



HAITI

The Legal and regulatory framework:

Procurement in Haiti is governed by:

Law of 10 June 2009 laying down general rules on public procurement and concession agreements for public service work passed by both houses of the Haitian parliament;

Orders of application of the law taken by the Cabinet

Standard documents to use for the procurement according to their nature.

The Act provides, inter alia, the institution responsible for the enforcement, public bodies subject to the procurement regulations, modes of procurement, the terms of settlement of disputes etc..

Respect of the implementation of the legal framework;

The National Procurement Commission (CNMP) is the body charged by the law already mentioned to enforce the legal framework. It has both a mission control and regulation of public procurement. As a regulatory body, it has been the driving force that led to the law and regulations currently in force. As an organ of control, it shall ensure compliance with the standards prescribed by the new law. It also has the power to impose administrative sanctions in case of irregularities in the award and execution of public contracts.

Two other institutions also exert some control in procurement. These are the approval authorities who are responsible for approving public procurement. Approval authority confirms the availability of credit for the execution of a contract. The Superior Court of Auditors and Administrative Disputes proceeds with the registration of the contract.

Procedures for the award of public procurement

Tender is the general rule for procurement. Other procedures such as the restricted tendering and contracts by mutual agreement are subject to restrictions

Strategy of market development;

The economic importance of public procurement has not escaped to the legislators. The June 10,2009 provides opportunities for the development of public procurement:

Incentives to facilitate the entry of Small and Medium Enterprises (SMEs) in the competition for the award of public contracts.

Preferential treatment in the evaluation of bids;

Facilities for bidding by grouped companies;

Authorization given to the Contracting Authority to use allotment in order to have a greater participation of companies of different sizes;

Regulation allowing subcontracting by the successful negotiation of a part of a contract with another company for its realization.

Control mechanism- Publication of information - Conflict resolution;

- Forecast for implementing periodic independent audits of procedures for procurement.
- Ex post control by CNMP for any contract that has not undergone its share of a priori control.

Contracting authorities obligation for information

Publish at the beginning of each fiscal year their general procurement plan in major newspapers as well as the electronic version of the plan on their website and that of the CNMP.

Publish the tender notice, the notice of award of contracts in well-defined conditions.

Finally, the list of awarded contracts are to be published on the website of the CNMP as required by law.

A no less important final aspect of the Law on Public Procurement is the mode of resolving conflicts that may arise during the award of a contract and its execution. Redress mechanisms are clearly described. A Settlement of Disputes Committee (CRD) near the CNMP is established as an entity for amicable settlement in case of failure of the administrative appeal before the Contracting Authority. In case of dispute of the decision of the CRD, the aggrieved party may submit the dispute to the Court of Auditors and Administrative Disputes.

II-Achievements during the year 2011-2012

Significant Achievements

Publication of orders of the Council of Ministers to establish standard documents to use for the procurement (list in table below)

Beginning of the implementation of the training program on procurement of major units responsible for this activity in public institutions and other stakeholders in the sector.

Organization of an online course of eight (8) weeks on public procurement on the initiative of the Organization of American States (OAS), the Inter-American Development Bank (IADB) and the National Procurement Commission (CNMP)

Redesign of the website of the CNMP and implementation of a database. (In progress)

Table: Regulations on public procurement and concession agreements for public service work published in the Official Journal of the Monitor

Ref. Monitor	Title text
No. 78 Tuesday, July 28, 2009	<ul style="list-style-type: none">• Law of 10 June 2009 laying down the general rules on public procurement and concession agreements for public service work
*No. 95 Wednesday,	<ul style="list-style-type: none">• Oder of Sept, 2009 laying down thresholds for public procurement and thresholds for the

September 9, 2009	INTERVENTION of the National procurement Commission depending on the nature of the procurement
Special No. 10 of Wednesday, November 4, 2009	<ul style="list-style-type: none"> • Order of October 26, 2009 fixing the method of application of the law of June 10, 2009 • Order of October 26, 2009 sanctioning the Manual of procedures for public procurement and concession agreements for public service work • Order of October 26, 2009 fixing the organization and the operation method of the National Commission on Public procurement
Special No. 3 Friday, May 13, 2011	Volume I: <ul style="list-style-type: none"> • Order May 10, 2011 sanctioning to get his full and complete effect the standard document for work • Order of May 10, 2011 sanctioning to get his full and effective force the general administrative clauses (CCAG) applicable to procurement for works
Special No. 3 Friday, May 13, 2011	Volume II: <ul style="list-style-type: none"> • Order of May 10, 2011 sanctioning to get his full force and effect Folder type for the concession agreements for public service works • Order of May 10, 2011 sanctioning to get his full and effective for the general administrative clauses applicable to concession agreements for public service works • Order of May 10, 2011 sanctioning to get his full and effective force the general administrative clauses (GCC) applicable to intellectual services procurement
Special No. 3 Friday, May 13, 2011	Volume III: <ul style="list-style-type: none"> • Order of May 10, 2011 sanctioning to get his full force and effect folder type Request for Proposals for consultants and contracts type • Order of May 10, 2011 sanctioning to get his full and complete effect to the standard document for requesting bids for acquisition of equipments and office computer
Special No. 3 Friday, May 13, 2011	Volume IV <ul style="list-style-type: none"> • Order of May 10, 2011 sanctioning to get his full and complete effect the standard document for requesting offers for the provision of services • Order of May 10, 2011 sanctioning to get his full and complete effect the standard document requesting bids for supplies acquisition • Order of May 10, 2011 sanctioning to get his full and effective effect the general administrative clauses (CCAG) applicable to supplies, services and office automation procurement

**This order has been replaced by the one of may 25th 2012 laying down new thresholds*

III Action Plan 2012 - 2013

The Action Plan for 2012-2013 aims to contribute to **ensuring good governance and [to] support the sustainable development of the country**. It aims to increase the confidence of stakeholders in the system to ensure compliance with the principles of public procurement. It is divided into five fields of action, each corresponding to a general objective with sub-objectives.

- Fields of actions and Objectives

Fields of action	The general objectives	The specific objectives
1. Strengthening the CNMP	"Making the CNMP more efficient in its mission of regulating and monitoring public procurement and concession agreements for public service work in Haiti"	<ol style="list-style-type: none"> 1. "Completing the CNMP personnel essential to the normal operation" 2. Train technical staff of the CNMP 3. "Decentralise activities of the CNMP"
2. Control of public procurement and concession agreements for public service work	"Ensuring strict control of public procurement and service agreements work during the ongoing process"	<ol style="list-style-type: none"> 1. "Provide CNMP with the appropriate computer tool" 2. "Undertake actions to control the activities of procurement"
3. Implementation of the Reform of public procurement	"Operationalizing the System Reform of public procurement by the application of the new regulations on public procurement and the use of standard documents"	<ol style="list-style-type: none"> 1. "Develop ways and means required by the new legislation for its full implementation" 2. "Broadcast standard documents developed" 3. "Evaluating reform procurement during implementation"
4. Strengthening the capacity of procurement agents and increase their number	"Improving the skills and increase the amount of agents involved in public procurement"	<ol style="list-style-type: none"> 1. "Equip technical staff of the CNMP, Ministerial Commissions Procurement (CMMP) and Procurement Specialist Commissions (CSMP) with training" 2. "Prepare a curriculum for procurement taught in graduate schools»"
5. Communication actions	"Giving visibility to the National Commission on Government Procurement"	<ol style="list-style-type: none"> 1. "Informing the public in general and particularly interested parties in the mission assigned to the CNMP"

- **Cost and funding sources**

Actions constituting the frame of this Action Plan are being finalized. To implement the plan, three funding sources will be solicited: the public treasury, the World Bank and the Inter-American Development Bank

- **The implementation schedule**

These activities will be spread throughout the fiscal year 2012-2013. The timelines do not depend entirely on the CNMP. Given the unknowns, the timeline may be revised whenever necessary during the year.