PUBLIC SERVICE ACCOUNTABILITY MONITOR SUBMISSION ON 2023 PROCUREMENT BILL

PSAM

Public Service Accountability Monitor

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Presentation outline

Our submission focuses on transparency provisions and relates to sections 30-33 of the bill, with emphasis on 32 (Access to procurement processes) and 33 (Disclosure of procurement information). The structure is as follows:

1. Overview of concerns and references to past and present collaborative submissions.

2. Critique of existing instruments related to data and transparency.

3. Demonstration of how the Bill does not adequately address these issues.

4. Description of Open Contracting Data Standard (OCDS) and motivation for similar standard to be adopted as part of the bill (and not deferred to regulations and instructions).

Overview

- Main arguments:
  - Currently not sufficient info for monitoring
  - Bill leaves key elements of reporting and disclosure to regs
  - No justification for this
- Key recommendation: Adopt OCDS or similar and integrate this into the bill to strengthen transparency and enable citizen monitoring and oversight

Previous Submissions

PSAM and collective inputs by PRWG, BJC and Imali Yethu

- Emphasising participation, institutional arrangements, transparency.
- Suggested amendments to the Bill to improve outcomes
- Very few concrete suggestions have been implemented and several gaps remain
- Concerns raised about participation process, implications of the Bill

Budget Justice Coalition/ Imali Yethu 2020 submission
PSAM 2023 submission
Budget Justice Coalition/ Imali Yethu submission 2023
PRWG September 2023 statement
PRWG December 2023 statement

Current Arrangements

eTenders, CSD

- National Treasury has committed to open contracting
- There are some existing arrangements in place, notability eTenders and the Central Supplier Database
- eTenders not up to date, and does not provide sufficient information for monitoring and oversight
- Monitoring specific procurement instances, or overall impacts not possible
- Local Municipalities and Public Entities are not required to publish. This is stated in fine print on the eTenders website
- Does the Bill overcome challenges?

OCDS

Open Contracting Data Standard

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- "The leading international standard for publishing information about the planning, procurement and implementation of public contracts"
- Over 50 countries around the world publish contract data using OCDS including Mexico, Malaysia, Colombia
- Describes how to publish data and documents for the procurement of goods, works and services
- Increases transparency, deepens analysis and facilitates use of data by wider group of stakeholders
- Why OCDS and not some other?

Recommendations

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- Address the concerns raised in previous submissions
- Strengthen transparency provisions to ensure Bill addresses existing deficiencies
- Adopt the OCDS or similar to ensure objectives are met
  - *eg - as far back as 2014; NT successfully showcased data spend visualisation using BI Dashboards*
  - *Several national departments have initiated open data platforms whose key principles are applicable to public procurement*
- Align with DPSA government-wide open data principles