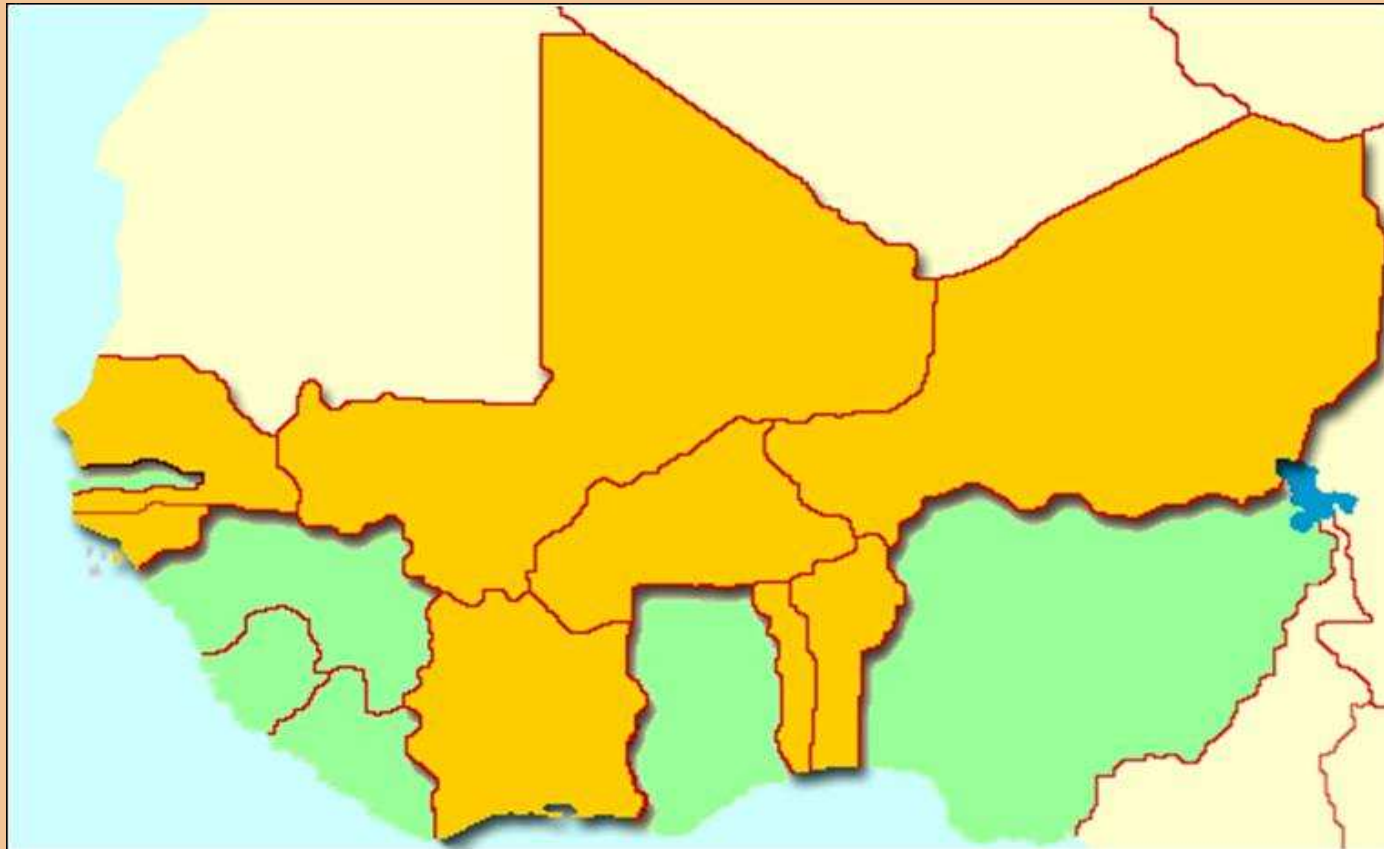


# U E M O A



BENIN - BURKINA FASO - COTE D'IVOIRE - GUINEE BISSAU - MALI - NIGER - SENEGAL - TOGO



INTEGRATION BY PUBLIC PROCUREMENT  
*HARMONIZATION OF PUBLIC  
PROCUREMENT RULES IN ORDER  
TO PROMOTE THE REGIONAL  
INTEGRATION:*  
*THE CASE OF WAEMU*

DR ERIC KY

# WAEMU



- ***Based on an historical monetary community between members States, West Africa Economic and Monetary Union (WAEMU) has the major objective the institution of a common market through the progressive suppression of the barriers to the free circulation and the trade by harmonization of the legislation and the coordination of policies between the members States.***



# WAEMU

- Created by the Treaty of Dakar (SENEGAL) on 10 January 1994 between 8 West African countries which are:

- *BENIN*
- *BURKINA FASO*
- *CÔTE D'IVOIRE*
- *GUINEE BISSAU*
- *MALI*
- *NIGER*
- *SENEGAL*
- *TOGO*

# STATISTICS



- **WAEMU's members' States represents 10% of public procurement passed annually in Africa which is equivalent to 5 billions of US dollars.**
- **This represents 10% of the GDP of the members States.**

# ***WAEMU's Regional Public Procurement Enhancing Project (RPPEP)***



- The Regional Public Procurement Enhancing Project (RPPEP) has the aim to harmonize the members' states legislation in this matter.***
- He subscribes entirely in the objectives of the Section 67 of the WAEMU's TREATY signed in Dakar which has the aim to harmonize legislations on budgeting process, financial Act and public accounting between the member's states.***

# ***The Regional Public Procurement Enhancing Project (RPPEP)***



**This program proceeds from the proposal done in April 2000 by the Department of Financial Policies of WAEMU and adopted by the Minister Council through the decision N° 01/2000 relative to the *Document of conception of the Regional Public Procurement Enhancing Project (RPPEP).***

- **THE RPPEP HAS 2 COMPONENTS**



- **Component I : Development and promotion of the WAEMU's **legal framework** of public procurement**

**The **transposition** of WAEMU's public procurement Directives ;**



- **Component I : Development and promotion of the WAEMU's legal framework of public procurement**



- The elaboration of the **standard bidding documents** of each type of public procurement contracts ;
- The definition of the **thresholds** of the obligation of advertising of public procurement opportunities ;

## Component II : The Reinforcement of human and institutional capacities



- The institution of information system ;
- The creation of the Regional Public Procurement **Observatory** (RPPO) of WAEMU ;
- The capacity building and logistic support of members states ;

# THE RPREP OBJECTIVES



The WAEMU's Council of Ministers, through the directive n° 02/2000 relative to the transparency code has consider that the *« heterogeneity of the procurement rules in WAEMU are prejudicial to the integration process and that it will be convenient to harmonize them »*.

# THE RPREP OBJECTIVES



Beyond the objective of the efficiency of the public action, the public procurement reform process in WAEMU has also the aim of **building the common market** and the pursuit the economic performance, regional trade promotion through the reinforcement of the effectiveness of **free circulation**, mainly those who are economic character.

# **CHALLENGES BETWEEN REGIONAL INTEGRATION AND PUBLIC PROCUREMENT**



**The role of the new community order in the strengthening of common market and regional trade depends mainly on the pertinence of the mechanisms, material and organic methods consecrated by the directives towards the extension of the field of competition of public procurement but as well as far as concerning the growth of the number of contracts and those of public bodies complied under the procurement code.**

# ACHIEVEMENTS



- The *RPPEP* permits to institute a new legal order of public procurement in WAEMU through the adoption of the basics outline laws such as :
  - *The Directive n° 04/2005 relative to **the process of awarding, execution and payment of public procurement contracts in WAEMU***
  - *The Directive n° 05/2005 relative to the **control and regulation in public procurement in WAEMU***

- **THE NEW INSTITUTIONAL PROCUREMENT FRAMEWORK OF WAEMU FROM THE DIRECTIVES**



- **The Directives consecrate the principle of separation the function of REGULATION from those of CONTROL and from those of procurement PASSING**

# Regional Observatory of Public Procurement (ROPP)



- **In the order to assure a mechanism of a multilateral inspection between the members States, the directives have foreseen provisions about a legal baseline of a multilateral control specifically in the matter of procurement.**



# INCIDENCES OF THE ROPP TOWARDS THE WAEMU'S INTEGRATION



- ***Within this context, ROPP contribute to the effectiveness of the realization of common market objectives and the amelioration of the international competitiveness of the Union economies.***

# SYLLABUS OF CAPACITY BUILDING AND PROFESSIONALIZATION



The project has define a **syllabus** for the community strategy **capacity building and professionalization** in public procurement.

# INCIDENCE OF THE SYLLABUS OF PROFESSIONALIZATION ON INTEGRATION



*This syllabus of capacity building and professionalization has the aim to develop the emergence of a **corps of civil servants specialized in public procurement** which can be able to impulse best practices in the common market towards the public finance.*

# The extension of the organic field of competition



- **The WAEMU's procurement Directives has retained an extensive list of the entities which must comply with the procurement code.**

# The extension of the organic field of competition



- **They are :**
- **States,**
- **Territorial collectivities,**
- **Public enterprises,**
- **Public bodies, agencies and organisms,**
- **The private bodies mandated by public bodies.**

# INCIDENCES TOWARDS THE WAEMU'S REGIONAL INTEGRATION



***The incidences on the common market are the growth of the intra-regional competition by the extension of the organic field of public bodies which participated to the competition.***

# THE FUNDAMENTAL PRINCIPLES OF WAEMU'S PROCUREMENT DIRECTIVE



- **FREEDOM** access in public procurement
- **EQUALITY** treatment of bidders
- **TRANSPARENCY** process and
- **EFFICACY** of public expenditure

# INCIDENCES TOWARDS THE WAEMU'S REGIONAL INTEGRATION



*Such principles involves the suppression of obstacles to the **free circulation** of regional tradesman and businessman in the competition.*



## THE EXTENTION OF THE SUBSTANCE FIELD OF THE COMPETITION



- **The obligations of advertising of the procurement are formalities which served the transparency of the passing process and permits a control of the obligations prescribes by WAEMU's procurement directives.**

## Procurement contracts



States, Territorial  
collectivities

Organisms of public  
law, public enterprises  
financed in majority by  
public funds

**WORKS**

**USD 2.000.000**

**USD 3.000.000**

**GOODS**

**USD 1.000.000)**

**USD 1.500.000**

**SERVICES**

**USD 1.000.000**

**USD 1.500.000**

**CONSULTANTS**

**USD 300.000**

**USD 400.000**

**PUBLIC SERVICES  
DELEGATIONS  
CONTRACTS**

**USD 3.000.000**

**USD 4.000.000**

# INCIDENCES TOWARDS THE WAEMU'S REGIONAL INTEGRATION



- *The incidences on the common market are the growth of the intra-regional trade by the suppression of the negative effect on the competition of the administrative and geographic distance of the enterprises in the community's space.*

# INCIDENCES TOWARDS THE WAEMU'S REGIONAL INTEGRATION



- ***The alert of bidders as far as concerning the regional business opportunities.***
- ***The reinforcement of the respect of the principle of equality of candidates and bidders concerning the business opportunities informations.***

# PRINCIPLE OF MUTUAL RECOGNITION



- **This principle involves that the members states must agree together to give a credit to their own administrative system concerning notably the formalities of production the administrative papers required from the bidders by the national procurement code coming from the WAEMU's directives transposition.**

- **PRINCIPLE OF MUTUAL RECOGNITION**



**Indeed, this principle order the contractors authorities to prevails a presumption of authenticity of administrative certificates, fiscal and social attestations and professional and technical registration documents delivered by official organism based in the members states and are evidence as far as concerning the proof of their administrative regularity and their technical capacity.**

# INCIDENCES TOWARDS THE WAEMU'S REGIONAL INTEGRATION



- ***The mutual recognition participates at the elimination of the measures which are able to shackle the free economic circulation consecrated by WAEMU'S Treaty ;***
- ***The celerity of passing process of procurement contracts ;***
- ***The growth of credit absorption capacity of contractor authorities by elimination the shackle to the economic and trading exchange.***

# The principle of community preference in public procurement



- **The principle of community preference impose to the members states the forbidden of any measure based on the nationality of the bidders which can constitute a discrimination against the citizen of a members states of WAEMU.**



# The principle of community preference in public procurement



- The procurement directive dispose that during a process of passing procurement contracts, a preference of an amount maximum of **15%** must be given to a bid presented by a community entrepreneurship.

- **The principle of community preference in public procurement**



- **This principle was transposed in the new procurement code of the member's states and has the aim to give an advantage to the enterprises installed in any member's state in relation to the foreigner enterprises.**

# INCIDENCES TOWARDS THE WAEMU'S REGIONAL INTEGRATION



***Primacy of the intracommunity trading exchanges and the promotion of the regional enterprises by a best redistribution of the growth of products.***

# Extension of the field of competition



- **Suppression of anti-competitive arrangements and agreed practices between the enterprises which have the objective to shackle the free competitive game in the WAEMU's area.**

# INCIDENCES TOWARDS THE WAEMU'S REGIONAL INTEGRATION



- ***Suppression the anti-competitive arrangements and agreed practices between the enterprises which have the objective to shackle the free competitive game in WAEMU ;***
- ***Avoid the practices of abuse of dominant position from enterprises.***

# OUTLOOK

## *Private Finances Initiative (PFI)*



- ***The reform of public procurement is a pertinent illustration of the beginnings of the raising of the public business of law in WAEMU's space which, in addition to classic public procurement contract, will apprehend the contract of Private Finances Initiative (PFI) (PPP) in order to growth the regional trade exchange between the members states.***

# OUTLOOK

## AFRICAN PUBLIC PROCUREMENT NETWORK (APPN)



- **THE 8 WAEMU'S COUNTRIES ARE ALSO SIGNATORIES OF ARTICLES OF AFRICAN PUBLIC PROCUREMENT NETWORK LAST YEAR OF OVER 50 AFRICAN COUNTRIES MET IN LOME (TOGO).**
- **APPN WILL SERVE AS LEARNING AND NETWORKING PLATFORM WHICH CAN LAUNCHED THE SECOND GENERATION OF REFORM SUCH SUSTAINABLE PUBLIC PROCUREMENT AND DEMATERIALIZATION.**



Say **NO**  
to corruption.



THANKS FOR  
YOUR ATTENTION