

DRAFT REPORT OF FINDING ONLY

**DATA FINDINGS FOR ASSESSMENT OF
PROCUREMENT SYSTEMS FOR
THE SELECTED MINISTRIES AS
REPRESENTATIVE SPECIMENS OF THE
NATIONAL PROCUREMENT SYSTEMS**

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1 Introduction to procurement

1.1 Introduction

Today the Public procurement in Yemen is regulated by the legal framework under the updated of the previous law in 2006 and was official approved by the government in 2007 (Law No. 23 for 2007 on tendering, bidding and public storehouses). The New Law is a significant improvement over the earlier regulatory framework applicable for public procurement and the preparation of a comprehensive National Procurement Manual (NPM) is being finalised under the supervision of the Supreme Authority for Tender and Bids Control (SATBC).

The development of the Standard Bidding Documents (SBDs) in 2007 was established In cooperation with the IDA the SATBC. These documents are applicable for all entities from the Government of Yemen carrying out procurement.

In general the current procurement laws and applicable rules are not applied by the authorities with the necessary degree of commitment to reduce the prevalent risk of inefficient and uneconomic procurement.

1.2 Approached Methodology

Following OECD Methodology for Assessment of National Procurement Systems, the tools for collecting the indicators data was prepared as inquired points based on BL and CP Indicators to assess the currently applied procurement systems of the relevant Ministries.

1.2.1 BL Indicator

The BL Indicators was prepared for every Ministry including (the Scoring Criteria) of the sub- Indicators as a inquire or questionnaire points to be answered if the structure interviews are not work in a satisfied way to discuss and fill the Indicators during the meeting ([annex 1a to 1e](#)).

Also a non official or non standard Arabic version was prepared to help the specialists to understand the description of some sub Indicators or there Criteria.

This quantitative questionnaire was handed to every Ministry's representative.

The BL indicators were presented in excel file for the relative Ministries together, one sheet for every Pillar to estimate the Score and the sum of every Ministry, accordingly the useful Charts and tables have been created for the analysis, evaluation and comparison purpose.

The following table shows ([annex 1](#)) file contents

Annex 1 content sheets

Annex 1 Contents	
No.	Sheet name
1	Pillar I (BL Indicators → Sub Indicators → Scoring criteria)
2	Pillar II (BL Indicators → Sub Indicators → Scoring criteria)
3	Pillar III (BL Indicators → Sub Indicators → Scoring criteria)
4	Pillar IV (BL Indicators → Sub Indicators → Scoring criteria)
5	Banding Formula + linked tables
6	Pillar I (Charts and Linked summery tables)
7	Pillar II (Charts and Linked summery tables)
8	Pillar III (Charts and Linked summery tables)
9	Pillar IV (Charts and Linked summery tables)
10	Four Pillars (Charts and linked summery tables)

N.B:

Any further changes or modifications of the findings data should be applied in the first four sheets, the other sheets will be modified automatically as they are linked to each other.

1.2.2 CP Indicator

The CP Indicator was conducted on a specimen (the Projects over (125,000,000 YR for the year of 2007) of the relevant Ministries ([Annex 2](#)))

2 The selected Ministries for Conduct the Assessment

The Selection of the following Ministries was not randomly, but based on the annual volume and number of there Projects planning.

Accordingly four Ministries were selected for the assessment study to represent the National Procurement Systems as follows: 1- Ministry of Public Works, 2- Ministry of Vocational Training, 3- Ministry of Water & Environment 4- Ministry of Public Health..

The time schedule for the proposed interviews with the specialist in each Ministry have been arranged; accordingly an official letters was issued and delivered by Fax on 27th of Feb. 2008 to inform the Relevant Ministries about the interview date (copy of the mentioned letters is available).

During the short and miss organized interviews due to there other obligations and repeated interruptions, the Baseline indicators was not discussed and filled during the meeting, therefore a copy was delivered to the procurement specialist of the relevant Ministries .

3 Findings Data Analysis

Based on the findings data of the assessment and the presentations tables and charts of the BL Indicators ([Annex 1](#)), the initial analysis could be applied in details starting by the Sub Indicators level, Indicators level, and up to Pillars level for every Ministry.

3.1 Ministry of Public Works

3.1.1. Sub-Indicator Level Analysis

Pillar I – Legislative and Regulatory Framework		
Indicator 1. The public procurement legislative and regulatory framework		
Sub- Indicators	M.o.P.W	Weaknesses , functionalities
1(a) Scope of application framework	3	Full achievement of the standard
1(b) Procurement methods	2	Needs some improvements
1(c) Advertising rules and time limits	3	Full achievement of the standard
1(d) Rules on participation and qualitative selection	3	Full achievement of the standard
1(e) Tender documentation and technical specifications	3	Full achievement of the standard
1(f) Tender evaluation and award criteria	3	Full achievement of the standard
1(g) Submission, receipt and opening of tenders	3	Full achievement of the standard
1(h) Complaints system structure and sequence	3	Full achievement of the standard
Indicator 2. Implementing Regulations and Documentation		
Sub- Indicators	M.o.P.W	Weaknesses , functionalities
2(a) Implementing regulation	3	Full achievement of the standard
2(b) Model tender documents	3	Full achievement of the standard
2(c) Procedures for pre-qualification	3	Full achievement of the standard
2(d) Procedures for contracting for services	3	Full achievement of the standard
2(e) User’s guide or manual	3	Full achievement of the standard
2(f) Existence and coverage of (GCC)	3	Full achievement of the standard

Pillar II. Institutional Framework and Management Capacity

Indicator 3 Integration and mainstreaming of the public procurement system

Sub- Indicators	M.o.P.W	Weaknesses , functionalities
3(a) Procurement planning and associated expenditures are part of the budget	3	Full achievement of the standard
3(b) Budget law and financial procedures support timely procurement	3	Full achievement of the standard
3(c) Procurement actions not initiated without budget appropriations	3	Full achievement of the standard
3(d) Systematic completion reports are prepared for certification of budget	3	Full achievement of the standard

Indicator 4 Normative and regulatory functions.

Sub- Indicators	M.o.P.W	Weaknesses , functionalities
4(a) Normative/regulatory functions are established	3	Full achievement of the standard
4(b) The responsibilities include	3	Full achievement of the standard
4(c) Adequacy of organization, funding, staffing, and level of independence	3	Full achievement of the standard
4(d) Separation and clarity so as to avoid conflict	0	Failure to meet the standard

Indicator 5 Institutional development capacity.

Sub- Indicators	M.o.P.W	Weaknesses , functionalities
5(a) System for collecting information and accessibility	3	Full achievement of the standard
5(b) Systems for collecting and monitoring national procurement statistics	3	Full achievement of the standard
5(c) Strategy and training capacity	3	Full achievement of the standard
5(d) Quality control standards and staff performance evaluation	3	Full achievement of the standard

Pillar III. Procurement Operations and Market Practices

Indicator 6 Efficiency of procurement operations and practices.		
Sub- Indicators	M.o.P.W	Weaknesses , functionalities
6(a) Adequacy of procurement competence among government officials	3	Full achievement of the standard
6(b) Procurement training and information programs	3	Full achievement of the standard
6 (c) Norms for the safe keeping of records and documents	0	Failure to meet the standard
6(d) Provisions for delegation of authority	3	Full achievement of the standard
Indicator 7 Functionality of the public procurement market.		
Sub- Indicators	M.o.P.W	Weaknesses , functionalities
7(a) Effective mechanisms for partnerships	3	Full achievement of the standard
7(b) Private sector institutions are well organized	3	Full achievement of the standard
7(c) Systemic constraints inhibiting the private sector's capacity	0	Failure to meet the standard
Indicator 8 Existence of contract administration and dispute resolution provisions.		
Sub- Indicators	M.o.P.W	Weaknesses , functionalities
8(a) Procedures are clearly defined for undertaking contract administration responsibilities	2	Needs some improvements
8(b) Contracts include adequate dispute resolution procedures	3	Full achievement of the standard
8 (c) Procedures exist to enforce the outcome of the dispute resolution process	3	Full achievement of the standard

Pillar IV. Integrity and Transparency of the Public Procurement System

Indicator 9 Effectiveness of control and audit systems		
Sub- Indicators	M.o.P.W	Weaknesses , functionalities
9(a) Legal framework, organization, policy	3	Full achievement of the standard
9(b) Enforcement and follow-up on findings	3	Full achievement of the standard
9 (c) The internal control system provides timely information	2	Needs some improvements
9(d) The internal control systems are sufficiently defined	3	Full achievement of the standard
9(e) Auditors are sufficiently informed about procurement requirements	3	Full achievement of the standard
Indicator 10 Efficiency of appeals mechanism		
Sub- Indicators	M.o.P.W	Weaknesses , functionalities
10(a) Decisions are deliberated on the basis of available information	3	Full achievement of the standard
10(b) Capacity of the complaint review system and enforcement of decisions	3	Full achievement of the standard
10(c) Fairness of the complaints system	2	Needs some improvements
10(d) Public access to decisions	0	Failure to meet the standard
10(e) Independence of the administrative review body.	3	Full achievement of the standard
Indicator 12 Ethics and anticorruption policy and measures.		
Sub- Indicators	M.o.P.W	Weaknesses , functionalities
12(a) Legal provisions on corruption, fraud	3	Full achievement of the standard
12(b) Definition in legal system of responsibilities	3	Full achievement of the standard
1(c) Enforcement of rulings and penalties.	3	Full achievement of the standard
12(d) Measures exist to prevent and detect fraud and corruption	3	Full achievement of the standard
12(e) Stakeholders support the creation of a procurement market known for its integrity and ethical behaviors	3	Full achievement of the standard
12(f) Mechanism for reporting fraudulent, corrupt, or unethical behavior.	3	Full achievement of the standard
12(g) Codes of Conduct/Codes of Ethics	2	Needs some improvements

3.1.2 Indicator Level Analysis

Indicators	M.o.P.W	Weaknesses , functionalities
Indicator 1. The public procurement legislative and regulatory framework	2.88	Full achievement of the standard
Indicator 2. Implementing Regulations and Documentation	3.00	Full achievement of the standard
Indicator 3 Integration and mainstriming of the public procurement system	3.00	Full achievement of the standard
Indicator 4 Normative and regulatory functions.	2.25	Needs some improvements
Indicator 5 Institutional development capacity.	3.00	Full achievement of the standard
Indicator 6 Efficiency of procurement operations and practices.	2.25	Needs some improvements
Indicator 7 Functionality of the public procurement market.	2.00	Needs some improvements
Indicator 8 Existence of contract administration and dispute resolution provisions.	2.67	Needs some improvements
Indicator 9 Effectiveness of control and audit systems	2.00	Needs some improvements
Indicator 10 Efficiency of appeals mechanism	2.20	Needs some improvements
Indicator 12 Ethics and anticorruption policy and measures.	2.86	Full achievement of the standard

3..1.3 Pillar Indicator Level Analysis

Pillar I, II, III, and IV

Pillars	M.o.P.W	Weaknesses , functionalities
Legislative Framework	2.9	Full achievement of the standard
Institutional and Management Capacity	2.8	Substantive work is needed
Procurement and Markets	2.1	Substantive work is needed
Integrity and Transparency	2.5	Substantive work is needed

3.2 Ministry of Vocational Training,

3.2.1. Sub-Indicator Level Analysis

Pillar I – Legislative and Regulatory Framework

Indicator 1. The public procurement legislative and regulatory framework		
Sub- Indicators	M.o.V.T.	Weaknesses , functionalities
1(a) Scope of application framework	3	Full achievement of the standard
1(b) Procurement methods	3	Full achievement of the standard
1(c) Advertising rules and time limits	2	Needs some improvements
1(d) Rules on participation and qualitative selection	1	Substantive work is needed
1(e) Tender documentation and technical specifications	2	Needs some improvements
1(f) Tender evaluation and award criteria	2	Needs some improvements
1(g) Submission, receipt and opening of tenders	3	Full achievement of the standard
1(h) Complaints system structure and sequence	0	Failure to meet the standard
Indicator 2. Implementing Regulations and Documentation		
Sub- Indicators	M.o.V.T.	Weaknesses , functionalities
2(a) Implementing regulation	1	Substantive work is needed
2(b) Model tender documents	0	Failure to meet the standard
2(c) Procedures for pre-qualification	0	Failure to meet the standard
2(d) Procedures for contracting for services	3	Full achievement of the standard
2(e) User's guide or manual	1	Needs some improvements
2(f) Existence and coverage of (GCC)	1	Substantive work is needed

Pillar II. Institutional Framework and Management Capacity

Indicator 3 Integration and mainstreaming of the public procurement system		
Sub- Indicators	M.o.V.T.	Weaknesses , functionalities
3(a) Procurement planning and associated expenditures are part of the budget	2	Needs some improvements
3(b) Budget law and financial procedures support timely procurement	2	Needs some improvements
3(c) Procurement actions not initiated without budget appropriations	3	Full achievement of the standard
3(d) Systematic completion reports are prepared for certification of budget	2	Needs some improvements
Indicator 4 Normative and regulatory functions.		
Sub- Indicators	M.o.V.T.	Weaknesses , functionalities
4(a) Normative/regulatory functions are established	3	Full achievement of the standard
4(b) The responsibilities include	0	Failure to meet the standard
4(c) Adequacy of organization, funding, staffing, and level of independence	3	Full achievement of the standard
4(d) Separation and clarity so as to avoid conflict	3	Full achievement of the standard
Indicator 5 Institutional development capacity.		
Sub- Indicators	M.o.V.T.	Weaknesses , functionalities
5(a) System for collecting information and accessibility	1	Substantive work is needed
5(b) Systems for collecting and monitoring national procurement statistics	0	Failure to meet the standard
5(c) Strategy and training capacity	0	Failure to meet the standard
5(d) Quality control standards and staff performance evaluation	0	Failure to meet the standard

Pillar III. Procurement Operations and Market Practices

Indicator 6 Efficiency of procurement operations and practices.		
Sub- Indicators	M.o.V.T.	Weaknesses , functionalities
6(a) Adequacy of procurement competence among government officials	0	Failure to meet the standard
6(b) Procurement training and information programs	0	Failure to meet the standard
6 (c) Norms for the safe keeping of records and documents	3	Full achievement of the standard
6(d) Provisions for delegation of authority	3	Full achievement of the standard
Indicator 7 Functionality of the public procurement market.		
Sub- Indicators	M.o.V.T.	Weaknesses , functionalities
7(a) Effective mechanisms for partnerships	0	Failure to meet the standard
7(b) Private sector institutions are well organized	2	Needs some improvements
7(c) Systemic constraints inhibiting the private sector's capacity	3	Full achievement of the standard
Indicator 8 Existence of contract administration and dispute resolution provisions.		
Sub- Indicators	M.o.V.T.	Weaknesses , functionalities
8(a) Procedures are clearly defined for undertaking contract administration responsibilities	0	Failure to meet the standard
8(b) Contracts include adequate dispute resolution procedures	1	Substantive work is needed
8 (c) Procedures exist to enforce the outcome of the dispute resolution process	0	Failure to meet the standard

Pillar IV. Integrity and Transparency of the Public Procurement System

Indicator 9 Effectiveness of control and audit systems		
Sub- Indicators	M.o.V.T.	Weaknesses , functionalities
9(a) Legal framework, organization, policy	1	Substantive work is needed
9(b) Enforcement and follow-up on findings	3	Full achievement of the standard
9 (c) The internal control system provides timely information	0	Failure to meet the standard
9(d) The internal control systems are sufficiently defined	0	Failure to meet the standard
9(e) Auditors are sufficiently informed about procurement requirements	1	Substantive work is needed
Indicator 10 Efficiency of appeals mechanism		
Sub- Indicators	M.o.V.T.	Weaknesses , functionalities
10(a) Decisions are deliberated on the basis of available information	1	Substantive work is needed
10(b) Capacity of the complaint review system and enforcement of decisions	1	Substantive work is needed
10(c) Fairness of the complaints system	0	Failure to meet the standard
10(d) Public access to decisions	3	Full achievement of the standard
10(e) Independence of the administrative review body.	3	Full achievement of the standard
Indicator 12 Ethics and anticorruption policy and measures.		
Sub- Indicators	M.o.V.T.	Weaknesses , functionalities
12(a) Legal provisions on corruption, fraud	2	Needs some improvements
12(b) Definition in legal system of responsibilities	0	Failure to meet the standard
1(c) Enforcement of rulings and penalties.	1	Substantive work is needed
12(d) Measures exist to prevent and detect fraud and corruption	2	Needs some improvements
12(e) Stakeholders support the creation of a procurement market known for its integrity and ethical behaviors	0	Failure to meet the standard
12(f) Mechanism for reporting fraudulent, corrupt, or unethical behavior.	0	Failure to meet the standard
12(g) Codes of Conduct/Codes of Ethics	0	Failure to meet the standard

3.2.2. Indicators Level Analysis

Indicators	M.o.V.T.	Weaknesses , functionalities
Indicator 1. The public procurement legislative and regulatory framework	2.00	Needs some improvements
Indicator 2. Implementing Regulations and Documentation	1.00	Substantive work is needed
Indicator 3 Integration and mainstriming of the public procurement system	2.25	Needs some improvements
Indicator 4 Normative and regulatory functions.	2.25	Needs some improvements
Indicator 5 Institutional development capacity.	0.25	Failure to meet the standard
Indicator 6 Efficiency of procurement operations and practices.	1.50	Substantive work is needed
Indicator 7 Functionality of the public procurement market.	1.67	Substantive work is needed
Indicator 8 Existence of contract administration and dispute resolution provisions.	0.33	Failure to meet the standard
Indicator 9 Effectiveness of control and audit systems	0.33	Failure to meet the standard
Indicator 10 Efficiency of appeals mechanism	1.60	Substantive work is needed
Indicator 12 Ethics and anticorruption policy and measures.	0.71	Failure to meet the standard

3..2.3 Pillar Indicator Level Analysis

Pillar I, II, III, and IV

Pillars	M.o.V.T.	Weaknesses , functionalities
Legislative Framework	1.6	Substantive work is needed
Institutional and Management Capacity	1.6	Substantive work is needed
Procurement and Markets	1.1	Substantive work is needed
Integrity and Transparency	1.0	Substantive work is needed

3.3 Ministry of Water and Environment

3.3.1. Sub-Indicator Level Analysis

Pillar I – Legislative and Regulatory Framework

Indicator 1. The public procurement legislative and regulatory framework		
Sub- Indicators	M.o.W&E	Weaknesses , functionalities
1(a) Scope of application framework	3	Full achievement of the standard
1(b) Procurement methods	0	Failure to meet the standard
1(c) Advertising rules and time limits	3	Full achievement of the standard
1(d) Rules on participation and qualitative selection	0	Failure to meet the standard
1(e) Tender documentation and technical specifications	2	Needs some improvements
1(f) Tender evaluation and award criteria	1	Substantive work is needed
1(g) Submission, receipt and opening of tenders	0	Failure to meet the standard
1(h) Complaints system structure and sequence	0	Failure to meet the standard
Indicator 2. Implementing Regulations and Documentation		
Sub- Indicators	M.o.W&E	Weaknesses , functionalities
2(a) Implementing regulation	1	Substantive work is needed
2(b) Model tender documents	0	Failure to meet the standard
2(c) Procedures for pre-qualification	0	Failure to meet the standard
2(d) Procedures for contracting for services	3	Full achievement of the standard
2(e) User's guide or manual	0	Failure to meet the standard
2(f) Existence and coverage of (GCC)	3	Full achievement of the standard

Pillar II. Institutional Framework and Management Capacity

Indicator 3 Integration and mainstreaming of the public procurement system		
Sub- Indicators	M.o.W&E	Weaknesses , functionalities
3(a) Procurement planning and associated expenditures are part of the budget	2	Needs some improvements
3(b) Budget law and financial procedures support timely procurement	2	Needs some improvements
3(c) Procurement actions not initiated without budget appropriations	3	Full achievement of the standard
3(d) Systematic completion reports are prepared for certification of budget	2	Needs some improvements
Indicator 4 Normative and regulatory functions.		
Sub- Indicators	M.o.W&E	Weaknesses , functionalities
4(a) Normative/regulatory functions are established	3	Full achievement of the standard
4(b) The responsibilities include	0	Failure to meet the standard
4(c) Adequacy of organization, funding, staffing, and level of independence	3	Full achievement of the standard
4(d) Separation and clarity so as to avoid conflict	0	Failure to meet the standard
Indicator 5 Institutional development capacity.		
Sub- Indicators	M.o.W&E	Weaknesses , functionalities
5(a) System for collecting information and accessibility	0	Failure to meet the standard
5(b) Systems for collecting and monitoring national procurement statistics	2	Needs some improvements
5(c) Strategy and training capacity	0	Failure to meet the standard
5(d) Quality control standards and staff performance evaluation	2	Needs some improvements

Pillar III. Procurement Operations and Market Practices

Indicator 6 Efficiency of procurement operations and practices.		
Sub- Indicators	M.o.W&E	Weaknesses , functionalities
6(a) Adequacy of procurement competence among government officials	1	Substantive work is needed
6(b) Procurement training and information programs	0	Failure to meet the standard
6 (c) Norms for the safe keeping of records and documents	0	Failure to meet the standard
6(d) Provisions for delegation of authority	0	Failure to meet the standard
Indicator 7 Functionality of the public procurement market.		
Sub- Indicators	M.o.W&E	Weaknesses , functionalities
7(a) Effective mechanisms for partnerships	0	Failure to meet the standard
7(b) Private sector institutions are well organized	3	Full achievement of the standard
7(c) Systemic constraints inhibiting the private sector's capacity	3	Full achievement of the standard
Indicator 8 Existence of contract administration and dispute resolution provisions.		
Sub- Indicators	M.o.W&E	Weaknesses , functionalities
8(a) Procedures are clearly defined for undertaking contract administration responsibilities	0	Failure to meet the standard
8(b) Contracts include adequate dispute resolution procedures	1	Substantive work is needed
8 (c) Procedures exist to enforce the outcome of the dispute resolution process	2	Needs some improvements

Pillar IV. Integrity and Transparency of the Public Procurement System

Indicator 9 Effectiveness of control and audit systems		
Sub- Indicators	M.o.W&E	Weaknesses , functionalities
9(a) Legal framework, organization, policy	0	Failure to meet the standard
9(b) Enforcement and follow-up on findings	3	Full achievement of the standard
9 (c) The internal control system provides timely information	2	Needs some improvements
9(d) The internal control systems are sufficiently defined	0	Failure to meet the standard
9(e) Auditors are sufficiently informed about procurement requirements	3	Full achievement of the standard
Indicator 10 Efficiency of appeals mechanism		
Sub- Indicators	M.o.W&E	Weaknesses , functionalities
10(a) Decisions are deliberated on the basis of available information	3	Full achievement of the standard
10(b) Capacity of the complaint review system and enforcement of decisions	3	Full achievement of the standard
10(c) Fairness of the complaints system	1	Substantive work is needed
10(d) Public access to decisions	3	Full achievement of the standard
10(e) Independence of the administrative review body.	3	Full achievement of the standard
Indicator 12 Ethics and anticorruption policy and measures.		
Sub- Indicators	M.o.W&E	Weaknesses , functionalities
12(a) Legal provisions on corruption, fraud	0	Failure to meet the standard
12(b) Definition in legal system of responsibilities	3	Full achievement of the standard
1(c) Enforcement of rulings and penalties.	3	Full achievement of the standard
12(d) Measures exist to prevent and detect fraud and corruption	3	Full achievement of the standard
12(e) Stakeholders support the creation of a procurement market known for its integrity and ethical behaviors	0	Failure to meet the standard
12(f) Mechanism for reporting fraudulent, corrupt, or unethical behavior.	0	Failure to meet the standard
12(g) Codes of Conduct/Codes of Ethics	1	Substantive work is needed

3.3.2. Indicator Level Analysis

Indicators	M.o.W&E	Weaknesses , functionalities
Indicator 1. The public procurement legislative and regulatory framework	1.13	Substantive work is needed
Indicator 2. Implementing Regulations and Documentation	1.17	Substantive work is needed
Indicator 3 Integration and mainstriming of the public procurement system	2.25	Needs some improvements
Indicator 4 Normative and regulatory functions.	1.50	Substantive work is needed
Indicator 5 Institutional development capacity.	1.00	Substantive work is needed
Indicator 6 Efficiency of procurement operations and practices.	0.25	Failure to meet the standard
Indicator 7 Functionality of the public procurement market.	2.00	Needs some improvements
Indicator 8 Existence of contract administration and dispute resolution provisions.	1.00	Substantive work is needed
Indicator 9 Effectiveness of control and audit systems	1.00	Substantive work is needed
Indicator 10 Efficiency of appeals mechanism	2.60	Needs some improvements
Indicator 12 Ethics and anticorruption policy and measures.	1.43	Substantive work is needed

3.3.3 Pillar Indicator Level Analysis

Pillar I, II, III, and IV

Pillars	M.o.W&E	Weaknesses , functionalities
Legislative Framework	1.1	Substantive work is needed
Institutional and Management Capacity	1.6	Substantive work is needed
Procurement and Markets	0.9	Substantive work is needed
Integrity and Transparency	1.7	Substantive work is needed

3.4 Ministry of Public Health

3.4.1. Sub-Indicator Level Analysis

Pillar I – Legislative and Regulatory Framework

Indicator 1. The public procurement legislative and regulatory framework		
Sub- Indicators	M.o.P.H	Weaknesses , functionalities
1(a) Scope of application framework	2	Needs some improvements
1(b) Procurement methods	3	Full achievement of the standard
1(c) Advertising rules and time limits	3	Full achievement of the standard
1(d) Rules on participation and qualitative selection	1	Substantive work is needed
1(e) Tender documentation and technical specifications	3	Full achievement of the standard
1(f) Tender evaluation and award criteria	2	Needs some improvements
1(g) Submission, receipt and opening of tenders	3	Full achievement of the standard
1(h) Complaints system structure and sequence	3	Full achievement of the standard
Indicator 2. Implementing Regulations and Documentation		
Sub- Indicators	M.o.P.H	Weaknesses , functionalities
2(a) Implementing regulation	3	Full achievement of the standard
2(b) Model tender documents	3	Full achievement of the standard
2(c) Procedures for pre-qualification	0	Failure to meet the standard
2(d) Procedures for contracting for services	3	Full achievement of the standard
2(e) User’s guide or manual	0	Failure to meet the standard
2(f) Existence and coverage of (GCC)	3	Full achievement of the standard

Pillar II. Institutional Framework and Management Capacity

Indicator 3 Integration and mainstreaming of the public procurement system		
Sub- Indicators	M.o.P.H	Weaknesses , functionalities
3(a) Procurement planning and associated expenditures are part of the budget	3	Full achievement of the standard
3(b) Budget law and financial procedures support timely procurement	1	Substantive work is needed
3(c) Procurement actions not initiated without budget appropriations	3	Full achievement of the standard
3(d) Systematic completion reports are prepared for certification of budget	3	Full achievement of the standard
Indicator 4 Normative and regulatory functions.		
Sub- Indicators	M.o.P.H	Weaknesses , functionalities
4(a) Normative/regulatory functions are established	3	Full achievement of the standard
4(b) The responsibilities include	2	Needs some improvements
4(c) Adequacy of organization, funding, staffing, and level of independence	2	Needs some improvements
4(d) Separation and clarity so as to avoid conflict	0	Failure to meet the standard
Indicator 5 Institutional development capacity.		
Sub- Indicators	M.o.P.H	Weaknesses , functionalities
5(a) System for collecting information and accessibility	2	Needs some improvements
5(b) Systems for collecting and monitoring national procurement statistics	0	Failure to meet the standard
5(c) Strategy and training capacity	2	Needs some improvements
5(d) Quality control standards and staff performance evaluation	3	Full achievement of the standard

Pillar III. Procurement Operations and Market Practices

Indicator 6 Efficiency of procurement operations and practices.		
Sub- Indicators	M.o.P.H	Weaknesses , functionalities
6(a) Adequacy of procurement competence among government officials	1	Substantive work is needed
6(b) Procurement training and information programs	1	Substantive work is needed
6 (c) Norms for the safe keeping of records and documents	0	Failure to meet the standard
6(d) Provisions for delegation of authority	0	Failure to meet the standard
Indicator 7 Functionality of the public procurement market.		
Sub- Indicators	M.o.P.H	Weaknesses , functionalities
7(a) Effective mechanisms for partnerships	3	Full achievement of the standard
7(b) Private sector institutions are well organized	2	Needs some improvements
7(c) Systemic constraints inhibiting the private sector's capacity	3	Full achievement of the standard
Indicator 8 Existence of contract administration and dispute resolution provisions.		
Sub- Indicators	M.o.P.H	Weaknesses , functionalities
8(a) Procedures are clearly defined for undertaking contract administration responsibilities	2	Needs some improvements
8(b) Contracts include adequate dispute resolution procedures	2	Needs some improvements
8 (c) Procedures exist to enforce the outcome of the dispute resolution process	0	Failure to meet the standard

Pillar IV. Integrity and Transparency of the Public Procurement System

Indicator 9 Effectiveness of control and audit systems		
Sub- Indicators	M.o.P.H	Weaknesses classifications
9(a) Legal framework, organization, policy	1	Substantive work is needed
9(b) Enforcement and follow-up on findings	0	Failure to meet the standard
9 (c) The internal control system provides timely information	0	Failure to meet the standard
9(d) The internal control systems are sufficiently defined	3	Full achievement of the standard
9(e) Auditors are sufficiently informed about procurement requirements	2	Needs some improvements
Indicator 10 Efficiency of appeals mechanism		
Sub- Indicators	M.o.P.H	Weaknesses classifications
10(a) Decisions are deliberated on the basis of available information	0	Failure to meet the standard
10(b) Capacity of the complaint review system and enforcement of decisions	3	Full achievement of the standard
10(c) Fairness of the complaints system	0	Failure to meet the standard
10(d) Public access to decisions	0	Failure to meet the standard
10(e) Independence of the administrative review body.	0	Failure to meet the standard
Indicator 12 Ethics and anticorruption policy and measures.		
Sub- Indicators	M.o.P.H	Weaknesses classifications
12(a) Legal provisions on corruption, fraud	3	Full achievement of the standard
12(b) Definition in legal system of responsibilities	3	Full achievement of the standard
1(c) Enforcement of rulings and penalties.	3	Full achievement of the standard
12(d) Measures exist to prevent and detect fraud and corruption	3	Full achievement of the standard
12(e) Stakeholders support the creation of a procurement market known for its integrity and ethical behaviors	0	Failure to meet the standard
12(f) Mechanism for reporting fraudulent, corrupt, or unethical behavior.	0	Failure to meet the standard
12(g) Codes of Conduct/Codes of Ethics	0	Failure to meet the standard

3.4.2. Indicator Level Analysis

Indicators	M.o.P.H	Weaknesses , functionalities
Indicator 1. The public procurement legislative and regulatory framework	2.50	Needs some improvements
Indicator 2. Implementing Regulations and Documentation	2.00	Needs some improvements
Indicator 3 Integration and mainstrimming of the public procurement system	2.50	Needs some improvements
Indicator 4 Normative and regulatory functions.	1.75	Substantive work is needed
Indicator 5 Institutional development capacity.	1.75	Substantive work is needed
Indicator 6 Efficiency of procurement operations and practices.	0.50	Failure to meet the standard
Indicator 7 Functionality of the public procurement market.	2.67	Needs some improvements
Indicator 8 Existence of contract administration and dispute resolution provisions.	1.33	Substantive work is needed
Indicator 9 Effectiveness of control and audit systems	0.67	Failure to meet the standard
Indicator 10 Efficiency of appeals mechanism	0.60	Failure to meet the standard
Indicator 12 Ethics and anticorruption policy and measures.	1.71	Substantive work is needed

3..4.3 Pillar Indicator Level Analysis

Pillar I, II, III, and IV

Pillars	M.o.P.H	Weaknesses , functionalities
Legislative Framework	2.3	Substantive work is needed
Institutional and Management Capacity	2.0	Substantive work is needed
Procurement and Markets	1.3	Substantive work is needed
Integrity and Transparency	1.2	Substantive work is needed

Banding Formula and Table

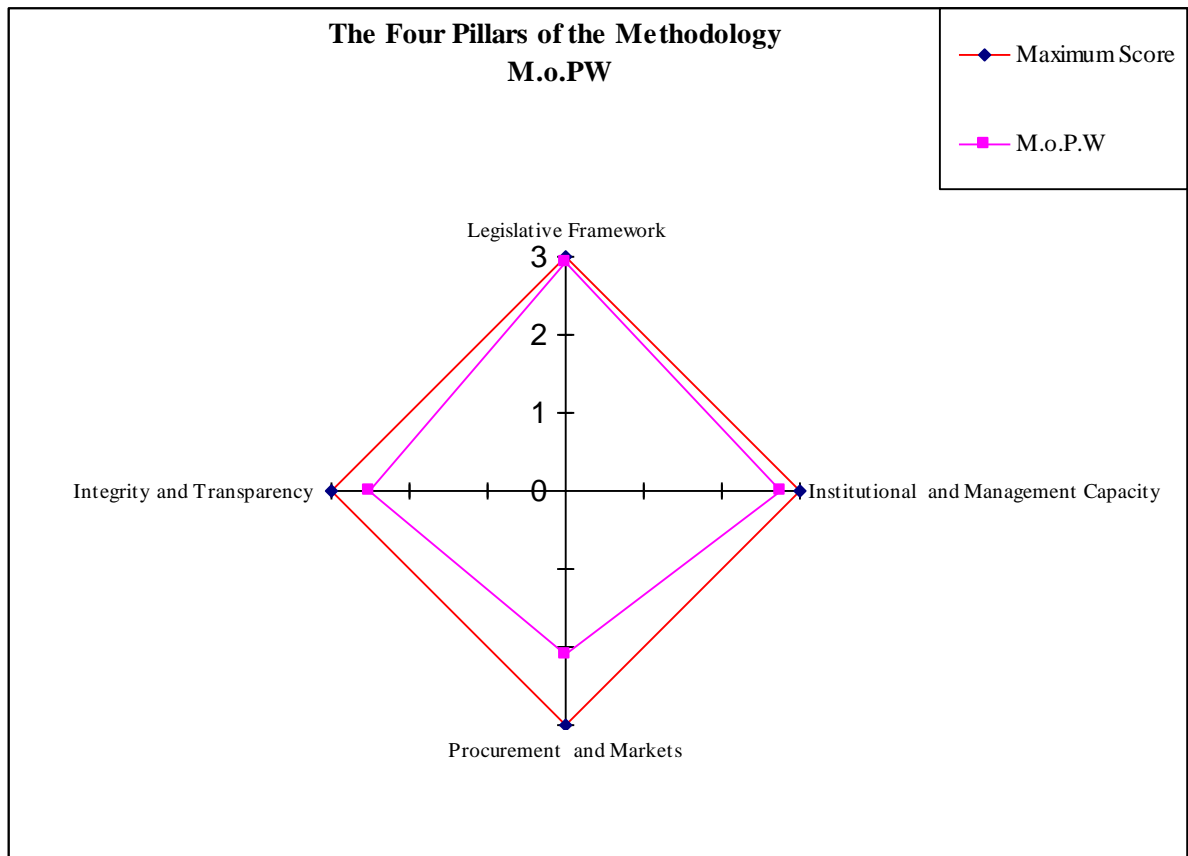
Referring to the finding data in (Annex 1-sheet 5), the following (table 1) & (table 2) are considered as reporting aggregate baseline data for Indicator 2b

Table (1)		Pillar I, II, III, and IV			
Pillars	Maximum Score	M.o.P.W	M.o.V.T.	M.o.W&E	M.o.P.H
Legislative Framework	3	2.9	1.6	1.1	2.3
Institutional and Management Capacity	3	2.8	1.6	1.6	2.0
Procurement and Markets	3	2.1	1.1	0.9	1.3
Integrity and Transparency	3	2.5	1.0	1.7	1.2

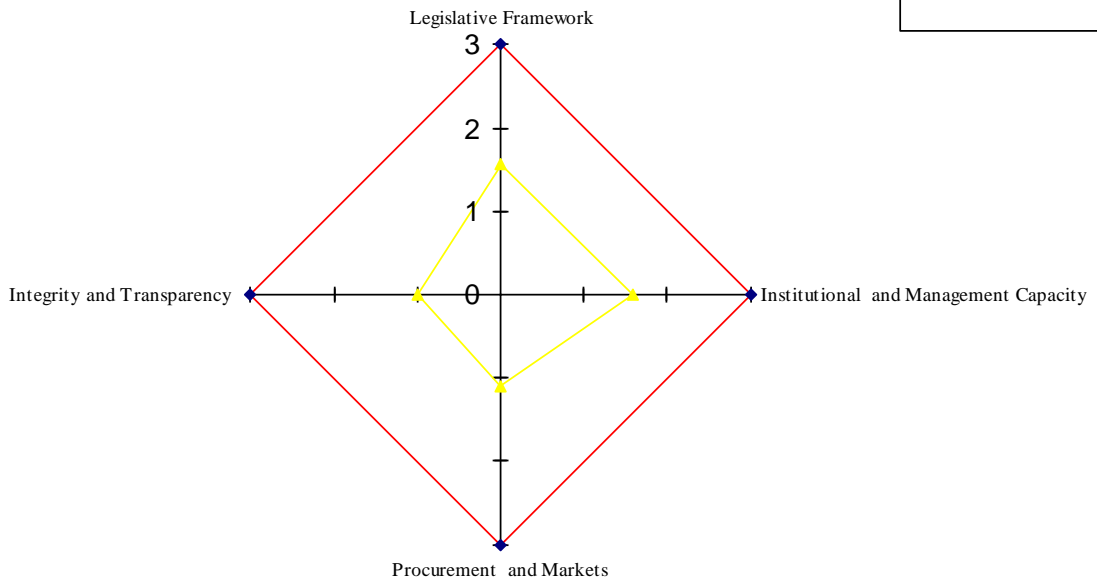
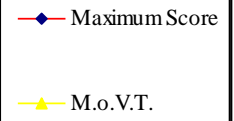
Table (2)

Banding Formula					
Baseline Indicators	Maximum Score	Relevant Ministries Ranks			
		M.o.P.W	M.o.V.T.	M.o.W&E	M.o.P.H
Grand Total (Raw Score (points))	165	142	71	76	91
Percentage Score	100%	86%	43%	46%	55%
Level	A	B	D	D	C

The following Charts illustrating the Pillars Indicators of the relevant Ministries

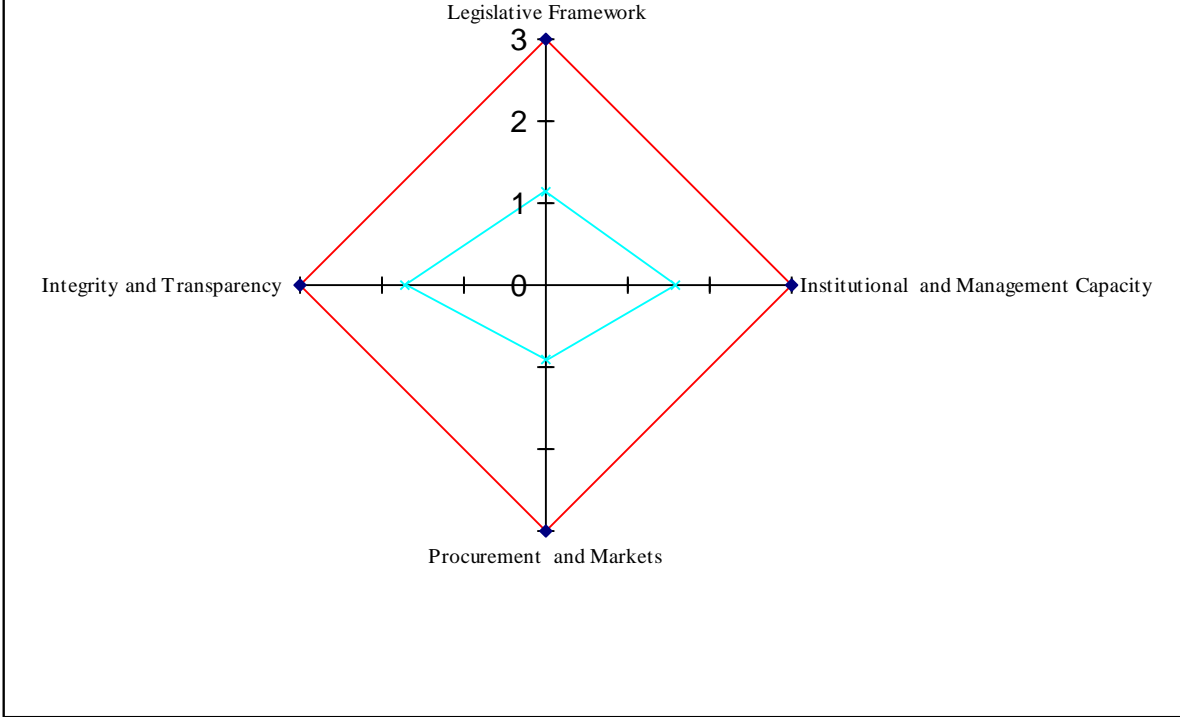
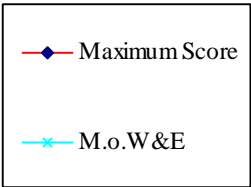


The Four Pillars of the Methodology M.o.V.T



The Four Pillars of the Methodology

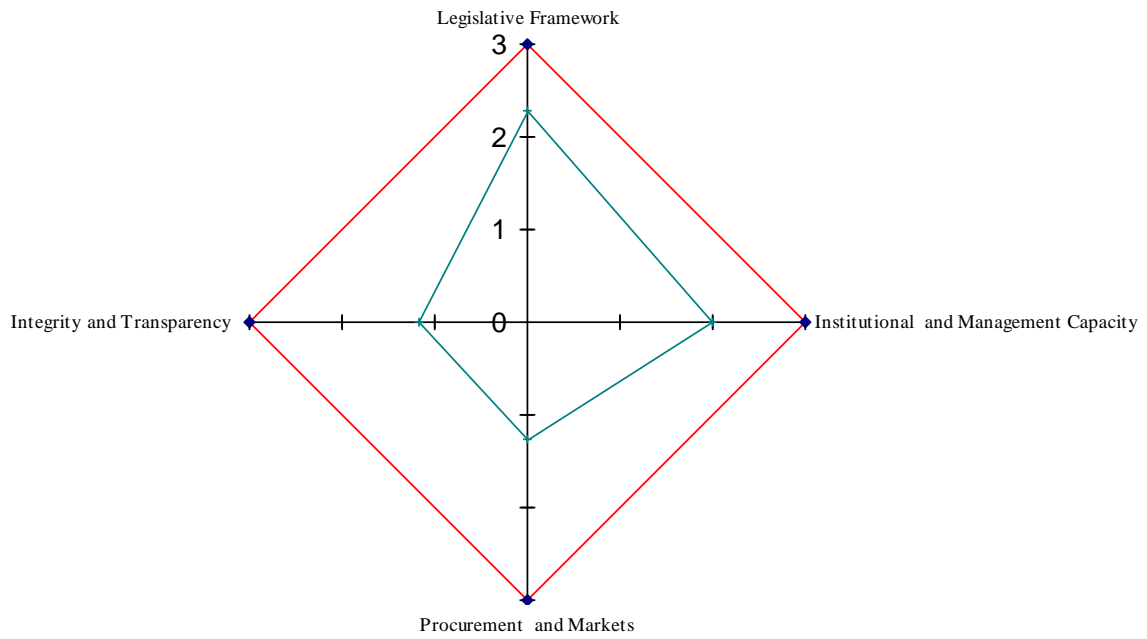
M.o.W&E



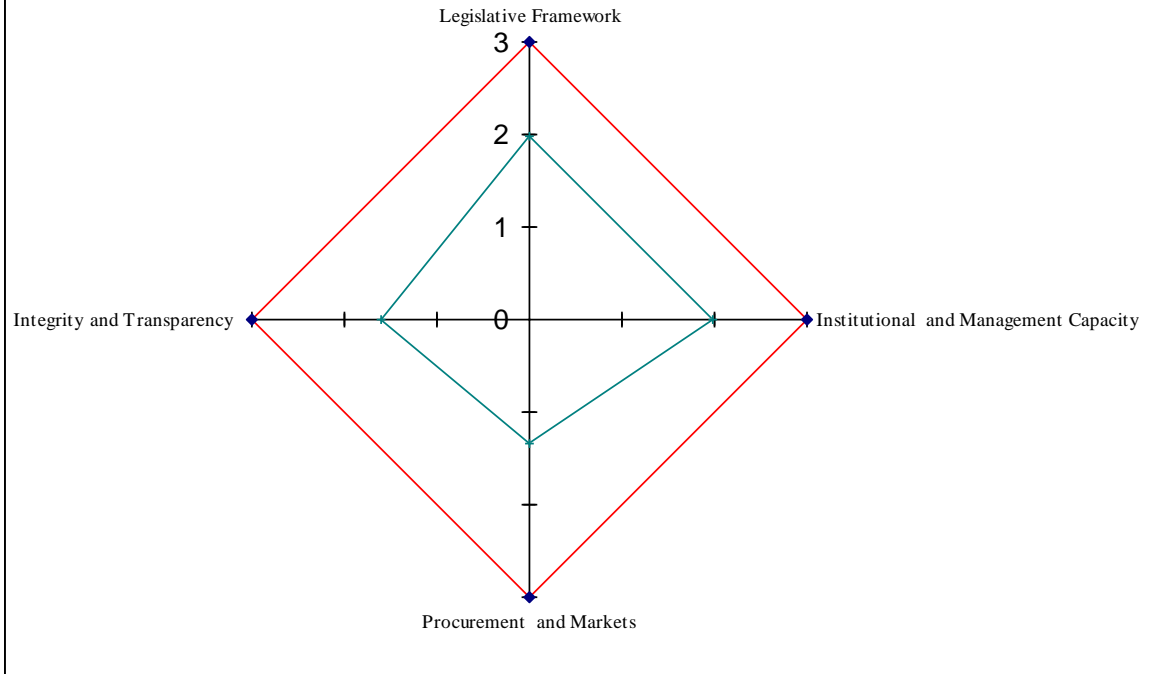
The Four Pillars of the Methodology M.o.P.H

Maximum Score

M.o.P.H



The Four Pillars Average Score of the representitave Ministries



5 CP Indicators

The following table illustrate the collecting of the available data for the Projects on 2007 (over 125 millions YR as a sample of procurement cases) of the relevant Ministries.

Projects Above (125,000,000 YR) 2007 Required Revision by HTB

Compliance and Performance Indicator	M.o.P.W	M.o.V.T	M.o.W.E	M.o.P.H
Pillar I – Legislative and Regulatory Framework				
No. of Projects in (2007)	22	8	5	10
NA				
Percentage of procurement (in volume of contracts) carried out through open tendering.	98.50%	100.00%	84.20%	100.00%
Percentage of procurement (in number of contracts) carried out through open tendering.	91.00%	100.00%	60.00%	100.00%
(a) Percentage of invitations for open tenders publicly advertised	91.00%	100.00%	60.00%	100.00%
(b) - Average number of days between invitation to tender advertisement and tender opening by type of procurement.	36	29	40	34
Percentage of open tender documents that include provisions barring groups of bidders from participating for reasons other than qualifications or acceptable exclusions.				
Percentage of tenders rejected in each process.				
(a) Percentage of tenders including non quantifiable or subjective evaluation or post qualification criteria.	100%	100%	100%	82%
(b) Public perception of confidentiality of tender evaluation process.				
Percentage of open tenders opened publicly and recorded.	100%	100%	100%	100%
Percentage of cases resolved within the terms established in the legal framework.				
NA				
Percentage of open tenders that use model tender documents or clauses.	100%	100%	100%	100%
a) Percentage of cases for which prequalification was used appropriately as prescribed in the legal farmework.				18%

Pillar II. Institutional Framework and Management Capacity				
NA				
(a) Percentage of late payments (e.g. exceeding the contractually specified payment schedule).				
(b) Average number of days in arrears.				
NA				
a) Percentage of major contracts with completion reports.	100%	100%	100%	100%
b) Average time after final contract liquidation within which completion reports are finalized.				
NA				
NA				
Percentage of surveyed actors that perceive the function being performed as competently and timely.				
Percentage of surveyed actors that perceive the regulatory function being independent from procurement operations.	100%	100%	100%	100%
NA.				
Age of information				
Number of days by which the information is outdated.				
(a) Number of procurement officers in the central government that receives formal training in the year. (b) Average waiting time to get in a formal training event.				
NA				

Pillar III. Procurement Operations and Market Practices

Average number of days for procurement cycle from tender advertisement to contract award	222	170	143	175
NA				
NA				
Percentage of contracts found with incomplete records as per the list given for this sub indicator keeping.				
NA				
Percentage of favorable opinion on effectiveness of mechanisms by relevant organizations or agencies.				
Average number of tenders submitted in each process	1	8		
NA				
NA				
Percentage of satisfactory opinions on performance of the system.	100%	100%	100%	100%
Percentage of contracts that include ADR provisions.				
.				
NA				

Pillar IV. Integrity and Transparency of the Public Procurement System

NA				
NA				
NA				
NA				
NA				
NA				
NA				
a) Percentage of complaints processed within the time limits posted or set out in the legal framework. b) Percentage of decisions taken that have been actually enforced.				
Percentage of favorable opinions by the participants in the system on the fairness of the process	100%	100%	100%	100%
NA				
NA				
NA				
NA				
NA				
(a) Percentage of corruption accusations that go to trial. (b) Percentage of those that actually result in application of sanctions or penalties.				
Percentage of favorable opinions by the public on the effectiveness of the anticorruption measures.				

6. Conclusion

The Finding data and all the related analysis tables, charts are formatted in a way that could be updated by modifying the first four sheets.

Based on the available data in this draft report the authorized person can evaluate the weaknesses, and recommending the short terms and long terms to improve the procurement systems of the relevant Ministries.