

Training Workshop Report

Training Workshop of Procurement Officials

Ministry of Finance and Economic Affairs, Directorate of Public Procurement (DPP) -
Banjul, The Gambia.

Tuesday 27th to 30th July 2021

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1. Introduction

The goal of this training workshop was to identify the gaps in the comprehension and application of the Procurement Act and Regulations of The Gambia by the invited procurement officials in carrying out their roles as public servants.

The training includes the following topics:

- The essential elements of the Gambia Public Procurement Authority (GPPA) Act and the Regulations (policies and guidelines)
- Objectives and Reasons for the amendments of the Procurement Regulations of The Gambia
- Scope of application of the Section 20 subsection 4 of the Gambia Public Procurement Authority (GPPA) Act
- Establishment of a Specialised Procurement Unit (SPU) in all procuring organisations
- Establishment and functions of Contracts Committee within Procuring Organisations
- Strategic Supply Management
- Developing Procurement Plan
- Understanding and control of Procurement Process
- Contract Award & Management
- Service Contracting
- Tender/ Bidding Document

The key outcomes of this training workshop are:

- Enlightenment of the procurement officials with the existing Procurement Act and Regulations for undertaking their duties and responsibilities in a judicious manner.
- Strengthen personal and professional relationship between the procurement officials operating from various ministries and departments.

2. Location and period of the training

Under the coordination of the Directorate of Public Procurement (DPP), the training workshop was held at The Association of Non-Governmental Organisations (TANGO) conference hall in Kanifing from the 27th to 30th of July, 2021.

3. Attendance

The invited institutions listed below, have at the core of their daily activities, the procurement of goods, works or services.

No.	Name of Institutions
1	Office of the President
2	Office of the Vice President
3	Ministry of Basic and Secondary Education
4	Ministry of Agriculture
5	Ministry of Fisheries and Water Resources
6	Ministry of Lands
7	Ministry of Transport, Works and Infrastructure
8	Ministry of Trade, Industry, Regional Integration and Employment
9	Ministry of Finance and Economic Affairs

10	Ministry of Petroleum and Energy
11	Ministry of Environment
12	Ministry of Interior
13	Ministry of Youth and Sports
14	Ministry of Foreign Affairs and Gambians Abroad
15	Accountant General Department
16	National Social Protection Secretariat
17	Department of Community Development
18	Women's Bureau
19	Department of Physical Planning

4. Opening

The overall objective of the training workshop was to equip the invited Procurement officials with the existing and amended applications of the Procurement Act and Regulations for better execution of their duties and responsibilities as important civil servants. Additionally, the training gave an insight in examining the impacts of non-application of the Procurement Act and Regulations on the sustainable socio-economic development of The Gambia. The persons in charge were Mr. Kebba A.M. Sallah and Dr. John Jatta both from the Directorate of Public Procurement (D.P.P).

The training workshop was opened at 9:00 am on Tuesday the 27th July, 2021 with a welcome statement by the Director of D.P.P, Mr. Kebba A.M Sallah, followed by an opening speech held by the Principal Procurement Officer of the D.P.P, Dr. John Jatta.

Mr. Sallah also thanked the Project Coordination Unit of the Ministry of Finance for promptly coming to the aid of the Directorate of Public Procurement in organizing the four-day workshop. He made mentioned of the importance of knowing and be able to implement the doctrines of the Procurement Act and Regulations in existence, for the common good of all. Finally, he wished all invited officials an excellent training workshop.

The workshop was hosted by The Association of Non-Governmental Organisation (TANGO) and supported by the United Nations Development Programme (UNDP).

5. Workshop Sessions and discussion

DAY 1

5.1 Presentation by Mr. Kebba Sallah:

Legal and regulatory frame work

- The GPPA Procurement act adopted in 2014 by the National Assemble and accented by the president in October 2014.
- Procurement Regulation
- Standard Bidding Document
- GPPA Reporting Forms

Objects and Reasons for amendment of the procurement act

- Strengthen institutions in the Gambia
- Improve efficiency and transparency
- Compliance with international standard
- Creation of a Complaints Review Board (CRB)
- Provision of mechanism for disposal of Government asset
- Reason for decentralization of procurement responsibilities

Objectives of the act

- Transparent
- Accountability
- Fairness
- Prevention of fraud corruption
- Improvement of economic activities

Scope of the act

- Applies to all public procurement
- National defense
- Conflict with donor's rule the donors prevail.

What are Public Funds?

- Government Local Fun (GLF)
- Aid, Grant and Credit from Donor's

Functions of GPPA

- Give approval of procurement process to Procuring Organisation (PO)
- Recommendation of capacity building
- Authorize PO to conduct procurement in compliance with GPPA act
- Request for a capacity assessment to be made by all the PO
- GPPA can authorize PO to conduct without seeking for approval to GPPA at a renewable period of two years
- Provide administrative review
- Refer to auditor general

Establishment of Contracts Committee (CC)

- Consist of at least three (3) Members
- CEO/ Head of the Institution or his Representative (Accounting Officer)
- Budget professional
- Person familiar with the substance of the procurement

- Ad hoc members (if required)
- The Procurement Official as Secretary

Function of the Contracts Committee

- Verification of procurement method
- Approval of bidding document and criteria's
- Conduct opening of tenders
- Doing evaluation
- Quorum is 3 members majority decision stands
- Establishment of an SPU (Section 51 of the Act)
- Secretary of the CC shall take minutes
- Cc shall delegate the SPU to conduct procurement

Responsibilities of supply management

- PS – responsible for any lapses in the supervision of procurement
- Financially liable for any losses

5.2 Presentation by Dr. Jatta

Procurement Process and procedures

What is public procurement?

Buying for government and state-own enterprise of goods works and services.

Procurement: It is a process of planning and acquiring the current and future need of an organization via strategic orientation, cross functional groups, process driven approached and supply base management.

Procurement Process: The procurement process is the approach or ways that a procurement follows from the initiation of the procurement to the end of life of the product with the aim of archiving value for money.

The following is a sample of a procurement process

1. Request –Formal written request
 2. Procurement Method – the type of procurement method to use
 3. Supplier Selection – involve market research and supplier selection
 4. Purchased order generation – signing and award of contract
 5. Good received – quality inspection and acceptance of goods
 6. Invoicing / payment – payment of supplier as per payment terms
- Procurement Planning: It is the process of identifying & consolidating purchases to determining the timeframes for their procurement, estimate of cost involve, idea of the procurement method with the aim of having them on time.

DAY 2

5.3 Presentation by Mr. Sallah

Overview of Gambia Public Procurement Authority Instructions (2003)

- Procurement planning
- Bidders' qualification
- Procurement methods
- Contract administration
- Standards of conduct and conflict of interest
- Control of procurement (numbering sequence of transaction)
- Supply management

Procurement operation – Appointment of Contracts Committees

- The Permanent member of the committee may be appointed for a period of 3 years
- At least have a degree or the knowledge of the issue on the table and be the following;
 1. Be a permanent resident of the Gambia
 2. Be of good & honest Character
 3. Possess the knowledge of the Act, Regulations & Instruction
- Any ad hoc member shall comply with the rules of conduct applicable to the contract committee (section 49 (5) Act)

5.4 Presentation by Dr. Jatta

Participation of Small and Medium Enterprise (SME)

What is an SME: **An SME is a small-scale enterprise in the locality**

Ways to promote SME:

1. Commercial approach to technical requirements, which widens the possibility of competition and participation by SMEs
2. Encouraging small business subcontracting opportunities
3. Swift payment of invoices, including progress payments & introduction of electronic payment

Subcontracting: it's the act of outsourcing a contract by a prime contractor to another contractor with the required knowledge and capacity of the work.

In subcontracting, the subcontracting plan shall contain all the following of the SME;

1. The name of the subcontractor
2. The objectives of the subcontract
3. The duration of the contract
4. The type of commitment (the responsibility of each of the contractors and that of the prime contractor)

PROCUREMENT PROCESS

- **Requisition:** this is done using the GPPA 100
- Its shall be written and prepared in English

- Depending on the procurement, the request shall contain the following
 1. Instructions to bidders
 2. Proposed special conditions of contract
 3. Technical specification
 4. Bill of quantities
 5. Drawings and plans

DESCRIPTION OF PROCUREMENT REQUIREMENT

1. General policy for description of procurement requirement

Standardize features, requirement, symbols and terminology relating to the technical and quality characteristics of the goods, works or services shall be use

2. Writing technical specification: this can be done as follows

- Be direct and concise
- Be precise and unambiguous
- Use simple words to explain
- Stick to the point of discussion
- Use words of simple and one meaning
- Use mandatory language to express a binding provision
- Do not use words or phrases that obscure meaning like 'and/or' in specifications.

- Use only abbreviation that are commonly use or include a list stating all the abbreviations used.
4. Technical specification for procurement of goods; this shall contain the following element;
 - Listing of the goods with the required performance characteristics, quantity, delivery times and
 - Required availability of service parts & service during life of goods
 - Technical configuration
 - Inspection and quality testing to be conducted including inspection upon delivery and final acceptance
 5. Technical specification procurement of works; this shall contain the following;
 - General description of the scope of works
 - Detail plan with Bill of Quantities (BOQ)
 - Detail documentation of drawing and operation manuals
 - Schedule of work programmed
 6. Technical specification for procurement of services other than consultant's services; this shall contain the following elements;
 - General description of the scope and purpose of the service
 - Condition of performances
 - Samples of works can be provided
 - Inspection and quality testing to be conducted

DAY 3

5.5 Presentation by Mr. Sallah

The importance of public sector procurement

- In a broad definition, we realize that procurement is not about just getting possession of stuffs but the act acquiring goods, service & works efficiently and effectively at a reasonable price and time.
- The understanding of public procurement has evolved from an administrative/ clerical activity into a more strategic functions, which encompasses the following
 - Procurement planning & budgeting
 - Standardization
 - Technology
 - Improving government procurement capacity
 - Monitoring & evaluation
 - Capacity building and professionalization
 - Competition and value for money
 - Sustainable procurement

Why is procurement important

- It represents up to 15-20% of GDP
- It accounts for up to 70% of the budget expenditure
- It has an impact on society through all government activity and affect all aspect of society
- It safeguards public funds

- It promotes effectiveness and efficiency
- It promotes transparency through the following
 - Clear, understanding and applied procedures
 - A transparent system with appropriate checks & balances with compliant mechanisms
 - An efficient, well trained & empowered cadre of procurement professionals
 - Appropriate control and oversight systems
 - A fully operational E-Procurement
 - An educated civil society and press on procurement matters

5.6 Presentation by Dr. Jatta

CONTRACT AWARD & MANAGEMENT

What's a contract – this is an agreement between parties legally binding and enforceable by law with the provision of an offer & acceptance.

Contracting involve 3 stages;

1. Preparation of contract
2. Perfection / evaluation
3. Consumption / consummation

There are generally two types of contracts

1. Fixed-price contracts
2. Work, cost, or unit-based contract

Principles of Written contract

1. It clearly states the terms and condition of an agreement
2. Provide means which breaches can be identify
3. Provide means which a default can be identify and resolve

Advantages of long-term contract

1. Assurance of supply
2. Access to supplier technology & price information
3. Promote early supplier involvement for better information & Planning

Disadvantages of long-term contract

1. Supplier opportunism
2. Selecting the wrong supplier
3. Supplier becomes complacent

General contracting principles

➤ Contract Management

It's the process of planning, executing, evaluating & monitoring of contracts to fulfill project and organization's goal. Contract management starts upon the signing of the contract. The contracting entity could appoint staff members or a team of qualify individuals to take responsibility of implementing the contract in accordance with its terms and conditions.

A contract management generally ends when a final inspection and acceptance of the good, services or works takes place. The laws governing any contract needs to be clearly stated.

Principles of effective contract management

1. Consolidate your contract
2. Understand financial implement
3. Cut the time required to create a contract
4. Proactively evaluate your contract
5. Keep a full audit trail and records/ documents related to the contract

➤ Negotiation

It's the process of formal communication either face-face or via electronics means where two/more parties come together to seek a mutual agreement about an issue/issues

Negotiation phases

1. Identify or anticipate a purchased requirement
2. Determine if negotiation is required
3. Plan for the negotiation
4. Conduct the negotiation
5. Carry out the agreement

Keys to Successful Negotiation

1. Understanding the nature and purpose of the negotiation

2. Clear goals and objectives to archived the negotiation
3. Understanding & prioritized the important issues

DAY 4

5.7 PRESENTATION BY DR JATTA

SERVICE CONTRACTING

Services are normally considered as action that provide benefits but do not result in tangible product. With the intangibility of services, the results of service contracts are harder to discern than the results for contracts of goods.

TYPE OF SERVICE CONTRACTS

- Policy advice
- Institutional reform
- Procurement services
- Constructional supervision
- Financial servicing
- Construction works
- Manufacturing of goods
- Surveys
- Operational & maintenance of facility plant

Characteristic of Goods & Service

Goods	Services
Tangible	Intangible
Inventoried	Cannot be inventoried
Little customer contact	Extensive customer contact
Standard customer contact	Flexible customer contact
Long lead time	Short lead time
Capital intensive	Labour intensive
Quality easy to assess	Quality very difficult to assess
Result in ownership	Lack of ownership

Features of service

1. People: the person providing the service have a crucial role in the customer satisfaction, because the service is inseparable from the person delivering it and so it depends on its capacity of performing it and by this its increases the variable in service provision.
2. Process: it's the method use in providing the service and is directly related to the operation management, process for providing service must be clearly define, plan and managed to reduce the level of variability.

Service Level agreement

This an agreement between the service provider and customer, quantifying the minimum acceptable service level.

RISK MANAGEMENT IN CONTRACT

An organization must take some business decision in regards to the risk based on the result of the risk assessment process through the following measures;

1. Identifying the risk
2. What can we do to manage the risk we have identify?
3. Is the risk worth taking?

Bidding Document

Types

1. Open tender
2. Restricted tender
3. Request for proposal
4. Request for quotation

Purpose of bidding document

1. Scope of work, duration, output
2. Eligible requirements of bidders (legal, technical & financial)
3. Document & other requirement that bidder must submit
4. Process and rules for submission, evaluation and award
5. Terms & condition

5.8 Presentation by Mr. Sallah

Ethics & Good Governance

- Controlling corruption for better procurement

International studies and analyses have shown that corruption is extremely harmful for a stable economic environment and social programs within a country. Corruption contributes to poverty and stagnation of a country's initiative to provide for its citizens.

The corruption is sometimes concentrated on one side of the procurement transaction, such as when bidder get together in order to "rig" the bidding contest or when civil servants steal government property.

Low salaries paid to civil servants on the government's side have an adverse effect on the level of corruption especially when dealing with large and rich companies.

Corruptions is not only limited to products only or brides but in services too e.g. corrupt choices lead to poor advices and this in turn result to waste of money.

WAYS TO FIGHT CORRUPTION

1. Clear statement to all staff at all levels about the benefits of ethical behavior and the consequence of corrupt behaviors
2. It is in the best interest of each and every citizen to work towards combating corruption
3. Fighting corruption & improving financial accountability is an essential element of Good Governance

4. Corruption can undermine the whole fabric of economic and political life

Factors on which the level of vulnerability to corruption depends within public procurement includes;

1. The extent of competition for contracts, in general or in a particular case
2. Inexperience, lack of training or qualification among government staff dealing with procurement activities
3. Temptation due to low salaries on the government side

Examples of corrupt procurement activities

1. Brides & kickbacks
2. Double-bidding for works
3. Collusive bidding, price fixing & bid rigging
4. Conflict of interest
5. False invoices
6. False representation
7. Product substitution
8. Phantom/ ghost contractors
9. Information theft
10. Split purchases
11. Tailored specification
12. Purchase for personal use
13. Unnecessary/duplicated purchase

Preventive measures of corrupt procurement activities

1. Ethical code of conduct with do's & don'ts
2. Standard with conformity to law and requirement
3. Social enlightenment about anti-corruption measures
4. Strict discipline in observation of procurement regulation, in terms of documentation of process.

Some setbacks in the Public Procurement in The Gambia

- The amounts of money suppliers pay to renew their business registration deter some supplier/ contractor from dealing with Government. The amount of money is high compare to the level or amount of business they get from the Government.
- The IFMIS system does not cater for businesses that are not registered with GPPA as the Act says that it's not a requirement for a business to be registered with GPPA before the award of contract. With the use of the IFMIS and usage of an RFQ without the other bidders being registered, the winning bidder's payment cannot be processed.

6 Closing

Mr. Sallah, Director of Public Procurement, thanked all the invitees and his colleague Dr. Jatta for their participation in this workshop. On his part, Mr. Jatta stressed the need for the invitees to go and help improve the procurement processes in their respective places of work.

On behalf of the procurement officials, Mrs. Rohey Jobe of the Ministry of Works, Transport and Infrastructure (MOWTI) thanked the D.P.P for this training workshop. She called on all the invitees to strive and build a strong professional network amongst themselves for effective and efficient communication. Especially, communication of procurement related matters.

After some group pictures, the training was officially closed by Mr. Sallah at 01:30 pm on Friday 30th July, 2021.

7 Annex

TRAINING OF PROCUREMENT OFFICIALS FROM MINISTRIES AND DEPARTMENTS

TIMETABLE

Tuesday 27th to Friday 30th July 2021

	9.00 – 10.30	10.30.10.45	10.45 -12.15	12.15 - 13.30	13.30 – 14.15	14.15 -
DAY	PRESENTATION 1	TEA BREAK	PRESENTATION 2	PRESENTATION 3	PRESENTATION 4	LUNCHBREAK
TUESDAY 27 th July	Gambia Government Procurement Policy Sallah		Procurement Process and Procedures Dr	Five Rights of Purchasing Sallah	Overview of Public Procurement in The Gambia Dr	
WEDNESDAY 28 th July	GPPA Tender Forms for Goods, Works and Services Sallah	TEA BREAK	GPPA Tender Forms in Practice Dr	GPPA PROCESS and Reporting FORMS Sallah	Reporting Forms in Practice Dr, Sallah	LUNCHBREAK
THURSDAY 29 th July	Importance of Public Sector Procurement Sallah	TEA BREAK	Contract Award and Management Dr	Framework Agreements Sallah	Construction and Service Contracting Sallah/Dr	LUNCHBREAK
FRIDAY 30 th July	Cost and Price Analysis Sallah	TEA BREAK	Bid Evaluation and Documentations Dr	Ethics and Good Governance (Corruption in Public Procurement) Sallah	LUNCHBREAK	

Annex 1: Programme schedule