

Open Contracting Scoping Study

SENEGAL

West Africa Open Contracting Assessment Project

February 28, 2017

Supported By



Foreign &
Commonwealth
Office

Produced By



OPEN CONTRACTING SCOPING STUDY: SENEGAL

February 28, 2017

Submitted by

Development Gateway, Inc.

1110 Vermont Avenue NW Suite 500 | Washington, DC 20005 USA

Submitted to

UK Foreign & Commonwealth Office

Contact Point

Andrew G. Mandelbaum | Senior Associate

amandelbaum@developmentgateway.org

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1. Executive Summary

Senegal's public procurement system is organized around three key government stakeholders: the Public Procurement Regulatory Authority (ARMP) is responsible for regulating the procurement system, the Central Directorate for Public Procurement (DCMP) for overseeing procurement activities, and procuring entities (PEs) - government ministries, local authorities, public agencies, etc. - for conducting procurement. As a member of the West African Economic and Monetary Union (WAEMU), Senegal's legislative framework is informed by WAEMU guidelines, which are likely to be revised in the near future. While the Government of Senegal (GoS) has demonstrated its interest in open data through the undertaking of several initiatives, there appears to be little focus on open contracting specifically. However, GoS makes a variety of data available through its public procurement portal. Adopting open contracting principles would bolster GoS' efforts to engage citizen groups and the private sector in procurement reform. This could be done through the implementation of a full e-procurement system, which could replace the three disparate systems currently in use and free up staff time for conducting their essential duties.

Recommendations Overview

A. Institutional Arrangement

Pursue e-Procurement to reduce data collection and reporting burdens. Senegal's current model of decentralized procurement (through a combination of paper-based and online processes) by PEs with PU oversight, combined with periodic reporting from PEs to DCMP for procurement statistics and monitoring results is a strain on crucial resources. While SYGMAP enables easier reporting of data, it still requires manual data entry by PUs and proactive monitoring from DCMP to ensure compliance with disclosure and reporting requirements. ***The use of a full, transaction-based, e-Procurement system would result in automatic data capture, enabling PUs to focus on the critical task of procurement oversight, while ensuring more timely and accurate data for DCMP statistics and analysis.*** Future integration of e-Procurement with the ARMP supplier blacklist and tax registry systems would also streamline DCMP and PU verification of award decisions. ***This recommendation could be implemented through FCO support to ARMP and MoEFP (DCMP), which will be monitoring the implementation of the full e-procurement system.*** The implementation should therefore be done in a one or two year process to ensure that transition from the actual system is smooth. ***The ideal approach would begin with a pilot of 5-10 PEs, then scaling to include all PEs.***

Strengthen PUs by increasing the quantity of trained staff. Because most DCMP competencies have been transferred to PUs through the 2014 procurement reform, GoS should strengthen PUs by i) increasing staffing to PUs by hiring graduates from ARMP-ENA-UCAD's Master's degree in public procurement and ii) making some level of annual training mandatory (e.g. requiring 24 hours of procurement training each year) for all PU staff.

B. Legal Framework

Engage the WAEMU on its efforts to reform procurement guidelines for the region. The ***WAEMU's plan to reform its procurement guidelines provides a valuable opportunity to encourage the adoption of open contracting principles within the region's member countries. Encouraging more flexibility in WAEMU guidelines would also improve Senegal's ability to progress in its procurement modernization.*** Although WAEMU performs frequent assessment visits to its member countries, local conditions will likely always require small deviations from WAEMU standards to enable innovation, which should be made possible without going against regional norms and guidelines. ***MoEFP and ARMP should raise Senegal's voice to WAEMU regarding needs to take in account countries' specificities.***

Forge an open contracting partnership or working group between the WAEMU, government representatives, civil society and the private sector. Key stakeholders, including the *WAEMU Commission and country stakeholders should establish a working group or exploratory committee to consider how open contracting may benefit procurement environments in WAEMU countries.* This would present an opportunity to introduce open data standards such as the Open Contracting Data Standard (OCDS), as well as CSV spreadsheets, while most of procurement data in Senegal is available only in PDF format. This would be easy to implement and could be a proposition made by GoS, particularly MoEFP to WAEMU Commission as a component of how Senegal is implementing the WAEMU Guideline on Transparency in Public Finance Management. ***This will only require a revision of Senegalese Transparency Code including the establishment of such a working group.*** If the initiative works well in Senegal, there will be no barrier for WAEMU to implement it in other member countries.

Facilitate participation of international businesses in Senegal (and other WAEMU member countries). Article N° 52 of Senegalese procurement code prevents companies not registered in a WAEMU member country from bidding on contracts funded through the national budget. Since the Senegalese Minister of Finance stated that the procurement code will undergo changes by giving more space to domestic businesses¹, there is an opportunity to enhance competition by partnering with the Ministry of Economy, Finance and Planning (MoEFP) to explore how international companies could participate in local procurement. ***FCO, with foreign companies, should discuss with MoEFP and local companies how participation of international businesses could benefit domestic businesses particularly in terms of partnership and transfer of competencies, and to the growth of competition and quality in the Senegalese economy more generally.***

Reduce the use of direct procurement. In the past year, direct procurement has been used in lieu of competitive procurement methods on a frequent basis. Civil society and the media have been critical. ***The WAEMU Commission should conduct an assessment within the eight member countries to better understand how the use of direct procurement affects public markets and update its Guidelines accordingly.***

C. Policy Context

Establish data literacy and disseminate open data standards / principles among policy makers and procurement stakeholders. Procurement sector staff are mainly composed of lawyers and public administrators. Consequently, data literacy is quite low. GoS would benefit from instituting policies, practices and tools that could help strengthen procurement professionals' capacities to collect, analyze and disseminate data. ***This could include collaboration with ARMP's training center (the Public Procurement Regulatory Training Center – IRMAP) in setting up curricula and courses focused on data and statistics for decision-making in public procurement.*** Moreover, the adoption of more rigorous and structured data collection practices would enable more effective use of procurement analytics. ***Ultimately, implementation of an e-Procurement system could aid in data collection by requiring data be entered into the system before certain procurement actions can be taken.***

Establish a joint effort of key decision-makers on how to create roadmaps for partnerships between international firms and domestic companies. ***International representatives, the MoEFP and the Investment Promotion and Major Projects Agency (APIX) should initiate dialogue in order to promote the fair and efficient participation of local small and medium enterprises, and***

¹ (Government- Private Sector meeting, Tuesday, July 12, 2016)

international businesses in Senegal's procurement market. As part of these discussions, participants could explore how open contracting could benefit all stakeholders.

Enhance collaboration between the WAEMU Commission and development partners (DPs) to create a harmonized support framework for open contracting within Senegal and the region. Many DPs and international organizations are supporting Senegal's public procurement system through activities aimed at improving openness, transparency and efficiency. Because the WAEMU Commission makes recommendations that are implemented across the WAEMU community, and because these commitments are monitored, it presents a valuable entry point for dialogue on open contracting. ***FCO should work with other DPs to engage WAEMU and GoS directly on the topic of open contracting.***

D. Technical Assessment

Conduct an in-depth analysis of existing information systems and put in place a full e-Procurement system with OCDS at the core. As a precursor to developing an e-procurement system, the Government of Senegal, particularly the ***MoEFP, should partner with a qualified company or organization to conduct an analysis of the existing IT systems, and explore an integrated system that would allow the digitization i) of all the documents dealt with at DCMP, ii) of the exchanges of data between the ARMP, DCMP and PEs.*** MoEFP could be the entry point as all of the existing PFM and procurement systems are hosted in different directorates within MoEFP, which should be linked.

Investigate partnerships to enable publication of open procurement data. DCMP is collecting a significant amount of data through the Dashboard, but most data are not made publicly available. Some procurement data should remain confidential as stated by the law. However, increased use of analytics can help GoS to increase the quality of procurement by increasing procurement value for money, improving market fairness and integrity, etc. Partnerships with WAEMU, universities, consulting firms, or other actors could assist in this effort. For example, partners could analyze key aspects of the procurement process, such as the average time spent on each phase for each procurement method, contract size, etc. As a first step, GoS should "open" the data already published on the public portal. For example, the trimestral procurement statistics published by DCMP could be downloadable in Excel or CSV formats with non-restrictive licensing. This will only need some training sessions and awareness actions to the DCMP staff, then assessment of need and use of open data by external stakeholders.

E. User Engagement

Raise awareness among citizens and CSOs about the availability and the usefulness of procurement data / information. Citizens and civil society actors should be more informed of the procurement data available online and, most importantly, the participatory mechanisms (online complaints and denunciations) put in place by GoS and ARMP, so they can better play their role as sentinels for better use of public funds. ***This could be implemented in partnership with ONG 3D, which has experience in raising awareness of citizens about Public Finance Management, particularly explaining the budget process using interactive and educative visualizations.***

Revise regulations in order to introduce open contracting principles and increase citizens' engagement during procurement planning, tendering, award and implementation. Currently, there are no incentives or guidance that require PEs to involve citizens or citizen groups. As GoS moves toward a Program-Based Budget (PBB) and WAEMU plans to revise its Guidelines on procurement systems, there is an opportunity to involve citizens when defining their needs (planning) and to put into place strong data release and openness regulations. ***Since GoS selected Education and Health as pilot sectors for implementation of PBB in the next couple of years, a***

sensible approach would be implement this recommendation within these sectors by working with Ministries of Education and Health which are already collecting real-time and good quality performance data.

Encouraging and increasing efforts made by the ARMP to engage citizens and the private sector, and build upon them. In some countries, procurement authorities are forging working groups with businesses and CSOs to help ensure that their efforts to improve procurement efficiency are reaching the intended audiences. *ARMP engagement with a variety of stakeholders through such a group can reveal opportunities for collaboration of mutual benefit.*

F. Stakeholder Identification

Establish a DP sectoral working group to enhance coordination on support for procurement reform. DPs supporting public procurement should join their efforts to create a working group led by rotating chairs during a 1-2 years mandate, reducing fragmentation of procurement reform efforts and coordinating support to legislative, technical, and capacity building efforts.

Raise awareness of Government, CSOs and private sector on open contracting. *FCO engagement in encouraging GoS representatives and other stakeholders to participate in activities of international groups focused on open contracting and open government more broadly, such as the Open Contracting Partnership and Open Government Partnership, provide an opportunity for knowledge transfer.*

G. Broader Public Financial Management Environment

Improve interoperability of existing systems for procurement and public financial management. Improved interoperability of systems has the potential to lead to better decision-making, improved expenditure management, and increased reliability. A first step to enhanced interoperability could be a shared data schema for contracting information, such as OCDS, which could help linking contracting data between different systems and stages of the procurement process. This may also require developing new features in the e-procurement system that will allow it to directly pick the required data from the SIGFIP or other systems such as the Aid Management Platform (AMP). This recommendation would require (i) a technical assessment of the different systems to know how they will be linked technically and (ii) capacity building for MoEFP staff to manage this process. Since all PFM systems are hosted in MoEFP, the Ministry itself could lead the implementation of such a recommendation.

Standardize the use of unique identifiers across platforms. When one project is entered into both IFMIS and AMP (and in the future, eProcurement), using unique identifiers for projects, companies, items, procuring entities, contracts and other entities helps to facilitate traceability of financial transactions and program results. *These identifiers should be established in the chart of accounts and used in each public financial management (PFM) system in GoS.*

2. Purpose, Methodology & Field Study Information

Purpose

This scoping study, supported by the UK Foreign & Commonwealth Office, aims to gauge the state of openness of public procurement processes in Senegal, understand the capacities and interests of key procurement actors, and identify opportunities for procurement reform and the adoption of open contracting principles.

Open contracting refers to a set of [global principles](#) aimed at improving procurement data disclosure and recognizing the importance of public participation in the contracting process. Open contracting refers to the publication of procurement data in open and structured formats that enable public use and reuse at the user's discretion. Procurement data must thus be "technically" open (e.g. machine readable, free of proprietary software requirements, etc.) and "legally" open (e.g. published in the public domain or in accordance with copyleft principles). Furthermore, open contracting refers to the participation of citizens in the procurement process, including the creation and implementation of accountability and redress mechanisms that build trust between citizens and government. Ultimately, open contracting aims to deliver value for money, create a more level playing field for business, reduce fraud and corruption, and improve service delivery.

Methodology

The [methodology](#) followed by this study, divided into 7 parts and accompanied by an [interview guide](#) and [annexes](#), seeks to aid study leads to:

- Document current levels of openness in public contracting in targeted polities;
- Identify and assess existing systems and data sources (including non-public) within government for collecting, analyzing, and sharing procurement data;
- Map key stakeholders and their capacities and enthusiasm for advancing open contracting; and,
- Provide recommendations on realistic targets and use cases for open contracting moving forward.

The seven sections of the methodology covered by this study are: 1) institutional arrangement, 2) legal framework, 3) policy context, 4) technical analysis, 5) user engagement, 6) stakeholder identification, 7) broader public financial management environment.

Field Study Information

Interviews were conducted from September-October 2016 in Senegal, where the report author met with 15 actors from key stakeholder organizations, including bodies focused on procurement oversight and implementation (such as the ARMP, DCMP, DCEF, etc.) the Procurement Consulting Group (PCG), 2 Procuring Entities, 1 CSO and 1 private sector organization. Within the ARMP and DCMP, we interviewed several staff working in different Directorates and Divisions to obtain a holistic view of procurement regulation and monitoring. During those interviews we also gathered relevant documents that helped deepen our understanding of some of the aspects of public procurement in Senegal.

3. Overview of the General Country Context

Senegal is located in the western part of Sahel region and has a national territory that spans 196,722 km² with a population estimated at 15.3 million as of 2016. According to the latest population census conducted in 2013, 23% of the population lives in the Dakar region (0.3% of the territory), and 40% lives in other urban zones².

Senegal is one of the most stable countries in Africa, and has considerably strengthened its democratic institutions since its independence from France in 1960. Since then, the country has had three peaceful political transitions with four presidents. According to the 2016 Ibrahim Index of African Governance (IIAG), Senegal is ranked 10th out of 54 countries, with a progress rate of 3.7% compared to 2015.³ On March 20th, 2016, Senegal held a referendum to strengthen its political system by reducing the length of the presidential term from seven to five years, creating a new consultative assembly, allowing independent candidates to participate in elections, and establishing an official status for the opposition leader. Some articles of the constitution (republican form of the State, mode of elections, term of the presidential mandate, consecutive number of mandates) can no longer be changed. The next presidential election is expected in 2019 and legislative elections in 2017.

Senegal is a member country of the West African Economic and Monetary Union (WAEMU), which includes 7 other countries. The WAEMU Commission oversees public financial management policies, including procurement, within its member countries by issuing guidelines on key institutional, legal and technical reforms to be implemented. It also evaluates the performance of member countries in regards to those guidelines. Senegal's 2004 Investment Code provides basic guarantees for equal treatment of foreign investors and repatriation of profit and capital. It also specifies tax and customs exemptions according to the investment volume, company size and location, with investments outside of Dakar receiving eligibility for greater tax exemptions.

The Government of Senegal enacted a Public Private Partnership Law in 2014 that amended the 2004 Build Operate and Transfer Law to facilitate expedited approval of public-private partnerships for projects that include a minimum share of domestic investment. With the help of the World Bank, the Government of Senegal established in 2013 the National Anti-Corruption and Fraud Office (OFNAC), with the mission of reducing corrupt practices within Senegal's civil service by promoting the reporting of acts of corruption and increase investigations of fraud, bribery, and embezzlement. Senegal was the first country in WAEMU to adopt a transparency code in 2012. According to the IIAG, Senegal compared to other West African countries is particularly well performing in indicators such as "Corruption in Government and Public Officials" (60/100 in 2015 with a +20 points progress between 2011 and 2015), "Corruption and Bureaucracy" (57.1/100 in 2015 with a 14.2 points progress between 2011 and 2015) and "Public sector Accountability and Transparency" (73.2/100 in 2015 with a 6.2 points progress between 2011 and 2015). Senegal scored 44 points out of 100 on the 2015 Corruption Perceptions Index reported by Transparency International. The Corruption Index in Senegal averaged 33.94 Points from 1998 until 2015, reaching an all-time high of 44 Points in 2015, indicating a reduction in the perception of corruption by citizens.⁴ The Government of Senegal (GoS) showcased its commitment towards establishing an Open Data policy and roadmap by hosting related events and integrating networks and partnerships aimed at improving openness of data in the country. The 2015 Global Open Data

² <http://www.worldbank.org/>

³ 2016 Ibrahim Index of African Governance (IIAG), Mo Ibrahim Foundation.

⁴ 2016, Transparency International, Corruption Perceptions Index 2015.

Index (GODI) edition, Senegal is ranked 58 among 122 countries with procurement tenders only 45% open.⁵

According to the World Bank 2017 Ease of Doing Business, Senegal is now doing better than Sub-Saharan Africa and OECD high income countries in terms of starting a business, particularly in the number of procedures and days required to register a firm. In Senegal, since November 2007 businesses can register at the one-stop shop which takes care of what was formerly done in seven different procedures.

The Government is currently implementing the Plan Senegal Emergent (PSE), a countrywide development plan targeting economic emergence by 2035.

Over the course of 2015, Senegal's macroeconomic performance has been strong with a growth rate of 6.5%, a rate that hasn't been achieved since 2003, making Senegal the second fastest growing economy in West Africa. Growth remained strong in 2016, with a rate of 6.4%⁶ during the first quarter. The primary sector is the fastest growing sector boosted by extractives, fishing, and agriculture. In agriculture, good rainfall and strong outcomes from sectors targeted by government programs (including groundnuts, rice, and horticulture) explain this outcome. Industry decelerated somewhat despite strong performances in construction, industrial chemicals and energy, while the service sector – which represents more than half of the total GDP – is still growing rapidly, thanks to advances in the transport and communications sectors.

From the demand side, all sectors are performing robustly with exports growing rapidly, mainly due to stronger output and exports from primary sectors. On the external front, rapidly growing exports helped reduce the current account deficit from nearly 9% in 2014 to 7.6% in 2015, despite higher imports linked to stronger growth. Similarly, higher revenues supported government efforts to progressively close the fiscal gap, which passed from a deficit of 8.5% of GDP in 2014 to 7.7% in 2015. Debt increased to close to 57% of GDP, but remains sustainable. The economic outlook remains favorable with growth projected to reach 6.6% in 2016 and progressively higher rates expected for the next years⁷. The energy sector is likely to receive a boost in the coming years after U.S. and UK companies announced oil and gas findings off the coast of Senegal in 2014-2016.

However, the country is still facing socioeconomic challenges such as poverty, youth unemployment, and geographic inequalities in key sectors, including education, health, water & sanitation. Poverty remains high in Senegal, affecting 46.7% of the population. Geographic disparities are very pronounced, with almost 2 out of 3 residents poor in rural areas, especially in the south, versus one in four in Dakar⁸. In 2012, only 52% of the population had access to improved sanitation facilities and 74% to an improved source of drinking water⁹. Unemployment affects, first and foremost, the youngest segment of the labor force (15-35 years). The unemployment rate of young workers in 2011 was estimated at 12.7%, while the overall unemployment rate was 10.2%¹⁰.

⁵ <http://index.okfn.org/place/senegal/procurement/>

⁶ www.ansd.sn

⁷ Ibid.

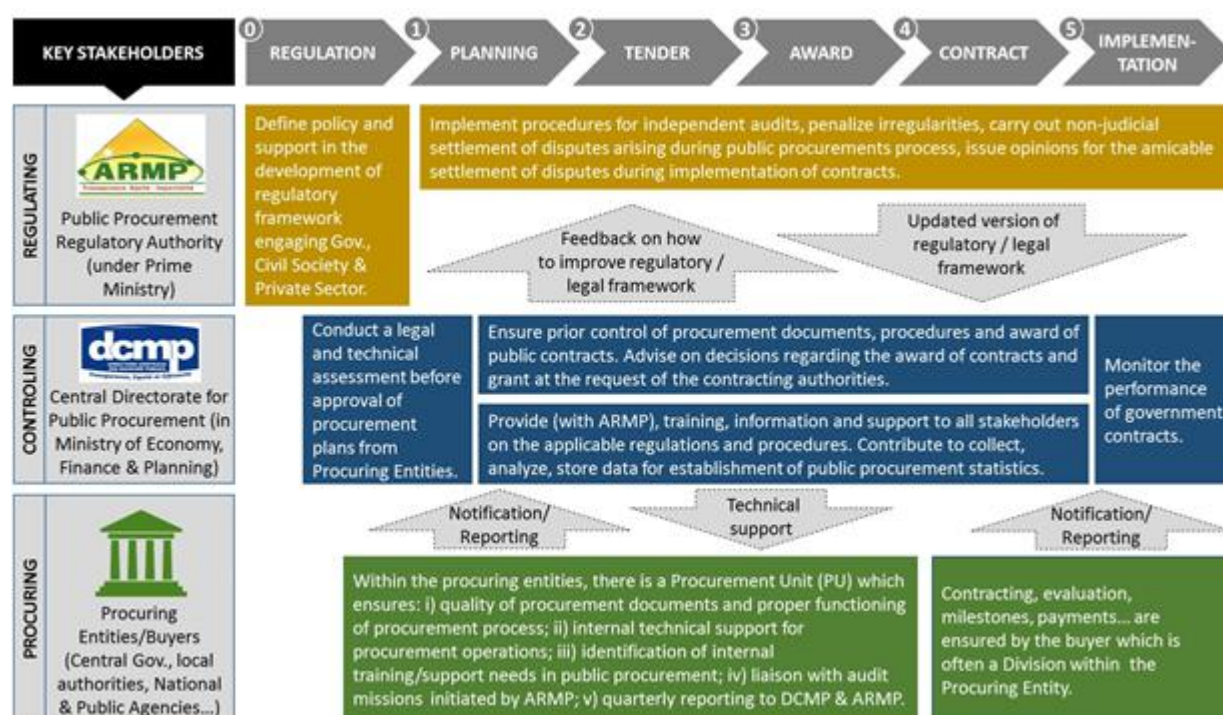
⁸ <http://www.worldbank.org/>

⁹ 2015, World Health Organization

¹⁰ 2011, ANSD, Enquête de Suivi de la Pauvreté au Sénégal.

4. Institutional Arrangement

Senegal's public procurement system is organized around three key government stakeholders, whose roles and responsibilities vary throughout the course of the procurement process. In general, the Public Procurement Regulatory Authority (ARMP) is responsible for regulating the procurement system, the Central Directorate for Public Procurement (DCMP) for overseeing procurement activities, and Procuring Entities (PEs) - government ministries, local authorities, public agencies, etc. - for conducting procurement.



The institutional arrangement of public procurement

I. The Public Procurement Regulatory Authority (ARMP)

The ARMP is an independent administrative authority under the Prime Ministry, endowed with financial and administrative autonomy. The Director General of ARMP is appointed by decree, on a proposal from the Regulatory Board, for a term of three years, renewable once. As the primary oversight legal organization of the procurement process, the ARMP regulates the procurement process by issuing opinions, guidelines and recommendations that define procurement policies and assist in their implementation. It is responsible for a posteriori controls, punishing fraud or corruption, evaluating the system for awarding contracts and audits, and for proposing regulatory reform. The ARMP's responsibilities include:

- Training stakeholders of the public procurement system on effective policy implementation;
- Developing the procurement framework and assessing stakeholder execution;
- Performing investigations and implementing procedures for independent audits;

- Adjudicate any irregularities noted (including blacklisting companies violating procedures), conducting non-judicial dispute resolution and facilitating amicable settlement of disputes during implementation of contracts.

The ARMP is composed of three main entities: i) the Regulatory Board, which defines the general policies of the ARMP and provides strategic guidance; ii) The Committee for Settlement of Disputes, which responds to complaints and includes civil society and private sector representatives among its members, and; iii) The Executive Management, which ensures the technical, administrative and financial management of the ARMP.

II. Central Directorate for Public Procurement (DCMP)

The DCMP is a Directorate within the Ministry of Economy, Finance and Planning (MoEFP). It is responsible for monitoring all government procurement and the awarding of contracts. The DCMP monitors procedures prior to the award of government contracts and grants procurement authorizations as required by the Code.

The DCMP, which possesses an interdisciplinary staff, conducts legal and technical reviews before the approval of all projects as required by law and monitors the performance of government contracts. As part of this process, it grants requests from Procuring Entities (PEs) to authorize or exempt certain actions (such as requests to conduct direct, or sole source, procurement). In collaboration with the ARMP, the DCMP trains, informs and advises all stakeholders in the procurement sector on the applicable regulations and procedures. The DCMP is also responsible for the collection, analysis and publication of information and statistics provided by PEs (such as procurement plans, tender documents, award notices, reports).

III. Procuring Entities (PEs)

In accordance with the Procurement Code (article 35), each government ministry and agency can be considered a PE. Within each PE is a Procurement Unit (PU), which is responsible for conducting procurement activities from planning through tender and award phases. Thereafter, a Technical Division within each ministry or agency that benefits from the contract, is responsible for contracting, supervision, evaluation and payments. The role of the PUs includes developing procurement documents and ensuring the proper functioning of the procurement activities and processes within each ministry or agency. PUs periodically report all procurement statistics and internal training/support needs to the ARMP and DCMP.

PUs face multiple challenges, the most important of which is lack of resources and adequate training for their directors. The situation has become increasingly strained since the DCMP started transferring some of its responsibilities to PUs after the 2014 reform of the procurement Code. In most cases, PUs have only one staff member who manages the procurement process for an entire ministry (perhaps with the support of a trainee). PU staff are trained at the Public Administration School (ENA), which did not have procurement-focused training programs before the ARMP launched a Master's Degree in public procurement in 2013, in partnership with the Public Administration School (ENA) and the University Cheikh Anta Diop of Dakar (UCAD). Due to the burdens of their workloads, many staff do not have time to attend the periodic training sessions organized by the ARMP. Thus, many PU staff learn on the job and lack the capacity to understand technical or legal documents.

"I never attended a course on public procurement... That's why it was very tough at the beginning, I worked extra hours to try to read and understand the procurement code. I am the head and the

only staff member of the PU. I have been here for two years and I attended a training session on SYGMAP only once and the training focused only on how to upload a procurement plan. So I can say I have never been really trained to use the SYGMAP, I learned on my own.” (PE)

Despite the lack of staff training, PUs are able to receive support from the DCMP when they prepare procurement plans, tenders and other procurement documents. They have the possibility to schedule one-on-one meetings or calls with experts from the DCMP, who can help them address challenges as they arise. The ARMP has recently begun providing tools (with European Union support) to aid PUs in their procurement operations, such as checklists that help them prepare and assess each type of procurement document they will need to produce.

The Procurement Process: From Planning to Delivery

Step 1 (Planning): By December 1st of each year, Procurement Entities (PE) submit procurement plans (PPs) to the DCMP. The PPs contain all procurement activities that will be initiated by the PE during the coming year. The PE may already submit their PP at the stage of preparation of budget. The PP can be revised during the year as needed. The PPs are published in newspapers, on the public procurement website and oftentimes on PEs’ websites.

Step 2 (Tender): PEs prepare the tender document to be submitted for approval. The tender document is submitted along with a certificate of availability of funds delivered by the Ministry of Economy, Finance and Planning (MoEFP). If the amount of the procurement is greater than 300 million CFA, approval must be received from the DCMP before the procurement can be conducted. Below this amount, the PU conducts its own approval process. In both cases, the conformity of the tender document and process must be judged to meet the conditions of economy, equity and transparency to receive a non-objection certificate from the PU or DCMP. Notice of invitation to tender is published online and in newspapers. The bid period may range from 30 days for national tenders to 40 days for international tenders to allow bidders to prepare and submit proposals. Suppliers can obtain tender documents directly from the PE. They can request that an electronic copy of the documents be sent to them or a hard copy via regular mail, in exchange of a fee to cover the price of sending. Tender documents cannot be downloaded from the public procurement website but they can be downloaded from the website of the PE sometimes or sent to bidders if they request them. Bidders typically submit their proposals in hard and soft copies.

Step 3 (Award): Bidders are invited to participate in a public opening session of proposals. A commission within the PE is assembled to evaluate the proposals. The evaluation commission reads publicly the title of each proposal and the name of the bidder, checking that all the required documents are provided. After public opening, the evaluation commission assesses the proposals according to criteria that have been defined in the tender notice. The commission notifies the DCMP or the PU (according to the amounts) which bidder has won. DCMP or PU verify that the winner is in conformity with tax and labor regulations. A notification letter is sent to the successful bidder and also to the unsuccessful bidders highlighting the criteria. A provisional award notice is published on the public procurement website and in newspapers giving a period of 10-15 days to unsuccessful bidders for appeals. With no appeals, a notice of final award is published through the same channels.

Step 4 (Contracting): The PE and the supplier sign the contract and a copy is sent to the MoEFP for matriculation/registration. Contract amendments, addenda, and variations have also to be sent to the MoEFP.

Step 5 (Implementation): This happens between the buyer and the selected supplier. The DCMP ensures only that the contract document is well written. Payments and evaluation are also under the responsibility of the buyer. The ARMP is notified during each of the phases above. This process is the same both for central administration (for example line ministries) and local/decentralized institutions. The unique difference is the approval level: for central administration, approval is conducted by the DCMP if amount exceeds 300 million CFA, but for local/decentralized institutions approval is conducted by local representatives of DCMP called Regional Procurement Clusters (RPC) that report to the DCMP.

B. Inter-Agency Engagement, Data Collection & Disclosure

The DCMP and ARMP were devised to ensure the upstream control of public procurement and the downstream control of dispute settlement. However, DCMP officials voice concern about not having sufficient power to carry out their mandate, in comparison to the ARMP. DCMP is a

Directorate within the MoEFP and cannot communicate outside of the official channels offered by MoEFP. DCMP's staff also are under specific restrictions such as the internal code of ethics preventing them from communicating proactively with other agencies. The result is that PEs are often unaware of the possible support that could be provided to them by the DCMP.

The procurement code clearly highlights which stakeholders/agencies within the procurement system collects and publishes different types of data. This interagency mechanism is implemented through the Electronic Procurement Management System (SYGMAP), a web-based system through which each of the stakeholders/agencies report and share data, some of which is published through a public portal.

Each agency or stakeholder interacts with SYGMAP according to its roles and responsibilities and publishes or uses the information that follows:

- **ARMP:** Decisions made by the Committee for Settlement of Disputes; legal texts (such as the Procurement Code); blacklists of companies excluded from procurement process; litigation materials, reports, audits and training schedules;
- **DCMP:** Procurement plans; procurement statistics; templates, standards documents and reports;
- **PEs:** Tenders notices; provisional and final award notices, and;
- **Users:** Complaints, alerts (to new procurement opportunities), data and documents download.

C. Recommendations

Pursue e-Procurement to reduce data collection and reporting burdens. Senegal's current model of decentralized procurement (through a combination of paper-based and online processes) by PEs with PU oversight, combined with periodic reporting from PEs to DCMP for procurement statistics and monitoring results is a strain on crucial resources. While SYGMAP enables easier reporting of data, it still requires manual data entry by PUs and proactive monitoring from DCMP to ensure compliance with disclosure and reporting requirements. ***The use of a full, transaction-based, e-Procurement system would result in automatic data capture, enabling PUs to focus on the critical task of procurement oversight, while ensuring more timely and accurate data for DCMP statistics and analysis.*** Future integration of e-Procurement with the ARMP supplier blacklist and tax registry systems would also streamline DCMP and PU verification of award decisions. ***This recommendation could be implemented through FCO support to ARMP and MoEFP (DCMP) which will be monitoring the implementation of the full e-procurement system.*** The implementation should therefore be done in a one or two year process to ensure that transition from the actual system is smooth. ***The ideal approach would begin with a pilot of 5-10 PEs, then scaling to include all PEs.***

Strengthen PUs by increasing the quantity of trained staff. Because most DCMP competencies have been transferred to PUs through the 2014 procurement reform, GoS should strengthen PUs by i) increasing staffing to PUs by hiring professionals graduates from ARMP-ENA-UCAD's Master's degree in public procurement and ii) making some level of annual training mandatory (e.g. requiring 24 hours of procurement training each year) for all PU staff.

5. Legal Framework

I. Procurement Laws & Regulations

As a WAEMU member country, Senegal implements legal Guidelines issued by the WAEMU Commission. Those Guidelines provide recommendations on how the public procurement sector should be organized at the institutional, legal and technical levels. Member countries' procurement systems are regularly evaluated and ranked in relation to those guidelines using specific [performance indicators](#).

Public procurement laws and regulations issued by GoS - including guidelines, laws, decrees and ordinances - are compiled in the Compendium of Legal Texts on Public Procurement. Published by the ARMP and DCMP, the Compendium includes all of the relevant legal texts to support the work of the ARMP, DCMP and PEs. All of the legal texts are available either on the procurement portal or the ARMP's website.

Senegal's national legal framework for procurement is grounded in guidelines provided by the WAEMU and which are likely to be revised in the near future.¹¹ These guidelines include:

- **Guideline N° 04/2005/CM/UEMOA of 09 December 2005 on procedures for the award, execution and settlement of public contracts and public service delegations in the West African Economic and Monetary Union (WAEMU).** The aim of this Guideline is to improve public spending and combat corruption, encourage the professionalization of public procurement actors through implementation of sound institutional mechanisms, promote small and medium-sized enterprises, promote intra-community trade, develop economic convergence through the development of public procurement and ensure effective remedies.
- **Guideline N° 05/2005/CM/UEMOA of 09 December 2005 Controlling and regulating public procurement and public service delegations in the West African Economic and Monetary Union (WAEMU).** This guideline defines the principles and modalities for the functions, mechanisms and procedures for the approval and regulation of procurement by public service delegations in WAEMU member countries. Through this Guideline, the Member States undertake to: i) implement procedures to ensure separation and independence of the functions of oversight and regulation; ii) set up centralized & decentralized administrative entities for public procurement monitoring; iii) set up institutions to ensure independent regulation of public procurement and a tripartite and equal representation of the Public Administration, the private sector and civil society, and iv) introduce procedures for denouncing and penalizing irregularities in public procurement.

Senegal's legal framework for procurement is defined largely through the following national texts:

- **Decree N° 2014-1212 of 22 September 2014 on the New Public Procurement Code.** This is the primary legislative text that governs the procurement process. It establishes the rules governing the planning, tendering, execution and oversight of contracts entered into by GoS, local authorities, and public agencies. The Code emphasizes the reduction of deadlines, the easing of procedures and the accountability of the Procuring Entities by internalizing control of small contracts within PEs. The code is fairly dynamic, for example

¹¹ Early indications are that the guidelines are not expected to alter significantly the legal environment for procurement in WAEMU countries.

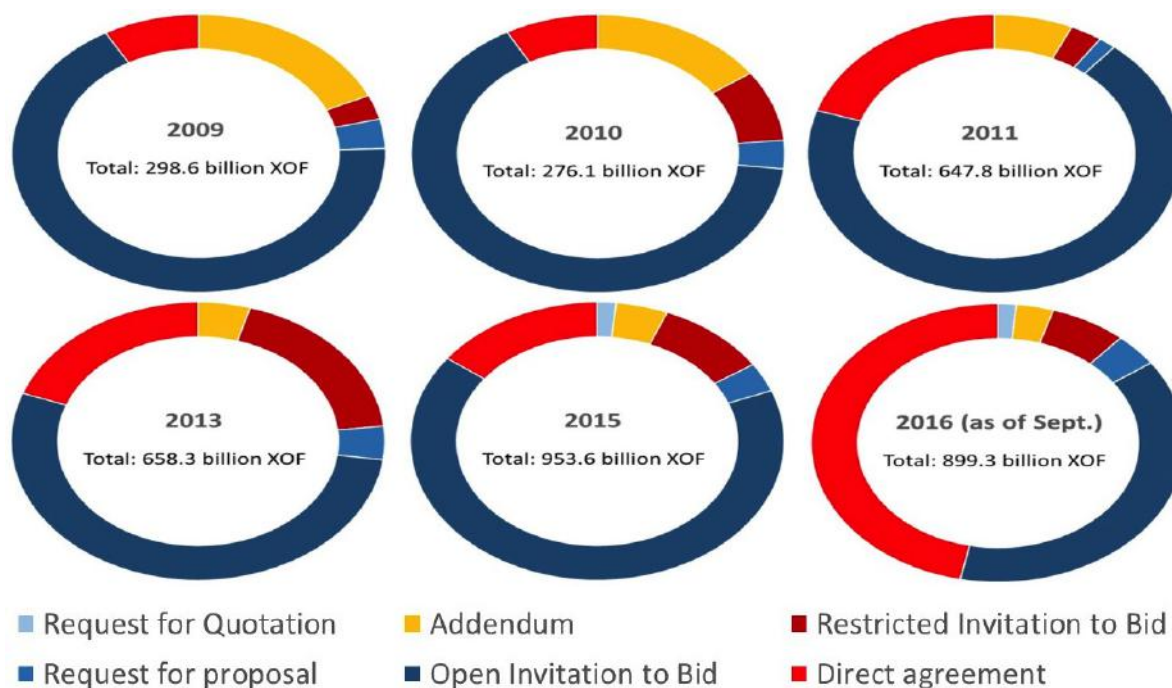
having been updated three times between 2007-2014 due to institutional and procurement sector changes.

- **Decrees N° 2007-546 of 25 April 2007 and N° 2007- 547 of 25 April 2007 establishing the Public Procurement Regulatory Authority (ARMP) and the Central Directorate for Public Procurement (DCMP).** These decrees define the organization, composition, functioning, roles, responsibilities and mandates of the ARMP and DCMP.
- **Ordinances implementing Decree N° 2014-1212 of 22 September 2014 relating to the public procurement code.** To implement some of the components of decree N°. 2014-1212 on the New Public Procurement Code, this ordinance was adopted to standardize the organization and functioning of PUs within PEs, the number and criteria for selection of members of Procurement Commissions within PEs, and the establishment of Local Procurement Commissions in regions beyond Dakar.
- **The Code of Obligations for the Public Administration (COA).** In order to ensure the efficiency of public procurement and the proper use of public funds, the code states that the contracting process: i) requires a prior definition of their needs by public purchasers; ii) presupposes the existence of sufficient appropriations in accordance with the principle laid down in Article 17 of the COA; and iii) must respect the principles of free access to public procurement, equal treatment of suppliers and transparency of procedures.

Since the legal texts regulating public procurement are viewed as being confusing, ARMP compiled them in a "Compendium of legal texts on public procurement" that have been translated to Wolof (the main Senegalese local language. ARMP also shared with DCMP and PUs the checklists which are simplified one-pagers for preparation and monitoring of documents for each procurement method.

II. Procurement Methods

The procurement Code recognizes different procurement methods that can be used by PEs when purchasing supplies, services or other items as detailed below.



Share of procurement methods in value (2009-September 2016)

Invitation to Bid (ITB): Through ITBs, which may be open or restricted, a contracting authority awards the contract without negotiation, after competitive tender, to the bidder that a) complies with the bid criteria and b) that submits the lowest-price bid. In open processes, the default procurement method, any tenderer can submit an offer. The open tender, which is the most often used tender method (accounting for 66% of tenders in 2016) may include a pre-qualification phase. The tender period is 30 fixed days for national invitations to tender and 45 fixed days for international invitations to tender, although these may be reduced to 10 and 15 days respectively in urgent cases. In restricted processes, bidders must be invited by the PE, although this method has become rarely used since an update to regulations in 2014.

Direct agreement: Direct agreement refers to a non-competitive procurement method that is permitted to be used in cases of extreme urgency (such as to ensure the continuity of a public service) or when only one supplier is able to provide the requested service, good or work. Although the DCMP's authorization is required to engage in a direct agreement, in practice this procurement method is most commonly used when the government wants to expedite a process for strategic or political purposes. It is often used for large projects. As of September 2016, direct agreement represented 46.7% of the value of all GoS procurement, while it represented just 14.8% in 2015. The use of direct agreement has become a point of tension within civil society and the media.

Request for Quotation (RFQ): This procurement method requires the PE to obtain quotations from at least three suppliers. In practice, PEs engage in vendor consultations for purchases or standardized services at prices below procurement thresholds. This method is used mainly for services or products immediately available and even for small construction contracts (often less than 30 million XOF). This restricted method is used infrequently and accounted for 1.6% of the value of all procurement in 2016. It is also said to be a source of corruption and procurement abuse since "large" contracts are well monitored, while smaller contracts may be subject to less scrutiny.

Request for Proposal (RFP): This is a two-stage process where the PE sends a request for proposals to at least the first three candidates selected through a call for expression of interest (EOI). As such, they receive the terms of reference and a letter of invitation indicating the selection criteria and their detailed method of application as well as the draft contract. If the estimated amount of the contract falls below the thresholds set out in Article 53 of the Code, the PE does not need to make the process public and can directly invite exactly five providers to submit a proposal. This method represented 3.4% in value of procurement in 2015.

Addendum: Some customer or commission contracts are concluded for a period of one year, renewable by addendum, but may not exceed two years. It represented 4.5% in value of procurement in 2015.

What is difficult here for PEs is to know which procurement method among the list above is appropriate for each specific case. This could be related to their lack of capacities.

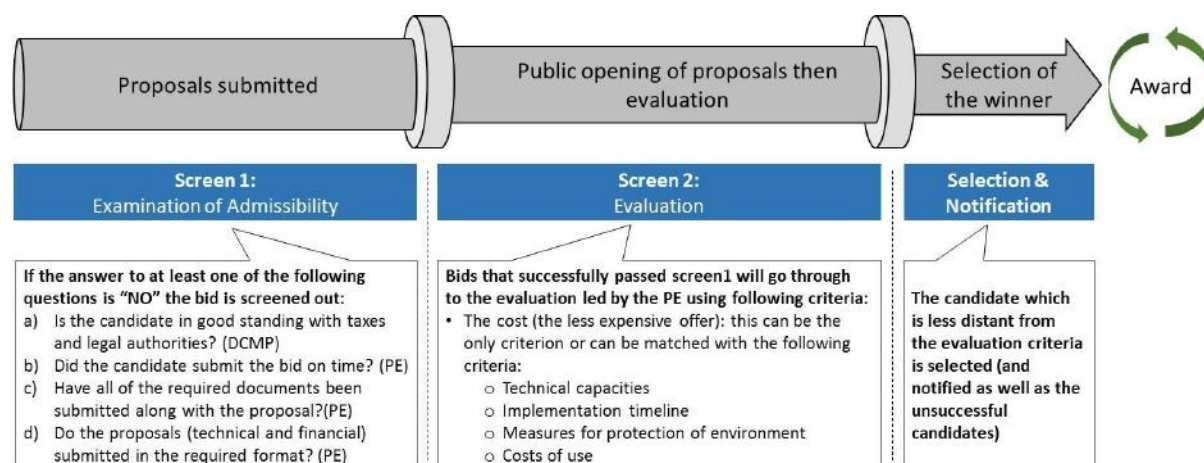
International Procurement

According to Article N° 52 of the Code, only companies registered in a WAEMU member country can bid on tenders supported through GoS internal funds (the national budget). International businesses registered in non-WAEMU countries are permitted to participate under the rules of all of the procurement methods when Development Partner (DP) funds are in use. For consulting services contracts funded by DPs, it is sometimes requested that international businesses partner with a local consultant.

The exception for Article 52 says the tender (funded through national funds) can be opened to international companies if the goods or services purchased do not exist in WEAMU countries or cannot be provided by WAEMU-based companies.

III. Award Criteria

For competitive procurement methods (all of the methods listed above except direct agreement and addendum), PEs conduct an evaluation of bids in two phases: i) Examination of admissibility of bidders by DCMP; and, ii) Evaluation of bids by PEs. This process is described in the chart below.



Award process and evaluation criteria

As mentioned in the Code, the selection is made either on the basis of the lowest price or in combination with other criteria (e.g. technical performance, respect of environment, etc.). The evaluation criteria must be listed in the tender documents. Bidders' qualifications are required to be examined independently of the content of their offers. Observers cannot participate in evaluation of bids, while unsuccessful bidders are notified the reason why they have not been selected and have possibility to recourse if they want. But we heard that in rare cases, when the process is at the award phase, a Minister or a given authority can secretly request the contract to be awarded to a given company for political reasons. Those kind of practices are hard to be identified or denounced since the process has been followed correctly until the award phase where evaluation scores can be rigged.

IV. Procurement Transparency

The Procurement Code provides clear guidance on the timeline for publication of data at most of the phases of the procurement process, as shown in the table below.

| Phases | Type of data | Publication timeline provided in the Code | Publication channel | Publisher |
|--------------------|------------------------|---|---|-----------|
| 1. Planning | Procurement plan | Annually, by December 1 | - Procurement portal - Newspaper | PE |
| 2. Tender | Tender notice | Not within 7 days after publication of procurement plan | - Procurement portal - Newspaper - PE's website | PE |
| | Procurement statistics | At the end of each trimester | - Procurement portal | DCMP |
| 3. Award | Provisional award | Within 3 days of | - Procurement portal | PE |

| | | | | |
|--------------------------|--------------------|--|-------------------------------------|------|
| | notice | evaluation of bids by PE or approval by DCMP | - Newspaper | |
| | Final award notice | Within 15 days after publication of provisional award notice | - Procurement portal - Newspaper | PE |
| 4. Contract | Contract | N/A | - Never published | N/A |
| 5. Implementation | Evaluation reports | N/A | - PE's website | PE |
| | Audits | N/A (each year) | - ARMP's website | ARMP |

Timelines for publication of procurement data

The ARMP publishes an annual report on procurement using data from the procurement portal, while DCMP submits weekly, monthly and trimestral reports to the Minister of Finance as stated in the WAEMU Guidelines. While the procurement regulations specify the information that must be reported, they do not specify a format of publication (such as an open format). Procuring Entities are not compelled to engage citizens in the procurement process, but some of the regulations/laws provide citizens an opportunity to participate. For example, citizens can issue a complaint at any stage of the procurement process by filling out an online form on the procurement portal. There is a representative of civil society within ARMP's Committee for Settlement of Disputes. But CSOs cannot observe bid openings.

V. Recommendations

Engage the WAEMU on its efforts to reform procurement guidelines for the region. The WAEMU's plans to reform its procurement guidelines provides a valuable opportunity to encourage the adoption of open contracting principles within the region's member countries. Encouraging more flexibility in WAEMU guidelines would also improve Senegal's ability to progress in its procurement modernization. Although WAEMU performs frequent assessment visits to its member countries, local conditions will likely always require small deviations from WAEMU standards to enable innovation, which should be made possible without going against regional norms and guidelines. **MoEFP and ARMP should raise Senegal's voice to WAEMU regarding needs to take in account countries' specificities.**

Forge an open contracting partnership or working group between the WAEMU, government representatives, civil society and the private sector. Key stakeholders, including the **WAEMU Commission and country stakeholders should establish a working group or exploratory committee to consider how open contracting may benefit procurement environments in WAEMU countries.** This would present an opportunity to introduce open data standards such as the Open Contracting Data Standard (OCDS), as well as CSV spreadsheets, while most of procurement data in Senegal is available only in PDF format. This would be easy to implement and could be a proposition made by GoS, particularly MoEFP to WAEMU Commission as a component of how Senegal is implementing the WAEMU Guideline on Transparency in Public Finance Management. **This will only require a revision of Senegalese Transparency Code including the establishment of such a working group.** If the initiative works well in Senegal, there will be no barrier for WAEMU to implement it in other member countries.

Facilitate participation of international businesses in in Senegal (and other WAEMU member countries). Article N° 52 of Senegalese procurement code prevents companies not registered in a WAEMU member country from bidding for contracts funded through the national budget. Since the

Senegalese Minister of Finance stated that the procurement code will undergo changes by giving more space to domestic businesses¹², there is an opportunity to enhance competition by partnering with the Ministry of Economy, Finance and Planning (MoEFP) to explore how international companies could participate in local procurement. ***FCO, with foreign / international companies should discuss with MoEFP and local companies on how participation of international businesses could benefit domestic businesses in particular in terms of partnership and transfer of competencies, and to the Senegalese economy in general in terms of competition and quality.***

Reduce the use of direct procurement. In the past year, direct procurement has been used in lieu of competitive procurement methods on a frequent basis. Civil society and the media have been critical as a result. ***The WAEMU Commission should conduct an assessment within the eight member countries to better understand how the use of direct procurement affects public markets and update its Guidelines accordingly.***

¹² (Government- Private Sector meeting, Tuesday, July 12, 2016)

6. Policy Context

I. Procurement Transparency and Anti-Corruption Initiatives

Senegal has made several efforts to enforce procurement regulations and increase transparency in the procurement sector. With the help of the World Bank, the Government of Senegal established the National Anti-Corruption and Fraud Office (OFNAC), with the mission of reducing corrupt practices within Senegal's civil service, in 2013. Since its establishment, OFNAC has implemented several innovative initiatives, such as a mobile app to promote the reporting of acts of corruption and increase investigations of fraud, bribery, and embezzlement. Senegal was the first country in the WAEMU region to adopt a transparency code¹³ in 2012 which requires to publish in a timely manner Public Finance information such as the pre-budget report, the appropriation bill, the initial budget legislation, the budget correction legislation, the year-end budget implementation report, the audit report from the Audit Courts, and the citizen budget¹⁴ (a simplified [document](#) and [video](#) presenting the budget to citizens). Senegal's score on the 2015 Corruption Perceptions Index of 44 points (out of 100) is an improvement on its average score of 33.94 since 1998.^[1] There has been steady, yet incomplete progress in fighting corruption.

In spite of the country's anti-corruption progress, the potential for corruption is still a significant obstacle for economic development and competitiveness in Senegal. According to interviews, corruption is very difficult to prove in some instances, due to the fact that many actors ignore all rules and regulations while others know the system so well that they can go around it. Credible allegations of corruption have surfaced in relation to government procurement, the process of settlement of disputes, and decisions by the judiciary, regulatory and enforcement agencies.¹⁵ Theoretically the institutional arrangement of the procurement system and regulatory system put into place show significant efforts from the government to improve procurement policy. However, in practice, challenges remain.

According to the 2014-2015 Competitiveness Report,¹⁶ companies state that public funds are sometimes diverted to facilitate corruption and that the decisions of government officials frequently favor well-connected companies and individuals. In addition, procurement procedures do not ensure sufficient accountability, and there are credible allegations concerning corruption in the sector.¹⁷ The system also suffers from shortcomings, such as complex legislation, prerequisites for bidding, partial online publication of public tenders and limited feedback on tender evaluation outcomes.

II. Procurement Data Disclosure Policies

WAEMU Guidelines implemented in Senegal clearly state that the "Regulatory body (ARMP) should collaborate with the Controlling body (DCMP) in the collection of information, data and documents for the establishment of a data bank; and in the maintenance of a public procurement information system." Guidelines also say "tender and consultation documents should be made available to applicants by electronic means under the conditions set forth by national legislation if they are not

¹³ Senegal has put new WAEMU directives on public finances into its legislation, with parliament approving a transparency code in December 2012.

¹⁴ http://www.dgf.finances.gouv.sn/dgf/doc_elabo.php

¹⁵ 2013, Investment Climate Statement - Senegal, Bureau of Economic and Business Affairs, US Department of State.

¹⁶ 2015, World Economic Forum, Global Competitiveness Report 2014-2015.

¹⁷ Ibid.

sent to candidates by post on their request.”¹⁸ Senegal has implemented these guidelines and created www.marchespublics.sn where a variety of procurement information can be found. Users can query and download data for free, although bulk download is only available as PDF and not in an open data format such as OCDS.

Through the Policy Support Instrument (PSI) signed between the IMF and the Government of Senegal and covering the 2015-2017 period, the procurement Controlling body (DCMP) is requested to collect, analyze and publish in a trimester basis procurement statistics online. Tender statistics by sector, method, procuring entity, etc. are publicly available and downloadable in PDF format since 2008 for each trimester.

III. Government Favoritism of Domestic Companies

The domestic private sector has been lobbying GoS to introduce additional positive discrimination measures, including with respect to contracts for public-private partnerships for Senegalese companies. They urge the government to modify the procurement Code’s definition of a “national company,” asking that projects funded by the consolidated investment budget be reserved for Senegalese companies, rather than for WAEMU companies. Policy trends are in line with this request for protectionism since the MoEFP announced that reforms will be implemented and the procurement code will undergo changes by giving more space to domestic entrepreneurs.

Senegal has already established policy, institutional and legislative frameworks for public procurement that include various provisions for promoting the participation of local SMEs. These provisions include measures to break down large tenders, the allocation of preferential marks for local presence, foregoing guarantee requirements for tenders under \$100,000 or for intellectual services tenders, and a requirement to publish tenders online and to inform rejected candidates.

IV. Sectoral Policies for Openness and Transparency

GoS has undertaken a variety of open data initiatives, largely led by MoEFP and the National Agency for Statistics and Demography (ANSD). Examples of GoS open data initiatives include hosting a workshop with the theme “open access to geospatial data to help the government meet basic social services,” which took place in Dakar on September 17th, 2015. The overall goal was to emphasize the central role that open data can play in emerging economies and to promote GoS’ planned initiatives, such as establishing an interministerial agreement to improve data quality in key development sectors and the institutionalization of the practice of open data aimed at serving Senegalese citizens.

Notably, the ANSD participates in the African Development Bank’s Open Data for Africa platform, an initiative that aims to promote decision making based on reliable information, good governance and administrative responsibility and help monitor progress on the Millennium Development Goals (MDGs) at the national and regional levels (Géoflash 2014).

Although open contracting has not been a priority of the government to date, GoS is exploring opportunities for implementing a portal to showcase open extractive data in conjunction with its efforts as part of the Extractive Industries Transparency Initiative (EITI). Senegal has been party to EITI since 2013, an initiative to develop a global standard to promote the open and accountable management of oil, gas and mineral resources.

¹⁸ Guideline N° 05/2005/CM/UEMOA of 09 December 2005 Controlling and regulating public procurement and public service delegations in the WAEMU.

ANSD is currently working on an open data platform project that would help track progress toward Sustainable Development Goals (SDGs) linking them to national development plans. This is the first step in a national “data roadmap” on which GoS is working with support from the Global Partnership for Sustainable Development Data (GPSDD).

V. Recommendations

Establish data literacy and disseminate open data standards / principles among policy makers and procurement stakeholders. Procurement sector staff are mainly composed of lawyers and public administrators. Consequently, data literacy is quite low in the sector. GoS would benefit from instituting policies, practices and tools that could help strengthen procurement professionals’ capacities to collect, analyze and disseminate data. *This could include collaboration with ARMP’s training center (the Public Procurement Regulatory Training Center – IRMAP) in setting up curricula and courses focused on data and statistics for decision-making in public procurement.* Moreover, the adoption of more rigorous and structured data collection practices would enable more effective use of procurement analytics. *Ultimately, implementation of an e-Procurement system could aid in data collection by requiring data be entered into the system before certain procurement actions can be taken.*

Government of Senegal could also include the principle of open data in Performance Contracts with public institutions including ARMP and Ministry of Economy, Finance and Planning (MoEFP - DCMP). Another option could be to fund and include a line in the national budget for the opening and distribution in open data format of data already available. This will promote the institutionalization of the practice of free open data aimed at serving Senegalese citizens.

Establish a joint effort of key decision-makers on how to create roadmaps for partnerships between international firms and domestic companies. *International representatives, the MoEFP and the Investment Promotion and Major Projects Agency (APIX) should initiate dialogue in order to promote the fair and efficient participation of local small and medium enterprises, and international businesses in Senegal’s procurement market.* As part of these discussions, participants could explore how open contracting could benefit all stakeholders.

Enhance collaboration between the WAEMU Commission and development partners (DPs) to create a harmonized support framework for open contracting within Senegal and the region. Many DPs and international organizations are supporting Senegal’s public procurement system through activities aimed at improving openness, transparency and efficiency. Because the WAEMU Commission makes recommendations that are implemented across the WAEMU community, and because these commitments are monitored, it presents a valuable entry point for dialogue on open contracting. *FCO should work with other DPs to engage WAEMU and GoS directly on the topic of open contracting.*

7. Technical Assessment

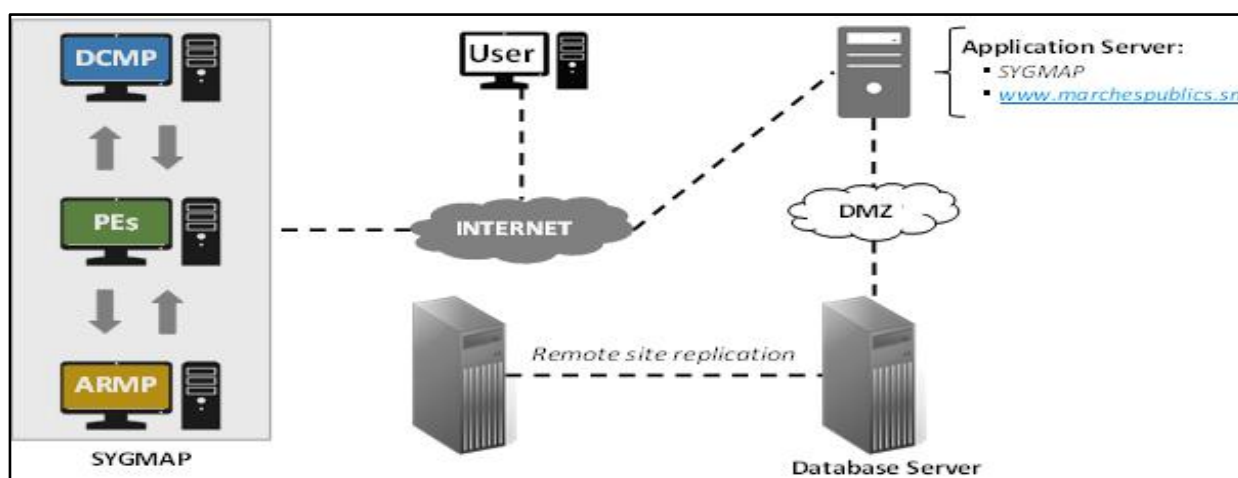
There are three disconnected information systems used throughout the procurement chain in Senegal to gather data and information on the procurement process. While some key data fields are published, others are collected and used for internal purposes. No key data is published after the award phase, meaning that contracting and implementation data remain solely within government. Civil society, businesses and the media cannot effectively follow up on government procurement to help regulators ensure that public funds are being put to use effectively.

I. Information Systems

The technical management of the procurement process is hosted at the DCMP and includes an information system composed of three independent tools: i) the Public Procurement Management System (**SYGMAP**), which allows semi-electronic procurement management; ii) the DCMP's Internal Information System (**Dashboard**), which manages the procurement oversight processes at DCMP and produces statistics on public procurement; and iii) the Electronic Archiving System (**SAE**), which manages the dematerialization of documents held in the archives and documentation office.

The procurement information system suffers from several shortcomings. It does not allow a 100% digital procurement process as the Dashboard, where the largest amount of information is captured, does not offer the possibility to upload the hard copy of documents sent by PEs. The SYGMAP does not meet the needs of all procurement stakeholders, particularly PEs, as data can be entered but not visualized or downloaded - even related to their own work or sector. PEs also suffer significant duplication of efforts. For example, even if they enter data in SYGMAP and send hard copies of tender documents, the DCMP still requests that they regularly fill out an Excel template containing all contracting data. For SAE, scanned versions (in PDF or JPG) of archives do not offer possibilities for data analysis. But the main weakness of the procurement information system is that it is composed of disconnected tools that do not exchange data and are not linked to other core government systems, the Public Finance Management System (SYGFIP) or the Aid Management Platform (AMP) for traceability of funds.

A. The Public Procurement Management System (SYGMAP)



The architecture of the SYGMAP procurement management system

SYGMAP is developed in PHP-MYSQL-CMS Joomla and hosted out of the LAN of the DCMP. Its architecture is composed by the items below:

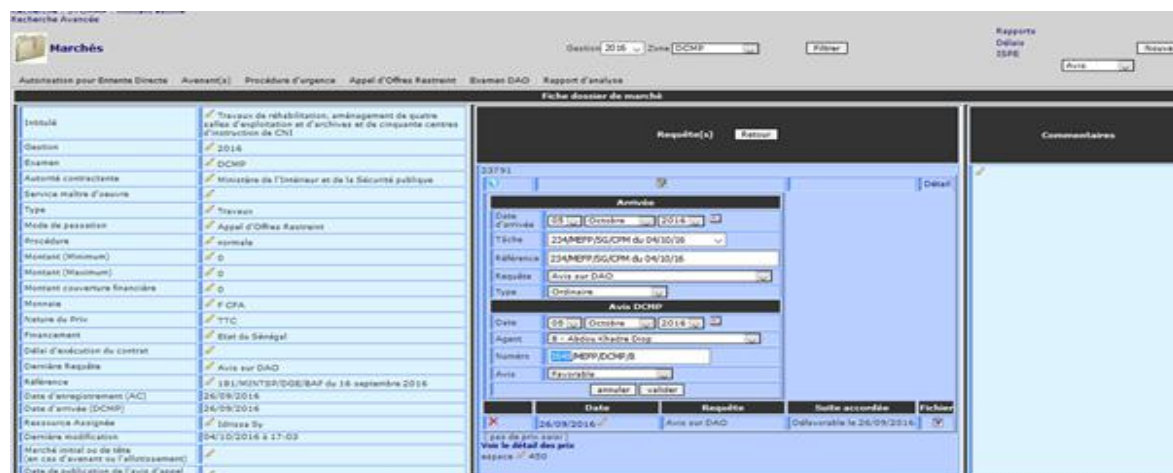
1. One application server on the web, hosting SYGMAP and the Public Procurement Portal
2. One database server on a local network accessible by the application server, controlled by firewall.
3. Database on a DS 8000 disk array (high availability system with data replication)
4. Access to SYGMAP exclusively via Internet for:
 - a. Publication of procurement plans, tender documents and award notices (PEs);
 - b. Oversight/approval of the procurement process, and publication of statistics (DCMP);
 - c. Publication of regulations and laws, blacklists, complaint transmission (ARMP),
 - d. Complaint transmission; search for opportunities, information and data, etc. (Users)

Each of the primary stakeholders (ARMP, DCMP, PEs and users) has their own workspace and administration of SYGMAP, which is ensured by the Information Systems Management Office (BSI) under the Division for Statistics and Information (DSI) in DCMP. The SYGMAP has been developed and maintained since 2008 by a Senegalese IT firm named ZSI-IT Strategies & Solutions.

B. The DCMP Internal Information System (Dashboard)

Except procurement plans, which are fully prepared, submitted and approved through SYGMAP, the government is still conducting procurement through paper-based systems. Because the workflow was cumbersome and demanding for the DCMP, which oversees the entire process, MoEFP made the decision to put in place the Dashboard in order to ease DCMP's management tasks.

The Dashboard, developed in PHP-MYSQL and hosted on the LAN of DCMP, is used for managing and tracking the DCMP's workflow, particularly implementation timelines of the various stages of the procurement process and the monitoring of contract execution schedules. Procuring documents (tenders, bidding documents, award notices, certificates of availability of funds, etc.) are sent to the DCMP in hardcopy and are registered in the Dashboard for each contract (no scan attached). While the paper is following its process for control / approval in DCMP, the relating contract's information are updated on the Dashboard.



Screenshot of the Dashboard (an existing contract with assignment of tender document for review)

The Dashboard has been developed for internal use - and is only accessible through the internal network of DCMP - by IT engineers at DCMP who also maintain it and author extensions. The Dashboard is also used to generate procurement statistics that are published on the SYGMAP /

procurement portal by DCMP. But it does not provide functionality for bulk data export (e.g. to csv, xls(x) formats). Statisticians at DCMP copy the tables that are generated by the Dashboard and paste them in Excel for formatting before publication on the SYGMAP / public procurement portal by IT staff. Even if data is available in an open, structured, machine readable format through the Dashboard for internal use in DCMP, this is not the case for the versions published on www.marchespublics.sn.

The only connection between the Dashboard and SYGMAP is through a module that allows users to link each procurement plan (in SYGMAP) to any relating procurement item or task (in the Dashboard). This process is not user-friendly as there is no identifier used across all stages of the procurement process. So, to search for a given contract in the Dashboard, DCMP staff fill out a certain number of fields such as keywords of the title, the year, the PE, etc. and pick the corresponding contract from the proposed list of search results.

C. The Electronic Archiving System (SAE)

The SAE, developed in Java J2E-Framework ZK and hosted in the LAN of DCMP, is a recent tool used in DCMP to digitize, scan and store all procurement documents. Previously, archiving was done manually with documents stored in binders or boxes, thus exposing them to the risk of loss or deterioration. For now, the system is only internally used.

The lack of data exchange and communication between the different information systems (SYGMAP, Dashboard, SAE) constitutes the main challenge to the production of comprehensive and open information, as well as to enhanced collaboration between procurement stakeholders. This is the main reason that some PEs have begun to implement internal procurement management systems independently of the central systems hosted in DCMP (SYGMAP) they are still reporting to. For example, the Ministry of Water and Sanitation (MoWS) implemented in 2015 the eProcurManager¹⁹ which offers functionalities to ensure effective management and monitoring of procurements from planning to contract signature and execution. It includes the possibility to visualize and export procurement data in open formats.

II. Procurement Data

The following types of information are being collected about the procurement process through the use of these systems described above. Many of the data fields, mainly in contracting and implementation phases, are not made public online by DCMP or PEs, while some data on planning, tender and award can be found on the procurement portal. Because procurement information systems are not directly talking to other Public Finance Management (PFM) systems, information on implementation and payments are not available. A concrete example is the certificate of availability of funds delivered by the MoEFP in a paper format and submitted by PEs to DCMP along with tender documents to prove that funds are available for a given contract. If the Dashboard was linked with the budget management system (SIGFIP) or the Aid Management Platform (AMP), this certificate would no longer be requested. DCMP would be able to get it itself by linking contracts to budget lines or development aid projects. This is a huge weakness since PFM systems are all located within MoEFP.

The data fields captured through the Dashboard include the following for each contract: title, year, PE, sector, type, procurement method, amount, currency, funding organization, contract implementation timeline, stage/status of the process, submission date of the relating document, last modification, publication dates of the relating procurement plan and tender, owner in DCMP,

¹⁹ See: http://www.onfp.sn/wp-content/uploads/2014/08/armp_revue_armp_n22_finale.pdf, Page 20-26.

and the assigned processing time to the owner. The dashboard also contains a window where a manager can create a task and assign it to a staff member. The table below describes which types of data are available at each stage of the procurement process.

| Key Data Categories | | | |
|---|--------|----------------------------------|--------|
| The following information types are among those that procuring entities made public online for January-June, 2016. (A = Always; S = Sometimes; N = Never) | | | |
| Planning | Online | Award (cont.) | Online |
| · Unique IDs for contracting process | N | · Award Amount | A |
| · Procurement plans | A | · Reasons for award | N |
| · Consultation documents | S | · Complaints procedure | A |
| Tender | | Contract | |
| · Tender document | S | · Contract documents | N |
| · Bidding document | S | · Contract amount | N |
| · Bidder names | S | · Contract dates | N |
| · Tender dates | S | Implementation | |
| · Bidder blacklist | A | · Milestones | N |
| · Litigations | A | · Payments | N |
| Award | | · Evaluation results | S |
| · Supplier(s) | A | · Procurement process statistics | A |

III. Recommendations

Conduct an in-depth analysis of existing information systems and put in place a full e-Procurement system with the OCDS in the core.

The Government of Senegal, particularly the *MoEFP, should partner with well qualified IT companies to conduct an analysis of the existing systems, and explore an integrated system* that would allow the digitization i) of all the documents dealt with at DCMP, ii) of the exchanges of data between ARMP, DCMP and PEs. That system should be able to help ease access to open and machine readable procurement information / data in OCDS. This could have great advantages and benefits such as unified and comparable data, access to publisher guidance, reusable tools, etc. *Accompanying capacity building (training) and a data management plan should be integrated into the procurement Code where roles and responsibilities of each stakeholders in terms of data collection, use and publication / opening should be stated.* This will also help avoid proliferation of independent / internal procurement management systems among PEs. To facilitate data quality, monitoring, and analysis, *unique identifiers for each contract should be maintained throughout the procurement process. In a second phase, the Government should reflect on linking the e-procurement system to the broader PFM system including SIGFIP and AMP.*

MoEFP could be the entry point here as all of the existing PFM and procurement systems are hosted in different Directorates within MoEFP which is open to upgrade and / or link those systems.

Investigate partnerships to enable publication of open procurement data.

DCMP is collecting an important amount of data through the Dashboard but most data are not made publicly available. Some procurement data should be kept confidential as stated by the law. For both public and private data, increased use of analytics can help GoS to increase the quality of procurement by increasing procurement value for money, improving market fairness and integrity, etc. Partnerships with WAEMU, universities, consulting firms, or other actors could assist in this effort. For example, this could focus on analyzing the average time spent on each phase of the

procurement process for each procurement method, type, contract size, etc. to help identify bottlenecks. ***The first step should be to “open” the data already published on the public portal. For example, the trimestral procurement statistics published by DCMP could be downloadable in Excel or CSV formats with non-restrictive licensing. This will only need some training sessions and awareness actions to the DCMP staff, then assessment of need and use of open data by external stakeholders.***

8. User engagement

As described previously, the ARMP and DCMF are the primary producers and users of procurement data. Beyond these entities, procurement data awareness and use remains limited. Nevertheless, oversight authorities-led by the ARMP-are making efforts to conduct activities aimed at engaging citizens and facilitating private sector participation in the contracting process.

I. Involving Civil Society and the Private Sector

Civil society and the private sector are represented on the ARMP's Regulatory Board and Committee for Settlement of Disputes (CSD). This opportunity (afforded as the result of WAEMU Guideline N° 05/2005/CM/UEMOA of 09 December 2005) provides these actors limited influence on procurement-related decisions. One of the representatives of civil society within the Regulatory Board is the President of the Council for Development Support NGOs (CONGAD), a consortium of 178 Senegalese, African, European, American, and international non-governmental organizations. CONGAD seeks to promote responsible citizenship and community involvement in development processes. The National Council of Employers (CNP), a confederation of 30 business groups and Associate Members from various sectors (including industry, commerce, agriculture, etc.) is a private sector representative.

Representation on the CSD gives civil society an opportunity to monitor the ARMP's independence, and, for the private sector, an opportunity to ensure the implementation of Article 52 of the Procurement Code. However, it is not clear that this involvement provides any opportunity to influence the policy process within the WAEMU Commission. Furthermore, without the possibility of participating in bid openings or evaluations, or any sort of collaborative working group, there is a limited scope of engagement between civil society and the private sector, and procurement policy makers.

II. Engaging and Educating Journalists on the Procurement Process

The ARMP hosts annual open press sessions to launch its annual procurement audit report to journalists and citizens. ARMP meets with PEs and businesses to explain how regulation of public procurement is implemented and how to avoid the most frequently seen irregularities. In order to improve journalists' understanding of public procurement procedures, the ARMP and DCMF, in collaboration with the Ministry for the Promotion of Good Governance, organized a workshop in January 2015 to train journalists on the basic principles of public procurement and the institutional arrangement of Senegal's procurement system.

III. Citizen Engagement and Anonymous Whistleblowing

Whistleblowing in Senegal has become easier due to the introduction of innovative ways of engaging citizens. A mobile application recently launched by the National Anti-Corruption and Fraud Office (OFNAC), seeks to promote the reporting of acts of corruption and increase investigation of fraud, bribery, and embezzlement. Another key example is the possibility given to any person to make an anonymous complaint at any phase of the procurement process of a given contract, by filling out an online form on the procurement portal directly sent to the CSD. Because these disputes can be issued anonymously, it is not clear how officials communicate with complainants.

Also, all of the decisions made and sanctions levied by the CSD are available via the procurement portal. Those decisions and sanctions are also compiled and published by the ARMP through an annual report available on its website.

All legal texts (guidelines, laws, decrees and ordinances) relating to public procurement are compiled and published by the ARMP and DCMP through a "Compendium of legal texts on public procurement," including the procurement Code. This is now available in Wolof, the most spoken Senegalese local language (by more than 80% of the population) since August 2016. All of the legal texts are available either on the procurement portal or the ARMP's website.

IV. Procurement Data Use

Procurement data in value (amounts) and volume (numbers) are published on the public procurement portal each trimester since 2008, sorted by sector, type, PE, and procurement method. Data also include for each contract, the title, the date, the type, the PE, the amount and the name of the supplier(s). However, data is only published in PDF format and not in real time, presenting a challenge to any potential data users. Though limited, there have been recent examples of articles and reports from media (Enquête+, Le Quotidien, Leral.net, etc.) and CSOs (Forum Civil) using procurement data, mainly to denounce the fact that the current government is increasingly using non-competitive procurement methods such as direct agreement. Notably, CSOs currently focusing on procurement reform consider that quality, format, accuracy and timeline of procurement data published online satisfy their needs.

While some efforts are being made by the Government of Senegal and ARMP to release data and engage with citizens, media and the private sector on procurement issues, the mechanisms of oversight and regulation of public procurement are little known to these potential users. According to a study published on 2015 by the non-State actors' platform (PANE),²⁰ 64% of private sector actors claimed not to know of the existence of the ARMP. There is a clear gap between the government's efforts to conduct and regulate oversight, and the knowledge of stakeholders about the procurement process. In particular, CSOs are not well informed of potential use cases for more open/machine readable data.

V. International Use Cases of Senegalese Procurement Data

We have recent examples of data use cases at the international level, led by DPs or CSOs and comparing Senegalese procurement system to others:

The World Bank - Benchmarking Public Procurement (BPP): BPP presents cross-country analysis in 77 economies including Senegal on issues affecting how the private sector does business with the government. BPP focuses on the public procurement cycle from the private sector's perspective, which begins with identifying a need and ends with executing a contract, whether for delivering a purchased good, providing a service or performing construction work. BPP is designed to help policymakers evaluate their procurement system's performance. BPP indicators measure six areas in two themes each year:

- Theme 1: The public procurement life cycle (preparing bids, submitting and evaluating bids, awarding and executing contracts)
- Theme 2: complaint and reporting mechanisms, availability of complaint and reporting mechanisms, first-tier review process and second-tier review process

The Global Open Data Index (GODI): GODI is an annual effort to measure the state of open government data around the world. The crowdsourced survey is designed to assess the openness of specific government datasets according to the Open Definition²¹. This initiative aims to provide a civil society audit of how governments actually publish data - with input and review from citizens

²⁰ <http://www.pplateforme-ane.sn/>

²¹ <http://opendefinition.org/>

and organizations around the world. Government procurement tenders are among the datasets monitored by GODI in order to help new groups to participate in tenders and increase government compliance. Data submitted in this category must be aggregated by office, updated at least monthly and satisfy the following minimum criteria: i) Tenders: tenders name, tender description, tender status; ii) Awards: award title, award description, value of the award, suppliers name. In the 2015 GODI edition, Senegal is ranked 58 among 122 countries with procurement tenders only 45% opened.

VI. Recommendations

Raise awareness among citizens and CSOs about the availability and the usefulness of procurement data / information. Citizens and civil society actors should be more informed of the procurement data available online and, most importantly, the participatory mechanisms (online complaints and denunciations) put in place by the Government and ARMP; so they can better play their role as sentinels for better use of public funds. Education/engagement activities with CSOs on how procurement data are used in other countries should be increased. Such a recommendation could be implemented in partnership with ONG 3D which has a lot of experience in raising awareness of citizens about Public Finance Management, particularly explaining the budget process using interactive and educative visualizations.

Revise regulations in order to introduce open contracting principles and increase citizens' engagement even during planning. There are no incentives or guidance that requires PEs to involve citizens or citizen groups. As GoS is moving toward a Program-Based Budget (PBB) and WAEMU plans to revise its Guidelines on procurement systems, there is an opportunity to involve citizens when defining their needs (planning) and to put into place strong data release and openness regulations in order to ease monitoring and impact evaluation by citizens to ensure public policies are being implemented effectively. Since GoS selected Education and Health as pilot sectors for implementation of PBB in the next couple of years, it would be interesting as well to implement this recommendations within these sectors, by working with Ministries of Education and Health which are already collecting real-time and good quality performance data.

Encouraging and increase efforts made by the ARMP to engage citizens and the private sector, and build upon them. Despite its effort, it appears as though many stakeholders and citizens have little knowledge of the procurement authorities that seek to facilitate sound oversight and competition within the public market. In some countries, procurement authorities are forging working groups with businesses and CSOs to help ensure that their efforts to improve procurement efficiency are reaching the intended audiences. Engaging a variety of stakeholders through such a group can reveal opportunities for collaboration of mutual benefit.

9. Stakeholder Identification

Apart from the public sector stakeholders discussed in the institutional and policy sections of this report, public entities tend to lack interest and awareness of issues related to public procurement. The demand for reform of Senegal's public procurement system was expressed first by the private sector, followed by development partners (especially the World Bank and African Development Bank), although their interests differ. International CSOs and their local representatives are also active in monitoring public procurement and advocating for greater transparency in public finance management, while private sector actors focus largely on encouraging the application of protectionist measures.

I. Development Partners' Support for Procurement Reform at National and Regional Levels

The African Development Bank (AfDB) is a strong supporter of procurement reform, including forging more effective and transparent procurement systems, both on a regional level and in Senegal. In November 2009, the African Development Bank (AfDB) organized the High-Level Forum on Public Procurement Reforms in Africa to discuss public procurement as a tool for economic development and regional economic integration. The Forum led to adoption of the "Tunis Declaration on Public Procurement Reforms in Africa for Sustaining Economic Growth and Poverty Reduction" engaging governments, civil society and the private sector to recognize the need to promote a cross-sectoral and participatory approach to public procurement.

At the regional level, AfDB supports the adoption and strengthening of regional norms and standards in public procurement. AfDB is engaged in the multi-donor Public Procurement Support Project in the WAEMU, which aims to modernize and harmonize public procurement systems in the region. At country level, AfDB focuses on collaborating to fortify procurement systems and institutions for governing public resources. Thus, AfDB is one of the main supporter of ARMP in terms of implementation of legal framework. In October 2016, a mission mandated by AfDB was conducting an assessment field study of the Senegalese procurement system to see how it could be improved at political, institutional and technical level. Findings and recommendations from that study will be available soon.

In 2007, the World Bank, AfDB and GoS created a report focused on increasing public procurement effectiveness and transparency. The report discussed the weaknesses and strengths of public procurement in Senegal and made recommendations on five pillars: 1) improving the legal and institutional framework to resolve ambiguities and contradictions between regulations and clarify agency roles; 2) establishing and applying transparent practices and procedures; 3) establishing a corps of competent professionals; 4) improving the partnership between the public and private sectors; and 5) increasing the existence of anti-corruption laws and increasing effective enforcement.

The World Bank has also been active in its support of procurement reform, particularly through the Benchmarking Public Procurement (BPP) initiative, launched in 2013 at the request of the G20 Anti-Corruption Working Group. The BPP provides comparable data on regulatory environments that affect the ability of private companies to do business with governments in 77 economies. BPP builds on internationally accepted good practices and principles, and targets the most critical issues facing private firms, with an emphasis on small and medium enterprises.

The International Monetary Fund (IMF) supports Senegal's procurement system indirectly through the Policy Support Instrument (PSI), which offers low-income countries that do not use IMF's financial assistance a flexible tool that enables them to secure advice and support. The PSI is designed to support member countries in maintaining or consolidating macroeconomic stability

and debt sustainability, while deepening structural reforms in key areas in which growth and poverty reduction are constrained. In Senegal the PSI covering 2015-2017 requests that GoS, through the DCMP, collect, analyze and publish procurement statistics online on a quarterly basis; it also advises the establishment a threshold of 15% for the amount of contracts that can be awarded by direct agreement.

The ARMP, furthermore, has received funds from Canada and the European Union to publicize Senegal's public procurement requirements and to train government institutions, industry groups, and civil society on these requirements and procedures via workshops and other outreach efforts in and around Dakar. The ARMP has received support from USAID to conduct similar work in a number of cities outside Dakar.

These DPs are working to increase openness of Senegalese procurement processes to international competition. They advocate against Article N° 52 of the Procurement Code, which states that only companies registered in one of the WAEMU member countries can bid on tenders using GoS funds.

II. Civil Society & Infomediary Engagement

Despite advocating for government transparency elsewhere, Civil society organizations (CSOs) in Senegal show limited awareness of open contracting, providing limited insight into specific needs in terms of using contracting data. There is a trend within civil society to focus on priority areas for GoS and DPs, such as health and education. While perhaps expected, it creates gaps - such as with respect to procurement - that can prevent the maturation of the political ecosystem. Infomediaries, similarly, report on contracting issues when they arise. However, there are no specific infomediaries who focus their efforts on revealing corruption or waste in the procurement sector.

The Open Society Initiative for West Africa (OSIWA), as part of the global network of Open Society foundations, is supporting a constructive policy dialogue among citizens' groups, CSOs, and governments on procurement monitoring in Senegal (as well as Liberia and Nigeria). OSIWA is also working with international transparency and accountability mechanisms such as the Extractive Industries Transparency Initiative (EITI) and Publish What You Pay (PWYP) to strengthen policy and regulatory reform processes in natural resource management. On a regional level, OSIWA supports a regional integration process for tax harmonization and information-sharing among countries to help fight various forms of arbitrage and facilitate stolen asset recovery. Along with other Open Society foundations, OSIWA supports a global agenda for stricter regulations to uncover and prosecute shell companies, ensure the tractability of beneficial ownership, and broadly hold governments and corporations accountable to trade regulations.

PWYP Senegal was affiliated as a PWYP coalition in April 2015 and is formed of 18 NGOs and associations involved in extractive industries governance. PWYP Senegal focuses on contract transparency, the protection of the environment and revenue transfers to local communities. The coalition participated in the government's work for the revision of the country's mining code and the EITI process and has planned to conduct several studies to get a broader understanding of the natural resources sector in Senegal. Article 19 West Africa campaigns since 2010 in partnership with Forum Civil which represents Transparency International in Senegal for the adoption of an access to information law.

The Open Knowledge Foundation (OKF) Senegal chapter has become active with respect to open data, although not focused on the procurement sector. In addition to the "Senegal Ouvert" project, OKFN is engaged in raising awareness about open data through the provision of free training, and

connecting network, and decision makers through events such as the International Open Data Day they celebrated in Senegal in February 2015 and Scraping days in 2014 and 2015.

ONG 3D is strengthening the capacity of parliamentarians (particularly women) and raising awareness of citizens (particularly local communities) in the areas of public finance, budgetary control and monitoring, governance, etc. by using open budget data through a \$1.6 million project funded by USAID, as detailed in the following section on financial management.

III. Private Sector Engagement: Protectionism in Procurement

Private sector actors are working closely with MoEFP to influence the government of Senegal to introduce positive discrimination in the public procurement system and to give clear guidance for public-private partnerships for the Senegalese companies. The private sector is urging the Government to update Article N° 52 of the Procurement Code to replace references to “national companies” with references to “Senegalese companies.” As it stands currently, “national companies” is taken to mean all companies within the WAEMU. Private sector lobbying has also focused on ensuring that contracts financed through the national budget remain exclusively available to domestic firms and to prevent GoS from being swayed by DPs that desire to open contracts to international firms.

Private sector associations recommend that GoS identifies strategic contracts that can be implemented partially or totally by domestic firms and those requiring competencies or resources only available in international markets. They also seek to organize relationships between national firms and foreign businesses in areas of co-investment, technology transfer and outsourcing. The main private sector stakeholders advocating for this are: the National Council of Employers (CNP), a confederation of 30 business groups and Associate Members from various sectors (including industry, commerce, agriculture, etc.); the Union of Women Entrepreneurs (UFCE), the National Union of Traders and Industries of Senegal (UNACOIS); National Confederation of Employers of Senegal (CNES); Organization of Professionals of Information and Communication Technologies (OPTIC) and National Union of Chambers of Commerce, Industry and Crafts of Senegal (UNCCIAS). Senegalese SMEs and organizations representing them, in particular, are working in partnership with some DPs, including GIZ, to get the necessary capacities for collective leadership by raising their self-awareness about the constraints they face in their enterprises and enhancing their capacities to influence national policies to address constraints they are facing.

IV. Recommendations

Establish a DP sectoral working group to enhance coordination on support for procurement reform.

DPs focusing on issues such as education, health and agriculture in Senegal have created working groups to coordinate their efforts. ***DPs (AfDB, EU, World Bank, IMF, USAID, etc.) supporting public procurement should join their efforts to create a working group*** led by rotating chairs during a 1-2 years mandate, reducing fragmentation of efforts. ***This approach could help DPs define priority interventions (legal, technical, and capacity building), speak with one voice to GoS, join interventions for more impact, have more weight and capacity to influence decisions at country and regional levels, etc.*** The working group could be opened to CSOs and this could make WAEMU more open to discussion in the area of procurement reforms including inclusion of open contracting.

Raise awareness of Government, CSOs and private sector on open contracting.

At present, government, CSO and private sector stakeholders are not sufficiently aware of open contracting concepts or benefits. If they are better informed of how open data in procurement sector could lead to more effective and accountable public finance management, they would be open to including it in their activities and objectives. This is an ideal moment for that since GoS - particularly MoEFP - has increased its focus on open data. ***FCO encouragement of GoS representatives to participate in activities of international groups focused on open contracting and open government more broadly, such as the Open Contracting Partnership and Open Government Partnership, provide an opportunity for knowledge transfer.***

10. Broader Public Financial Management Environment

I. Public finance management regulation

In 2009, the WAEMU adopted 6 new PFM regulations covering transparency in: general public finance, budget preparation and execution laws, government accounting, budget classifications, central government chart of accounts (CoA), and central government operations (tableau des opérations financières de l'Etat- TOFE). These new regulations set ambitious objectives such as performance budgeting, significant changes to internal and external control/audit methodologies, modernization of expenditures management, implementation of accrual accounting and new budget classification aligned with international standards. The law related to these regulations was approved by the the Parliament of Senegal in June 2011. These new regulations are expected to be implemented over a period of five years from 2012 to 2017. Their specific impacts in the financial management system and procedures are significant, given the strong focus on results (contrary to the former model, which was rules-based).

II. Budget process and key actors

Senegal's budget cycle is a year-round process involving formulation by the executive, legislative approval by Parliament, implementation involving Government Ministries, Departments and Agencies (MDAs), and evaluation and audit including the role of the Auditor General. MoEFP acts as the co-coordinating ministry for each budget step, along with other implementing ministries or the Parliament.

A. **Preparation of the Loi de Finances (Annual Budget)**

The MoEFP has responsibility for the national budget. Budget preparation is situated within a macroeconomic context, including estimates of GDP, tax rates and other factors determining revenue. The Prime Minister or the Minister of Finance, sends out a 'Budget Circular' directing sector ministers on the preparation of their budget submissions, including guidance on the scope of the budget deficit and the restrictions on state expenditure. The Circular contains a set of rules regarding the budget process and formats of estimates, the macroeconomic assumptions to be used in the process, GoS priorities and spending ceilings or targets. The budget department of the MoEFP then organizes budget conferences where sector ministries and the MoEFP review areas of agreement and disagreement, with each ministry adjusting its own budget according to decisions after these conferences. Following agreement on the budget at the policy and technical level, important political decisions affecting spending are made by the Cabinet prior to the budget presentation by MoEFP and adoption by Parliament.

B. **Approval of "Loi de Finances"**

The draft budget is expected in Parliament on the opening day of its October session. Parliament has a maximum of 35 days to debate and vote on the budget. The revenue side of the budget is subjected to a single vote, whereas the expenditure side requires more complex voting procedures.

C. **Budget Execution**

Upon approval of the budget, spending ministries get set to implement it with the active facilitation of the MoEFP and some of its departments, which play important roles at each step of the spending process. Key players in budget execution include the financial controllers (contrôleurs financiers), who are generally under the Budget Department of MoEFP, payment authorizing officers (ordonnateurs) who approve the issuance of payment orders to the treasury and public accountants (comptables publics) in the Treasury. Because MoEFP oversees the Treasury and public

accounts, spending must be approved by the MoEFP. Sector ministries initiate spending by placing work orders (including procurement plans) after parliament has passed the appropriations bill. This commits government and makes it liable for future payment. Invoices of services provided or goods purchased are submitted to the relevant department in the MoEFP, which prepares payment vouchers (ordonnancement) for payment to be made. There are formal controls at each stage of the expenditure process, and controls overlap. Some expenditure however (including salaries) does not require formal controls at every stage.

D. Budget Audit and Parliamentary Control

The Audit Courts (Cour des comptes) are legally independent of both the executive and the legislative branches. They are under the judiciary branch of government, and are presided over by a magistrate. The Audit Courts' annual report is submitted to Parliament, as well as to the President. A certificate of conformity is then issued to indicate that in the annual accounts and payment orders received by the Treasury are identical to payment orders issued. Parliament verifies the annual accounts as per the Budget Execution Law (Loi de règlement (LdeR)), reviews out-turns for revenues and expenditures and compares them with the budget estimates (including modifications). The focus of post-budget audit is on the accuracy of the accounts and on the approval by Parliament of any difference between the original budget and the actual out-turn. Although the Audit Courts has authority to hold Public Accountants personally responsible for any deliberate misreporting, there is seldom any prosecution.

III. Technical Overview of the Public Finance Management Environment

Senegal's public finance management environment includes different information systems that are independent, and collect and manage only specific components of public financial information. Among these systems is the SIGFIP, an Integrated Financial Management Information System used by the MoEFP and the sectoral ministries for the preparation and execution of the national budget. The initial system was developed by an Ivorian company (the National Society for Computer Development) and set up in Senegal in 2004. It is also implemented in most of the WAEMU member countries. The SIGFIP is installed on the Intranet of the Government, but is also accessible via Internet. Its access is secured and is done after authentication of the user. Users from MoEFP and sectoral ministries are able to create, view, modify, and approve projects and activities according to permissions configured by the administrator.

The SIGFIP is mainly used by staff of the Directorate for Debt and Investments (DDI) during the implementation phase of the budget to monitor expenditures, and by the Directorate for Economic and Financial Cooperation (DCEF) and the sectoral ministries for the budget preparation phase. The DCEF, in collaboration with sectoral ministries, captures project information, including: title, status, sector, location, executing agency, donors and their planned commitments, budgetary allocations, start and end dates, objectives, expected results, funding source, currency, and agreement identifier.

The Budget Directorate (DB) mainly performs updates. A project is created in the SIGFIP by the DCEF when the agreement is signed or the project is in a very advanced negotiation phase after the various budgetary arbitrations. In SIGFIP, there is a unique identifier for each project which is the chapter code containing 12 characters. This chapter code is unique across all SIGFIP modules.

GoS also possesses an Aid Management Platform (AMP) which is administered by DCEF within the MoEFP. The system is used by GoS and DPs to ensure that aid goes where interventions are needed, that efforts are coordinated, and that projects and programs are implemented effectively. The AMP provides public access to information on all development projects funded by the

government and/or DPs in Senegal. The public portal²² allows users to browse achievements of the various DPs and their support to the Government of Senegal, read donor and sector profiles, use an interactive map to see exactly where projects and programs are located, and view detailed reports on a wide range of trends of ODA. The government itself uses the AMP as part of its public finance management system, with data informing the national budget and planning. The information in AMP is provided both by the GoS (line ministries) and DPs. Data include on-budget projects, (i.e. projects for which funding is done through the Government's system) and off-budget projects (i.e. projects for which funding is not going through the national budget). The AMP is developed by Development Gateway through funding from UNDP and USAID. AMP and SIGFIP capture nearly the same data fields, with high interoperability.

The Senegalese Public Finance Management environment also includes six other core systems: GAINDE for customs, SIGTAS for taxes, DAIDA for debt, SOLDE for payroll, PENSIONS for pensions, and ASTER for accounting), each of which is dedicated to collecting and managing one specific aspect of financial information. There is minimal system integration. This is mainly due to the fact that GoS -particularly MoEFP- does not have a clear roadmap in terms of financial information management. Nonetheless GoS has begun showing interest on interfacing some of these information systems (SIGFIP and ASTER, SIGFIP and AMP, etc.) to allow automatic exchange of data between them. DCMP is also planning to interface SYGMAP with SIGFIP, at least for easing the control of availability of funds for tender contracts, which is still done manually by requesting a certificate from PEs delivered by another Directorate within MoEFP.

IV. Progress in improving public access to budget information

In 2016, the U.S. Agency for International Development (USAID) launched a second phase of its parliamentary assistance project devoted to public access to budget information. Sunu Budget²³ (“our budget” in Wolof) focuses on fiscal transparency. Since 2012, this GoS website has included budget information, although in a dense, technical format difficult for users to digest and analyze. To improve public awareness and comprehension of this information, Sunu Budget will implement a multi-faceted awareness campaign to encourage objective analysis of government statistics by presenting them in a simplified, easy to understand format. A complementary “budget meter” available online will track activity and trends in the data. Building on the success of USAID’s elections assistance efforts ahead of Senegal’s historic 2012 presidential polls, PACE called on prominent local NGO ONG 3D to improve dialogue between citizens and state institutions, as well as assistance to the National Assembly and women Parliamentarians. Senegal has improved its budget transparency index score from the International Budget Partnership (IBP) from 10% (10/100) in 2012 to 43% in (43/100) in 2015.

V. Recommendations

Improve interoperability of existing systems for procurement and public financial management.

Improved interoperability of systems has the potential to lead to better decision-making, improved expenditure management, and increased reliability. It furthermore has potential to reduce the workload of staff who may be duplicating operations, enhance the integrity of information produced by GoS, and lead to more effective and streamlined reporting. ***Ensuring the interoperability of an e-Procurement system with the SIGFIP and other systems would be essential to the success of that effort.*** A first step to more interoperability could be a ***shared data***

²² <http://pgfe.finances.gouv.sn/portal/>

²³ <http://www.sunubudget.sn/>

schema for contracting information such as OCDS, which could help linking contracting data between different systems. This may also require developing new features in the e-procurement system that will allow it to directly pick the needed data from the SIGFIP or other systems such as AMP. ***The process would require (i) a technical assessment of the different systems to know how they will be linked technically and (ii) capacity building for MoEFP staff to manage this effort.***

Standardize the use of unique identification numbers across platforms.

When one project is entered into both IFMIS and AMP, how can we tell that it's a unique project, rather than two separate projects? Using unique identifiers for projects, companies, items, procuring entities, contracts and other entities helps to facilitate traceability of financial transactions and program results. Corporate tax IDs could be used to identify businesses, while standardized systems for item identification are commonly used.²⁴ Linking unique contract IDs to project IDs in SIGFIP/AMP will be an important step for future interoperability of systems and streamlining of reporting and monitoring processes. ***These identifiers should be established in the chart of accounts and used in each public financial management (PFM) system in GoS.***

²⁴ For instance, the North American Product Classification System is commonly used for standardizing items: <http://www.census.gov/eos/www/napcs/>.

Annex 1: Meeting List

| Name | Position | Organization |
|--------------------------|---------------------------------------|------------------------------|
| Maganou Mbaye | Director of Statistics | DCMP (MoEFP) |
| Emmanuel Diedhiou | Chief of coordinating office | DCMP (MoEFP) |
| Samba Konté | Data and information Manager (SIGMAP) | DCMP (MoEFP) |
| André Ndecky | Technical advisor | DCEF (MoEFP) |
| George Hodgson | British Ambassador to Senegal | British Embassy |
| Elsa Dansokho | Commercial Diplomacy Officer | British Embassy |
| Amacodou Diouf | President of CONGAD | CONGAD |
| Birahime Seck | Public Procurement Consultant | Procurement Consulting Group |
| Moustapha Lô | Public Procurement Consultant | Procurement Consulting Group |
| Baye Samba Diop | Head of Regulatory Department | ARMP |
| Khady Diop Guèye | Coordinator of PU | Ministry of Energy |
| Ndeye Magatte Fatim Seck | Procurement Analyst | World Bank |
| Mamata Tiendrebeogo | Senior Procurement Specialist | World Bank |
| Cheick Traoré | Senior Procurement Specialist | World Bank |
| Abdoulaye Diallo | Coordinator of PU | Ministry of Commerce |
| Anonymous | | CNP |
| Ousseynou Sow | Information System Manager | ARMP |

| Agencies & Systems: | | Marchespublics.sn | By ARMP & DCMP | | | | | | | | | |
|-----------------------|---|--|----------------|-----------|------------------|-------------|-----------|-------------------|--------------------------|------------------|-------|--|
| DATA CATEGORY | | INFO IS: | | Complete | Collected | Public | Online | Published as Open | Published in Bulk/Timely | Proactively | NOTES | |
| Planning | | | | | | | | | | | | |
| | Procurement Plans (plans de pa | Every year (By Dec | Always | Always | Always | Never | Sometimes | Unknown | Proactive | | | |
| | Budgets | NA | | ? | | | | | | | | |
| | Project identifiers & approvals | NA | | ? | | | | | | | | |
| | Consultation docs | NA | | ? | | | | | | | | |
| | Other data types | NA | | ? | | | | | | | | |
| | Notes/URLs | Apart from a general request for computers, furniture, etc., no other preparatory info is available on the site in advance | | | | | | | | | | |
| Tender | | | | | | | | | | | | |
| | Tender Identifier | Sometimes | Sometimes | Sometimes | Sometimes | Never | Never | NA | Proactive | | | |
| | Tender document | NA | Always | Sometimes | Sometimes | Never | Never | Unknown, but bic | Proactive | | | |
| | Bidding documents | NA | Always | Sometimes | Never (must be r | Never | Never | Unknown | Proactive | | | |
| | Names of bidders | NA | Always | Sometimes | Sometimes | Never | Never | Unknown | Proactive | | | |
| | Tender dates | NA | Always | Always | Always | Never | Never | Unknown | Proactive | | | |
| | Other data types | Reference number, subject, name of PE, publication date/deadline for submission, When details available: how to submit, where, the profiles they are looking for, selection process, etc. Sometimes tender docs missing (more than 50% of what we saw). Sometimes must write letter or email, or must pay, for bidding docs Name of bidders sometimes available, but not id numbers. End of tender period always available There's a tender alert email by sector. Tender info in HTML when on site. | | | | | | | | | | |
| Award | | | | | | | | | | | | |
| | Evaluation dates | Eval dates not clear. | | | | | | | | | | |
| | Award identifier | Available for all e | Always | Always | Always | Never | Never | Yes | Proactive | | | |
| | Award winner | Available for all e | Always | Always | Always | Never | Never | Yes | Proactive | | | |
| | Reasons for award | | Always | Sometimes | Never | Never | Never | unknown | ? | We do not know i | | |
| | Other data types | Individual award losers receive letters stating why lost, but this isn't public. Amount of time to register complaint always stated. | | | | | | | | | | |
| | Notes/URLs | | | | | | | | | | | |
| Contract | | | | | | | | | | | | |
| | Info on winning suppliers | unclear | Always | Always | yes | Never (PDF) | Never | trimester basis | Proactive | | | |
| | Supplier identifier | | | | | | | | | | | |
| | Contract amount | unclear | Always | Never | Never | Never (PDF) | Never | trimester basis | Proactive | | | |
| | Contract dates | | | | | | | | | | | |
| | Other data types | | | | | | | | | | | |
| | Notes/URLs | | | | | | | | | | | |
| Implementation | | | | | | | | | | | | |
| | Physical progress of contract(e.g. reaching milestones) | | | | | | | | | | | |
| | Financial progress(e.g. payments to suppliers) | | | | | | | | | | | |
| | Contract amendments | | | | | | | | | | | |
| | Termination(how a contract ended) | | | | | | | | | | | |
| | Results info(performance statistics) | | | | | | | | | | | |
| | Other data types | | | | | | | | | | | |
| | Notes/URLs | | | | | | | | | | | |
| Other | | | | | | | | | | | | |
| | Feedback mechanisms | Anonymous complaints can be made through website at any point in proces: http://www.marchespublics.sn/index.php?option=com_blacklist&task=denonciation&f | | | | | | | | | | |
| | Analytics | Each trimester, the government publishes analytics about the procurement process, including overviews of key metrics (number of tenders, finances spent, etc). T | | | | | | | | | | |

Priority Recommendations List

| Theme | Recommendation | Text | Difficulty Level | Priority Level | Financial Burden | Lead Stakeholder | Other Stakeholder Inv | Monitoring & Sustainability | Additional Resources/ Initiatives |
|----------------------|--|--|---|--|---|--|--|--|--|
| Advocacy | Establish a joint effort of key decision-makers on how to create roadmaps for partnerships between international firms and domestic companies. | International representatives, the MoEFP and the Investment Promotion and Major Projects Agency (APIX) should initiate dialogue in order to promote the fair and efficient participation of local small and medium enterprises, and international businesses in Senegal's procurement market. As part of these discussions, participants could explore how open contracting could benefit all stakeholders. | Low - Discussions | Low - Need to convince GoS, particularly MoEFP | Low - Discussions | MoEFP, APIX | International Representatives to show the benefit of such initiative for local SMEs | Participation of international companies not killing local SMEs | UNCITRAL, OHADA, WTO |
| Capacity building | Strengthen PUs by increasing the quantity of trained staff. | Because most DCMP competencies have been transferred to PUs through the 2014 procurement reform, GoS should strengthen PUs by i) increasing staffing to PUs by hiring graduates from ARMP-ENA-UCAD's Master's degree in public procurement and ii) making some level of annual training mandatory (e.g. requiring 24 hours of procurement training each year) for all PU staff. | Low - Courses and graduates already exist | High - Lack of staff and technical competencies are the main problems within PUs | Low | Ministry of Finance, Ministry of Labor and Public Work, ARMP | | PU staff have enough competencies in law and data | |
| Financial Management | Standardize the use of unique identifiers across platforms. | When one project is entered into both IFMIS and AMP (and in the future, eProcurement), using unique identifiers for projects, companies, items, procuring entities, contracts and other entities helps to facilitate traceability of financial transactions and program results. These identifiers should be established in the chart of accounts and used in each public financial management (PFM) system in GoS. | High - many isolated systems | High - particularly for DCMP | High - systems + data management plan + trainings + maintenance | MoEFP, DPs | DPs to fund the initiative | Unique ID for each project even if in different systems | GPSDD (Data roadmap for sustainable development) |
| Law and Policy | Engage the WAEMU on its efforts to reform procurement guidelines for the region. | The WAEMU's plan to reform its procurement guidelines provides a valuable opportunity to encourage the adoption of open contracting principles within the region's member countries. Encouraging more flexibility in WAEMU guidelines would also improve Senegal's ability to progress in its procurement modernization. Although WAEMU performs frequent assessment visits to its member countries, local conditions will likely always require small deviations from WAEMU standards to enable innovation, which should be made possible without going against regional norms and guidelines. | High - It could be hard to convince WAEMU since they have their own roadmap | High - GoS already implemented some good initiatives in open data area | Medium - WAEMU will probably need some financial and technical support | WAEMU Commission & Ministry of Finance | Partner with International Org such as World Bank or IMF (which already support procurement in the region) | Senegal's procurement system meets OCDS | Open contracting principles, OCDS |
| Law and Policy | Forge an open contracting partnership or working group between the WAEMU, government representatives, civil society and the private sector. | Key stakeholders, including the WAEMU Commission and country stakeholders should establish a working group or exploratory committee to consider how open contracting may benefit procurement environments in WAEMU countries. This would present an opportunity to introduce open data standards such as the Open Contracting Data Standard (OCDS), as well as CSV spreadsheets, while most of procurement data in Senegal is available only in PDF format. This would be easy to implement and could be a proposition made by GoS, particularly MoEFP to WAEMU Commission as a component of how Senegal is implementing the WAEMU Guideline on Transparency in Public Finance Management. This will only require a revision of Senegalese Transparency Code including the establishment of such a working group. If the initiative works well in Senegal, there will be no barrier for WAEMU to implement it in other member countries. | High - Most of procurement data in Senegal is published in Pdf format | High - GoS and WAEMU already implemented some good initiatives in open data area | Low - This will only require a revision of Senegalese Transparency Code | WAEMU Commission, Ministry of Finance & ARMP | Partner with International Org such as World Bank or IMF (which already support procurement in the region) | An active regional working group on Public Procurement which could instigate changes in the sector | OCDS, OCP, OGP |
| Law and Policy | Facilitate participation of international businesses in Senegal (and other WAEMU member countries). | Article N° 52 of Senegalese procurement code prevents companies not registered in a WAEMU member country from bidding on contracts funded through the national budget. Since the Senegalese Minister of Finance stated that the procurement code will undergo changes by giving more space to domestic businesses ¹ , there is an opportunity to enhance competition by partnering with the Ministry of Economy, Finance and Planning (MoEFP) to explore how international companies could participate in local procurement. FCO, with foreign companies, should discuss with MoEFP and local companies how participation of international businesses could benefit domestic businesses particularly in terms of partnership and transfer of competencies, and to the growth of competition and quality in the Senegalese economy more generally. | High - Some DPs tried to do this in the past but never succeeded | Low - GoS promised to support local businesses | High - This would probably be compensated by financial support to local companies | WAEMU Commission, Ministry of Finance | Partner with International Org such as World Bank or IMF (which already support procurement in the region) | | UNCITRAL, OHADA, WTO |
| Law and Policy | Reduce the use of direct procurement. | In the past year, direct procurement has been used in lieu of competitive procurement methods on a frequent basis. Civil society and the media have been critical. The WAEMU Commission should conduct an assessment within the eight member countries to better understand how the use of direct procurement affects public markets and update its Guidelines accordingly. | Low - It is already in the procurement code | High - ARMP and IMF keep an eye on that | Low - It only needs some control mechanisms | WAEMU Commission, ARMP, DCMP | IMF through the Policy Support Instrument (PSI) and Civil Society / Media to denounce | Less than 15% of procurement (in amount) to be done through direct agreement | Policy Support Instrument (PSI) |
| Law and Policy | Establish data literacy and disseminate open data standards / principles among policy makers and procurement stakeholders. | Procurement sector staff are mainly composed of lawyers and public administrators. Consequently, data literacy is quite low. GoS would benefit from instituting policies, practices and tools that could help strengthen procurement professionals' capacities to collect, analyze and disseminate data. This could include collaboration with ARMP's training center (the Public Procurement Regulatory Training Center – IRMAP) in setting up curricula and courses focused on data and statistics for decision-making in public procurement. Moreover, the adoption of more rigorous and structured data collection practices would enable more effective use of procurement analytics. Ultimately, implementation of an e-Procurement system could aid in data collection by requiring data be entered into the system before certain procurement actions can be taken. | Low - Capacity building | Low - GoS does not consider this as a "need" | Low - Technical support | ARMP/IRMAP, DCMP & PUs | Civil Society to put the light on the lack of procurement analytics | 100% of PU staff and 60% of DCMP staff have sufficient capacities in data analysis and dissemination | OCDS, OCP |

Priority Recommendations List

| Theme | Recommendation | Text | Difficulty Level | Priority Level | Financial Burden | Lead Stakeholder | Other Stakeholder Inv | Monitoring & Sustainability | Additional Resources/ Initiatives |
|----------------|--|--|--|--|--|---|---|--|-----------------------------------|
| Law and Policy | Enhance collaboration between the WAEMU Commission and development partners (DPs) to create a harmonized support framework for open contracting within Senegal and the region. | Many DPs and international organizations are supporting Senegal's public procurement system through activities aimed at improving openness, transparency and efficiency. Because the WAEMU Commission makes recommendations that are implemented across the WAEMU community, and because these commitments are monitored, it presents a valuable entry point for dialogue on open contracting. FCO should work with other DPs to engage WAEMU and GoS directly on the topic of open contracting. | Low - the need exists and GoS recognizes it | High - according to procurement stakeholders | Low - Joint effort | WAEMU, DPs | FCO to directly engage discussions with WAEMU and GoS | The partnership could include CSOs in a second phase | OCP |
| Law and Policy | Revise regulations in order to introduce open contracting principles and increase citizens' engagement during procurement planning, tendering, award and implementation. | Currently, there are no incentives or guidance that require PEs to involve citizens or citizen groups. As GoS moves toward a Program-Based Budget (PBB) and WAEMU plans to revise its Guidelines on procurement systems, there is an opportunity to involve citizens when defining their needs (planning) and to put into place strong data release and openness regulations. Since GoS selected Education and Health as pilot sectors for implementation of PBB in the next couple of years, a sensible approach would be implement this recommendation within these sectors by working with Ministries of Education and Health which are already collecting real-time and good quality performance data. | Low - revision of regulations | Low - Not a priority for WAEMU | Low - revision of regulations | GoS, WAEMU | | Citizens involved in planning phases for highly important projects/sectors | Program-Based Budget (PBB), OCP |
| Law and Policy | Establish a DP sectoral working group to enhance coordination on support for procurement reform. | DPs supporting public procurement should join their efforts to create a working group led by rotating chairs during a 1-2 years mandate, reducing fragmentation of procurement reform efforts and coordinating support to legislative, technical, and capacity building efforts. | Medium - each DP has its own agenda | Low - Not a priority for any of the DPs we met with | Low | DPs | | Unique support framework of all DPs for procurement sector | |
| Technology | Pursue e-Procurement to reduce data collection and reporting burdens. | Senegal's current model of decentralized procurement (through a combination of paper-based and online processes) by PEs with PU oversight, combined with periodic reporting from PEs to DCMP for procurement statistics and monitoring results is a strain on crucial resources. While SYGMAP enables easier reporting of data, it still requires manual data entry by PUs and proactive monitoring from DCMP to ensure compliance with disclosure and reporting requirements. The use of a full, transaction-based, e-Procurement system would result in automatic data capture, enabling PUs to focus on the critical task of procurement oversight, while ensuring more timely and accurate data for DCMP statistics and analysis. Future integration of e-Procurement with the ARMP supplier blacklist and tax registry systems would also streamline DCMP and PU verification of award decisions. This recommendation could be implemented through FCO support to ARMP and MoEFP (DCMP), which will be monitoring the implementation of the full e-procurement system. The implementation should therefore be done in a one or two year process to ensure that transition from the actual system is smooth. The ideal approach would begin with a pilot of 5-10 PEs, then scaling to include all PEs. | Medium - there is some systems one could build on | High - Will end paper based process | Medium - This will need a technical assessment before implementation | Ministry of Finance, ARMP | - Civil society advocacy | Automatic data capture, enabling PUs to focus on the critical task of procurement oversight, while ensuring more timely and accurate data for DCMP statistics and analysis | SenegalOuvert, OCDS, OCP |
| Technology | Conduct an in-depth analysis of existing information systems and put in place a full e-Procurement system with OCDS at the core. | As a precursor to developing an e-procurement system, the Government of Senegal, particularly the MoEFP, should partner with a qualified company or organization to conduct an analysis of the existing IT systems, and explore an integrated system that would allow the digitization i) of all the documents dealt with at DCMP, ii) of the exchanges of data between the ARMP, DCMP and PEs. MoEFP could be the entry point as all of the existing PFM and procurement systems are hosted in different directorates within MoEFP, which should be linked. | High - existing systems do not talk each other | High - according to procurement stakeholders particularly within MoEFP | High - Assessment + Implementation | MoEFP, ARMP and qualified private companies | | GoS having one single e-procurement system that allows to fully dematerialize procurement process | OCDS, OCP, SenegalOuvert |
| Technology | Improve interoperability of existing systems for procurement and public financial management. | Improved interoperability of systems has the potential to lead to better decision-making, improved expenditure management, and increased reliability. A first step to enhanced interoperability could be a shared data schema for contracting information, such as OCDS, which could help linking contracting data between different systems and stages of the procurement process. This may also require developing new features in the e-procurement system that will allow it to directly pick the required data from the SIGFIP or other systems such as the Aid Management Platform (AMP). This recommendation would require (i) a technical assessment of the different systems to know how they will be linked technically and (ii) capacity building for MoEFP staff to manage this process. Since all PFM systems are hosted in MoEFP, the Ministry itself could lead the implementation of such a recommendation. | High - Some DPs tried to fund such initiatives but never succeeded | High - DCMP already expressed the need and some initiatives might be implemented | High | MoEFP | DPs to fund a needs assessment mission | DCMP having a unique system for all procurement operations and linked to the IFMIS / AMP | OCDS |

Priority Recommendations List

| Theme | Recommendation | Text | Difficulty Level | Priority Level | Financial Burden | Lead Stakeholder | Other Stakeholder Inv | Monitoring & Sustainability | Additional Resources/ Initiatives |
|--------------------------|--|---|---|---|---|---|---|---|-----------------------------------|
| Transparency and Openess | Investigate partnerships to enable publication of open procurement data. | DCMP is collecting a significant amount of data through the Dashboard, but most data are not made publicly available. Some procurement data should remain confidential as stated by the law. However, increased use of analytics can help GoS to increase the quality of procurement by increasing procurement value for money, improving market fairness and integrity, etc. Partnerships with WAEMU, universities, consulting firms, or other actors could assist in this effort. For example, partners could analyze key aspects of the procurement process, such as the average time spent on each phase for each procurement method, contract size, etc. As a first step, GoS should "open" the data already published on the public portal. For example, the trimestral procurement statistics published by DCMP could be downloadable in Excel or CSV formats with non-restrictive licensing. This will only need some training sessions and awareness actions to the DCMP staff, then assessment of need and use of open data by external stakeholders. | Low - data is already collected | Medium - Stakeholders, particularly CSOs seem satisfied with the data published by DCMP | Low - training sessions and awareness actions | ARMP, DCMP, Universities, Consulting firms, WAEMU, CSOs | | All data sets in the procurement portal published and downloadable in open formats (Excel, CSV...) with non-restrictive licensing | OCDS, OCP, SenegalOuvert |
| Transparency and Openess | Raise awareness among citizens and CSOs about the availability and the usefulness of procurement data / information. | Citizens and civil society actors should be more informed of the procurement data available online and, most importantly, the participatory mechanisms (online complaints and denunciations) put in place by GoS and ARMP, so they can better play their role as sentinels for better use of public funds. This could be implemented in partnership with ONG 3D, which has experience in raising awareness of citizens about Public Finance Management, particularly explaining the budget process using interactive and educative visualizations. | Low - training sessions and awareness actions | Low | Low - training sessions and awareness actions | CSOs, GoS | | CSOs better knows procurement language and how they could use procurement data for different reasons | OCDS, OCP, SenegalOuvert |
| Transparency and Openess | Encouraging and increasing efforts made by the ARMP to engage citizens and the private sector, and build upon them. | In some countries, procurement authorities are forging working groups with businesses and CSOs to help ensure that their efforts to improve procurement efficiency are reaching the intended audiences. ARMP engagement with a variety of stakeholders through such a group can reveal opportunities for collaboration of mutual benefit. | Low | High - ARMP is implementing similar actions | Low | ARMP | CSOs to be proactive on engaging partnerships with procurement authorities (ARMP, DCMP) | CSOs and private sector playing active roles in regulation and influencing decisions made by ARMP | |
| Transparency and Openess | Raise awareness of Government, CSOs and private sector on open contracting. | FCO engagement in encouraging GoS representatives and other stakeholders to participate in activities of international groups focused on open contracting and open government more broadly, such as the Open Contracting Partnership and Open Government Partnership, provide an opportunity for knowledge transfer. | Low - Senegal is already member of some of those groups | Medium - will probably need WAEMU agreement | Low | FCO, GoS | OCP and OGP to make some activity proposal to GoS | GoS being an active member of OCP and OGP, and hosting some high level activities | OCP, OGP |