic obstacles limiting access of international private sector to construction works contracts are identified and appropriate measures are defined to remove them.

#### **\* Recommended quantitative indicators to substantiate assessment of sub-indicator 10(c), Assessment criterion (a):**

- Distribution of contractors in the sector by their capacities.
- Number of registered contractors as a proportion of the total number of contractors in the country (in %).

**Source:** Electronic procurement system / data base on contractors or contract awards.

#### **\* Recommended quantitative indicators to substantiate assessment of sub-indicator 10(c), Assessment criterion (b):**

- Average number of contractors that participate in bids.

**Source:** Electronic procurement system / data base on contractors or contract awards.



**\* Recommended quantitative indicators to substantiate assessment of sub-indicator 10(c),  
Assessment criterion (c):**

- Perception of contractors on the appropriateness of preferential policies in public procurement bidding documents (% of positive responses)<sup>6</sup>.
- Perception of contractors on the level of transparency or openness, in the conditions of application of preferential treatment policies in bid evaluation (% of positive responses).

**Source:** Survey.

**\* Recommended quantitative indicators to substantiate assessment of sub-indicator 10(c),  
Assessment criterion (d):**

- Gain (in %) on the actual procurement, in comparison with the provisional amounts established in the official reference data base of prices.

**Source:** Electronic procurement system / data base on contractors or contract awards.

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

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Pillar IV of the MAPS core methodology comprises four indicators and seventeen sub-indicators that are considered necessary for a system to operate with integrity. The pillar defines appropriate controls and measures to support the implementation of the system in accordance with the legal and regulatory framework and address the potential for corruption in the system. It also covers important aspects of the procurement system that include stakeholders, including civil society, as part of the control system.

The SLA assessing team must make sure that the results of main MAPS regarding this pillar are valid and applicable to the SLA. Only in the cases where indicators of Pillar IV apply in a different way to the sector, should these be used to highlight those particularities.

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*The survey on the appropriate character and conditions for application of preferential procurement policies should cover: the margin of preference for certain categories of contractors, the margin of preference for goods of national origin, labour intensive methods, provisions for vulnerable groups, eligibility limitations for justified economic reasons or for reasons of categorisation.*



# ANNEXES

## Annex 1 – MAPS SLA Indicator System

<b>Pillar I – Legal, Regulatory, and Policy Framework</b>	
<b>1</b>	<b>The public procurement legal framework applicable to the sector achieves the agreed principles and complies with applicable obligations.</b>
	<ul style="list-style-type: none"> <li>(a) Coverage of the sector</li> <li>(b) Rules on participation</li> <li>(c) Electronic Procurement (e-Procurement) in the sector</li> <li>(d) Public procurement principles in specialized legislations governing public entities in the sector</li> </ul>
<b>2</b>	<b>Implementing regulations and tools support the legal framework at the sector level</b>
	<ul style="list-style-type: none"> <li>(a) Implementing Regulations to define processes and procedures in the sector</li> <li>(b) Model procurement documents for goods, works and services for the sector</li> <li>(c) Standard Contract Conditions used in the sector</li> <li>(d) User's Guide or manual for procurement entities in the sector</li> </ul>
<b>3</b>	<b>The legal framework applicable to the sector, reflects the country's secondary policy objectives and international, including regional /sub-regional obligations</b>
	<ul style="list-style-type: none"> <li>(a) Existence of sectorial policies and strategies clear and well-articulated to facilitate the determination of procurement needs</li> <li>(b) Sustainable Public Procurement in the sector</li> <li>(c) Obligations deriving from international, regional/sub-regional obligations relevant to the sector</li> </ul>
<b>Pillar II – Institutional Framework and Management Capacity</b>	
<b>4</b>	<b>The public procurement system is mainstreamed and well-integrated with the public financial management system at the sector level</b>
	<ul style="list-style-type: none"> <li>(a) Procurement planning and the budget cycle in the sector</li> <li>(b) Financial procedures and the procurement cycle in the sector</li> </ul>
<b>5</b>	<b>The sector has institutions in charge of thtechnical standards</b>
	<ul style="list-style-type: none"> <li>(a) Legal basis for authority on technical standards</li> </ul>





<b>6</b>	<b>Procuring entities in the sector and their mandates are clearly defined</b>
	<ul style="list-style-type: none"> <li>(a) Definition, responsibilities, and formal powers of procuring entities in the sector</li> <li>(b) Centralized Procurement Body</li> </ul>
<b>7</b>	<b>Procurement is embedded in an effective information system for the sector</b>
	<ul style="list-style-type: none"> <li>(a) Publication of public procurement information in the sector supported by information technology</li> <li>(b) Use of e-Procurement in the sector</li> <li>(c) Strategies to manage procurement data in the sector</li> </ul>
<b>8</b>	<b>The sector public procurement system has a strong capacity to develop and improve</b>
	<ul style="list-style-type: none"> <li>(a) Training, advice and assistance in the sector</li> <li>(b) Monitoring performance to improve sector outputs and outcomes</li> </ul>
<b>Pillar III – Procurement Operations and Market Practices</b>	
<b>9</b>	<b>Public procurement practices achieve stated objective in the sector</b>
	<ul style="list-style-type: none"> <li>(a) Planning in the Sector</li> <li>(b) Selection and contracting in the sector</li> <li>(c) Contract management practice in the sector</li> </ul>
<b>10</b>	<b>The public procurement market is fully functional and competitive at the sector level</b>
	<ul style="list-style-type: none"> <li>(a) Dialogue and partnership between public and private sector</li> <li>(b) Private sector organization and access to the public procurement market</li> <li>(c) Functionality and the level of competition in contracts awarded in the sector</li> </ul>
<b>Pillar IV – Accountability, Integrity, and Transparency of the Public Procurement System</b>	
<p>The SLA assessing team must make sure that the results of main MAPS regarding this pillar are valid and applicable to the SLA. Only in the cases where indicators of Pillar IV apply in a different way to the sector, should these be used to highlight those particularities.</p>	



## Annex 2 – MAPS SLA Assessment Criteria Expressed in Quantitative Terms

Sub-indicator		Assessment Criteria	Quantitative Indicators	Additional Recommended Quantitative Indicators
4(b)	Financial procedures and the procurement cycle in the sector	(b)	Invoices for procurement of goods, works and services paid on time (in % if total number of invoices) <u>Source:</u> PFM systems	
6(a)	Definition, responsibilities, and formal powers of procuring entities in the sector	(c)	Procuring entities, in the sector, with a designated, specialised procurement function (in % of total number of procuring entities in the sector). <u>Source:</u> Normative/regulatory function/ statute of sector agencies	
7(a)	Publication of public procurement information in the sector supported by information technology	(d)	<ul style="list-style-type: none"> <li>• Sector procurement plans published (in % of total number of required procurement plans)<sup>7</sup></li> <li>• Key procurement information published along the procurement cycle (in % of total number of contracts)<sup>8</sup>: <ul style="list-style-type: none"> <li>○ Invitation to bid/Request for proposal (in % of total number of contracts);</li> <li>○ Contract awards</li> </ul> </li> </ul>	

<sup>7</sup> PEFA PI-24-3 (2)

<sup>8</sup> PEFA PI-24-3 (3, 4, 5, 6)



			<p>(purpose, supplier, value, variations/amendments);</p> <ul style="list-style-type: none"> <li>○ Details related to contract implementation (milestones, completion, and payment);</li> <li>○ Annual procurement statistics.</li> <li>• Appeals decisions related to the sector posted within the timeframes specified in the law (in %).</li> </ul> <p><u>Source:</u> Centralized online portal.</p>	
		(e)		<ul style="list-style-type: none"> <li>• Share of procurement information and data of the sector published in open data formats (in %).</li> </ul> <p><u>Source:</u> Centralized online portal.</p>
7(b)	Use of e-Procurement in the sector	(a)	<p>Uptake of e-Procurement in the sector:</p> <ul style="list-style-type: none"> <li>• Number of e-Procurement procedures in % of total number of procedures in the sector;</li> <li>• Value of e-Procurement procedures in % of total value of procedures in the sector.</li> </ul>	



			<u>Source:</u> e-Procurement system.	
		(d)		<ul style="list-style-type: none"> <li>• Bids submitted online in the sector (in %);</li> <li>• Bids submitted online by micro, small and medium-sized enterprises in the sector (in %).</li> </ul> <p><u>Source:</u> e-Procurement system</p>
7(c)	Strategies to manage procurement data in the sector	(d)	<ul style="list-style-type: none"> <li>• Total number and value of contracts of the sector;</li> <li>• Public procurement of the sector as a share of government expenditure and as share of GDP;</li> <li>• Total value of contracts of the sector awarded through competitive methods in most recent fiscal year.</li> </ul> <p><u>Source:</u> Normative/regulatory function/E-Procurement system.</p>	
9(b)	Selection and contracting in the sector	(j)		<ul style="list-style-type: none"> <li>• Average time to procure goods, works, and services;</li> <li>• Number of days between advertisement/solicitation and contract signature (for each procurement method used);</li> </ul>



				<ul style="list-style-type: none"> <li>• Average number (and %) of bids that are responsive (for each procurement method used);</li> <li>• Share of processes that have been conducted in full compliance with publication requirements (in %);</li> <li>• Number (and %) of successful processes; (successfully awarded; failed; cancelled; awarded within defined timeframes).</li> </ul> <p><u>Source:</u> Sample of procurement cases.</p>
9(c)	Contract management practice in the sector	(g)	<ul style="list-style-type: none"> <li>• Share of contracts with complete and accurate records and databases (in %)</li> </ul> <p><u>Source:</u> Sample of procurement cases</p>	
		(a); (b); (c); (d); (f)		<ul style="list-style-type: none"> <li>• Time overruns (in %; and average delay in days)</li> <li>• Quality control measures and final acceptance carried out as stipulated in the contract (in %)</li> <li>• Invoices for procurement of goods, works and services are paid on time (in % of total number of invoices);</li> <li>• Contract amendments (in % of total number of</li> </ul>



				<p>contracts; average increase of contract value in %)</p> <ul style="list-style-type: none"> <li>• Percentage of contracts with direct involvement of civil society: <ul style="list-style-type: none"> <li>○ in the planning phase;</li> <li>○ bid/proposal opening;</li> <li>○ evaluation and contract award, as permitted;</li> <li>○ contract implementation.</li> </ul> </li> <li>• <u>Source:</u> Sample of procurement cases.</li> </ul>
10(a)	Dialogue and partnership between public and private sector	(a)		<ul style="list-style-type: none"> <li>• Perception of openness and effectiveness in engaging with the private sector (in % of responses).</li> </ul> <p>Source: Survey.</p>
10(b)	Private sector's organization and access to the public procurement market	(a)		<ul style="list-style-type: none"> <li>• Number of registered suppliers as share of total number of suppliers in the country (in %)</li> <li>• Share of registered suppliers that are participants and awarded contracts (in % of total number of registered suppliers)</li> <li>• Total number and value of contracts awarded to domestic/foreign firms (and in % of total)</li> </ul> <p>Source: E-Procurement system/Supplier Database (referring to the sector).</p>



		(b)	<ul style="list-style-type: none"> <li>• Perception of firms on the appropriateness of conditions in the public procurement market (in % of responses).</li> </ul> <p>Source: Survey.</p>
10(c)	Functionality and the level of competition in contracts awarded in the sector.	(a)	<ul style="list-style-type: none"> <li>• Distribution of contractors in the sector by their capacities.</li> <li>• Number of registered contractors as a proportion of the total number of contractors in the country (in %).</li> </ul> <p>Source: e-procurement system / data base on contractors or contract awards</p>
		(b)	<ul style="list-style-type: none"> <li>• Average number of contractors that participate in bids.</li> </ul> <p>Source: e-procurement system / data base on contractors or contract awards</p>
		(c)	<ul style="list-style-type: none"> <li>• Perception of contractors on the appropriateness of preferential policies in public procurement bidding documents (% of positive responses)<sup>9</sup>.</li> <li>• Perception of contractors on the level of transparency or openness in the conditions of</li> </ul>

<sup>9</sup> The survey on the appropriate character and conditions for application of preferential procurement policies should cover: the margin of preference for certain categories of contractors, the margin of preference for goods of national origin, labor intensive methods, provisions for vulnerable groups, eligibility limitations for justified economic reasons or for reasons of categorization.



				<p>application of preferential treatment policies in bid evaluation (% of positive responses).</p> <p><u>Source:</u> Survey</p>
		(d)		<ul style="list-style-type: none"> <li>Gain (in %) on the actual procurement, in comparison with the provisional amounts established in the official reference data base of prices.</li> </ul> <p><u>Source:</u> e-procurement system / data base on contractors or contract awards.</p>

