

## Annex 5: Data collection guide

Indicators	BLI sources	CPI sources
<b>Pillar I – Legislative and Regulatory Framework</b>		
<b>Indicator 1: Public procurement legislative and regulatory framework achieves the agreed standards and complies with applicable obligations</b>		
Sub-indicator 1(a) - Scope of application and coverage of the legislative and regulatory framework	Public Procurement Act/Regulations ODPP	ODPP M&E unit PEs Private sector associations
Sub-indicator 1(b) - Procurement methods	Public Procurement Act/Regulations	ODPP M&E unit PEs (+sample of contracts)
Sub-indicator 1(c) - Advertising rules and time limits	Public Procurement Act/Regulations	ODPP M&E unit (+monitoring reports) PEs (+sample of contracts) Private sector associations
Sub-indicator 1(d) - Rules on participation and qualitative selection	Public Procurement Act/Regulations	ODPP M&E unit (+monitoring reports) National Construction Industry Council PEs Private sector associations Anti-Corruption Bureau
Sub-indicator 1(e) - Tender documentation and technical specifications	Public Procurement Act/Regulations SBDs	ODPP M&E unit PEs Private sector associations
Sub-indicator 1(f) - Tender evaluation and award criteria	Public Procurement Act/Regulations	ODPP M&E unit (+monitoring reports) PEs (+sample of contracts) Private sector associations
Sub-indicator 1(g) - Submission, receipt and opening of tenders	Public Procurement Act/Regulations	ODPP M&E unit (+monitoring reports) PEs Private associations
Sub-indicator 1(h) – Complaints	Public Procurement Act/Regulations	ODPP M&E unit Standing Review Board PEs (MoA, MoE) Private sector associations
<b>Indicator 2: Existence of Implementing Regulations and Documentation</b>		
Sub-indicator 2(a) - Implementing regulation that provides defined processes and procedures not included in higher-level legislation	Public Procurement Act/Regulations Desk instructions	ODPP Regulatory and Review Unit PEs Private sector associations
Sub-indicator 2(b) - Model tender documents for goods, works, and services	Public Procurement Act/Regulations Desk instructions	ODPP M&E Unit PEs

Indicators	BLI sources	CPI sources
		SBDs
Sub-indicator 2(c) - Procedures for pre-qualification	Public Procurement Act/Regulations	ODPP M&E Unit PEs (+sample of contracts)
Sub-indicator 2d) - Procedures suitable for contracting for services or other requirements in which technical capacity is a key criterion	Public Procurement Act/Regulations Desk instructions	ODPP M&E Unit PEs (+sample of contracts)
Sub-indicator 2(e) - User's guide or manual for contracting entities	Public Procurement Act/Regulations	ODPP Regulatory and Review Unit ODPP M&E Unit (+monitoring reports) Desk instructions PEs
Sub-indicator 2(f) - General Conditions of Contracts (GCC) for public sector contracts covering goods, works and services consistent with national requirements and, when applicable, international requirements	GCCs	ODPP M&E Unit (+monitoring reports) PEs
<b>Pillar II – Institutional Framework and Management Capacity</b>		
<b>Indicator 3: The public procurement system is mainstreamed and well integrated into the public sector governance system</b>		
Sub-indicator 3(a) - Procurement planning and data on costing are part of the budget formulation process and contribute to multiyear planning	Public Procurement Act/Regulations	ODPP M&E Unit (as they receive procurement plans + monitoring reports) PEs Ministry of Finance (Budget Section)
Sub-indicator 3(b) - Budget law and financial procedures support timely procurement, contract execution, and payment	Public Finance Act Treasury Instructions	Ministry of Finance (Budget Section) Accountant General PEs Private sector representatives
Sub-indicator 3(c) - No initiation of procurement actions without existing budget appropriations	Public Procurement Act/Regulations Public Finance Act Treasury Instructions	ODPP M&E Unit (+monitoring reports) Ministry of Finance (Budget Section) Accountant General PEs
Sub-indicator 3(d) – Systematic completion reports are prepared for certification of budget execution and for reconciliation of delivery within budget programming	ODPP M&E Unit Ministry of Finance (Budget) Accountant General PEs	(same as BLI)
<b>Indicator 4: The country has a functional normative/regulatory body</b>		
Sub-indicator 4(a) - The status and basis for the normative/regulatory body is covered in the legislative and regulatory framework	Public Procurement Act/Regulations	ODPP Director NGOs
Sub-indicator 4(b) - The body has a defined set of	Public Procurement Act/Regulations	ODPP M&E Unit

Indicators	BLI sources	CPI sources
responsibilities that include but are not limited to the following: <ul style="list-style-type: none"> <li>• providing advice to contracting entities;</li> <li>• drafting amendments to the legislative and regulatory framework and implementing regulations;</li> <li>• monitoring public procurement;</li> <li>• providing procurement information;</li> <li>• managing statistical databases;</li> <li>• reporting on procurement to other parts of government;</li> <li>• developing and supporting implementation of initiatives for improvements of the public procurement system; and</li> <li>• providing implementing tools and documents to support training and capacity development of implementing staff</li> </ul>		ODPP Regulatory and Review Unit ODPP Professional Development ODPP Director PEs
Sub-indicator 4(c) - The body's organisation, funding, staffing, and level of independence and authority (formal power) to exercise its duties should be sufficient and consistent with the responsibilities	Public Procurement Act/Regulations	ODPP Director
Sub-indicator 4(d) - The responsibilities should also provide for separation and clarity so as to avoid conflict of interest and direct involvement in the execution of procurement transactions. (Due to the nature of this sub-indicator, scoring is either a 3 or a 0)	Public Procurement Act/Regulations	ODPP Regulatory and Review Unit
<b>Indicator 5: Existence of institutional development capacity</b>		
Sub-indicator 5(a) - The country has a system for collecting and disseminating procurement information, including tender invitations, requests for proposals, and contract award information	Public Procurement Act/Regulations ODPP M&E Unit	ODPP M&E Unit (+website) Private sector associations
Sub-indicator 5(b) - The country has systems and procedures for collecting and monitoring national procurement statistics	Public Procurement Act/Regulations ODPP M&E Unit	ODPP M&E Unit
Sub-indicator 5(c) - A sustainable strategy and training capacity exists to provide training, advice and assistance to develop the capacity of government and private sector participants to understand the rules and regulations and how they should be implemented	ODPP Professional Development Unit	ODPP Professional Development Unit Training institutions

<b>Indicators</b>	<b>BLI sources</b>	<b>CPI sources</b>
Sub-indicator 5(d) - Quality control standards are disseminated and used to evaluate staff performance and address capacity development issues	ODPP Professional Development Unit DHRMD	ODPP Professional Development Unit DHRMD PEs
<b>Pillar III – Procurement Operations and Market Practices</b>		
<b>Indicator 6: The country's procurement operations and practices are efficient</b>		
Sub-indicator 6(a) - The level of procurement competence among government officials within the entity is consistent with their procurement responsibilities	Public Procurement Act/Regulations Desk instructions Job profiles OPDD Professional Development Unit DHRMD D&T survey establishing levels of procurement officer PEs Donors (UNSAID, UNDP, World Bank)	(same as BLI)
Sub-indicator 6(b) - The procurement training and information programmes for government officials and for private sector participants are consistent with demand	ODPP Professional Development Unit Training institutions PEs Private sector associations NGOs	(same as BLI)
Sub-indicator 6(c) - There are established norms for the safekeeping of records and documents related to the transactions and contract management	Public Procurement Act/Regulations Desk instructions ODPP Review and Regulatory Unit Audit Act Corrupt Practices Act Access to Information Act	ODPP M&E Unit PEs (+sample of contracts) Anti-Corruption Bureau
Sub-indicator 6(d) - There are provisions for delegating authority to others who have the capacity to exercise responsibilities	Public Procurement Act/Regulations Desk instructions	ODPP M&E Unit NGOs
<b>Indicator 7: Functionality of the public procurement market</b>		
Sub-indicator 7(a) - There are effective mechanisms for partnerships between the public and private sector	ODPP Director ODPP M&E Unit Private sector associations PEs Donors	(same as BLI)
Sub-indicator 7(b) - Private sector institutions are well organised and able to facilitate access to the market	ODPP Director ODPP M&E Unit	(same as BLI)

Indicators	BLI sources	CPI sources
	Private sector associations Donors	
Sub-indicator 7(c) - There are no major systemic constraints (e.g. inadequate access to credit, contracting practices, etc.) inhibiting the private sector's capacity to access the procurement market	ODPP Director Private sector institutions Donors	(same as BLI)
<b>Indicator 8: Existence of contract administration and dispute resolution provisions</b>		
Sub-indicator 8(a) - Procedures are clearly defined for undertaking contract administration responsibilities that include inspection and acceptance procedures, quality control procedures, and methods to review and issue contract amendments in a timely manner	Public Procurement Act/ Regulations Desk instructions General Conditions of Contract SBDs	ODPP M&E Unit PEs Private sector associations
Sub-indicator 8(b) - Contracts include dispute resolution procedures that provide for an efficient and fair process to resolve disputes arising during the performance of the contract	Public Procurement Act/Regulations Arbitration Act General Conditions of Contract	ODPP M&E Unit Ministry of Justice
Sub-indicator 8(c) - Procedures exist to enforce the outcome of the dispute resolution process	General Conditions of Contract Arbitration Act Ministry of Justice	Ministry of Justice ODPP M&E Unit
<b>Pillar IV – Integrity and Transparency of the Public Procurement System</b>		
<b>Indicator 9: The country has effective control and audit systems</b>		
Sub-indicator 9(a) - A legal framework, organisation, policy, and procedures for internal and external control and audit of public procurement operations are in place to provide a functioning control framework	Public Procurement Act/Regulations Audit Act Internal Audit manual (or alternative instructions)	ODPP M&E Unit National Audit Office Ministry of Finance (Internal Auditor) PEs
Sub-indicator 9(b) - Enforcement and follow-up on findings and recommendations of the control framework provide an environment that fosters compliance	ODPP M&E Unit National Audit Office Ministry of Finance (Internal Auditor) PEs	(same as BLI)
Sub-indicator 9(c) - The internal control system provides timely information on compliance to enable management action	Ministry of Finance (Internal Auditor) Internal Audit Manual (or alternative instructions)	(same as BLI)
Sub-indicator 9(d) - The internal control systems are sufficiently defined to allow performance audits to be conducted	Internal Audit Manual (or alternative instructions)	Ministry of Finance (Internal Auditor)
Sub-indicator 9(e) - Auditors are sufficiently informed about procurement requirements and control systems to	ODPP Professional Development Unit National Audit Office	ODPP Professional Development Unit National Audit Office

<b>Indicators</b>	<b>BLI sources</b>	<b>CPI sources</b>
conduct quality audits that contribute to compliance	Ministry of Finance (Internal Auditor)	Ministry of Finance (Internal Auditor) PEs Training institutions
<b>Indicator 10: Efficiency of appeals mechanism</b>		
Sub-indicator 10(a) - Decisions are deliberated on the basis of available information, and the final decision can be reviewed and ruled upon by a body (or authority) with enforcement capacity under the law	Public Procurement Act/Regulations Desk instructions	Standing Review Board PEs Private sector associations
Sub-indicator 10(b) - The complaint review system has the capacity to handle complaints efficiently and a means to enforce the remedy imposed	Public Procurement Act/Regulations Desk instructions	Standing Review Board PEs Private sector associations
Sub-indicator 10(c) - The system operates in a fair manner, with outcomes of decisions balanced and justified on the basis of available information	Public Procurement Act/Regulations Desk instructions	Standing Review Board NGOs Private sector associations
Sub-indicator 10(d) - Decisions are published and made available to all interested parties and to the public	Public Procurement Act/Regulations Desk instructions Access to Information Act	Standing Review Board PEs NGOs
Sub-indicator 10(e) – The system ensures that the complaint review body has full authority and independence for resolution of complaints	Public Procurement Act/Regulations Desk instructions	Standing Review Board Private sector associations NGOs
<b>Indicator 11: Degree of access to information</b>		
Sub-indicator 11(a) - Information is published and distributed through available media with support from information technology when feasible	Public Procurement Act/Regulations Desk instructions Access to Information Act	ODPP M&E Unit Private sector associations NGOs
<b>Indicator 12: The country has ethics and anticorruption measures in place</b>		
Sub-indicator 12(a) - The legal and regulatory framework for procurement, including tender and contract documents, includes provisions addressing corruption, fraud, conflict of interest, and unethical behaviour and sets out (either directly or by reference to other laws) the actions that can be taken with regard to such behaviour	Public Procurement Act/Regulations Desk instructions SBDs General Conditions of Contract	N/A (see indicator 12(c))
Sub-indicator 12(b) - The legal system defines responsibilities, accountabilities, and penalties for individuals and firms found to have engaged in fraudulent or corrupt practices	Public Procurement Act/Regulations Desk instructions SBDs Corrupt Practices Act	N/A (see indicator 12(c))

<b>Indicators</b>	<b>BLI sources</b>	<b>CPI sources</b>
Sub-indicator 12(c) – Evidence of enforcement of rulings and penalties exists	ODPP M&E Unit Anti-Corruption Bureau (+statistics) NGOs Private sector associations	(same as BLI)
Sub-indicator 12(d) - Special measures exist to prevent and detect fraud and corruption in public procurement	Anti-Corruption Bureau	Anti-Corruption Bureau NGOs
Sub-indicator 12(e) – Stakeholders (private sector, civil society, and ultimate beneficiaries of procurement/end-users) support the creation of a procurement market known for its integrity and ethical behaviours		ODPP Director Anti-Corruption Bureau Private sector associations NGOs
Sub-indicator 12(f) - The country should have in place a secure mechanism for reporting fraudulent, corrupt, or unethical behaviour	Public Procurement Act/Regulations Desk instructions Anti-Corruption Bureau	ODPP Director Anti-Corruption Bureau PEs Private sector associations
Sub-indicator 12(g) - Existence of Codes of Conduct/Codes of Ethics for participants that are involved in aspects of the public financial management systems that also provide for disclosure for those in decision making positions	Codes of Conduct/Codes of Ethics for public officials	DHRMD ODPP Director Anti-Corruption Bureau
<b>Additional indicators</b>		
The procurement process – and particularly the needs identification phase – is free of political interference	Public Procurement Act/Regulations Desk instructions	ODPP Director PEs Private sector associations NGOs Donors