**HAITI**



**National Agency of Government Procurement (CNMP)**

[**www.cnmp.gouv.ht**](http://www.cnmp.gouv.ht/)

**Description of Government Procurement System:**

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.

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.

**Results 2012:**

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**

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| --- | --- |
| **Ref.** **Monitor** | **Title text** |
| No. 78 Tuesday, July 28, 2009 | * Law of 10 June 2009 laying down the general rules on public procurement and concession agreements for public service work |
| \*No. 95 Wednesday, September 9, 2009 | * Oder of Sept, 2009 laying down thresholds for public procurement and thresholds for the INTERVENTION of the National procurement Commission depending on the nature of the procurement |
| Special No. 10 of Wednesday, November 4, 2009 | * 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:   * 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:   * 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:   * 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   * 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*