

BOTSWANA

METHODOLOGY FOR THE ASSESSMENT OF THE BENCHMARKING TOOL

Report of the Assessment of Public Procurement System in Botswana (for OECD-DAC Joint Venture on Procurement)



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Executive Summary

The Botswana Public Procurement and Asset Disposal Board (PPADB) is a statutory body established in terms of the Public Procurement and Asset Disposal Act CAP 42:08. The principal mandate of the PPADB is, *inter alia*, to ensure the efficient, transparent and accountable management of the public procurement system of the Government, for the achievement of the country's socio-economic objectives, while delivering value for money. This is achieved through the management of the public procurement system, adjudicating tenders and registering contractors.

The PPADB undertook to participate in this pilot project in order to assess the procurement environment in Botswana. The motivation to undertake this exercise is to assist the country in establishing the weak areas in the procurement system in order to improve its performance and to inform plans to undertake rigorous procurement capacity development in all sectors.

The Methodology for Assessment of National Procurement Systems has revealed some positive and negative aspects of the national procurement system. The assessment concluded that the system, out of a maximum score of three (3) scored: 2.36 (78.7%) for legislative and regulatory framework; 2.39 (79.7%) for integrity and transparency; 2.45 (81.7%) for institutional and management capacity; and 2.63 (87.7%) for procurement operations and market practices.

These results, coupled with statistical analysis of compliance and performance can be used as the basis for making improvements to the procurement legislation and institutional framework and procurement operations in order to:

- put in place a robust information system (generation and dissemination);
- undertake capacity development in all sectors;
- strengthen oversight structures;
- strengthen performance audit mechanisms;
- provide for role clarity so as to avoid conflict of interest and direct involvement in the execution of procurement transactions;
- provide for procurement planning that informs the budgetary process;
- Make mandatory provisions for these requirements in the legislation.

The business case for undertaking procurement capacity needs assessment and capacity development in all sectors has therefore been provided.

The measurement tool has shown robustness and applicability to the situation of Botswana in relation to benchmarking purposes. This is probably due to the fact that the procurement legislation is derived from the UNCITRAL Model Law. However, the tool was found to be lacking in terms of its applicability to assessing the impact of the procurement system on the socio-economic objectives of public procurement and extent of participation of small and medium enterprises in public procurement.

Although the methodology does not require any substantial changes there should be room for inclusion of country and socio-economic specific indicators.

Chapter 1. Background

The Botswana¹ Public Procurement and Asset Disposal Board (PPADB) is a statutory body established in terms of the Public Procurement and Asset Disposal Act² CAP 42:08, which entered into force on 02 July 2002. The principal mandate of the PPADB is, *inter alia*, to ensure the efficient, transparent and accountable management of the public procurement system of the Government, for the achievement of the country's socio-economic objectives, while delivering value for money. This is achieved through the management of the public procurement system, adjudicating tenders and registering contractors.

It is estimated that about seventy percent (70%) of the recurrent expenditure and all of the development expenditure will go through the public procurement system. The PPADB adjudicates about 60 submissions per week³. The submissions are roughly divided into 35% supplies, 18.9% services, 30.7% works, 13.6% information technology and 1.8% legal issues. Figure 1 below shows the distribution of the PPADB award decisions during the period of April 2006 to end of March 2007 where 3511 submissions were dealt with by the Board.

¹ Botswana is a land-locked middle income country in southern Africa bordering South Africa (South to South East), Zimbabwe (East to North East), Namibia (West to the North) and Zambia (North) with a population of 1.7 million. Government spending for 2007/2008 is estimated at BWP7.26 billion, capital or development expenditure and BWP19.82 billion, recurrent expenditure (Budget Speech 2007 at www.gov.bw).

² The operations of the Board are guided by the Act particularly section 26 on the functions and powers of the Board. The Board comprises the Executive Chairman who is also the Chief Executive, three Executive Directors each of whom heads divisional responsibilities of works, supplies and services, and three part-time Directors (from the private sector) each of whom have been assigned to work with a particular division.

³ The details of adjudication can be found at www.ppadb.co.bw

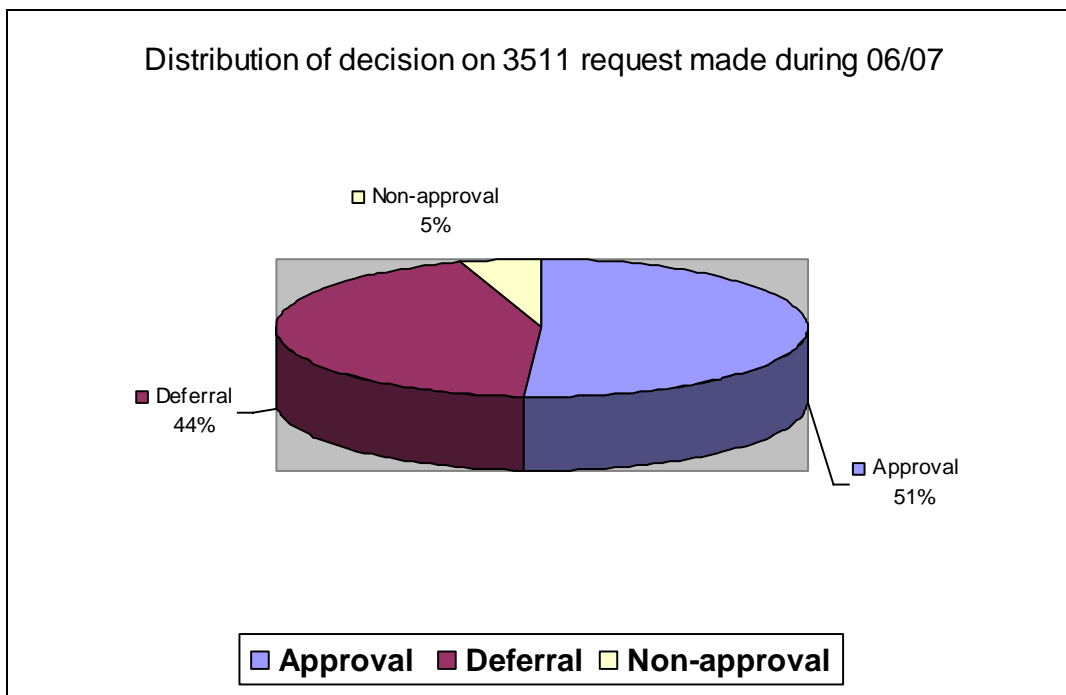


Figure 1: Distribution of decisions during 2005/2006 period
 The implications of the decisions reached by the Board are perceived in as many ways as there are stakeholders in public procurement.

At the moment, the country's developments are primarily funded from the national treasury without direct aid contributions incorporated into the national budget. Where development partners are involved procurement for such projects is governed by the rules prescribed by the partner, as provided for in the procurement legislation. To this end, the motivation to undertake this exercise is to assist the country in establishing the weak areas in the procurement system in order to improve its performance.

The next chapter presents the entire process comprising planning and implementation of the pilot exercise. The chapter will present approaches, experiences and challenges.

Chapter 2. Planning and Implementing the Pilot Exercise

2.1. Introduction

The PPADB, through its Divisions, has been involved in capacity building through knowledge dissemination to the procuring entities, namely Ministries and Government Departments. This capacity building exercise involved imparting knowledge relating to the PPAD Act CAP 42:08, PPADB procedures and policies, and requirements prior to the publication of the PPAD regulations in February 2006. The Board in its duties is also guided by Government policies and Directives, especially on reservation and preferential citizen empowerment.

Preliminary assessment and evidence gathered from tender adjudication indicate that despite the training undertaken, close to half of the procuring entities lack adequate knowledge in the preparation of tender instructions (detailing of specifications or scope of work), tender evaluation and preparation of detailed evaluation reports as well as skills necessary for contract management. In addition weak institutional capacity in procurement may be preventing procuring entities from undertaking procurement responsibilities effectively, especially procurement planning and developing tender instructions as outlined above. Furthermore, training that imparts procurement related skills and/or career development is not readily available locally.

Although some effort has been made to engage and train contractors in public procurement requirements there is no baseline information to guide

the PPADB on what type of training to offer and secondly, PPADB does not have adequate capacity to anticipate and meet the needs of the contractors.

It has therefore been found to be necessary to secure sustainability through development of a network of institutions and qualified trainers in the area of public procurement capacity building which involves building organisational capacity to strategically manage procurement effort to gain value for money and efficiency through training and education which seeks to develop capabilities and competencies among procuring entities and contractors which are necessary to sustain measurable improvements in procurement performance.

Work to identify a consultant had already started when an invitation to participate in the Pilot exercise was extended to Botswana by the OECD-DAC JV on Procurement in November 2006. Botswana was introduced to the Methodology for Assessment of National Procurement Systems in December 2006 at the Regional Procurement Capacity Development Workshop which was held in Uganda, Kampala. This event was followed by participation by Botswana in the training of trainers' workshop for assessors in Nairobi in February 2007 whose objective was to train the pilot country assessors and interested donor representatives on how to use the Methodology for Assessment of National Procurement Systems. The training entailed understanding of all the Baseline Indicators that deal with the formal and functional features of the existing system, and the Compliance/Performance Indicators that deal with the monitoring performance data to determine the level of compliance with the formal system.

The team that attended the training in Nairobi formed a nucleus of the team of assessors to undertake the exercise as outlined in the sections that follow.

2.2. Preparatory work and induction of the additional team members

Upon return from Nairobi the team held a meeting to identify resource and capacity requirements for undertaking the exercise. In order to meet capacity requirement and facilitate a smooth process of conducting the whole exercise, four additional members were co-opted to augment the original number of four team members and thus increasing the composition of the team to eight (8) members. In order to ensure that the new members clearly understood the Methodology for Assessment of National Procurement Systems and to internalize what the exercise encompassed, a workshop was conducted for the new members to sensitize them on the Benchmarking tool and the process that had been proposed and the process leading to the compilation of the final report.

2.3. The strategy adopted to undertake the pilot project.

The team considered various options to undertake the project which included engaging a consultancy firm who would carry out the project on full time basis. This approach was discounted on two counts, firstly, the organization had budgetary constraints, and secondly, some of the information required undertaking the exercise was of confidential nature. The consultant would have had difficulties in obtaining this information. The team decided to undertake the project on its own. The decision to use PPADB assessors only was prompted therefore by time and resource constraints as well as the confidentiality of the information to be collected.

The strategy in carrying out the project was to divide the project into three phases.

- The first phase of the project was for the team as well as other stakeholders to carry out the assessment of the Baseline Indicators individually.
- The second phase was to validate the results on a workshop setting. The second phase, which was carried out parallel to the first phase, was the assessment of the Performance Indicators by the selected Procuring Entities.
- The team was to also carry out the assessment of some Performance Indicators on the relevant pillars once it had completed the first phase of the project. A questionnaire was introduced through which data obtainable through surveys was to be collected (see Appendix 3).

2.4. **Challenges**

It was not possible to relieve the team members from their other normal duties in the organization to enable them to concentrate on this project. This presented a major challenge to the team in that there was limited time for them to work on the project. The resources were also limited as this project was not budgeted for, and there was no immediate access to donor assistance in the pilot. The time given for the exercise was also short given that this was an interactive project which involved a lot of stake holders.

2.5. **Data collection**

2.5.1. **Phase I – Assessment of Baseline Indicators by the team and stakeholders**

The team members went through all the Pillars to develop model answers to use as a guide of their knowledge and understanding of the functioning and the operation of the Procurement System in Botswana. This was particularly important because Public Procurement and Asset Disposal Board (PPADB)

is charged with the responsibility of managing all the procurement and asset disposal activities of central government.

Parallel to the team's work, the Methodology for Assessment of National Procurement Systems was also sent to various stake holders in Botswana's Procurement System which included Central Government Ministries and Departments, Association of Contractors and Consultants, Non-governmental organizations, Development partners and other stakeholders in the Procurement System to complete and provide answers on the sub indicators in the four (4) pillars. The Benchmarking tool was sent to over eighty (80) institutions/departments in order to ensure that the sample size was representative. The stakeholders were chosen primarily on the basis of their knowledge of the institutional and operational aspects of the subject and to some extent their perceived level of understanding and exposure to internationally accepted procurement practices. The purpose of requesting the department/institutions to complete the questionnaire independent from the input of PPADB team of assessors, was to ensure the independence of the results from PPADB influence (real or perceived). This would in turn reveal the perceptions or understanding that prevailed outside the PPADB.

The team of assessors felt that due to time constraints it would be better to organize a workshop where all the stakeholders identified to participate in the exercise would convene to validate/reconcile their scores, where the team will also present its results in order to reconcile were there was divergence in results or scores.

2.5.2. **Phase II – Validation of Baseline Indicators' scores**

All stakeholders who were given the Methodology for Assessment of National Procurement Systems for their independent assessment during

phase I of the project were invited to a validation workshop at which the differences in the scores awarded would be reconciled. A number of stakeholders identified to participate in the exercise attended the Validation Workshop which was held on the 4th June 2007. The majority of the participants at the workshop had seen the Methodology for Assessment of National Procurement Systems Tool before the workshop and they had previously scored all the Pillars during Phase I independently. The participants from various organizations were divided into groups according to their association with the Pillars and asked them complete the scores for each pillar as a group. The results were then which had to be presented at plenary and verified by other participants as a true reflection of the Procurement System in Botswana.

The participation of the different stakeholders in the Procurement System of Botswana in the pilot exercise truly enhanced the team's knowledge with regard to perceptions and the short comings of the system. It also provided an insight into areas that needed to be developed to ensure that the system meets international procurement best practices.

2.6. Compliance and Performance measurement

2.6.1. Compliance Measurement

As indicated earlier in this document under the Planning and Implementing the Pilot Exercise, Compliance Measurement was carried out at three levels. The first level was undertaken by Public Procurement and Asset Disposal Board team (PPADB). PPADB is an institution established through the Act of Parliament to manage all Central Government procurement asset disposal activities. The second level assessment was carried out by individual stakeholders, while the third level assessment was carried out during the validation of the results from all the stake holders.

2.6.2. **Level 1 Assessment – PPADB team assessment**

Given the constraints already mentioned, the strategy was to find the most logical and systematic way of interrogating the system which will enable us to have an in-depth understanding of all the aspects of the assessment, while at the same time assessing how the procurement system in Botswana measures against the set criteria in the methodology. This exercise required an in-depth knowledge of the procurement legislation, as well as an appreciation of how this act operates in practice through the institutions and management systems that are part of the overall public sector governance in Botswana. As the custodian of the Procurement Act, the PPADB needed to assess from an informed position, how the procurement system measures against the indicators provided for in the methodology. The results obtained from the institutional assessment (PPADB) were compared to the results of the assessment from stakeholders. The difference in understanding/perception in so far as the procurement system is concerned was discussed and a consensus reached. The results of the assessment carried out by PPADB are attached as Appendix 1, and these will be compared to the results obtained from the validation exercise shown in Appendix 2.

2.6.3. **The second level assessment – Individual stake holders’ assessment**

In order to give the various stakeholders involved with procurement the chance to reflect on the tool, they were given the opportunity to use the assessment tool and evaluate the procurement system independently. This also gave them the opportunity to reflect on the procurement system and have a better understanding as well as to note any deficiencies that require attention. Their results were shared with other stake holders during the

validation exercise. As indicated earlier, the stakeholders were drawn from a range of stake holders.

2.6.4. **Third level assessment – Validation exercise**

This assessment took place under the workshop setting on 4th June 2007 where all the participating stakeholders were invited to come and share their independent assessment results with others for the purpose of validation. The participants were divided into groups of four, and each group was assigned a Pillar which they have to validate and have consensus on the score. The team from PPADB was deliberately kept out of the four teams to avoid any influence by the members of the procurement authority; heir role was mainly to coordinate the group discussion proceedings. The scores as agreed by each team was then presented to the entire workshop who then endorsed the scored as presented, or modified accordingly. PPADB team also shared their results with the workshop. It was agreed during the workshop that the report should keep the two results separate (those from the workshop and those from PPADB team) so as to compare them and draw conclusions from the two.

Appendix 2 is the results from the validation exercise, and the preceding section is a comparative analysis of the results and conclusion drawn from the entire assessment exercise.

2.6.5. **Comparative analysis of the validation exercise**

2.6.5.1. **Pillar I – Legislative & Regulatory Framework**

This pillar has fourteen (14) aspects that this sub-indicator attempts to assess. The validation exercise scored nine (9) aspects at 3, two (2) aspects at 2, two (2) aspects at 2, and, one (1) aspect at 0.

The above informs us that 64% of the aspects in the Legislative and Regulatory section of Botswana's procurement Act meets 100% of the set

criteria in the methodology, while the remaining 36% need to be addressed if the Methodology for Assessment of the National Procurement Systems is accepted and adopted as a tool by Botswana.

When the above results from the workshop are compared to the results of the assessment undertaken by PPADB, in which 71% of the provisions were found to comply with the criteria set in the methodology. The remaining 29% need to be addressed. The margin of variation between the two results is only 7%.

The conclusion drawn from the above is that both the PPADB and its stakeholders generally agree that the existing Regulatory and Legislative Framework conforms to the criteria set out in the methodology to a large extent, while there is a need to improve on other areas of this Pillar.

2.6.5.2. **Pillar II** – Institutional Framework

This pillar has twelve (12) aspects that this sub-indicator attempts to assess. The validation exercise scored nine (8) aspects at 3, one (one) aspects at 2, one (1) aspects at 1, and, two (2) aspect at 0.

The above informs us that 67% of the Institutional Framework section of Botswana's procurement Act meets 100% of the set criteria in the methodology, while the remaining 33% need to be addressed if the Methodology for Assessment of the National Procurement Systems is accepted and adopted as a tool by Botswana.

When the above results from the workshop are compared to the results of the assessment undertaken by PPADB, in which 50% of the aspects were found to comply with the criteria set in the methodology. The remaining 50% need to be addressed. The margin of variation between the two results is 17%. The big margin of variance is brought about by the difference in the

interpretation of what the workshop saw as the adequacy of the institutional framework, while PPADB's view was that there was a lot of work which has to be done in this area.

The results also indicate that there is a need to make the various aspects which this pillar attempts to assess clearer and more focused so that there is little room for subjectivity by the assessors.

2.6.5.3. **Pillar III** – Procurement Operations and Market Practices

This pillar has eight (8) aspects that this sub-indicator attempts to assess. The validation exercise scored six (6) aspects at 3, one (1) aspect at 2, one (1) aspect was scored at 1, and, no aspect was scored at 0.

The above informs us that 75% of the Procurement Operations and Market section of Botswana's procurement Act meets 100% of the set criteria in the methodology, while the remaining 25% need to be addressed if the Methodology for Assessment of the National Procurement Systems is accepted and adopted as a tool by Botswana.

When the above results from the workshop are compared to the results of the assessment undertaken by PPADB, in which 75% of the aspects were also found to comply with the criteria set in the methodology, it is evident that the two teams agree on the degree of compliance to the methodology. The remaining 25% need to be addressed. There is no difference between the two results, although it is important to note that the two groups have not necessarily awarded the same scores in every aspect under this Pillar. Where there are differences in scores, there is still a need to work on these areas so that a common understanding can be established.

2.6.5.4. **Pillar IV – Integrity and Transparency of the Public Procurement System**

This pillar has eighteen (18) aspects that sub-indicators attempt to assess. The validation exercise scored eight (8) aspects at 3, nine (9) aspects at 2, and one (1) aspect was scored at 1, and, no aspect was scored at 0.

The above informs us that only 44% of the Integrity and Transparency of the Public Procurement System section of Botswana's procurement Act meets 100% of the set criteria in the methodology, while the remaining 56% need to be addressed if the Methodology for Assessment of the National Procurement Systems is accepted and adopted as a tool by Botswana.

When the above results from the workshop are compared to the results of the assessment undertaken by PPADB, in which only 39% of the aspects were found to comply fully with the criteria set in the methodology. The margin of variation between the two results is only 5%, which indicates that there is a general consensus between the two teams. The results indicate that there is a lot of work to be done in this area, which is the only area of the assessment where the score is below 50%.

2.7. **Conclusion**

The overall results from the validation exercise indicate an overall performance/compliance to the Methodology for Assessment of the National Procurement at 61% compared to 58% obtained by PPADB team assessment results. The margin of variation in the two results is only 3% which is negligible. However, there is a need to reconcile the differences which exist between the Procurement Board and its stake holders given that they have scored different marks in different aspects that the sub-indicators attempt to assess.

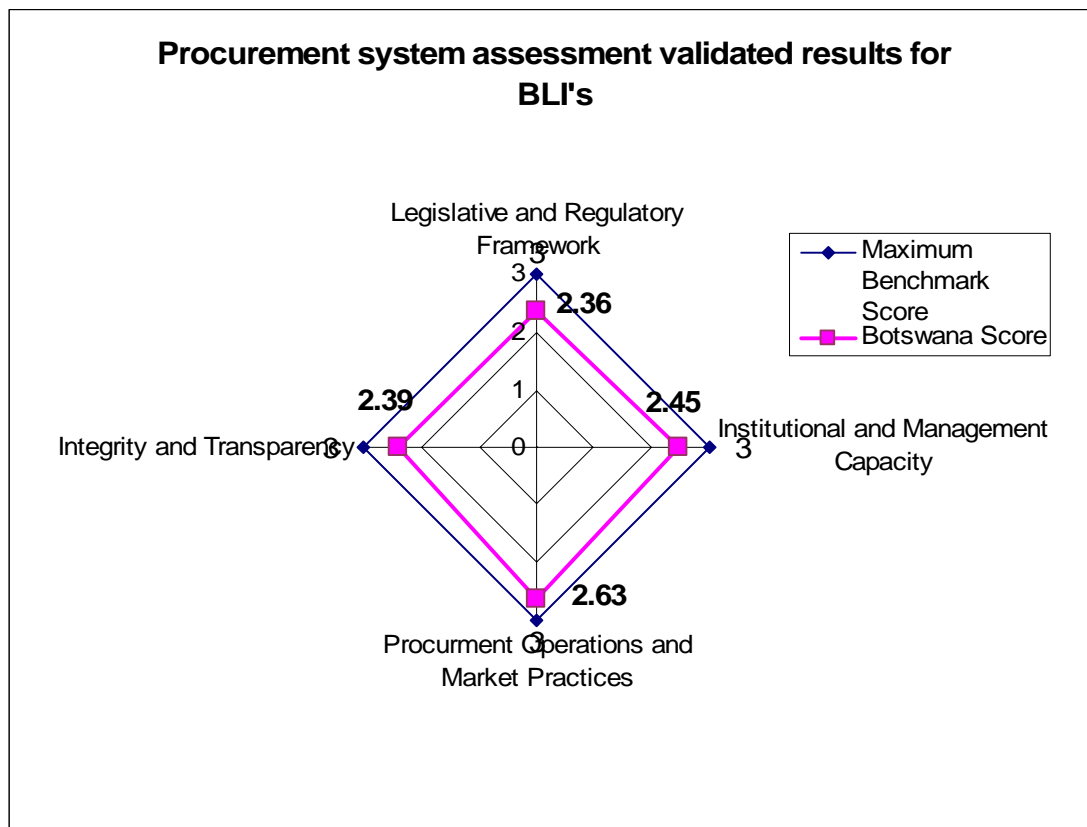


Figure 2: Arithmetical average of aggregated sub-indicators under each pillar. Comparison of average scores of each pillar compared to the maximum score of 3

Figure 2 above is a graphical representation of the average scores obtained for each pillar. The assessment concluded that the system, out of a maximum score of three (3) scored: 2.36 (78.7%) for legislative and regulatory framework; 2.39 (79.7%) for integrity and transparency; 2.45 (81.7%) for institutional and management capacity; and 2.63 (87.7%) for procurement operations and market practices. On face value, there is an indication that the system requires a multi-pronged intervention in order to raise the score to as close as possible to the maximum for the legislative and regulatory framework. Reading this graph with a background of criticisms levelled against the public procurement system one can assume that a lot has been done, but more can still be achieved by tackling specific areas, e.g. putting in

place a robust information system (generation and dissemination), undertaking capacity development in all sectors, strengthening oversight structures, strengthening performance audit mechanisms, providing for role clarity so as to avoid conflict of interest and direct involvement in the execution of procurement transactions and making mandatory provisions in the legislation for these requirements. A target could be set by PPADB to reach a score of 90% in all areas by the end of the next plan period.

2.8. Performance Measurement

Performance measurements comprise three parts: review of PPADB adjudication documents and records; review of other related records kept by oversight agencies and review of procuring entity records. A number of government departments were selected and requested to provide the necessary information with respect to the performance measurement, while PPADB focussed on the performance measurement relating to Pillar I – Legislative and Regulatory Framework. Due to time constraints this exercise could not be concluded before transmission of the June report. It is hoped that a compilation and analysis of this information will be ready by August 2007.

The following table (Table 1) indicates the volume of tenders for works projects and works related services handled under open international, restricted open, direct appointment and short list/waivers method of procurement over three months period between September and November 2006. This is to sample the extent to which items (b), (d) and (f) of the performance measurement under the Legal and Regulatory Pillar to show the trend in works projects which normally constitute the largest bulk of tenders handled by the Board.

Table 1 Distribution of awarded tenders by method of procurement

Type of tender	Total value of the awarded tenders during Sept – Nov 2006	Tenders subjected to open tender	Tenders subjected to restricted open tender	Tenders subjected to direct appointment	Tenders subjected to shortlist/waivers
Works %	100%	7.96%	90.68%	1.15%	0.20%
Value (BWP)	2, 281, 989, 537.42	181,711,542.69	2,069,329,645.04	26,338,180.24	4, 610,169.45

The Public Procurement and Asset Disposal (PPAD) Regulations provide for two types of open tenders, i.e. open domestic bidding and open international bidding. Restricted tender could be domestic, international or a combination thereof. The direct appointment method is only applied under exceptional circumstances as provided for in the Act and Regulations.

The Public Procurement and Asset Disposal Act requires that all bidders, operating from within Botswana must first register with PPADB in order to be eligible to tender for any government projects falling within a given registration threshold or category by value. With respect to open international tenders, only tenders with the value in excess of BWP50 million, in the case for works related projects are open to international bidding system.

The statistics for the supplies tenders for the first quarter of the financial year 2006/2007 starting from April 2006 to June 2006 shows that there were 55 requests for procurement of products that went through the PPADB. The analysis showed that 24 (44%) of them were request for direct appointment, 20 (36%) were open public bidding while 11 (20%) were selective or restricted bidding.

The assessment has given the assessors, PPADB and public procurement stakeholders, insight into the operation system. For instance, the figures (although preliminary) indicate a high tendency of procuring entities to use other methods of bidding in spite of the default open tender method. This raises questions of the degree of compliance by procuring entities on one hand and the PPADB as an oversight agency.

The next chapter of this report will consider these implications within the context of capacity development among procuring entities, contractors and oversight agencies.

Chapter 3. Using the assessment results in development of Capacity Development Strategy.

The analysis of the base line indicator scores and analysis of preliminary data and statistics on compliance and performance measurements have converged on far reaching conclusion for the procurement system in Botswana.

There is consensus that it is necessary to:

- put in place a robust information system (generation and dissemination);
- undertake capacity development in all sectors;
- strengthen oversight structures;
- strengthen performance audit mechanisms;
- provide for role clarity so as to avoid conflict of interest and direct involvement in the execution of procurement transactions;
- provide for procurement planning that informs the budgetary process;
- Make mandatory provisions for these requirements in the legislation.

The tendency by procuring entities to prefer methods other than open tender is also indicative of inadequate or lack of procurement planning, an area that only received emphasis from the PPADB.

Contract management has been found to be an area that needs attention as it affects the implementation of projects. Implementation of projects has been delayed and contracts cancelled for failure to deliver by suppliers. On the hand procuring entities (contracting entities) continue to engage contractors

without comprehensive contracts or do not enforce the contract if such are in place.

The lessons learnt from the exercise supports the view expressed earlier that the existing training programs are deficient in content and supply to adequately address the current situation.

The training offered by PPADB on tendering procedures has been skewed towards development of capacity in the Government procuring departments. This training is still to reach the private sector and civil society that is already feeling left out of the balance. There are no accredited institutions in the country that offer formal training covering public procurement.

To address the deficiency in procurement training, PPADB is in the process of engaging a consultant to assess procurement capacity in the government and private sectors including training institutions. The exercise is intended to determine the need, develop a curriculum for training institutions to cater for different areas of need and at appropriate levels, and to develop a procurement capacity development strategy to function as a yard stick for all sectors, in particular the PPADB.

The capacity development undertaking is expected to take into account the specific mandate that the PPADB is tasked with in relation to reservation and preferential treatment policies on one hand and foreign direct investment. This would ensure that the procurement system in Botswana is responsive to the socio-economic needs of the country.

The next chapter raises a concern with regard to the assessment methodology's inability to clearly account for performance of the various sectors of the economy.

Chapter 4. Experience and recommendations concerning the relevance of and “usability” of the baseline and the proposed compliance indicators

The version 4 Baseline and the Compliance Indicators was mostly adaptable to the scenario Botswana situation and thus applicable in the Procurement system. The phrasing / the wording used for the Pillars and the sub-indicators were precise and clear to understand and thus making it easier for assessors to score the sub-indicators. This enabled the assessors to comprehend the challenge of the exercise and areas that it needs to improve so that its procurement system is in line with international standards.

The measurement tool has shown robustness and applicability to the situation of Botswana in relation to benchmarking. This is probably due to the fact that the procurement legislation is derived from the UNCITRAL Model Law.

Most of the information that was needed for the assessment of the indicators was easily available, therefore resulting in the analysis of the indicators to become more effective and thus ensuring timely collection of data and its assessment.

The indicators were both applicable and measurable when tested in the current procurement system and thus making them easy to apply and understand. All the indicators were not very difficult to measure as information on them was readily available. This enables the stakeholders to complete the questions as they applied in their work on procurement.

There were pertinent observations made by some stakeholders in relation to whether the public procurement system truly operates to meet the intended

socio-economic objectives within a particular context. One such observation is quoted below:

“There were some limitations in responding to the methodology, which have less to do with the substantive structure and content of the methodological instrument, but its mode of operationalization. These are provided below:

- *An intrinsic assumption of the instrument utilized was that the respondents would have adequate prior knowledge of procurement process and procedures and the prevailing legal and institutional framework. This is problematic as reflected in that the only referral document as cited in the introductory note is the enabling act establishing the PPADB. This narrowed the information sources to the act, limiting a more comprehensive and in-depth response. Furthermore the assessment of the PPADB procurement system using this methodology for National Procurement System Assessment is not easy as it requires that the Assessor be a seasoned Public Procurement Practitioner with ample knowledge of the institutional and operational aspects of the system. For instance the latter part (Compliance/ Performance Indicator) requires the use of empirical data from existing data sources, surveys and interviews, which as the LEA we do not have or have not been exposed to.*
- *The PPADB Act while comprehensive is in itself, is invariably limited by its primary function and spirit, being to provide the legitimacy, functions and authorities of the PPADB. By its very nature is a static document and that focuses on issues of intent and not operational dynamics.*

- *Given the above limitations, the sample frame of the survey (we stand to corrected) seems not to cover primary targets or direct clients of the PPADB. This will deny the retrieval of empirical information, particularly on questions that require commentary on process and operational issues as well as statistical information or frequency of certain actions.*
- *In line with the above sentiments, a methodological note indicates that there is clear need for the perusal of secondary documents and information as well as the conduct of surveys to engrain some reasonable precision in responses and the validation of those responses. This remains the case for both Base Line Indicators and the Compliance and Performance Indicators.*
- *On the basis of the above, the response to the instrument remains highly limited and certain aspects of the instruments have not been responded to due to lack of adequate information and data.*
- *It is advanced that while the methodology provides for the conduct of a desk review and content analysis of the Act, the conduct of a survey on what could be defined as primary targets would have enabled a more comprehensive and empirical response. While the input of institutional actors is essential, it is imperative that views, perceptions and experiences of the business entities (primary targets) be included in the validation exercise.” (LEA)*

The point raised above clearly communicates the need for the Assessment Methodology to be divided into at least two parts: one part would constitute the current four pillars; the other part would be aiming at revealing the impact of a public procurement system by scoring the extent to which certain broad socio-economic objectives of public procurement system are

achieved. This degree of measurement would not only reveal the operational reliability (effectiveness) of the system but will also assist to communicate a message that instils public confidence (trust that public interests are taken into account) in the system.

**Appendix 1. PUBLIC PROCUREMENT SYSTEM IN
BOTSWANA (MODEL ANSWERS – PPAD TEAM OF
ASSESSORS**

PILLAR	INDICATOR	SCORE	BASIS FOR SCORE AND COMMENTS
1	LEGISLATIVE AND REGULATORY FRAMEWORK		
	1. Public procurement legislative and regulatory framework achieves the agreed standards and complies with applicable obligations.		
	Sub Indicator		
	1(a) Scope of application and coverage of the legislative and regulatory framework	2	The laws and regulations are published and are not easily accessible to the public. The public also has to pay a minimal cost to acquire them.
	1(b) Procurement Methods	3	Meet all requirement in order to score a 3
	1 (c) Advertising rules and time limits	2	Government tenders have to first be Published in the Government Gazette for at least a week before they can be published in any other media of circulation including the internet.
	1 (d) Rules on participation	2	There are no established rules for the participation of government owned enterprises that promote fair competition.
	1(e) Tender documentation and technical specifications.	3	Meet all requirement in order to score a 3
	1(f) Tender evaluation and award criteria.	3	Meet all requirement in order to score a 3
	1(g) Submission, receipt and opening of tenders	3	Meet all requirement in order to score a 3
	1(h) Complaints	3	Meet all requirement in order to score a 3
	2. Existence of Implementing Regulations and Documentation		
	Sub Indicator		

	2(a) Implementing regulation that provide defined processes and procedures not included in higher-level legislation	3	Meet all requirement in order to score a 3
	2(b) Model tender documents for goods, works, and services	3	Meet all requirement in order to score a 3
	2(c) Procedures for pre-qualification	3	Meet all requirement in order to score a 3
	2(d) Procedures suitable for contracting for services or other requirements in which technical capacity is a key criterion	3	Meet all requirement in order to score a 3
	2(e) User's guide or manual for contracting entities	0	Botswana does not have a manual or requirement to have one. But it would beneficial to have user's guide or manual
	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.	3	Meet all requirement in order to score a 3
2	Institutional Framework and Management Capacity		
	3. The public procurement system is mainstreamed and well integrated into the public sector governance system.		
	Sub Indicator		
	3(a) Procurement planning and associated expenditures are part of the budget formulation process and contribute to multiyear planning.	2	But is important to note that in Botswana procurement is project based and rather not based on plans.
	3(b) Budget law and financial procedures support timely procurement, contract execution, and payment.	3	Meet all requirement in order to score a 3
	3 (c) No initiations of procurement actions without existing budget appropriations.	2	There is a system in place (e.g. paper or electronic interface between the financial management and the procurement systems) that ensures enforcement of the law but it is not fully enforced due to weakness in the system.
	3(d) Systematic completion reports are prepared for certification of	3	Meet all requirement in order to score a 3

	budget execution and for reconciliation of delivery with budget programming.		
	4. The country has a functional normative/regulatory body.		
	Sub Indicator		
	4(a) The status and basis for the normative/regulatory body is covered in the legislative and regulatory framework.	3	Meet all requirement in order to score a 3
	4(b) The body has a defined set of responsibilities that include the following: <ul style="list-style-type: none"> • providing advice to contracting entities; • drafting amendments to the legislative and regulatory framework and implementing regulations; 	3	Meet all requirement in order to score a 3
	4(c) The body's organization, funding, staffing, and level of independence and authority (formal power) to exercise its duties should be sufficient and consistent with the responsibilities.	3	Meet all requirement in order to score a 3
	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.	3	Meet all requirement in order to score a 3
	5. Existence of institutional development capacity		
	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.	2	There is an integrated system of the characteristics described that provides up-to-date information for the majority of contracts at the central government level but access is limited.
	5 (b) The country has systems and procedures for collecting and monitoring national procurement statistics.	0	There is no statistical data collection system in place.
	5(c) A sustainable strategy and training capacity exists to provide training, advice and assistance to	0	No formal training or help desk programs exist. PPADB is in the process of developing a training

	develop the capacity of government and private sector participants to understand the rules and regulations and how they should be implemented.		programme
	5(d) Quality control standards are disseminated and used to evaluate staff performance and address capacity development issues.	1	Quality standards but are not used for staff performance evaluation.
3	Procurement Operations and Market Practices		
	6. The country has efficient procurement operations and practices.		
	Sub Indicator		
	6(a). The level of procurement competence among government officials within the Procuring entity consistent with their procurement responsibilities and the degree of professionalism as listed under this sub indicator.	0	The system does not meet any of the requirements.
	6(b) The procurement training and information programs for government officials and for private sector participants consistent with demand (a) Training programs' design is based on a skills gap inventory to match the needs of the system. (b) Information and training programs on public procurement for private sector are offered regularly either by the government or by private institutions. (c) The waiting time to get into a course (for public or private sector participants) is reasonable, say one or two terms.	0	There is no systematic training or information program for public or private sector participants.
	6 (c) There established norms for the safekeeping of records and documents related to transactions and contract management including the	3	Meet all requirement in order to score a 3

	<p>following:</p> <p>(a) The legal/regulatory framework establishes a list of the procurement records that must be kept at the operational level and what is available for public inspection, including conditions for access.</p> <p>(b) There is a document retention policy that is compatible with the statute of limitations in the country for investigating and prosecuting cases of fraud and corruption and with the audit cycles.</p> <p>(c) There are established security protocols to protect records either physical or electronic.</p>		
	<p>6(d) There are provisions for delegating authority to others who have the capacity to exercise responsibilities in accordance with the following:</p> <p>(a) Delegation of decision making authority is decentralized to the lowest competent levels consistent with the risks associated and the monetary sums involved.</p> <p>(b) Delegation is regulated by law.</p> <p>(c) Accountability for decisions is precisely defined.</p>	3	Meet all requirement in order to score a 3
	7. Functionality of the public procurement market.		
	Sub Indicator		
	7(a). There are effective mechanisms for partnerships between the public and private sector.	3	Meet all requirement in order to score a 3
	7(b) Private sector institutions are well organized and able to facilitate access to the market.	2	There is a reasonably well functioning private sector
	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	2	There are some constraints inhibiting private sector access to the public procurement market, but competition is sufficient.

	market.		
	8. Existence of contract administration and dispute resolution provisions.		
	Sub Indicator		
	8(a) Procedures 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.	3	Meet all requirement in order to score a 3
	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.	3	Meet all requirement in order to score a 3
	8 (c) Procedures exist to enforce the outcome of the dispute resolution process.	3	Meet all requirement in order to score a 3
4	INTEGRITY AND TRANSPARENCY OF THE PUBLIC PROCUREMENT SYSTEM.		
	9. The country has an effective control and audit systems		
	Sub Indicator		
	9(a) A legal framework, organization, policy and procedures for internal and external control and audit of public procurement operations are in place to provide a functioning control framework.	3	Meet all requirement in order to score a 3
	9(b) Enforcement and follow-up on findings and recommendations of the control framework provide an environment that fosters compliance.	2	Audits are carried out annually but response to or implementation of the auditors' recommendations takes up to a year.
	9 (c) The internal control system provides timely information on compliance to enable management action.	2	Meets requirement (a) and (c)
	9 (d) The internal control systems are sufficiently defined to allow performance audits to be conducted.	1	There are procedures but adherence to them is un even.

	9(e) Auditors are sufficiently informed about procurement requirements and control systems to conduct quality audits that contribute to compliance.	0	There is no requirement for the auditors to have knowledge of procurement and there is no formal training program and no technical support is provided to the auditors.
	10. Efficiency of appeals mechanism.		
	Sub Indicator		
	<p>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.</p> <p>a) Decisions are rendered on the basis of available evidence submitted by the parties to a specified body that has the authority to issue a final decision that is binding unless referred to an appeals body.</p> <p>(b) An appeals body exists which has the authority to review decisions of the specified complaints body and issue final enforceable decisions.</p> <p>(c) There are times specified for the submission and review of complaints and issuing of decisions that do not unduly delay the procurement process.</p>	3	Meet all requirement in order to score a 3
	10(b) The complaint review system has the capacity to handle complaints efficiently and a means to enforce the remedy imposed.	2	There are terms and timeframes for resolution of complaints but their enforcement is weak.
	10(c) The system operates in a fair manner, with outcomes of decisions balanced and justified on the basis of available information.	3	Meet all requirement in order to score a 3
	10(d) Decisions are published and made available to all interested parties and to the public	1	Publication is not mandatory and it is left to the discretion of review bodies
	10(e) The system ensures that the complaint review body has full authority and independence for	3	Meet all requirement in order to score a 3

	resolution of complaints.		
	11. Degree of access to information.		
	Sub Indicator		
	11(a) Information is published and distributed through available media with support from information technology when feasible.	1	Information on the public procurement system is difficult to get and very limited in content and availability
	12. The country has ethics and anticorruption measures in place.		
	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.	1	The Act and the regulation do not establish a clear requirement to include fraud and corruption language in the document but they are punishable acts under the law
	12(b) The legal system defines responsibilities, accountabilities, and penalties for individuals and firms found to have engaged in fraudulent or corrupt practices.	1	The legal/regulatory framework has general anti corruption and fraud provisions but does not detail the individual responsibilities and consequences which are left to the general relevant legislation of the country.
	12 (c) Evidence of enforcement of rulings and penalties exists.	3	There is ample evidence that the laws on corrupt practices are being enforced in the country by application of stated penalties.
	12(d) Special measures exist to prevent and detect fraud and corruption in public procurement.	2	The government has in place an anticorruption program but it requires better coordination or authority at a higher level to be effective. No special measures exist for public procurement.
	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.	3	Meet all requirement in order to score a 3
	12(f) The country should have in place a secure mechanism for	3	Meet all requirement in order to score a 3

	reporting fraudulent, corrupt, or unethical behaviour.		
	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.	3	Meet all requirement in order to score a 3

Appendix 2. PUBLIC PROCUREMENT SYSTEM IN BOTSWANA (VALIDATION WORKSHOP RESULTS (4th JUNE 2007))

PILLAR	INDICATOR	SCORE	BASIS FOR SCORE AND COMMENTS
1	LEGISLATIVE AND REGULATORY FRAMEWORK		
	1. Public procurement legislative and regulatory framework achieves the agreed standards and complies with applicable obligations.		
	Sub Indicator		
	1(a) Scope of application and coverage of the legislative and regulatory framework	2	
	1(b) Procurement Methods	3	
	1(c) Advertising rules and time limits	3	
	1(d) Rules on participation	1	
	1(e) Tender documentation and technical specifications.	3	
	1(f) Tender evaluation and award criteria.	3	
	1(g) Submission, receipt and opening of tenders	3	
	1(h) Complaints	3	
	2: Existence of Implementing Regulations and Documentation		
	Sub Indicator		
	2(a) Implementing regulation that provide defined processes and procedures not included in higher-level legislation	1	
	2(b) Model tender documents for goods, works, and services	3	
	2(c) Procedures for pre-qualification	3	
	2(d): Procedures suitable for contracting for services or other requirements in which technical capacity is a key criterion	3	
	2(e) User's guide or manual for contracting entities	0	Not available
	2(f) General Conditions of Contracts (GCC) for public sector contracts covering	3	

	goods, works and services consistent with national requirements and, when applicable, international requirements.		
2	Institutional Framework and Management Capacity		
	3. The public procurement system is mainstreamed and well integrated into the public sector governance system.		
	Sub Indicator		
	3(a) Procurement planning and associated expenditures are part of the budget formulation process and contribute to multiyear planning.	2	
	3(b) Budget law and financial procedures support timely procurement, contract execution, and payment.	3	
	3(c) No initiation of procurement actions without existing budget appropriations.	3	
	3(d) Systematic completion reports are prepared for certification of budget execution and for reconciliation of delivery with budget programming.	3	
	4. The country has a functional normative/regulatory body.		
	Sub Indicator		
	4(a) The status and basis for the normative/regulatory body is covered in the legislative and regulatory framework.	3	
	4(b) The body has a defined set of responsibilities that include the following: <ul style="list-style-type: none"> • providing advice to contracting entities; • drafting amendments to the legislative and regulatory framework and implementing regulations; 	3	
	4(c) The body's organization, funding, staffing, and level of independence and authority (formal power) to exercise its duties should be sufficient and consistent with the responsibilities.	3	
	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.	0	

	5. Existence of institutional development capacity		
	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.	3	
	5 (b) The country has systems and procedures for collecting and monitoring national procurement statistics.	1	
	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.	0	
	5(d) Quality control standards are disseminated and used to evaluate staff performance and address capacity development issues.	3	PMS and PBRS is done by other departments, DPSM code of conduct, Financial instructions,
3	Procurement Operations and Market Practices		
	6. The country has efficient procurement operations and practices.		
	Sub Indicator		
	6(a). The level of procurement competence among government officials within the Procuring entity consistent with their procurement responsibilities and the degree of professionalism as listed under this sub indicator.	3	Training by PPADB
	6(b) The procurement training and information programs for government officials and for private sector participants consistent with demand (a) Training programs' design is based on a skills gap inventory to match the needs of the system. (b) Information and training programs on public procurement for private sector are offered regularly either by the government or by private institutions.	1	Training by PPADB

	(c) The waiting time to get into a course (for public or private sector participants) is reasonable, say one or two terms.		
	<p>6 (c) There established norms for the safekeeping of records and documents related to transactions and contract management including the following:</p> <p>(a) The legal/regulatory framework establishes a list of the procurement records that must be kept at the operational level and what is available for public inspection, including conditions for access.</p> <p>(b) There is a document retention policy that is compatible with the statute of limitations in the country for investigating and prosecuting cases of fraud and corruption and with the audit cycles.</p> <p>(c) There are established security protocols to protect records either physical or electronic.</p>	3	Missing enforcement
	<p>6(d) There are provisions for delegating authority to others who have the capacity to exercise responsibilities in accordance with the following:</p> <p>(a) Delegation of decision making authority is decentralized to the lowest competent levels consistent with the risks associated and the monetary sums involved.</p> <p>(b) Delegation is regulated by law.</p> <p>(c) Accountability for decisions is precisely defined.</p>	3	Financial ceiling are limiting
	7. Functionality of the public procurement market.		
	Sub Indicator		
	7(a). There are effective mechanisms for partnerships between the public and private sector.	3	
	7(b) Private sector institutions are well organized and able to facilitate access to the market.	2	

	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.	1	
	8. Existence of contract administration and dispute resolution provisions.		
	Sub Indicator		
	8(a) Procedures 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.	3	C and E are limited
	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.	3	ADR not used at all by PE's and Bidders
	8(c) Procedures exist to enforce the outcome of the dispute resolution process.	3	
4	INTEGRITY AND TRANSPARENCY OF THE PUBLIC PROCUREMENT SYSTEM.		
	9. The country has an effective control and audit systems		
	Sub Indicator		
	9(a) A legal framework, organization, policy and procedures for internal and external control and audit of public procurement operations are in place to provide a functioning control framework.	2	System exists
	9(b) Enforcement and follow-up on findings and recommendations of the control framework provide an environment that fosters compliance.	2	supplies
	9(c) The internal control system provides timely information on compliance to enable management action.	2	Not complied
	9(d) The internal control systems are sufficiently defined to allow performance audits to be conducted.	2	E.g. RFQ, ITTs
	9(e) Auditors are sufficiently informed about procurement requirements and control systems to conduct quality audits	2	Proc special

	that contribute to compliance.		
	10. Efficiency of appeals mechanism.		
	Sub Indicator		
	<p>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.</p> <p>(a) Decisions are rendered on the basis of available evidence submitted by the parties to a specified body that has the authority to issue a final decision that is binding unless referred to an appeals body.</p> <p>(b) An appeals body exists which has the authority to review decisions of the 3specified complaints body and issue final enforceable decisions.</p> <p>(c) There are times specified for the submission and review of complaints and issuing of decisions that do not unduly delay the procurement process.</p>	3	
	10(b) The complaint review system has the capacity to handle complaints efficiently and a means to enforce the remedy imposed.	3	
	10(c) The system operates in a fair manner, with outcomes of decisions balanced and justified on the basis of available information.	3	
	10(d) Decisions are published and made available to all interested parties and to the public	3	
	10(e) The system ensures that the complaint review body has full authority and independence for resolution of complaints.	3	
	11. Degree of access to information.		
	Sub Indicator		
	11(a) Information is published and distributed through available media with support from information technology when feasible.	3	
	12. The country has ethics and		

	anticorruption measures in place.		
	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.	2	
	12(b) The legal system defines responsibilities, accountabilities, and penalties for individuals and firms found to have engaged in fraudulent or corrupt practices.	3	Section 31 DCEC
	12(c) Evidence of enforcement of rulings and penalties exists.	2	
	12(d) Special measures exist to prevent and detect fraud and corruption in public procurement.	3	DCEC investigation, public education
	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.	1	But dialogue not difficult and reliability not there
	12(f) The country should have in place a secure mechanism for reporting fraudulent, corrupt, or unethical behaviour.	2	
	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.	2	To be promulgated

Appendix 3. QUESTIONNAIRE TO ASSESS PROCUREMENT CAPACITY – Data collection tool for Performance and Compliance Indicators best obtained through a survey

Instructions

1. Note that there is no need for you to write your name anywhere on this questionnaire.

All answers will be treated confidentially.

2. Please note that in order for us to collect accurate information, this questionnaire must be answered in its entirety.

3. If you feel unsure or uncertain about a question, please give it more thought and select the most appropriate answer.

4. Please provide all the requested details about yourself, and your organisation or company in the section titled 'Demographic data'.

5. Respond to all the questions in the questionnaire by **circling the most appropriate answer for each question.**

Thank you for participating in this survey. Your responses to all questions will remain confidential as it facilitate in the assessment of the national procurement system.

Part I: Demographic Data

Please *circle the number* that corresponds to the correct response that best provides information about you and your organisation or company as accurately as possible:

Demographic							
Gender	D1	<i>Gender of the respondent</i>					
		1	2				
		Female	Male				
Organisation	D2	<i>Organisation</i>					
		1	2	3	4		
		Contractor	Government Department	Association	PPADB Employee		
Geography	D3	<i>Geographic location of organisation</i>					
		1	2	3	4		
		Local (Represented in one district)	National (Represented in all major centres in the Botswana)	International (Represented in Africa)	Global (Represented in more than one continents)		
Size	D4	<i>Size of organisation in terms of million BWP⁴ turnover</i>					
		1	2	3	4	5	
		Micro (Less than 0.25)	Small (0.25 to 1.5)	Medium (1.5 to 5)	Large (5 to 50)	Very large (over 50)	
Ownership	D5	<i>Extent of citizen ownership and control in the organisation</i>					
		1	2	3	4	5	6
		Wholly owned	Majority citizen owned	Minority citizen owned	Foreign owned	Government department	Public listed
Position	D6	<i>Position of respondent in organisation</i>					
		1	2	3	4	5	
		Management	Professional	Technical	Administrative	Clerical	
Education	D7	<i>Highest level of education attained by the respondent</i>					
		1	2	3	4		
		Primary	Secondary	Tertiary	University degree		
Tendering frequency	D8	<i>Frequency of participating in Botswana public procurement</i>					
		1	2	3	4	5	
		Less than annually	Annually	Twice a year	Monthly	Weekly	
Sector	D9	<i>Sector frequently tendering for, or of participation in Botswana public procurement (primarily)</i>					
		1	2	3	4	5	6

⁴ Botswana Pula denomination

		Supplies	Services	Works	Information technology	Any combination	Any combination including Works
Age	D10	<i>Age of respondent</i>					
		1	2	3	4		
		20-30	31-40	41-50	51 and above		

Part II: PPADB specific data

Please *circle the number* that corresponds to the correct response that best provides information about PPADB. Additional comments may be provided at the end of each question grouping:

Question grouping	Code	Question detail					
The public procurement legislative and regulatory framework	1Q						
Rules on participation and qualitative selection	1Q1	<i>Percentage of open tender documents that include provisions limiting participating for reasons other than qualifications or acceptable exclusions.</i>					
		1	2	3	4	5	6
		0-9%	10-25%	26-49%	50%	51-75%	76-100%
Tender evaluation and award criteria	1Q2	<i>Percentage of tenders including non quantifiable or subjective evaluation</i>					
		1	2	3	4	5	6
		0-9%	10-25%	26-49%	50%	51-75%	76-100%
Public perception of confidentiality	1Q3	<i>Confidentiality of tender evaluation process is observed in the tendering system</i>					
		1	2	3	4	5	
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree	
		1	2	3	4	5	
		Strongly	Disagree	Neutral	Agree	Strongly	

Question grouping	Code	Question detail				
		disagree				agree
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Normative and regulatory functions	2Q					
Adequacy of organization	2Q1	<i>The organisational structure of the PPADB enables it to exercise its duties adequately</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Adequacy of funding	2Q2	<i>PPADB is adequately funded to enable it to exercise its duties</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Adequacy of staffing	2Q3	<i>PPADB is adequately staffed (number of staff) to enable it to exercise its duties</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Competency of staffing	2Q4	<i>PPADB is adequately staffed with competent staff to enable it to exercise its duties</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Level of independence	2Q5	<i>PPADB is independent (without external intervention) in the exercise of its duties</i>				

Question grouping	Code	Question detail				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Level of authority	2Q6	<i>PPADB has adequate authority (decisions taken and implemented without further changes) in the exercise of its duties</i>				
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Adequacy of representation	2Q7	<i>PPADB is adequately represented in the country to effectively exercise its duties</i>				
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Separation and clarity of responsibilities	2Q8	<i>The role of the PPADB is clearly defined to avoid conflict of interest in the execution of procurement transactions</i>				
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Comment						
Functionality of the public procurement market	3Q					

Question grouping	Code	Question detail				
Partnerships between the public and private sector	3Q1	<i>There are effective mechanisms for partnerships between the public and private sector</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
	3Q2	<i>Mechanisms to ensure effective partnerships between the public and private sector are pursued in undertaking various procurement activities</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Private sector institutions able to access the market	3Q3	<i>Private sector institutions are well organised and able to access the market</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
	3Q4	<i>Procurement opportunities are advertised with sufficient time to enable private sector institutions to access the public procurement market</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
	3Q5	<i>Procurement opportunities are advertised widely (medium of advertising) to enable private sector institutions to access the public procurement market</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Comment						
Existence of	4Q					

Question grouping	Code	Question detail				
contract administration and dispute resolution provisions						
	4Q1	<i>Public procurement contracts contain balanced provisions for contract administration</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
	4Q2	<i>Public procurement contracts contain balanced provisions for dispute resolution</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
	4Q3	<i>Contract procedures are clearly defined for undertaking contract administration responsibilities</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
	4Q4	<i>Contract administration matters are handled in a timely manner</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Comment						
Efficiency of appeals mechanism	5Q					
Capacity of the	5Q1	<i>Complaint handling mechanisms are well known to the contracting</i>				

Question grouping	Code	Question detail				
system for handling and enforcing complaints decisions		<i>community</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
	5Q2	<i>Complaints are processed within the time limits in the legal framework</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
	5Q3	<i>Decisions taken to resolve complaints are well enforced</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
	5Q4	<i>Fairness is upheld in the system handling complaints</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Comment						
Anticorruption Measures	6Q					
Effectiveness of the anticorruption measures on public procurement	6Q1	<i>Allegations of corruption are taken seriously and investigated by oversight agencies (e.g. DCEC and Ombudsman)</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
	6Q2	<i>Rulings and penalties are effectively enforced</i>				
		1	2	3	4	5

Question grouping	Code	Question detail				
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
	6Q3	<i>Existing anti-corruption measures are highly effective</i>				
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Comment						
	7Q					
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
	7Q1					
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
	7Q2					
		1	2	3	4	5
		Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Comment						

