

## TRANSPARENCY IN PUBLIC PROCUREMENT

Transparency in the context of public procurement is considered one of the most effective deterrents to corruption. It is a precondition for ensuring public officials' accountability. Through the setting up of the Office of the Director of Public Procurement (ODPP), transparency is aimed at allowing the public widest possible access to information that would enable them to participate in public procurement. It further enables them to examine how the powers vested in procurement officials in Procuring Entities exercise their authority on the basis of set guidelines of public procurement activities.

Effective and efficient procurement activities require the setting up of instruments of transparency. The instruments should build and maintain confidence and participation of both suppliers/contactors and the general public. Such instruments include the Public Procurement Act as a principle legal instrument, the Public Procurement Regulations, the Standard Bidding Documents, the Desk Instructions and the bidder registration system. ODPP has gone a step further in its efforts to enhance awareness and transparency of public procurement activities by establishing a website.

Transparency in public procurement transactions involves: transparency of procurement opportunities and that of contract evaluation and award procedures. Under the former, the Public Procurement Act and Public Procurement Regulations require that tender opportunities be adequately publicized. Such publicity requires the provision of all necessary information that would enable eligible suppliers/contactors to make informed decisions for the submission of their bids. Among other things, procurement notices should present exact details regarding the procurement method being sought, specifications of the required goods, works or services, recommended time frame for bid submissions, a clear indication of the closing date and time for receiving bids and opening date and time of the same (which is supposed be the same), any fees required to be paid to receive tender documents (this is meant for administrative and production costs of bidding documents). For the benefit of both the procurers and the suppliers, the Standard Bidding Documents provide a guide to such information. .

Should bidders need some clarifications regarding the bidding documents procuring entities are required to provide such clarification at least 14 days before the deadline for submission of bids. They are also expected to communicate any such clarifications to all bidders who have been provided with the bidding documents.

Transparency of contract evaluation and award procedures on the other hand require an in-depth assessment of the received tenders. This is based on the provided specifications, qualification of suppliers/contractors, indicated cost etc. that best meets the needs of the procuring entity in accordance with the set criteria for evaluation. This is the role of the evaluation committee which in turn reports to the IPC for the final decision to award the contract. The set criteria for evaluation are critical in as far as the transparent work of the IPC is concerned. No evaluation can be carried out without first setting the evaluation criteria. ODPP stresses the need to ensure that all evaluations are done based on the evaluation criteria set because this phase of the procurement process is susceptible to manipulation in a non-transparent selection process. The remedy is in the adherence to legal and regulatory provisions as provided in the Act and Procurement Regulations.

Where IPCs are transparent, professional and ethical, it would be unheard of for their members, close associates or other public officials to be involved in the supply of goods, works or services to the same institutions they work for. This, in as far as the Act is concerned, is unacceptable and punitive. Those who sit on IPCs are apparently required that to sign a declaration that they have no relationship with bidders, as provided in the Public Procurement Regulations, prior to the commencement of the evaluation process.

The IPC is required to document their evaluations and the basis of their decisions to award or reject bids. By law the IPC informs the successful bidder as well as other bidders who submitted bids. The reasons for awarding a bid are also disclosed upon request.