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**CAPACITY BUILDING WITHIN THE CARIBBEAN FORUM OF ACP  
STATES (CARIFORUM) IN THE AREAS OF COMPETITION,  
PUBLIC PROCUREMENT AND CUSTOMS AND TRADE  
FACILITATION IN SUPPORT OF THE IMPLEMENTATION OF THE  
CARIFORUM-EU ECONOMIC PARTNERSHIP AGREEMENT**

**CONTRACT NUMBER: FED/2014/352-781**

**PUBLIC PROCUREMENT FINAL PRESENTATION**

Adrian Chin

Regional Expert in Procurement

Trinidad June 5-6, 2017

**EQUINOCCIO**

A project implemented by:

**MSM** | MAASTRICHT  
SCHOOL OF  
MANAGEMENT

**LSE** Enterprise

**SGS**

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## **I. Abbreviations and Acronyms**

ACP	African, Caribbean and the Pacific States
CARICOM	Caribbean Community
CARIFORUM	Caribbean Forum of ACP States
CF	Caribbean Forum
CPPNB	Community Public Procurement Notice Board
CSME	Caribbean Single Market and Economy
E-GP	Electronic Government Procurement
EPA	Economic Partnership Agreement
EU	European Union
FRIP	Framework Regional Integration Policy on Public Procurement
GDP	Gross Domestic Product
INPRI	International Procurement Institute
MS	Member States
NGO	Non-Government Organization
OECS	Organization of Eastern Caribbean States
PNB	Procurement Notice Board
PPP	Public Private Partnership
TtT	Training the Trainer
UWI	University of the West Indies

# **Final Report on Capacity Building in Procurement in CARIFORUM States in support of the CARIFORUM-EU EPA**

Adrian Chin  
Regional Expert on Procurement

## **II. Objectives of Capacity Building**

Fifteen (15) CARIFORUM states and the twenty-seven (27) countries of the EU signed the Economic Partnership Agreement (EPA) in 2008<sup>1</sup>. The ultimate goal is to facilitate trade and investment and thereby spur development across the Caribbean. Included in the EPA is a chapter on Procurement, and this capacity building project was intended to enable CARIFORUM States to meet those obligations.

Capacity Building is an ongoing process that seeks to strengthen, among other things, the technical, operational and functional abilities of the people within an organization. In furtherance of this, program intended to achieve, *inter alia*, the following:

Augment and further develop the professional cadre of Officers responsible for the implementation of the procurement reform underway in the region;

- a) Bring awareness to policy desk officers covering procurement policy and legislation or the international aspects of procurement (such as within CSME or preferential agreements between CF and third countries).
- b) For suppliers to become more aware of procurement opportunities and make full use of the new export and sales channels. Thus ensuring that CF economies benefit from international trade agreements on procurement, in particular the CF-EU EPA.
- c) Engage representatives from consumer, special interest groups and relevant civil society NGOs. Current best practice in procurement encourages the active engagement of civil society to help ensure integrity in the public procurement.
- d) Develop the capacity of participants to carry through policy, via their ability to;

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<sup>1</sup> Including the United Kingdom.

- Contribute and inform debate on policy choices;
- Translate agreed policy into legislation and implementing provisions; and
- Conduct the procurement processes, ensuring integrity of the system.

For capacity building to be impactful it must be sustainable and ongoing. Thus it should be a continuous process that is not halted by the introduction of new laws or implementation of new regulations. Policy reform is challenging and the role of procurement evolves as economies change and develop.

### **III. Importance of Public Procurement**

Public procurement accounts for between 20 and 35% of the GDP of the CARIFORUM (CF) economies and plays a major role in the economic and social development of all states. It is therefore of major importance that procurement policies reflect the national interests of the CF members and the region as a whole. All countries are in the process of planning or implementing policy reforms aimed at enhancing the ability of public procurement to contribute to development. The CARICOM region is promoting the creation of a planned CARICOM Single Market and Economy (CSME) procurement market. For these aims to be achieved it is necessary to enhance the capacity of government, suppliers and the broader civil society in the field of procurement practice and policy.

### **IV. State of Play: March 2015/Capacity needs**

As noted above all states in the CF region are, to a varying degree, engaged in reform of procurement policies and practices. Some states are well advanced with legislation adopted and implemented; others are at earlier stages.

Conceptually, the CSME provides the foundation for growth and development through the creation of a single economic space for the production of competitive goods and services, enabling the establishment of a planned Caribbean procurement market that has assumed a high profile and significant role in the efforts towards the realization of the CSME.

The inner working for the development and implementation of the infrastructure and instruments for an integrated CSME procurement market includes:

#### CSME Legal Framework

Within the legal framework, the Common Law System is pervasive, excepting for Haiti wherein a Civil Law System exists and Suriname which has an hybrid i.e. combination of common and civil law. As it regards a procurement focused legal framework, in the majority of cases Public Procurement is rooted in regulations and administrative guidelines deriving from umbrella Finance Acts. However, Guyana has a dedicated Public Procurement legislation; Jamaica has passed a standalone Public Procurement Act that is not yet in effect; Trinidad and Tobago has implemented certain parts of its procedures within their Act; and Dominica's Procurement Law is yet to be passed. The following CSME legislative instruments are either in draft or ready for approval:

- a) Framework Regional Integration Policy on Public Procurement (FRIP) – thresholds defining the coverage are contentious and remain unresolved;
- b) Protocol on Public Procurement for the Caribbean Community; and
- c) Public Procurement Caribbean Community Act (Bill) – “Model Law”.

#### CSME Operational Framework

- a) Procurement Standard Operating Procedures ;
- b) Standard Forms; and
- c) Community Public Procurement Notice Board (CPPNB).

In several instances the state of play in individual States has progressed much faster than that of CSME initiatives. For example, Jamaica has implemented an e-GP system and other states are actively seeking to implement similar systems, whilst CSME is yet to implement a Procurement Notice Board.

CARIFORUM states not a member of the CSME are also pursuing reform initiatives, *inter alia*;

#### Dominican Republic

- a) Modification of legislation, and consolidating of dispersed regulation about public procurement.
- b) Implementation of the new Transactional Portal for the Public Service.
- c) Implementation of international commercial treaties conditionalities.
  
- d) Implementation of sustainable procurement pilot procedures.

🇧🇸 Bahamas

- a) Public Procurement government by the Financial Administration and Audit Act (1973) - needs revision/updating.
- b) Strong consideration for the use of a centralized system for procurement.
- c) Implementation of new IT platform.

## **V. Challenges associated with the execution of the training**

There were a number of challenges experienced during the various sessions, these include:

- a) Participants from various countries had different priorities and expectations – e.g. countries wanted to hear about how to improve their national procurement system, not about CSME or EPA.
- b) Some logistics challenges such as trainers and participants having difficulty making travel arrangements to fly throughout the region.
- c) Ensuring that the “right” people attended the training.
- d) Certain countries presented with difficulties organizing Level I training, for various reasons. Bahamas did not receive level I training.
- e) Some Level 1 training sessions did not have representatives from the supplier community and none of the level II sessions did.

## **VI. Organization of delivery**

There were no major challenges associated with the organizing the delivery of the training. Notably, some countries were quite organized and welcoming, while in other cases, the organizers seemed to be more accommodating of the training rather than putting the necessary tools in place to carry out the actual training.

## **VII. Identifying who needed training**

Based on the nature of the program, the following needs were initially identified:

- a) Cross regional network of experts to enable an exchange experience and information;



- b) Capacity among all stakeholders is generally insufficient;
- c) In all countries there are gaps in capacity that hinder or block policy reform;  
and
- d) Considerable variation across countries and special challenges for smaller states.

In light of the needs which were identified, the training was targeted towards the following:

Level I:

- Suppliers
- Trade and professional associations
- Media
- Civil society
- Academics and students
- State procurement practitioners
- Members of the General public

Level II:

- Officials with backgrounds in public administration (finance, general administration, trade, commerce),
- Representatives from major suppliers e.g. chambers of commerce;
- Existing experts in public procurement within the region; and
- Policy makers.

Level III

- Students taking Masters in Trade Policy and related fields such as public finance, law, government and business;
- Procurement experts; and
- Procurement policy professionals.

Train the Trainer

- Potential Trainers with procurement practice and policy experience (The majority of these participants were selected from persons who successfully completed levels II and III).

### **VIII. Design & Delivery of Programme**

There were no major issues relating to the design of the program, however, changes occurred as the product/programme unfolded.

The program took the following form;

- Level I – A basic sensitization session.
- Level II – A five (5) day intensive and interactive session covering some of the major topics in Procurement.
- Level III – A Master level program focused on synthesis of material.
- TtT – A Train the Trainer program aimed at building the capacity of Potential Trainers of Procurement in the region.

#### **a. Delivery: Level I**

Level I consisted of fifteen (15) sessions one in each CF state with a maximum of 60 participants. This was a basic sensitization and awareness campaign relating to public procurement best practices. It also highlighted the main aspects and benefits of the public procurement commitments under CF-EU EPA and the planned CSME public procurement regime.

#### **b. Delivery: Level II**

Level II consisted of five (5) sessions executed in Trinidad and Tobago, Jamaica, Barbados, Guyana and Belize, with the average class size being twenty-two (22) Public Officers of different ranks and job profile. Participants had backgrounds in law, Finance, Commerce, General Administration, Policy, Trade, Economics and were current and future procurement practitioners and policy Officers. Each of the five (5) programs lasted for five (5) full days. The sessions were intensive and interactive with trainers utilizing various methods such as simulations and case studies to deliver the material.

All CF member states had representation at the Level 2 training, which was held over the period December 2015 - November 2016. Notably, the following were the objectives of the level 2 training:

- a) To work with existing experts in public procurement within the region to refine and develop a training programme that is of direct relevance to CF states.
- b) To provide public officials currently engaged in public procurement with updates on developments and a knowledge of the broader context within which national procurement policies operate and with the tools needed to develop professional procurement.
- c) To enhance policy makers' expertise in the field and provide the means by which they can promote the use of best international practices in procurement.
- d) To strengthen and broaden the expertise of other stakeholders (major suppliers and civil society representatives) and thus enhance the ability of suppliers to access public procurement markets and the ability of civil society and business to monitor policy practice.
- e) To create the foundations for sustainable capacity building by close collaboration with relevant institutions and experts in the region.

### **c. Delivery: Level III**

Procurement affects almost all aspects of economies. The need for broad knowledge and understanding of public procurement policies and processes led to the development of a course in Public Sector Procurement at the Post Graduate level offered by the University of the West Indies, Cave Hill campus. All member states were invited to nominate potential who were selected according to predetermined objective criterion. Lectures and tutorials were conducted by facilitators from CF and the EU. Based on the nature of the program, the delivery was done via distant learning using pre-recorded lectures and live tutorials. Attendance at the live tutorials was good and there were robust discussions at each sitting.

The program ran from January – March 2017 and begun with the fundamentals of public procurement before moving on to high-level elements. Topics covered were based on the primary text book edited by Ms. Patrice Pratt, Managing Director of the

International Procurement Institute (INPRI) Limited, located in Kingston, Jamaica and included:

Introductory Session: Overview of the Caribbean Context

- Topic 1: The Significance of Public Procurement
- Topic 2: Public Procurement Law and Policy
- Topic 3: The Public Procurement Cycle
- Topic 4: Sustainable Procurement as a Tool for Growth and Development
- Topic 5: Integrity in Public Procurement
- Topic 6: E-procurement (eGP)
- Topic 7: Public Private Partnerships (PPPs)
- Wrap-Up Session: Online Presentation and Discussion

Below are some of the comments posted by students on the delivery of Level III, when asked, "Which aspects of this course were most valuable to your overall learning experience".

- a) "...the Procurement Cycle (and) e-GP"
- b) "Understanding the significance and role of Public Procurement to the sustainable development of small developing economies".
- c) "Procurement Law (Sustainable procurement and the tutorials) was very interesting".
- d) "I will say the entire course was most valuable ... the value added to my knowledge base was the experience".
- e) "The International frameworks were well received. This put the course into perspective".
- f) "The assignments were very intriguing. I like how they cause participants to recall information and utilize local examples".
- g) "... Competing Procurement Policies and Objectives and how to strike a balance..."

#### **d. Delivery: Train the Trainer**

This two (2) day program built on the results achieved in the Level II training by bringing together a group of senior participants with key roles to play in Public Procurement at national and regional levels. It equipped them with enhanced presentation, training and change leading skills that linked to the main public procurement issues. The workshop provided an invaluable opportunity for networking,

learning and knowledge among senior procurement officials in the region.

Drs. Stephen Woolcock and Kamala Dewar, Ms. Patrice Pratt, Messer's Adrian Chin, Richard Panton, Jorge Claro and Pascall Marcelin delivered the program at different levels. Adrian Chin is the only trainer that participated at all levels of the program.

#### **IX. Results: Objectives met**

- Training on Procurement Cycle and International Best Practice was well received; see the following quote from participant, which is the general sentiment across the Region, "... (thanks to the programme) I have been able to make significant contributions towards the plans for my (country's) procurement reform process in the areas of strengthening and standardizing the procurement process across government as well as incorporating best practices into procurement procedures."

#### **X. Results: Shortfalls**

1. Lack of ongoing mentoring/coaching of participants.
2. Limited involvement of broad range of stakeholders (suppliers, civil society, opinion formers, party officials).
3. Trainer/s to move the program forward unidentified.
4. Bahamas has not received level I training.
5. Five registrant did not participate in level III training.

#### **XI. Recommendations for future training and capacity building work**

- a) Handpicked experts to attend Levels II, III and the Train the Trainer to ensure continuity.
- b) Design and deliver an effective Train the Trainer program that teaches participants how to train.
- c) Conduct EPA training sessions in individual States with Central Government entities and other attendant stakeholders. It was discovered that some entities did not know that they are covered under the EPA (see also policy recommendations below).
- d) Always include suppliers and special interest groups such as NGOs.

- e) Ensure coherence of the different training/capacity building programmes that exist across the Region.
- f) Include capacity building in procurement research (see policy recommendations below).

## **XII. Policy Recommendations**

1. Use the existing network of experts (e.g. those involved in the train the trainers work) as the basis for future cooperation on training and capacity building.
2. Materials from Levels I and II should be used as the basis for further capacity building within each country, jointly perhaps for smaller states (i.e. within the OECS). CARICOM Secretariat to continue to provide support.
3. Ensure the sustainability of Level III capacity through the UWI post graduate courses so that the next generation of public servants and management have an appreciation of the importance and knowledge of public procurement.
4. Establish a Portal for Research on Public Procurement in developing, middle income and small economies. This would provide the vehicle for dissemination of research and information on procurement which is in short supply in the Region, and provide the basis for the establishment of an international center of excellence on a topic, in which the Caribbean experience has lessons for other economies.