OECD/IDB Questionnaire for reporting back on the progress made in implementing the 2015 OECD Recommendation on Public Procurement

Background

This questionnaire is in alignment with the OECD Recommendation of the Council on Public Procurement (2015), hereafter referred to as the Recommendation (2015), and collects a set of data on public procurement at central government level. It aims to understand how public procurement systems evolve with respect to selected principles of the Recommendation. In 2019, the IDB produced a study to analyse the alignment of 16 LAC countries to the OECD Recommendation, the results can be found here (https://www.oecd.org/gov/public-procurement/reforming-public-procurement-1de41738-en.htm). This data collection will allow cross country comparisons on the status quo and prepare the public procurement chapter of the 2023 edition of Government at a Glance Latin America and the Caribbean.

Structure of the questionnaire

The questionnaire is structured around some of the principles of the OECD Recommendation on Public Procurement and each section presents the brief version of the text of the Recommendation related to the principle.

Instruction for filling in the questionnaire

- Please fill in the questionnaire for the central level government, unless otherwise specified. When your response only pertains to specific ministry(ies) / department(s) or bodies, please indicate in the comment box.
- Please provide any evidence (e.g. law, regulations, statistics, reports, etc.) pertaining to your response.
- Please refer to the information as of April 2022. However, please indicate in the comment box if there are any changes foreseen in the second half of 2022 and the date as of when these changes will be effective.

There are 57 questions in this survey.

Respondent information

Please list names emails and positions of any additional respondents:

Please write your answer here:

{TOKEN:ATTRIBUTE_1} *

Section 1

Principle 1. Ensuring an adequate degree of transparency

Extract of the OECD Recommendation on Public Procurement (2015)

II. The Council (…) recommends that Adherents ensure an adequate degree of transparency of the public procurement system in all stages of the procurement cycle.

To this end, Adherents should:

i) Promote fair and equitable treatment for potential suppliers by providing an adequate and timely degree of transparency in each phase of the public procurement cycle. (…)

ii) Allow free access, through an online portal, for all stakeholders, including potential domestic and foreign suppliers, civil society and the general public, to public procurement information (…)

iii) Ensure visibility of the flow of public funds, from the beginning of the budgeting process throughout the public procurement cycle (…)

1. Are the following functionalities provided by e-procurement system(s) (e.g. portal, website (excluding state-owned enterprises/public corporations)? (Select all that apply) *

	a. Yes, in a national central e-procurement system	b. Yes, in e-procurement systems of specific procuring entity (ies)	c. No
1. Publishing procurement plans (about forecasted government needs)	☐	☐	☐
2. Publication of opportunities	☐	☐	☐
3. Announcing tenders	☐	☐	☐
4. Online catalogue	☐	☐	☐
5. Provision of tender documents	☐	☐	☐
6. Electronic submission of bids (excluding by e-mails)	☐	☐	☐
7. E-tendering	☐	☐	☐
8. E-reverse auctions	☐	☐	☐
9. Notification of award	☐	☐	☐
10. Ordering	☐	☐	☐
11. Electronic submission of invoices (excluding by e-mails)	☐	☐	☐
12. Ex-post contract management	☐	☐	☐

	a. Yes, in a national central e-procurement system	b. Yes, in e-procurement systems of specific procuring entity (ies)	c. No
13. Supplier registry	☐	☐	☐
14. Framework agreements module	☐	☐	☐
15. Business Intelligence module	☐	☐	☐

Check all applicable boxes for each functionality below.

If you selected yes in any sub-question of Q1, please explain:

2. Do you measure efficiencies / savings generated by the use of e-procurement system(s)?

Please choose **only one** of the following:

- ◯ Yes
- ◯ No

2.1. If yes to Q2, please indicate for what types of procurement you measure efficiencies/ savings?

Please choose **only one** of the following:

- ◯ a) E-tendering
- ◯ b) E-reverse auctions
- ◯ c) Framework agreements
- ◯ Other

2.2. If yes to Q2, what is the frequency of the assessment?

Please choose **only one** of the following:

- ◯ a. Every two years
- ◯ b. Annually
- ◯ c. Twice a year
- ◯ d. Quarterly
- ◯ e. Ad-hoc
- ◯ Other

2.3 If yes to Q2, please describe the methodology

Please write your answer here:

3. Is your e-procurement system integrated with other e-government digital technology systems (e.g., budgeting systems, business and tax registries, social security databases, financial systems for payment, ERP's)?

Please choose **only one** of the following:

- ◯ a. Yes, the systems are connected centrally
- ◯ b. Yes, at the level of purchasing authorities
- ◯ c. No

3.1. If yes, please explain briefly to which e-government systems it is connected to.

Please write your answer here:

4. Please indicate which documents are available online to general public, registered suppliers, oversight bodies and/or contracting authorities.

	a. General public	b. Registered Suppliers	c. Oversight bodies	d. Contracting authorities	e. Not applicable
1. Procurement plan	☐	☐	☐	☐	☐
2. Public hearing notice	☐	☐	☐	☐	☐
3. Market studies	☐	☐	☐	☐	☐
4. Tender Notice	☐	☐	☐	☐	☐
5. Bidding documents	☐	☐	☐	☐	☐
6. Technical specifications	☐	☐	☐	☐	☐
7. Evaluation Criteria	☐	☐	☐	☐	☐
8. Eligibility Criteria	☐	☐	☐	☐	☐
9. Clarifications to bidders questions	☐	☐	☐	☐	☐
10. Shortlisted firms	☐	☐	☐	☐	☐
11. Award Notice	☐	☐	☐	☐	☐
12. Evaluation report	☐	☐	☐	☐	☐
13. Contract Notice	☐	☐	☐	☐	☐
14. Contract Text	☐	☐	☐	☐	☐
15. Signed Contract	☐	☐	☐	☐	☐
16. Arrangements for ending contract	☐	☐	☐	☐	☐
17. Schedules and milestones	☐	☐	☐	☐	☐
18. Completion certificate	☐	☐	☐	☐	☐

	a. General public	b. Registered Suppliers	c. Oversight bodies	d. Contracting authorities	e. Not applicable
19. Physical progress reports	☐	☐	☐	☐	☐
20. Financial progress reports	☐	☐	☐	☐	☐
21. Final Audit	☐	☐	☐	☐	☐

4.1 Please provide comments on Q4.

Please write your answer here:

Please provide any comment related to section one.

Please write your answer here:

Section 2

Principle 2. Preserving the integrity of the public procurement system

Extract of the OECD Recommendation on Public Procurement (2015)

III. The Council (…) recommends that Adherents preserve the integrity of the public procurement system through general standards and procurement-specific safeguards.

To this end, Adherents should:

i) Require high standards of integrity for all stakeholders in the procurement cycle. (…)

ii) Implement general public sector integrity tools and tailor them to the specific risks of the procurement cycle as necessary (…)

iii) Develop integrity training programmes for the procurement workforce, (…)

iv) Develop requirements for internal controls, compliance measures and anti-corruption programmes for suppliers, including appropriate monitoring (…)

5. What kind of policies and mechanisms are in place to identify, prevent and manage conflict of interest of public procurement officials? (Select all that apply)

Please choose **all** that apply:

☐ a. Regulatory framework includes a definition of a conflict of interest for public procurement officials

☐ b. Explanations and specific examples of conflict of interest situations for public procurement officials are provided.

☐ c. Public procurement officials have to declare their private interests.

☐ d. Public procurement officials have to declare ‘no conflict of interest’ or notify the competent authority in case of potential conflict of interest, during a public procurement procedure.

☐ e. Public procurement officials are prohibited from holding certain positions after leaving the office.

☐ f. Certain public officials and political appointees have certain limitations in participating in public procurement opportunities.

☐ g. Other policies and mechanisms to identify, prevent and manage conflict-of-interest of public procurement officials

☐ h. None

5.1. If 5.a was selected, please specify if it is a general definition for the public officials or a specific one for public procurement officials

Please write your answer here:

5.2. If 5.c, please specify how regularly and to which authority they have to declare them, as well as whether this requirement is a general requirement for public officials or public procurement official-specific

Please write your answer here:

5.3. If 5.d, please also specify how conflicts of interest of public procurement officials are managed once they declare them

Please write your answer here:

5.4. If 5g, please specify

Please write your answer here:

6. How is the information on beneficial ownership of companies bidding for public procurement procedures disclosed?

Please choose **all** that apply:

☐ a. It is systematically disclosed through information exchange with other government information system (e.g. tax registry)

☐ b. Bidders have to declare this information during their first supplier registration process and are held responsible for updating the information.

☐ c. Bidders have to declare this information each time that they participate in public procurement process.

☐ d. Bidders declare this information at the request of a contracting authority. (If it is the case, please specify on what grounds the contracting authorities may/can request this information)

☐ e. Bidders have to declare this information for certain public procurement processes. (If it is the case, please specify for which processes this applies)

☐ f. No, this information is not disclosed.

6.1 If you selected 6d, please specify on what grounds the contracting authorities may/can request this information

Please write your answer here:

6.2 If you selected 6e, please specify for which processes this applies

Please write your answer here:

Please provide any comment related to section 2.

Please write your answer here:

Section 3

Principle 4. Balancing the use of public procurement to pursue complementary policy objectives

Extract of the OECD Recommendation on Public Procurement (2015)

V. The Council (…) recommends that Adherents recognise that any use of the public procurement system to pursue secondary policy objectives should be balanced against the primary procurement objectives.

To this end, Adherents should:

i) Evaluate the use of public procurement as one method of pursuing secondary policy objectives in accordance with clear national priorities (…)

ii) Develop an appropriate strategy for the integration of secondary policy objectives in public procurement systems. (…)

iii) Employ appropriate impact assessment methodology to measure the effectiveness of procurement in achieving secondary policy objectives. (…)

7. Please identify the approaches in place in your country to support participation of small and medium-sized enterprises (SMEs) in public procurement for central government

Please choose **all** that apply:

☐ a. Specific legislative provision or policy (e.g. set-aside, bid preferences) is in place to encourage the participation from SMEs in procurement

☐ b. A specific unit specialized on SMEs is in place at the central government level

☐ c. Training and workshops are carried out for SMEs

☐ d. Documentation or guidance focused on SMEs is available on-line. Please provide the associated link(s)

☐ e. Division into lots of the contract

☐ f. Administrative procedures are simplified for SMEs to participate in tenders

☐ g. SMEs benefit from preferential financial treatment, e.g. waving fees

☐ h. Not applicable, there are no specific measures to support the participation of SMEs in public procurement in central government

☐ Other: _____

8. Has your country developed a procurement strategy/policy in order to pursue secondary policy objectives?

	a. Some procuring entities have developed an internal strategy/ policy	b. A strategy/ policy has been developed at a central level	c. A strategy/ policy has been rescinded	d. A strategy/policy is currently being developed	e. There has never been a strategy/ policy in place
1. Green public procurement	☐	☐	☐	☐	☐
2. Support to Small and Medium Enterprises (SME)	☐	☐	☐	☐	☐
3. Support to procure innovative goods/services	☐	☐	☐	☐	☐
4. Support to women-owned businesses	☐	☐	☐	☐	☐
5. Support to responsible business-conducts	☐	☐	☐	☐	☐
Other:	☐	☐	☐	☐	☐

8.1. Please provide a brief description of the policy(ies)/strategy(ies) in place and if they have been implemented.

9. Are the results of public procurement processes measured with respect to policies/strategies to support broader policy objectives?

Please choose the appropriate response for each item:

	a. Yes	b. No	c. N/A (no strategy)
1. Green Public Procurement	◯	◯	◯
2. Support to small and medium Businesses	◯	◯	◯
3. Support to innovative goods and services	◯	◯	◯
4. Support to women-owned businesses	◯	◯	◯
5. Support to responsible business conduct	◯	◯	◯

9.1 Please describe the methodology for measuring the results of the public procurement policies/strategies

10. How often do CPAs integrate secondary policy objectives as award criterion?

(Select one answer per row)

Please choose the appropriate response for each item:

	a. Never	b. Seldom (about 25% of the times)	c. Sometimes (About 50% of the times)	d. Often (About 75% of the times)	e. Always	f. Not applicable (e.g. no CPA)
1. Green public procurement	◯	◯	◯	◯	◯	◯
2. Support to Small and Medium Enterprises (SME)	◯	◯	◯	◯	◯	◯
3. Support to innovative goods and services	◯	◯	◯	◯	◯	◯
4. Support to women-owned businesses	◯	◯	◯	◯	◯	◯
5. Support to responsible business conducts	◯	◯	◯	◯	◯	◯

11. In regards to public procurement, does your country have a regulatory framework that takes into account any of the below considerations? If yes, please select those that apply and mention the appropriate framework

Please choose **all** that apply:

- [ ] a. Environment
- [ ] b. Human rights
- [ ] c. Labour rights
- [ ] d. Social – People with disabilities
- [ ] e. Social – Long term unemployed
- [ ] f. Social - Gender
- [ ] g. Social - Minorities
- [ ] h. Integrity
- [ ] i. None of the above

This could include, among others, laws, decrees, circulars, cabinet directions.

Please highlight whether it is a specific framework, the public procurement framework or a general framework that has mention of public procurement and the specific considerations.

Please provide links or extracts of the specific article or paragraph within the regulatory framework where these considerations are taken into account.

(Question resulting form 2020 OECD Survey on Leveraging Responsible Business Conduct through Public Procurement)

11.1. Please provide more details of the regulatory framework(s).

Please write your answer here:

12. In regards to public procurement, does your country have a strategic framework that takes into account any of the below considerations? If yes, please select those that apply and mention the appropriate framework

Please choose **all** that apply:

- [ ] a. Environment
- [ ] b. Human rights
- [ ] c. Labour rights
- [ ] d. Social – People with disabilities
- [ ] e. Social – Long term unemployed
- [ ] f. Social - Gender
- [ ] g. Social - Minorities
- [ ] h. Integrity
- [ ] i. None of the above

A strategic framework could include, among others, strategies, action plans, roadmaps.

Please highlight whether it is a specific framework, the public procurement framework or a general framework that has mention of public procurement and the specific considerations.

Please provide links or extracts to the specific article or paragaph within the strategic framework where these considerations are taken into account.

(Question resulting form 2020 OECD Survey on Leveraging Responsible Business Conduct through Public Procurement)

12.1. Please provide more details of the strategic framework(s).

Please write your answer here:

13. Which tiers of the supply chain are covered by this strategic and/or regulatory framework?

	a. First tier	b. Second tier	c. Third tier	d. Beyond third tier
a. Environment	☐	☐	☐	☐
b. Human rights	☐	☐	☐	☐
c. Labour rights	☐	☐	☐	☐
d. Social – People with disabilities	☐	☐	☐	☐
e. Social – Long term unemployed	☐	☐	☐	☐
f. Social - Gender	☐	☐	☐	☐
g. Social - Minorities	☐	☐	☐	☐
h. Integrity	☐	☐	☐	☐

The supply chain can be divided into different tiers, where first tier are direct suppliers, and suppliers that sell to other suppliers are known as sub-tiers (second tier, third tier, etc.).

In the additional information box, please provide links or extracts to the specific article or paragraph within the strategic and regulatory framework where these considerations are taken into account.

(Question resulting form 2020 OECD Survey on Leveraging Responsible Business Conduct through Public Procurement)

13.1 Please provide additional information on your answers to Q13.

Please write your answer here:

14. Based on your strategic and/or regulatory procurement framework, please tick the boxes for the public procurement processes where the below considerations can be incorporated

	i. Pre-tendering phase (e.g. needs analysis, market analysis)	ii. Tendering requirements (e.g. qualification criteria, award criteria, technical specifications, verfication requirements, tender requirements, contract performance clauses)	iii. Contract management phase (e.g. evaluation of suppliers and supply chain (audit/evaluation), contract performance management)
a. Environment	☐	☐	☐
b. Human rights	☐	☐	☐
c. Labour rights	☐	☐	☐
d. Social – People with disabilities	☐	☐	☐
e. Social – Long term unemployed	☐	☐	☐
f. Social - Gender	☐	☐	☐
g. Social - Minorities	☐	☐	☐
h. Integrity	☐	☐	☐

Please provide specific information for each consideration as to where in the public procurement processes these considerations are incorporated in the additional information box including links or extracts to the specific article or paragraph.

(Question resulting form 2020 OECD Survey on Leveraging Responsible Business Conduct through Public Procurement)

14.1 Please provide additional information on your answers to Q14.

Please write your answer here:

Please provide any comment related to section 3.

Please write your answer here:

Section 4

Principle 8. Developing the procurement workforce with the capacity to deliver value for money

Extract of the OECD Recommendation on Public Procurement (2015)

IX. The Council (…) recommends that Adherents develop a procurement workforce with the capacity to continually deliver value for money efficiently and effectively.

To this end, Adherents should:

i) Ensure that procurement officials meet high professional standards for knowledge, practical implementation and integrity by providing a dedicated and regularly updated set of tools. (…)

ii) Provide attractive, competitive and merit-based career options for procurement officials (…)

iii) Promote collaborative approaches with knowledge centres such as universities, think tanks or policy centres to improve skills and competences of the procurement workforce (…)

15. What are the measures in place to ensure that the public procurement workforce is equipped with an adequate level of capacity?

Please choose **all** that apply:

- [ ] a. Through entry requirements linked to a competency model
- [ ] b. Through entry requirements that are designed according to each contracting authority's needs
- [ ] c. Through obligatory public procurement training for all public procurement officials to attend
- [ ] d. Through a certification process for public procurement officials
- [ ] e. No, there is no specific capacity requirement linked to public procurement workforce
- [ ] Other: _____

15.1. If 15c is selected, please specify

15.2. If 15d is selected, please explain :

16. Is public procurement function recognised as a profession (i.e. is public procurement considered a stand-alone profession in the public administration)?

Please choose **only one** of the following:

- ◯ a. Yes
- ◯ b. No

16.1. If yes, please explain what kind of professional standards apply to public procurement function.

Please write your answer here:

Please provide any comment related to section 4.

Please write your answer here:

Section 5

Principle 10. Integrating risk management strategies

Extract of the OECD Recommendation on Public Procurement (2015)

XI. The Council (…) recommends that Adherents integrate risk management strategies for mapping, detection and mitigation throughout the public procurement cycle.

To this end, Adherents should:

i) Develop risk assessment tools to identify and address threats to the proper function of the public procurement system. (…)

ii) Publicise risk management strategies, (…)

17. Have you carried out in the past three years any analysis of the risks of public procurement system (e.g. corruption risks, reduced efficiency, lack of competition for tenders, etc.)?

Please choose **all** that apply:

- [ ] a. Yes, risks assessment of the public procurement system as a whole on ad hoc
- [ ] b. Yes, risk assessment of the public procurement system as a whole on regular basis
- [ ] c. Yes, of sector-specific risks on ad hoc basis
- [ ] d. Yes, of procurement cycle-specific risks on ad hoc basis
- [ ] e. Yes, of sector-specific risks on regular basis
- [ ] f. Yes, of procurement cycle-specific risks on regular basis
- [ ] h. No

17.1. If yes to any of the options, please provide explanation.

Please write your answer here:

18. Please explain any tool in place to assess the risks in the public procurement system.

Please choose all that apply and provide a comment:

☐ 18.1. Risk assessment methodology

☐ 18.2. Risk register

☐ 18.3. Risk assessment results

☐ 18.4. Databases

☐ 18.5 None

Other:

19. Have you developed a strategy for assessment, prevention and mitigation of public procurement risks?

Please choose **only one** of the following:

○ a. Yes

○ b. No

19.1. If yes, please indicate the year of the latest strategy and upload it.

Kindly attach the aforementioned documents along with the survey

19.2. If yes, please explain the scope, the development and the content of the strategy as well as how the strategy has been communicated to public procurement workforce and other stakeholders.

Please write your answer here:

Please provide any comments related to section 5.

Please write your answer here:

Section 6

Principle 12. Integrating public procurement with overall public finance

Extract of the OECD Recommendation on Public Procurement (2015)

XIII. The Council (…) recommends that Adherents support integration of public procurement into overall public finance management, budgeting and services delivery processes.

To this end, Adherents should:

i) Rationalise public procurement spending by combining procurement processes with public finance management (…)

ii) Encourage multi-year budgeting and financing to optimise the design and planning of the public procurement cycle (…)

iii) Harmonise public procurement principles across the spectrum of public services delivery, as appropriate, including for public works, public-private partnerships and concessions. (…)

20. To what extent is public procurement integrated with public finance management?

Please choose **all** that apply:

☐ a. Public procurement plans are established in line with the budget planning and formulation process

☐ b. Public procurement planning includes a detailed and realistic description of financial and human resource requirements to implement procurement plans

☐ c. Mechanisms are in place to ensure that no solicitation of tenders take place without certification of the availability of funds

21. Is public procurement performance reviewed and analysed as part of public financial management performance?

Please choose **only one** of the following:

○ a. Yes

○ b. No

21.1. If yes, please explain:

Please write your answer here:

22. Are public procurement law and regulations applicable to infrastructure projects?

Please choose **only one** of the following:

◯ a. Yes, all infrastructure projects are subject to public procurement law and regulations

◯ b. Yes, they are partially applicable and specific law and regulations exist for some or all infrastructure projects (PPP, concession, etc…),

◯ c. No, they are not subject to public procurement law and regulations

Please provide any comments related to section 6.

Please write your answer here:

Dear {RESP_First},

Thank you for completing this questionnaire on behalf of {TOKEN:ATTRIBUTE_1}.

You can print your answers by clicking on the link below. You will also receive them by e-mail.

Submit your survey.

Thank you for completing this survey.