

ADVANCES: COUNTRY PROFILE
IX ANNUAL CONFERENCE OF THE INGP



**Commission Nationale des Marchés Publics
(CNMP)
National Commission for Public Procurement
(NCPP)**

HAITI

Septembre 2013

1. Principal characteristics of the procurement system

The law procurement system in Haiti is governed by:

- The Act passed by the Haiti Parliament on June 10, 2009: this Act lays down the general rules and principles for public procurement and concession agreements for public service work;
- Presidential Order implementing the Act issued by Council of Minister ;
- Standards Bidding Documents (SBD) to be used in public procurement according to their nature (Supplies, Services and Works).

This Act provides inter alia :

- The body responsible for carrying regulation and control of public procurement in the country ;
- The procurement methods ;
- The manuals and standard bidding documents to be used ;
- The obligation to prepare an annual procurement plan ;
- The requirement for developing training programs for all staff involved in public procurement;
- The rules for the use of direct contracts ;
- The dispute settlement mechanisms;
- The obligation for establishing internal controls and external audits for public procurement ;
- A Code of Ethics regulating the conduct of those involved in public procurement ;

2. Accomplishments and Progress made (2012-2013)

For the past year, considerable accomplishments and progress have been made in implementing the requirements of the Act governing public procurement in the country. Indeed, during the fiscal year 2012-2013 the following results were recorded :

(Fiscal year in Haiti starts on October 1st and ends September 30th)

- **Standard bidding documents already completed and approved by the Council of Ministers were made available to users**

Two others documents were prepared and published, they are:

- a) The standard documents related to tender evaluation and monitoring the execution of public contracts ;
- b) A Code of Ethics applicable to all actors in public procurement and concession agreements for public service work was enacted and published

- **The organization of three (3) training courses for actors involved in the system :**

- a) The first one took place during the period going from August 2012 to February 2013. Members of many Ministerial Commissions Procurement (CMMP) and Specialized Commissions Procurement (CSMP) and as well as employees of Local Authorities on the outskirts of Port -au- Prince participated in this session. These civil servants who received this training in public procurement exceeded hundred and fifty (150).

b) An online course was also organized or has also taken place with technical and financial support respectively of the Organization of American States and the Inter-American Development Bank. Two sessions were given, the first from July to September 2012, the second from October to December 2012. Both sessions have reached a large audience of about five hundred (500) people interested in public procurement;

c) Finally, a training session for a period of two (2) weeks was recently conducted in July and August 2013 for members of local communities in the Central Geographic Department. It was mainly designed to train personnel involved in public procurement in this area of the country in order to direct them towards better ways to manage community resources.

— **Strengthening the National Commission on Government Procurement :**

To strengthen its potentialities and enable a much better organization of its day to day activities, the National Commission for Public Procurement proceeded at the central level to the recruitment of three new technical staff and two administrative staff. At the departmental level, as provided by the Act of June 10, 2009, the National Commission for Public Procurement has started the process which will lead to the opening of the Departmental Commission on Government Procurement (CDMP) in the various departments of the country. CNMP has in fact launched during the 2012-2013 period two (2) Notice of recruitment for the North and South departments. Qualified candidates have already been selected and were appointed by the Prime Minister. They will soon be sworn in office within their respective department.

— **Redesigning the Information System and Management Procurement (Web site)**

The Information System and Management Procurement has been redesigned as part of a project financed by the World Bank. The contract was awarded to the firm GENINOV. Access to the site is possible via the following URL <http://www.cnmp.gouv.ht>. Several categories of users, administrators, Contracting Authorities, suppliers, visitors can use on the site based on the access level that is granted to them to display information related to public procurement. Anonymous denunciations of corruption cases can be made. The web site offers various features such as the Frequently Ask Questions (FAQ), facilities to providers for their online registration, the opportunity for the public to view and download documents from the legal and regulatory framework on public procurement, a forum space, and so on. Various informations on public procurement can be easily published via the online Procurement paper. All of these features will bring a greater transparency to the system.

— **Assessment of the National System of Public Procurement**

With the financial support of the Inter-American Development Bank (IDB), which has led to the recruitment of an international consultant and a national consultant as well, the National Commission for Public Procurement has undertaken thorough assessment evaluation of the National System of Public Procurement according to OECD / CAD methodology. The June 10, 2009 Act has laid general rules on public procurement and concession agreements work of public service that came into force in October 2009. Since then, its use is mandatory for all contracting authorities awarding public contracts to which it applies . After a four-year period of use, the Government has found it necessary to conduct an assessment of these regulations, based on the core indicators, compliance and performance as recommended by the OECD / CAD and the World Bank.

Coordinated by the National Commission on Government Procurement this assessment falls within the scope of the major reform of the state launched in November 2012. It should lead to the

formulation of recommendations for modernizing and increasing the efficiency and transparency of the national procurement system and procurement management.

The expected products of this consultation are:

- 1) A diagnostic report with recommendations to be reviewed and validated during a validation workshop to be held before the end of the year. This diagnosis is based on the study of the legal framework and its implementation;
- 2) Strategic action plan to fully implement the recommendations adopted.

— **Elaboration of simplified standard documents for the award of contract below threshold**

Faced the need to include in public procurement, transactions with fairly significant amount, a consultant was hired at the end of August 2013 to prepare simplified documents to make these acquisitions according to their nature. They will be ready for use in the next fiscal year.

3. Contribution of the INGP in the previously mentioned accomplishments.

As a member of the Inter-American Network on Government Procurement (INGP), the CNMP has attended meetings of the network that allowed him to have fruitful discussions with other members and have thus benefited from their experiences in the field of public procurement.

Thanks to the information to which it has been informed through the INGP, it plans to seek funding from FOMIN for the preparation of a roadmap for the development of electronic procurement.

4. Goals 2013-2014.

During the coming year 2013-2014, the CNMP will take numerous actions to other continue strengthening the public procurement system. The plan of action that will derive from the system evaluation will be implemented as financial resources become available. To increase the effectiveness and efficiency of public procurement, CNMP will gradually introduce the use of electronic means within the public procurement process.

Fields of action, objectives and actions to be taken are listed below

Fields of action	General objectives	Specific objectives	Actions
Institutional Strengthening and capacity building of the CNMP	Improve the performance of the CNMP	Increase CNMP personal by recruitment	Recruitment of four (4) technical staff
		Strengthen the capacity of the CNMP in ICT	Setting up a computer lab for training actors in procurement
			Building and networking procurement entities of public institutions with the information system of the CNMP
		Hiring a consultant to prepare a roadmap for the development of electronic procurement	
		Strengthen governance system procurement	<ul style="list-style-type: none"> • Staff training for SMEs • Preparation of simplified standard documents for the award of contract

			below the thresholds
		Ensure strict control of public procurement	Development of a standard document for procurement auditing, a manual of procedures for the audit implementation in procurement and management training
			Processing files related to public procurement
			Monitoring procurement plan for various sectors
Increase and strengthen the capacity of other actors in procurement	Improving the skills and increasing the number of actors involved in the public procurement system	Strengthen capacity management of commissions procurement through continuing education	<ul style="list-style-type: none"> • Technical assistance to be provided to these commissions • Training of Trainers • Seminars
		Prepare electronic modules of continuing education in public procurement	Project preparation of electronic modules of continuing education in public procurement
Communication actions	Promoting actions of the National Commission on Government Procurement	Project communication, dissemination of information on the CNMP and public procurement law and regulations	<ul style="list-style-type: none"> • CD distribution of pamphlets • Quarterly Bulletin to be released • Extension of the law and regulations on government procurement