

COLLECTION AND USE OF PUBLIC PROCUREMENT DATA, INCLUDING OPEN CONTRACTING DATA STANDARD

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INTRODUCTION

The collection and dissemination of statistical data and indicators related to the programming, the awarding, the execution and control of public procurement present today a considerable potential of improvement.

However, we previously observed:

- Lack of national indicators;
- The dispersion and near absence of data collection and production of statistics (very often incomplete and/or inconsistent);
- The field was more marked by perception than numerical reality.

As a decision-making tool, the statistical field must have and be provided with the means and mechanisms for monitoring public order data at the national level.

I. LEGAL AND REGULATORY FRAMEWORK

1. Legislation Governing Data Collection and Use

The collection and use of public order data is governed by a set of texts that regulate this activity. Among these, we can mention :

- Decree No. 0027/PR/MEPPDD of 17 January 2018 on public procurement code ;
- Decree No. 0278/PR/MEP of 22 August 2018 on the organization of the Public Procurement Regulatory Agency;
- Decree No. 00027/PR/MEF of March 18, 2020 on the creation, responsibilities and organization of Public Procurement Directorate ;
- Decree No. 0058/PR/MBCP of January 16, 2015 on the creation and organization of the General Directorate of Budget and Public Finance ;
- Decree No. 0116/PR/MBCP of April 15, 2014 on the creation and organization of the State Judicial Agency ;

- Decree No. 057/PR/MDDEPIP of November 24, 2015 on the creation and organization of the National Agency for Statistics, Demographic, Economic and Social Studies ;
- Law n° 015/2014 of January 7, 2015 on the institution and organization of the national statistical system.
- Ordinance n°011/PR/2020 of August 14, 2020 on the creation and organization of the National Verification and Audit Authority;
- Order n°032-22/MER/MBCP of June 17, 2022 setting the terms and conditions for the collection of personal data from the beneficial owners of companies bidding for public contracts and for the online publication of such data by the companies awarded contracts.

2. Roles and Missions of Key Public Procurement Actors

The main actors in the collection and use of statistical data in the field of public procurement are the Directorate General of Public Procurement (DGMP) and the Public Procurement Regulatory Agency (ARMP)

2.1. Roles and Missions of Public Procurement Directorate

- To collect all documentation and statistics relating to the procedures for the awarding, execution or control of public procurement,
- Ensuring the numbering of contracts;
- Ensure the collection of information relating to public procurement;
- Establish a data bank on public procurement.

2.2. Roles and Missions of the Public Procurement Regulatory Agency

- Collect and centralize, with a view to constituting its data bank, documentation and statistics on the awarding, execution and control of public contracts (art. 2 of Decree 0278PR/MEP of August 22 on the organization of the ARMP) ;
- Ensure the proper keeping and conservation of records relating to public contracts by all public contract management structures (art. 2, of Decree 0278PR/MEP of August 22 on the organization of the ARMP) ;
- Establish quarterly the list of natural and legal persons ineligible for the public procurement.

This list is regularly updated and sent to the contracting authorities and to the central administration in charge of public procurement (art. 252 CMP, decree 00027/PR/MEPPDD).

This mission is included in Decree 0278PR/MEP, art. 2, paragraph 9 of August 22, 2014 on the organization of ARMP.

II. PROCESS OF COLLECTING AND USING PUBLIC PROCUREMENT DATA

2.1. Public Procurement Data Collection

Data collection is done by the following actors:

- Contracting Authorities (CAs): from planning contracts to launching procurement procedures ;
- The Tender Evaluation Committee (TEC): proposal of tenderers or successful tenderers, preparation of evaluation reports ;
- The General Directorate of Public Procurement (DGMP): launch of the Open Tender, approval of agreements, registration of the data of companies bidding for contracts ;
- The Public Procurement Regulatory; processing and analysis of reports from the DGMP, establishment of certificates of non-exclusion to contracts, audits and evaluations;
- Other actors (PTF, CNLCEI, DGS, Taxes, CNSS, Justice, etc.): audits and evaluations, reports, certificates of non-bankruptcy, taxes, CNSS submission, CNAMGS submission)

2.2. Use of Public Procurement Data

Two actors are mainly involved in the processing of statistical data on public orders, namely:

- **General Directorate of Public Procurement ;**
- **The Public Procurement Regulatory Agency.**

After analysis and processing of these data, they are made available not only to **governments**, but also to **TFPs, NGOs and the general public.**

These data are used to guide decision makers in order to improve the management and governance of public finances and to optimize the choice of projects within the framework of public development policies.

III. ARCHIVING AND CONSERVATION OF PUBLIC PROCUREMENT DATA

3.1. Methods of archiving and retention of data

Data relating to public procurement are kept by the DGMP, the a priori control body, and by the ARMP, the a posteriori control body, in different ways and on several media.

3.1.1. Archiving and retention on paper

The data relating to the public order is kept on paper. These supports are kept in the storage cabinets and safes.

3.1.2. Archiving and retention on digital media

The conservation and archiving of the data is also done in a digital way through hard disks and USB keys. These data are kept at the Secretariat of the Permanent Secretary of ARMP within the Legal Pool.

In the same sense, the ARMP keeps and archives, since 2020 its data through a Google drive account created for this purpose.

The following are kept in this account :

- All texts;
- Reports;
- Important documents.

3.2. The importance of a Public Procurement Information System..

3.2.1. The DGMP Public Procurement Website and Journal

As ARMP does not have a website yet , some information related to public procurement is hosted on the website and the public procurement journal of the Public Procurement Directorate (DGMP), the body in charge of the a priori control of public procurement.

3.2.2. The VECTIS software

Public public data collection is also done through the VECTIS software, a tool for monitoring public expenditure.

IV. MAPPING OF STATISTICAL DATA IN PUBLIC PROCUREMENT IN GABON

The mapping of the statistical data of the public procurement for the year 2021 is presented in the following tables n° 1 and 2 :

Table 1 : statistical data on contracting and approval

Activities	Types	Number	Amount	Total	
				Nb	Amount
Programming of Public Market (PPM)	OT	329	253.072.302.801	510	302.308.979.387
	RT	113	26.188.693.657		
	ED	68	23.047.982.929		
Procurement after approval	OT	260	118.787.844.682	599	291.345.731.043
	RT	150	47.221.948.162		
	ED	189	125.335.938.199		

Table 2 : Procurement statistical data on certificates of non-exclusion, litigation management, contract termination and company exclusion

Activities carried out	Nb	Observations
Issuance of certificates of non-exclusion from contracts	89	Through this activity, ARMP ensures that economic operators are not ineligible for the CP (art.252 CMP)
Litigation	04	Appeals filed that were deemed inadmissible in form because they were unfounded
Termination of contracts	08	Favorable opinions
	02	Notice of termination of contracts
Exclusion of companies	05	Legal and technical advice

Source: ARMP, December, 2021

V. DIFFICULTIES IN COLLECTING AND USING DATA

5.1. Difficulties in Collection

- Physical difficulties in collecting data;
- Difficulty in centralizing data;
- Difficulties in data retention
- Lack of an Electronic Document Management System (EDM)

5.2. Difficulties in Use

As far as use is concerned, we note mainly **the absence of software dedicated to the collection and processing of statistical data, which does not allow us to provide information to the various users in real time**

VI. PERSPECTIVES

In the long term, ARMP intends to carry out certain actions in order to better collect, process, disseminate, preserve and archive data in the field of public order. In particular through : :

- The creation of a WEB site ;
- The reinforcement of the collaboration with the other bodies of control of the public order in particular:
 - o the National Commission for the Fight against Illicit Enrichment (CNLCEI) ;
 - o the Court of Auditors (CA);
 - o the General Directorate of Public Procurement (DGMP) ;
 - o the National Verification and Audit Authority (ANAVEA) ;
 - o the National Commission for the Protection of Personal Data (CNPDCP) ;
- Solicitation of training from the General Directorate of Statistics (DGS) ;
- The acquisition of collection, processing and archiving software.

CONCLUSION

The use of statistics increases the likelihood of success of public policies insofar as it allows the various decision-makers, the governors to carry out an in-depth analysis of complex social and economic issues, to make appropriate choices, and to monitor and adjust these policies in order to achieve maximum impact over time.

Good statistics also help to improve transparency and accountability in policymaking. In this way, they help expand the limited resources available to policymakers.

Investment in statistics pays off in many ways, as it improves the way resources are allocated. It is important to remember that without reliable information, it is impossible to plan.

Finally, by means of surveys, audits and controls, data collection and processing operations, decision-makers have an overview of each field of activity and can consider appropriate choices and solutions.

THANKS FOR YOUR ATTENTION