

COMPLEMENTARY OVERSIGHT TRENDSON PROCUREMENT



OVERVIEW OF PRESENTATION



- **Complementary oversights initiatives**
- **Parliamentary oversight**
- **Anti- corruption initiatives**
- **Other Government agencies**
- **Community and civil society monitoring**
- **Other adhocarrangements**
- **Sanctions against persons involved in procurement**

WHY COMPLEMENTARY OVERSIGHTS INITIATIVES? ..



- Enhance the oversight role of Government bodies or agencies;
- To keep stakeholders awake in regard with compliance with public procurement laws and regulations;
- To make possible a multidimensional review on public procurement system.
- To enhance accountability and value for money in Public procurement.

..WHY COMPLEMENTARY OVERSIGHTS INITIATIVES?



- To strengthen the provisions and opportunities for parliamentary oversight of government action.
- Improving parliamentarians' direct and indirect contact with the population, the private sector, civil society, the media and trade unions.
- Strengthening the effectiveness of parliamentary services and systems.
- Creates DP's trust of the Government
- Enhance citizen trust of the country governance system

PARLIAMENTARY OVERSIGHT



- Public procurement is part of public finance management activities of the Government, the executive, which must be answerable to Parliament representing citizens.
- In this regard the Public Accounts Committee (PAC) follows the Auditor General findings in public procurement and makes recommendations to the Parliament for approval and transmission to the Government for execution by National Public Prosecution Authority (NPPA).

ANTI-CORRUPTION INITIATIVES



- **Within the public procurement system:**
Appeal/Complaint review mechanisms, where Independent Review Panels (district and National Level) receive and decide on complaints from bidders not satisfied with procurement proceedings faster than would be possible with courts. This is the main dissuasive weapon preventing corruption inside the public procurement system
- **Public awareness organized by RPPA:** education of the public

..ANTI- CORRUPTION INITIATIVES



- **External initiatives (i.e. out of the public procurement system):**
 - The Office of Ombudsman interventions
 - The Transparency Rwanda
 - Judicial review
 - Regular Zero tolerance to corruption campaigns
- **Code of conduct on the leadership**
- **Existence of the penal code with harsh punishment.**
- **Annual Asset declaration by all public servants.**

..ANTI- CORRUPTION INITIATIVES



- Procurement planning and publishing of procurement plans on website as requirements
- Procurement reporting as prescribed in law etc for transparency purposes.
- Establishment of **East African Association Of Anti-corruption Authorities (EAAACA).**
- Existence of anti corruption council at National level– Chaired by Chief Ombudsman
- Anti corruption committee at LG level – Meet on Quarterly basis

OTHER GOVERNMENT AGENCIES



- The Office of the Ombudsman
- The Office of the Auditor General
- Independent Review committees
- Public prosecution authority (RPP)
- Rwanda public procurement Authority (RPPA)
- CID-National Police

COMMUNITY AND CIVIL SOCIETY MONITORING



- **The community via the media** (during talk shows on TV and Radio or in newspapers)
- **Civil Society:** Transparency Rwanda is the most active.
- **Rwanda Association of Local Government authorities (RALGA)** regular sensitization campaign against corruption in LG -through forum.
- **Citizens attendance** in parliamentary hearings and access parliamentary reports annually.

...PRIVATE SECTOR OVERSIGHT



- Lodging appeals when they are not satisfied by the decision.
- Existence of the professional associations (Engineers, Certified Public accounts, Lawyers procurement professionals etc.....)

OTHER ADHOC ARRANGEMENTS



- *Some times informal arrangement gathering all institutions dealing with corruption(NPPA, Ombudsman, Justice Sector, RPPA, CID...)*

SANCTIONS AGAINST PERSONS INVOLVED IN PROCUREMENT..



1. Illegal use of advance payment in a tender

use of funds paid under a contract without compliance with agreed terms (**art. 627, penal code**)

Sanction: imprisonment of six (6) months to two (2) years + fine of 2 to 5 times the value of the funds used without compliance.

..SANCTIONS AGAINST PERSONS INVOLVED IN PROCUREMENT..



2. For offences related to the violation of the Law on public tenders : disclosure of confidential information before the publication; refusal without reasonable cause to deliver a bidding document and/or related supplement, modification or corrections; the influence of the tender evaluation committee to use evaluation criteria not provided for by the tender document; the use of a criterion that is not provided in the tender document; and split a tender with the aim of avoiding the use of the appropriate method (**art. 628, penal code**).

- **Sanction** is imprisonment of 6 months to 2 years + a fine of 500,000 to 2,000,000 Rwf

..SANCTIONS AGAINST PERSONS INVOLVED IN PROCUREMENT..



3. Awarding a tender to an unqualified bidder : award or propose to award a tender to a company with no legal personality; a company that has been blacklisted; direct or indirect violation of provisions on conflict of interests of the law of public procurement (**art. 629, penal code**).

Sanction: imprisonment of 6 months to 2 years + a fine of 500,000 to 2,000,000 Rwf (junior official); 3 years to 6 years (Superior official who instructed to do so)

..SANCTIONS AGAINST PERSONS INVOLVED IN PROCUREMENT..



4. Award of unjustified advantages during contract execution: unlawful contract amendment and increase of the value of the contract or reduction of contract assignment without a corresponding decrease in price; approval or payment of unexecuted or substandard or incomplete works or services or payment of amount exceeding the contractual amount (**art. 630, penal code**)

Sanction: imprisonment of 6 months to 2 years + a fine of 500,000 to 2,000,000 Rwf (junior official); 3 years to 5 years (Superior official who instructed to do so)

..SANCTIONS AGAINST PERSONS INVOLVED IN PROCUREMENT..



5. Collusion (public official with bidders) (art. 631, penal code)

- **Sanction:** imprisonment of 1 to 2 years + a fine of 200,000 to 1,000,000 Rwf (junior official); 3 years to 5 years + fine of 1,000,000 to 5,000,000 Rwf (Superior official who instructed to do so)

..SANCTIONS AGAINST PERSONS INVOLVED IN PROCUREMENT..



6. Unlawful award of tender without open competitive bidding (art. 632, penal code)

- **Sanction:** imprisonment of 6 months to 2 years + a fine of 1,000,000 to 5,000,000 Rwf

Thank You for your attention !

