

Professionalisation of Public Procurement and Capacity Building

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The Procurement Policy Office



2

VISION

A world class procurement system for Republic of Mauritius

MISSION

To promote the development of a modern and efficient public procurement system for Mauritius based on international best practices through close monitoring, regular audits, review, capacity building and research.

The Procurement legal Framework

The procurement legal framework in Mauritius is a combination of the PPA 2006, the Build Operate Transfer (BOT) Projects Act 2016 and the Public Private Partnership (PPP) Act 2004, accompanied by a number of regulations, namely:

- ▶ Public Procurement (Regulations 2008)
- ▶ Public Procurement (Suspension and Debarment) Regulations 2008
- ▶ Public Procurement (Disqualification) Regulations 2009
- ▶ Public Procurement (Framework Agreement) Regulations 2013
- ▶ Public procurement (Diplomatic Mission Mauritius) Regulations 2014
- ▶ Public Procurement (Electronic Bidding System) regulations 2015
- ▶ The BOT Projects (Prescribed Threshold) Regulations 2020
- ▶ The PPP (Prescribed Threshold) Regulations 2020

The Procurement legal Framework (Cont..)



The Policy Office is not only responsible to formulate policies relating to public procurement, but simultaneously issues directives, procedures, instructions, technical notes and manuals, for the implementation of the PPA 2006 and also with the objective view to enhance the procurement system to be more transparent, competitive and fair.

To ensure professionalisation of the Procurement Procedures, the following documents have been published to assist Procurement professionals:

- (i) Procurement Guidelines- Procurement Structure in Public Bodies
- (ii) Evaluation Guide- to assist in the evaluation process of tenders
- (iii) Financial manual- Published by the Ministry of Finance and the Accountant General Office.

The Procurement legal Framework (Cont..)



The PPA 2006

- ▶ is founded on the UNCITRAL Model Law (1994) on Public Procurement and the World Bank Procurement rules
- ▶ complies with international best procurement practices and shares the common objectives of public procurement systems.
- ▶ ensures that procurement proceedings are carried out based on the basic principles of:
 - a. maximize economy and efficiency in public procurement and achieve best value for public expenditure;
 - b. encouraging participation of suppliers;
 - c. competition among suppliers and contractors;
 - d. fair and equitable treatment of all suppliers and contractors;
 - e. integrity; and
 - f. transparency and ethics.



Institutional Structure for Public Procurement

Procurement Policy Office

- Independent Policy Making and Oversight Body

Central Procurement Board

- Conduct of bidding process and approval of major contracts

Independent Review Panel

- Dealing with applications for review from aggrieved bidders



Procurement Policy Office

Established under Section 4 of the Public Procurement Act (PPA) 2006 to serve as an independent policy making and oversight body



Not be operationally involved in conducting procurement or resolving procurement disputes



Administered by a Director and two independent persons (Members).



Procurement Policy Office

The main Functions of this Office are:

- ▶ issue instructions to public bodies concerning the coordination of their actions with the Office, the Central Procurement Board and the Independent Review Panel;
- ▶ formulate policies relating to procurement, including directives, procedures, instructions, technical notes and manuals, for the implementation of the PPA;
- ▶ issue standard forms of contracts, bidding documents, pre-qualification documents, requests for proposals and other similar documents for mandatory use by every public body implementing procurement;
- ▶ prepare and conduct training programmes for public officials, contractors and suppliers concerning procurement;
- ▶ conducting compliance audit ;
- ▶ collecting and analysis of procurement data and reports



Central Procurement Board

- ▶ Established under section 8 of the PPA, as a body corporate responsible for the vetting of bidding documents submitted to it by public bodies
- ▶ conduct bidding process of all contracts exceeding the amount prescribed in the Schedule.
- ▶ the Board is composed of a Chairperson, 2 Vice-Chairpersons and three other persons having wide experience in legal, administrative, economic, financial, engineering, scientific or technical matters.



Independent Review Panel (IRP)

- ▶ Established under section 44 of the PPA, the IRP is another independent institution mandated to entertain complaints, and to review applications from unsatisfied bidders who have to, in the first place, address their challenge to the public body concerned.
- ▶ A Chairman, a Vice chairperson and four other persons, having wide experience in legal, administrative, economic, financial, engineering, scientific or technical matters.
- ▶ An unsatisfied bidder shall be entitled to ask the IRP to review the procurement proceedings, on a ground specified in section 43(1), before or after the entry into force of a procurement contract, the value of which is above the threshold prescribed by regulations but does not exceed the prescribed threshold referred to in section 40(3).

Professionalisation of Procurement System



- ▶ With a view to facilitate the tasks of procurement officials and, at the same time, ensuring consistency and professionalism in handling of public procurement, the Policy Office, in accordance with section 7(c) of the Act, issued a set of standard bidding Documents (SBDs).
- ▶ The SBDs have been prepared based on the World Bank models for public bodies to execute their procurement processes for goods, works and services.
- ▶ It is mandatory for public bodies to use the SBDs. They may customise the SBDs to best suit their requirements.
- ▶ The use of the SBDs harmonises the procurement process at the level of public bodies and as such, these documents are constantly being reviewed and updated in light of feedbacks received and amendments brought to the PPA and the Public Procurement Regulations.



Professionalisation of Procurement System (Cont..)

- ▶ With a view to harmonising procedures and as mentioned earlier, this Office also prepares and issues guidelines for public bodies. The following documents were issued:
 - Modalities and procedures for negotiations under Regulation 8 of the Public Procurement Regulations 2008; and
 - Procedures for examination and evaluation of bids
 - User Guide – a handbook for procurement practitioners covering all aspects of public procurement detailing the various stages/procedures that have to be followed in conformity with the provisions of the Act.
- ▶ Procurement Planning – Public bodies are required to prepare and submit their Annual Procurement Plan (APP) and quarterly reports to the Policy Office with a view to achieving maximum value for public expenditure.
- ▶ To facilitate communication with various stakeholders, the PPA, regulations, SBDs , Circulars and all relevant documents are posted on the PPO website.



Professionalization of Procurement System (Cont..)

- ▶ Compliance Monitoring
 - the APP and quarterly reports are analysed and procurement audit are carried out in cases where major non compliance issues are noted.
 - The Act has been amended to provide for sanctions against deliberate non-compliance, to serve as a deterrent to those involved in procurement.
- ▶ Complaints from Suppliers – remedial actions are proposed where required. In case where shortcomings are noted on the part of suppliers, necessary guidance are provided by the Policy Office.
- ▶ Monitoring of Performance of Suppliers
- ▶ Follow up on decisions of the IRP

Professionalization of Procurement System (Cont..)



14

- ▶ With the objective to ensure professionalism, innovation and modernisation in the Procurement System, the implementation of the electronic Procurement System (e-PS) aims at standardising the procurement structure, operations and improving accountability, transparency and efficiency of procurement activities.
- ▶ The e-PS is a web-based application hosted by the Government Online Centre (GOC) that enables all public bodies and suppliers to electronically conduct procurement proceedings from invitation to bid up to award of contract. The e-PS has brought change in the way procurement is conducted with a shift from paper based to an electronic platform.
- ▶ The use of e-PS is mandatory as from July 2020 – Budget Speech 2020-2021. On full implementation of the project, some 6000 to 7000 public procurement contracting processes will be conducted on-line annually by the 205 public bodies and parastatals falling under the ambit of the Public Procurement Act 2006

Capacity Building

- ▶ To achieve professionalism, capacity building is important and accordingly the Policy Office is responsible for training of Procurement staff and/or directly concerned personnel from Public Bodies (PB) to improve their knowledge about procurement procedures.

- ▶ In this regard, the set objectives for training are as follows:
 - To enhance the capacity of public officials involved in public procurement;
 - To harmonise the application of procurement procedures;
 - To train the users in the implementation of the e-Procurement System; and
 - To ensure that the suppliers and the public officials are updated with changes in public procurement.

Capacity Building (Cont..)

Training programme organised by the Policy Office are:

- ▶ Training of Suppliers
- ▶ Training programme to enhance the knowledge and skills of procurement practitioners as preparer of bidding document electronically, reviewer and evaluators (to evaluate bid electronically).
- ▶ In agreement with the University of Technology new entrants in the procurement and supply cadre are offered the opportunity to be trained for:
 - (i) Certification Programme in Procurement and supply (CPPP);
 - (ii) BSC in Public Procurement and supply; and
 - (iii) the Option for a Masters degree is also open

Capacity Building (Cont..)

As the use of e-PS to conduct procurement activities is mandatory since July 2020.

The Policy Office also conducts regular training programme with regards to the use of e-PS for:

- ▶ Preparer of Bids electronically and Reviewer;
- ▶ Evaluators of bids electronically; and
- ▶ Suppliers for the preparation and submission of their bids electronically



Certification Programme in Public Procurement (CPPP) (cont..)

► Objectives

The Certification Programme in Public Procurement is primarily aimed at providing the necessary training to public officers involved in the performance of procurement functions. On successful completion of the course, the officer receives a certificate testifying that he has followed the Certification Programme in Public Procurement (CPPP) he has therefore the following capabilities:

- Understand and interpret the provisions of the Public Procurement Act 2006 and regulations.
- Identify compliance requirements at the different stages of the procurement cycle.
- Understand and apply the fundamentals of procurement principles, organise and efficiently manage procurement operations.
- Prepare and manage Bidding Documents.
- Manage contracts to ensure delivery within time and budget.

Certification Programme in Public Procurement (CPPP) (cont..)



Course Modules covers the following:

1. Legal Framework for Public Procurement

Overview of the PPA and Regulations, Scope of Application, Role and Functions of the Procurement Policy Office Central Procurement Board and Independent Review Panel, Procurement Methods, Bidding Process, Challenge and appeal, Contents of Contract, Procurement Integrity, Disqualification and Debarment procedures, Compliance and Reporting Requirements

Essential parts from: Prevention of Corruption Act, Competition Act, Construction Industry Development Board Act and Occupational Safety and Health and Act.

Certification Programme in Public Procurement (CPPP) (cont..)



2. Managing the Pre-Bidding Phase

1. The Procurement Cycle
2. Roles and Responsibilities and Setting up the Procurement Team
3. Procurement Planning
4. Overview of Standard Bidding Documents
5. Preparation of Bidding Documents
 - I. Goods
 - II. Works
 - III. Consultancy Services
 - IV. Other Services
6. Preparation of Individual Procurement Plan
7. Group Project



Certification Programme in Public Procurement (CPPP) (cont..)

3. Managing the Bidding Process

(1) Pre-opening Phase

- I. Vetting and approval of the Bidding Documents and Procurement Notice
- II. Invitation to bid – the role of Secretary/Procurement officer
- III. Access to Bidding Docs by bidders and records
- IV. Dealing with Requests for extension and clarifications
- V. Opening of bids

2. Post opening Phase

- I. The Role of DBC – Appointment of BEC and briefing
- II. Custody of live bids
- III. Evaluation Process
 - a. Information
 - b. Preliminary
 - c. Detailed evaluation
 - d. Financial Evaluation
 - e. Post qualification
 - f. Bid Evaluation Report
 - g. Executive Summary
 - I. Approval of Award
 - II. Notification of award
 - III. Challenge and Appeal
 - IV. Letter of Acceptance and Contract signature

Certification Programme in Public Procurement (CPPP) (cont..)



4. Contract Management

- I. Introduction to Contract Management
- II. Formation of Contract
- III. Types of Contracts
- IV. Development of a Contract Administration Plan Part 1
- V. Development of a Contract Administration Plan Part 2
- VI. Performance Monitoring Part 1
- VII. Performance Monitoring Part 2
- VIII. Resolution of Contract Performance Problems
- IX. Contract Remedies
- X. Amendments and Variations
- XI. Payment
- XII. Disputes, claims and contract termination
- XIII. Contract Closeout
- XIV. Performance Evaluation

School of Business, Management and Finance BSc (Hons) Procurement and Supply Management (Request from the Ministry of Finance Economic Planning and Development)

PROGRAMME DOCUMENT VERSION 3.2 *September 2021*



A. Programme Information

Officers of Procurement and Supply Cadre need to be fully conversant with new techniques to manage the procurement and supply function so that delivery of the service is done in a more efficient and effective way thereby reducing cost and increasing productivity. Moreover, according to the new scheme of service of officers of the Procurement and Supply Cadre, officers have to successfully complete a Certificate, Diploma and the BSc (Hons) Course to qualify for promotions, respectively. In line with the above recommendations, the University is reviewing the BSc (Hons) in Procurement and Supply Management programme in view of bridging the gap between demand for and supply of professionals within the Procurement field. The course has been reviewed to **three years** with **three exit point at level 1, level 2 and level 3** which would enable them to qualify for the award of a Degree

BSc (Hons) Procurement and Supply Management (Cont..)



B. Programme Aims

The programme aims at producing **high quality graduates** with the necessary skills to help bridge the current deficit in qualified human resources and to enable procurement professionals to cope with the challenges of regulating, executing and monitoring public procurement in an economic and socially receptive manner. This degree will enable public procurement practitioners, managers and officials of ministries, local government bodies and the private sector to explore a modern public procurement system.

BSc (Hons) Procurement and Supply Management (Cont..)



C. Programme Objectives

- ▶ The programme which is work-oriented is designed to equip officers of the Procurement and Supply Cadre with techniques to enable them to perform efficiently in a global changing environment. At the end of the programme the officers should be fully conversant with and be able to apply the following knowledge acquired: -
 - Purchasing, warehousing and stock control
 - Public Procurement Procedures and Legal Aspects
 - Business and Economic Environment
 - Ethics and social responsibility
 - Occupational Health and Safety
 - Information and Communication Technology
 - Study skills for further development
 - Negotiation
 - Public Procurement Law

Conclusion

Professionalising the Public Procurement and Capacity Building requires the regulatory authorities to approach the subject matter under multiple prongs namely:

- (i) Legal and regulatory framework must be conducive to the procurement activities;
- (ii) Assistance in form of advice to ensure that the law and regulations are being clearly understood and applied;
- (iii) Adopting the electronic procurement system in order to attract more competition, aim at value for money, reduce cost, ensure efficient and effective procurement, guarantee transparency and ease the daily activities of suppliers;
- (iv) With respect to capacity building, it is becoming very important to have trained personnel hence the need for running in service training, professional training and giving recognition to the procurement and supply cadre.
- (v) Professionalising the Public Procurement and Capacity building is very demanding and it implies strategic planning and collaboration with training organisation, e.g. universities.



Conclusion (Cont..)

Compliance audit, reports of internal and external auditors, decisions of the IRP, quarterly returns and requests for advice from public bodies and complaints from bidders serve as vital sources of information to identify strengths and weaknesses.

The Policy Office analyse the information to identify areas of weaknesses in the performance of procurement activities which help to develop strategies to address them.

Such strategies include review of course curriculum and organization of focused training programmes to improve capacity.

**Performance
Review for Further
Improvements**



Questions???



Thank You