

# Assessment Report on Corruption Risk in Procurement

**“Uniting Constituencies to Fight Corruption in Health and Education in West Africa i.e. Sierra Leone, Benin and Ghana” Project**

August 2022  
SEND SL

**OPEN SOCIETY**  
Initiative for West Africa

**gacc**  
Ghana Anti - Corruption Coalition



**SEND**  
**SIERRA LEONE**  
Working to promote good governance and  
equality of men and women in Sierra Leone



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## ACRONYMS AND ABBREVIATIONS

|       |  |
|-------|--|
| ACC   | Anti-Corruption Commission                       |
| ASSL  | Audit Service Sierra Leone                       |
| BOD   | Beneficial Ownership Disclosure                  |
| CSO   | Civil Society Organization                       |
| DHMT  | District Health Medical Team                     |
| EITI  | Extractive Industry Transparency Initiative      |
| EPA   | Environmental Protection Agency                  |
| GACC  | Ghana Anti-Corruption Coalition                  |
| IPRP  | Independent Procurement Review Panel             |
| LC    | Local Council                                    |
| MBSSE | Ministry of Basic and Secondary School Education |
| MDA   | Ministries Departments and Agencies              |
| MoF   | Ministry of Finance                              |
| MoHS  | Ministry of Health and Sanitation                |
| NGO   | Non-Governmental Organization                    |
| NPPA  | National Public Procurement Authority            |
| OSIWA | Open Society Initiative for West Africa          |
| SEND  | Social Enterprise Development                    |

## DEFINITION OF KEY PROCUREMENT TERMS USED IN THIS REPORT

**Bidding** -The bidding process means a transparent and fair procedure based on identifying the best value for money exists in procurement. It is a competitive process, and competitive bidding means each company is evaluated on a specific set of criteria, depending on what the individual contract entails.

**Award** - The process of offering a contract from the notification to the selected bidder in a procurement transaction.

**Procurement plan** - The document prepared by each procuring entity annually to plan all procurement requirements necessary to perform the activity plan of the procuring entity; accordingly, the planning process involves needs assessment, market survey as well as profiling, grouping and packaging of procurement requirements to ensure maximum value for money is achieved.

**Independent procurement review panel** - The five-person panel under section 20 of the Public Procurement Act, 2016, considers and decides upon individual applications by bidders for administrative review.

**Goods** - Objects of every kind and description, including commodities, raw materials, products and equipment, and objects in solid, liquid or gaseous form, and electricity, as well as services incidental to the supply of the goods if the value of those unexpected services does not exceed that of the goods themselves.

**Beneficial ownership register**- A beneficial ownership register collates information about the beneficial owner in a registry for storage and use by enforcement agencies, the private sector and, in some jurisdictions, the public. The primary purpose of such registers is to increase transparency in corporate ownership.

**Beneficial Owner** - A beneficial owner is “the natural, living person who ultimately owns, benefits from or controls (directly or indirectly) a company or legal arrangement”. This can differ from the company’s legal owner, who may have little or no control.

**Services** - Refer to consultant and non-consultant services. Non-consultant services refer to services contracted based on the performance of measurable physical outputs (for example, operation and maintenance of facilities or plants, catering services etc.). Consulting Services refer to services of intellectual and non-material nature that do not lead to a measurable physical output (for example, design, supervision, training, advisory, auditing, and similar services).

**Tender documents** - The set of papers detailing the schedule of works, calendar of events, the requirement of goods and services, technical specifications, procurement criteria and other particulars, as may be prescribed for evaluation and comparison of tender.

## EXECUTIVE SUMMARY

Corruption in Sierra Leone is described as endemic which makes development far reaching. It still remains an insurmountable widespread obstacle that has derailed the development of Sierra Leone since independence and it is believed to be a cankerworm which has affected and still affecting all facets of development. Thus, sectorial development still remains a challenge despite the strides being made by Anti-Graft Agencies and other Civil Accountability Actors.

Successive reports published by Audit Service Sierra Leone have reported instances of neglect of the National Public Procurement Authority Act of 2004 as amended in 2016 and its 2020 rules and regulations on procurement. Also, breaches in procurement laws and regulations have been constantly captured in almost all the systems review done by the Anti-Corruption Commission. As reported in the 2018 Auditor General's Report, the findings shows that purchases were made outside procurement plans, artificial splitting of procurement activities to avoid monetary threshold, non-adherence to procurement procedure (non-competitive bidding), unreasonable elimination of bidders from procurement and overpayment to consultants and a contractor

Globally, huge sums of public funds are spent through public procurement processes for all types of goods, services and infrastructure in education and healthcare. However, in many countries public procurement processes run a high risk of corruption, resulting in limited goods and services relative to the amount paid by the tax payer for these goods and services. This presents a considerable expense for most education and health budgets, especially in low- and middle-income countries. It has devastating effects on the integrity and sustainability of education and healthcare systems and a country's ability to ensure universal health care and quality education to its citizens.

It is to this end that SEND Sierra Leone received funding from the Ghana Anti-Corruption Coalition to do a corruption risk assessment in procurement within the Ministry of Health and Education, through the implementation of a project titled "Uniting Constituencies to Fight Corruption in Health and Education. Through the conduct of this assessment, action oriented and policy recommendations were proffered to adequately address the issues and challenges that were found during the assessment.

## I. BACKGROUND

The National Public Procurement Authority is a critical oversight institution whose overarching mandate rests on the pillars of competition, transparency, fairness, probity and accountability in public sector procurement. The Government of Sierra Leone established it under the Public Procurement Act of 2004, amended in 2016, and its mandate entrenched the same.

The National Public Procurement Authority (NPPA,) being the principal adviser to the Government of Sierra Leone on public procurement management, is charged with the responsibility to regulate and harmonize general procurement processes in ministries, departments, agencies, local councils, donor-funded projects or any institution utilising public funds to ensure that value for money in is achieved public expenditures. The fundamental principles of sound public procurement management include value for money, competition, transparency, fairness, probity, and accountability.

In 2022, SEND Sierra Leone, in partnership with the Ghana Anti-Corruption Commission (GACC) with funds from the Open Society Initiative for West Africa (OSIWA), assessed the Ministry of Health and Education to know their level of compliance with the country's procurement laws. With this, Civil Society Organizations (CSOs), the NPPA and private sectors (service providers) were asked about their views on the country's procurement regulations. Globally, vast sums of public funds are spent through general procurement processes for all types of goods, services and infrastructure in education and healthcare. However, the knowledge gaps in available procurement procedures remain a daunting challenge. Entities still do not consciously try to obtain value for money by selecting the most responsive bidder. Most service providers, bidders, and government entities assessed do not have more comprehensive knowledge of NPPA regulations. Citizens (procurement personnel) do not know whether the country has Beneficial Ownership Disclosure laws. The e-government procurement platform would eventually amplify procurement processes with prudent procurement management and enhanced linkage between the NPPA and sub-national NPPA. It would improve professionalism and good governance, minimise risks of corruption in procurement processes and ensure best practices in the procurement domain.

The Public Procurement System is a critical variable in resource allocation. When conducted in an efficient, transparent and competitive manner results in the effective delivery of public services. In Sierra Leone, as in most developing nations, public procurement accounts for a significant portion of government expenditure. Therefore, the financial and human resources involved in public procurement must be managed efficiently such that procurement becomes a pillar for good governance and rapid economic growth. In recognition of this fact and with the support of our development partners, Sierra Leone's procurement system has undergone several reforms over the years, mainly through experimentation with various forms of centralised and decentralised systems, eventually culminating in the current fully decentralised system, which the Government has embraced. Examining these reforms shows the evolution of

procurement between centralised and decentralised approaches with support for procurement reforms provided by multi-donor resources and Government counterpart contributions. <sup>1</sup>

Roles and responsibilities within the Decentralized Public Procurement System By the provisions of the Public Procurement Act, 2016 and the Public Procurement Regulations, 2020, as well as related Public Financial Management Legislations, the various roles within the decentralised procurement system and the government institutions or public officials responsible for performing them are summarised below. <sup>2</sup>

| <b>Agent</b>                                      | <b>Role</b>        | <b>Role Description</b>  |
|---|--------------------|--|
| Anti-Corruption Commission                        | Enforcement        | Responsible for prosecuting all public officers who contravene the provisions of the Public Procurement Act that are indictable under the Anti-Corruption Act (2008 and its 2019 amendment)  |
| Audit Service                                     | Audit              | Responsible for carrying out external audits on the use of Public Funds by public sector organisations.  |
| Independent Procurement Review Panel              | Dispute Resolution | Manages disputes in all aspects of public procurement effectively serving as a grievance redress mechanism for aggrieved bidders/suppliers.  |
| Ministries, Departments & Agencies/Local Councils | Operational        | Responsible for procuring their requirements using public funds that have been allocated for use in public procurement. Within MDAs and LCs, the responsibility for conducting procurement is further devolved to the Heads of MDAs/Chairpersons, Vote Controllers/Chief |

<sup>1</sup><https://nppa.gov.sl/wp-content/uploads/2022/03/2019-Annual-Assessment-Report-BIG-BOOK-1.pdf>

<sup>2</sup><https://nppa.gov.sl/wp-content/uploads/2022/03/2019-Annual-Assessment-Report-BIG-BOOK-1.pdf>

|                                   |                   |   |
|-----------------------------------|-------------------|---|
|                                   |                   | Administrators, Procurement Committees, Procurement Units, originating departments or End Users, Stores Departments, Bid Opening/Evaluation Committees and Inspection/Take Over Committees.   |
| Ministry of Finance               | Fiduciary Control | Involved in the procurement process through the appointment and supervision of all accounting, stores staff and stock verifiers in the Civil Service, and internal audit activities. The Budget Bureau of MoF is responsible for co-ordination of the annual budgeting process and for financial approval of the procurement plans for each MDA. The Minister of Finance is also responsible for appointing panelists and the Secretary to the IPRP. MoF ensures that government expenditures are managed within the stated fiduciary aims of the Government. |
| Ministry of Health and Sanitation | Public Health     | Provides oversight for the importation of drugs and other medical consumables & equipment.  |
| Ministry of Justice               | Legal             | Responsible for the drafting and approval of all government contract formats either through the Legal Officers allocated to   |



|                                       |   |   |
|---------------------------------------|---|---|
|                                       |   | specific Procuring Entities or by referral of contracts to the Ministry.  |
| Ministry of Trade and Industry        | Trade Licenses  | Issues and registers trading licenses for local suppliers through various agencies.   |
| Ministry of Works                     | Technical Supervision Public Works                    | Responsible for the supervision and monitoring of the implementation of Government funded construction projects and works in the public sector and maintains the Register of pre-qualified, licensed and approved Contractors and Engineers which is complemented by the (central register of qualified engineers compiled by the Sierra Leone Institution of Engineers based on a classification according to their capability, performance and specialty. |
| National Public Procurement Authority | Regulatory Enforcement Policy Monitoring & Evaluation | Performs policy, monitoring and capacity building in public procurement with responsibility for the overall coordination, direction and development of Government procurement practices and procedures.   |

Roles and responsibilities within Procuring Entities Decentralization of procurement functions and establishing operational procurement units and committees in all procuring entities are now fairly integrated into the public sector administration processes. The National Public Procurement Authority is responsible for ensuring that any new procuring entity coming into operation has these necessary structures and staffing in place to enable them to undertake all procurement activities under the legal framework. A high-level summary of the various

procurement functions within these procuring entities is provided in a sequential manner below.<sup>3</sup>

| <b>Roles</b>                               | <b>Responsibilities</b>   |
|--|---|
| Head of Procuring Entity                   | Responsible for ensuring that the provisions of the Act are complied with; appointment of procurement committee members; signing of contract award; review of complaints; and along with the Procurement Committee is to be held accountable for any contract determined to have been procured in a manner that is inconsistent with the provisions of the Act. |
| Procurement Committee                      | Responsible for approving all procurements in accordance with the thresholds stipulated in the Act and reporting quarterly to the NPPA on all procurement activities undertaken by the Procurement Unit and the Procurement Committee during the quarter.   |
| Head of Procurement Unit                   | Serves as secretary to the Procurement Committee and may approve all procurements below the threshold stipulated by the Act.  |
| Procurement Unit                           | Responsible for coordinating the professional aspects of procurement within the Procuring Entity and providing technical procurement advice to the Procurement Committee.   |
| Originating Departments, Projects or Units | Responsible for initiating procurement requests or asset disposal action and ensuring such requests are justified.  |
| Stores Department                          | Responsible for the preparation of the annual budget for unallocated stores and assisting in the preparation of the budget for allocated stores; the coordination of receipt of goods procedures and acting as the originating department for purchase of stock items   |
| Bid Opening Committees                     | Formed by Procurement Committees and responsible for conducting and supervising each bid opening session in accordance with the required procedures for bid openings.   |

<sup>3</sup><https://nppa.gov.sl/wp-content/uploads/2022/03/2019-Annual-Assessment-Report-BIG-BOOK-1.pdf>

|                                 |   |
|---------------------------------|---|
| Bid Evaluation Committees       | Responsible for the evaluation of the technical and financial compliance of submitted bids and recommending award of contract for approval by the Procurement Committee.  |
| Inspection/Take Over Committees | Responsible for inspection and verification of all goods received, and the validation of work completed for works and including the Initial and Final Takeover inspections for works and the Inspection and Receipt Committees for goods. |

## 2. PROJECT SUMMARY

The “Uniting Constituencies to Fight Corruption in Health and Education in West Africa, specifically in Sierra Leone, Ghana and Benin”, is a fourteen-month project funded by the Open Society Initiative for West Africa (OSIWA). SEND Sierra Leone, in partnership with the Ghana Anti-Corruption Coalition (GACC), is jointly implementing the project in Sierra Leone. The project is aimed at improving transparency and accountability in government procurement and service delivery in the health and education sectors in Sierra Leone. The purpose is to minimise corruption in education and health service delivery and procurement and increase the capacity of implementing partners on national procurement policies to motivate citizens to advocate and hold policymakers and procurement agencies or institutions accountable for reducing corruption. The project is being implemented in Kenema, Western Area Rural and Western Area Urban districts in Sierra Leone.

Corruption in education and health is prevalent in both service delivery and procurement. In Sierra Leone, a reach of procurement regulations is evident in multiple stages of the procurement process. The Auditor General’s Report for 2018 shows that purchases were made outside the procurement plan, artificial splitting of procurement activities to avoid monetary threshold, non-adherence to procurement procedure (non-competitive bidding), unreasonable elimination of bidders from procurement and overpayment to consultants and a contractor.

Globally, vast sums of public funds are spent through general procurement processes for all types of goods, services and infrastructure in education and healthcare. However, in many countries, public procurement processes run a high risk of corruption, resulting in limited goods and services relative to the amount paid by the taxpayer for these goods and services. This presents a considerable expense for most education and health budgets, especially in low and middle-income countries. It devastates the integrity and sustainability of education and healthcare systems and a country’s ability to ensure universal health care and quality education to its citizens.

Corruption in healthcare procurement can result in medicine shortages, inflated drug prices and the infiltration of fake and sub-standard medicines into the health system. Education can result in inadequate infrastructure, poor quality infrastructure, inflated cost of services and ultimately lower education standards. When procurement goes wrong, there is a palpable dip in the quality of health and education services. In many countries, citizens end up paying out-of-pocket for their healthcare and education.

The Ghana Anti-Corruption Coalition (GACC) and SEND Sierra Leone, supported by the Open Society Initiative for West Africa (OSIWA), are undertaking a project to monitor corruption in procurement and service delivery in health and education in Sierra Leone. This is part of a regional project to watch the same in two other countries, Ghana and Benin. The project is titled; “Uniting Constituencies to Fight Corruption in Health and Education in West Africa, i.e. Sierra Leone, Ghana and Benin”.

### **3. SCOPE OF THE ASSESSMENT**

The assessment reached the primary target government institutions (Ministry of Health and Education) through their procurement units, CSOs, private sectors (service providers) and the regulatory agency responsible for all procurement processes in the country i.e. NPPA. The assessment was done in Western Area Urban, Western Area Rural and Kenema Districts. At national level, (Western Area Urban District), both MBSSE and MoHS were reached through the heads of procurement unit during the assessment period. At district level, MBSSE and MOHS were reached through the procurement units in the District Councils, as part of their devolved function gives them the responsible to undertake all procurement activities for both ministries at district level. The report contains data gathered from 26 respondents from the above-listed categories. The data collected to inform this report are alienated into six thematic modules on procurement processes which include (i) planning, (ii) sourcing, (iii) tender opening and evaluation, (iv) contract execution, (v) electronic procurement, and (vi) emergency procurement.

#### **3.1 METHODOLOGY**

The primary methodology used is a quantitative design through the use of a survey method. Thus, questionnaires were administered throughout the assessment period. A physical interface between the respondents and the project staff was done to ensure timely feedbacks. The assessment questionnaire was jointly designed by partner countries in Ghana and Benin implementing the “Uniting Constituencies to Fight Corruption in Health and Education in West Africa project. In Sierra Leone, prior to the survey, the questionnaire was sent to NPPA for review and possible inputs before its embarking on the data collection. The data were collected within one month period in February 2022.

#### 4. STUDY AREA AND SAMPLING

The assessment was carried out in the three respective operational district of the project within Sierra Leone (Western Area Urban, Western Area rural and Kenema Districts). The assessment targeted procurement personnel in the MBSSE and MoHS, private sectors (service providers), CSOs and NPPA. The table below shows the districts and the respective institutions, their category description and their levels.

| District           | Institution/CSO/Private Sector                             | Category Description | Level        |
|--------------------|--|----------------------|--------------|
| Kenema             | MBSSE (through the District Council)                       | Education            | Sub-national |
|                    | MoHS (through the District Council)                        | Health               | Sub-national |
|                    | Mu-Gbe's Enterprise  | Service Provider     | Sub-national |
|                    | Star-line Construction company                             | Service Provider     | Sub-national |
|                    | Global General Merchandise                                 | Service Provider     | Sub-national |
|                    | Movement for Public Accountability and Development (MOPAD) | CSO                  | Sub-national |
|                    | Foundation for Development and Human Right                 | CSO                  | Sub-national |
|                    | Kenema District Education Network                          | CSO                  | Sub-national |
|                    | Movement for Resettlement and Rural Development (MORRD)    | CSO                  | Sub-national |
|                    | NPPA   | Procurement          | Sub-national |
| Western Area Urban | MoHS   | Health               | National     |
|                    | MBSSE  | Education            | National     |
|                    | AbduliaBangura Enterprise                                  | Service Provider     | National     |
|                    | Apace Business Center                                      | Service Provider     | National     |
|                    | H.M Safideen Ltd   | Service Provider     | National     |
|                    | NPPA   | Procurement          | National     |
|                    | IGR  | CSO                  | National     |
|                    | CARL   | CSO                  | National     |
| BAN                | CSO  | National             |              |
| Western Area       | MoHS (through the District Council)                        | Health               | Sub-national |
|                    | MBSSE (through the District Council)                       | Education            | Sub-national |
|                    | Unique Idriss Enterprise                                   | Service Provider     | Sub-national |
|                    | G's Construction Company                                   | Service Provider     | Sub-national |
|                    | Ya Marie Investment  | Service Provider     | Sub-national |
|                    | District Budget Oversight Committee                        | CSO                  | Sub-national |

|       |                                  |     |              |
|-------|----------------------------------|-----|--------------|
| Rural | Foundation for Africa Employment | CSO | Sub-national |
|-------|----------------------------------|-----|--------------|

One respondent was interviewed in each Institution/CSO/Private Sector. Overall, 26 respondents were interviewed.

## RESULT OF FINDINGS GENERATED FROM CIVIL SOCIETY ORGANIZATIONS

A sample of nine (9) Civil Society Organizations across the three project operational districts were sampled to know their views and level of knowledge on the country's procurement laws and processes. 33% of these CSOs reached are national, and 67% are sub-national.

### PLANNING

On planning, 44% of the responses stated that consultation on procurement planning is always done while 56% stated otherwise. However, the findings revealed that consultation is done on all procurement planning except for few activities that are done at national level.

They explained that bid documents are normally sent for evaluation before contracts are

| Table showing the responses of CSOs relating to procurement consultation |          |                |
|--|----------|----------------|
| CSOs   | Response | Percentage (%) |
| BAN – Budget Advocacy Network  | Yes      | 44%            |
| Foundation for Development and Human Right                               |          |                |
| Kenema District Education Network  |          |                |
| Movement for Public Accountability and Development (MOPAD)               |          |                |
| CARL – Center for Accountability and the Rule of Law                     | No       | 56%            |
| District Budget Oversight Committee                                      |          |                |
| Foundation for Africa Employment   |          |                |
| Institute for Governance Reforms   |          |                |
| Movement for Resettlement and Rural Development (MORRD)                  |          |                |

awarded to service providers. Similarly, at sub-national level, few explained that the consultation process starts with lead officers like the District Council Chairman, Finance Officers and Project officers. They stated that most Procurement Officers are part of budget planning in the government institutions (Health and Education), and it is mandatory to conduct procurement impact assessment. However, most of the recommendations from impact assessment are not implemented before project execution.

The findings from CSOs also stated that annual procurement plans are always drawn by both ministries. However, citizens have less awareness about these public procurement plans because such plans are not published in all envisage outlets. Among the few respondents who stated that public procurement plans are published in all envisage outlets, 33% further stated that such publications are done electronically while 67% stated that publications are done manually. 78% of the respondents expressed that there is an opportunity to modify procurement plans during the year, 11% said opportunity is not given to modify procurement plans and 11% noted that they do not know. More than half (56%) of the CSOs reached stated that procurement plans could be modified as many times as desired to fit the given context at a particular time.

## **SOURCING**

All CSOs expressed that there is a legislation which requires open advertisement of procurement tenders on print and electronic media. Some CSOs in the sample responded that there are no available materials and information to service providers (11%) for procurement tenders, and 22% are not sure whether materials and information are readily available to respond to procurement tenders. Furthermore, advertised procurement tenders constitute all the required elements in the tender document. There are reasonable time limits given to service providers for the submission of tender bids. Only a small number (11%) stated that there is no reasonable time limit for submission of tender bids. Similarly, most (89%) stated that the criteria for contract award are often mentioned in tender documents to provide a fair platform for all.

The findings state that (22%) there are no conditions under which non-competitive procurement must be done and for cases involving sole or single sourcing, a large percentage (67%) states that getting approval from the external procurement body (NPPA) is mandatory.

## **TENDER OPENING AND EVALUATION**

CSOs expressed that the process involving the opening of bids is documented. In the bid opening minute, key elements are taken into consideration; and a large number of respondents indicated that the minutes of bid opening contain the following information showing their respective percentages. The Ministry of Health and Education each have a designated body responsible for undertaking bid evaluation. They mostly have different procurement committees responsible for various procurement items, and they also have professional Procurement Officers. However, majority of the participants could not tell whether the country has a company register, while only few were able to determine.

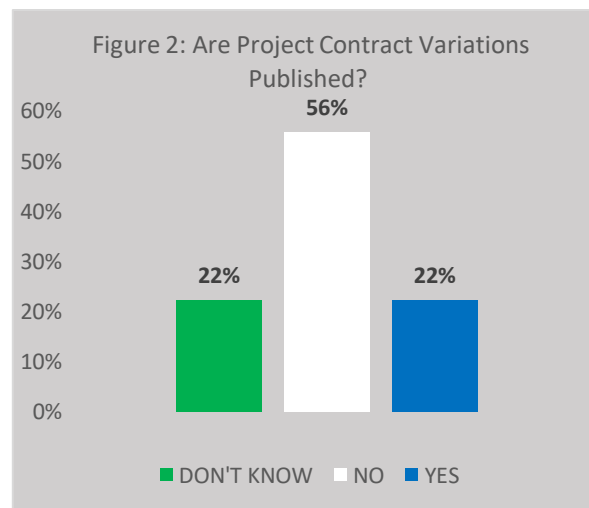
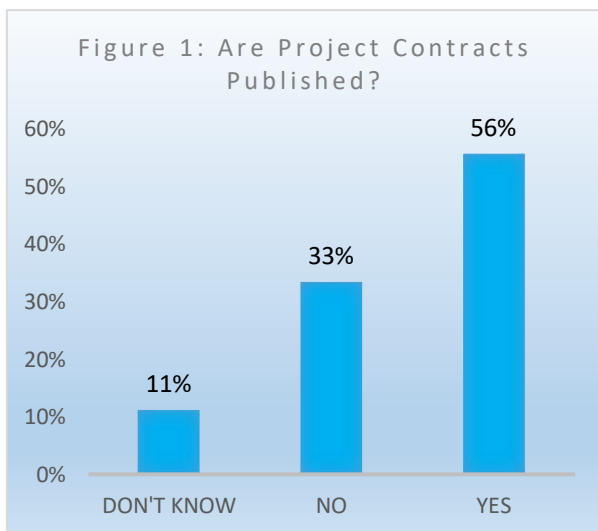
Limited knowledge of procurement laws and processes may cause widespread anomalies in undertaking procurement activities as most (56%) CSOs reached do not know whether the country has a Beneficial Ownership Disclosure (BOD) law. Again, those who know about

Beneficial Ownership Disclosure (BOD) laws said the Beneficial Ownership (BO) register is not accessible to citizens, media and civil society, and it is restricted based on certain conditions. The analysis proved that it is mandatory in most cases (67%) for evaluation committees to review the beneficial owners and directors of bidding companies, whilst few expressed that they do not know whether directors of bidding companies are evaluated.

To sustain high credibility in the bidding process, the evaluation committees are mandated to declare conflict of interest (COI); these declarations of COI are documented in the evaluation report of the bidding. The report further indicates that most evaluation reports (in the bid processes) are not accessible to the public. However, procurement or other applicable legislation allows aggrieved bidders to appeal; this good performance amount to 89% of CSOs who affirmed the existence of this rule in the procurement laws. 50% of the respondents expressed that the appeal can be done electronically and there is defined period slated for aggrieved bidders to appeal. The period for appeal expires before the contract commencement date. Though there is an existing appellate body, such body is however not decentralized.

### CONTRACT EXECUTION

At this procurement stage, the analysis indicates that most (78%) ministries have technical contract managers in charge of contract implementation and they do hold mandatory inception meetings with beneficiary communities. Conspicuously, mandatory monitoring visits are conducted during project implementation but with no regular monitoring schedule dates in undertaking these monitoring visits and the frequency of beneficiary community involvement in these monitoring teams is unappealing though these monitoring reports are been discussed within CSOs. The findings revealed that publication of project contracts stands at 56%, and most do not state or publish the contract variations. Some completed projects have not been used (44%) likewise for those abandoned (67%).





## ELECTRONIC PROCUREMENT

The responses generated from CSOs during the assessment show that the country has not migrated into electronic procurement.

## EMERGENCY PROCUREMENTS

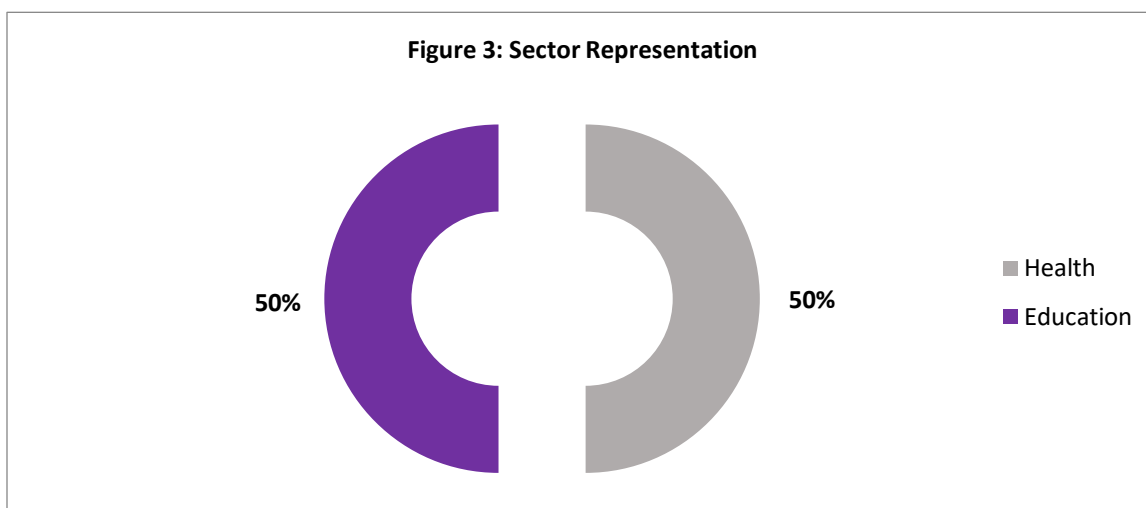
CSOs (67%) expressed that there are specific guidelines on Emergency Procurement and that the gamut of occasions that warrant emergency procurement is defined, and these emergency procurement methods are defined in the guidelines.

## RESULT OF FINDINGS GENERATED FROM MoHS AND MBSSE

Under this category, a sample size of six health and education government institutions were assessed on procurement processes in all the three operational districts in Kenema, Western Area Rural and Urban. In the Western Area Urban District, questionnaires were administered at the Ministry of Health and Sanitation. At the same time, in the Western Area Rural and Kenema Districts, the District Health Management Teams responded to the survey through their respective district councils who are responsible for carrying out procurement activities as part of their devolved function. In like manner, the same was done for MBSSE in the three districts.

### Characteristics of respondent

| Districts       | Names of Government Institution  | Sector    |
|-----------------|--|-----------|
| Western Rural   | District Health Management Team (through the district council)                     | Health    |
| Western Rural   | Ministry of Basic Senior Secondary School Education (through the district council) | Education |
| Western Urban   | Ministry of Health and Sanitation (MoHS)   | Health    |
| Western Urban   | Ministry of Basic Senior Secondary School Education (MBSSE)                        | Education |
| Kenema District | District Health Management Team (through the district council)                     | Health    |
| Kenema District | Ministry of Basic Senior Secondary School Education (through the district council) | Education |



## PLANNING

At this stage, MDAs (MoHS, MBSSE and District Councils) stated that procurement planning is done in consultation with sub-national units of institutions. They stated that the process starts by developing a joint comprehensive budget involving Ministry of Finance, procurement and other administrative staff of both sub and national units.

Following this, an annual procurement plan and budget is developed by the procurement committee (team) and submitted to the Ministry of Local Government (MLG), National Public Procurement Authority (NPPA) and the Ministry of Finance (MoF) for review.

They also stated that procurement planning starts with MoF giving a budget ceiling to both health and education ministries. With this, all sub-units such as the District councils, health and education ministries, submit their annual plans to the procurement department for inclusion in MBSSE and MoHS annual procurement plans at the national level.

The analysis generated from MDAs states that it is not mandatory to conduct impact assessments taking into consideration environmental, economic, and social conditions for work-related procurement. This is evident as only 33% said it is mandatory. Of those who said it is compulsory, most (67%) affirmed that the impact recommendations from impact assessment are implemented before project execution.

The findings revealed that district and national level ministries lack adequate understanding of whether conducting an impact assessment is ideal. For instance, responses from the MBSSE at the district level noted that it is compulsory to conduct impact assessment as opposed to reactions from the same ministry at the national level.

All ministries prepare annual procurement plans published in all envisaged outlets. All public procurement plans contained the four critical elements listed below.

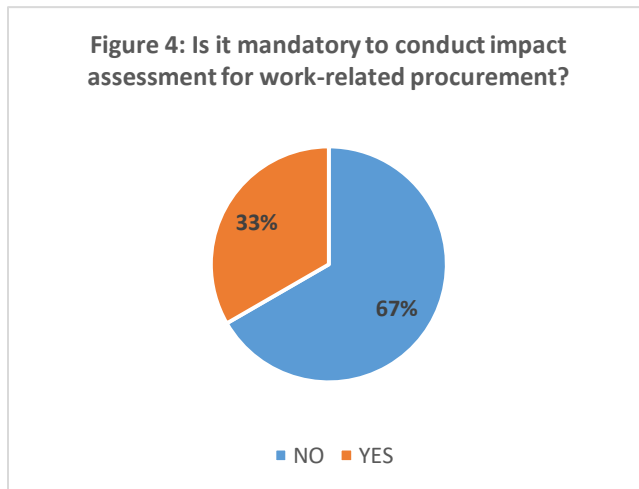


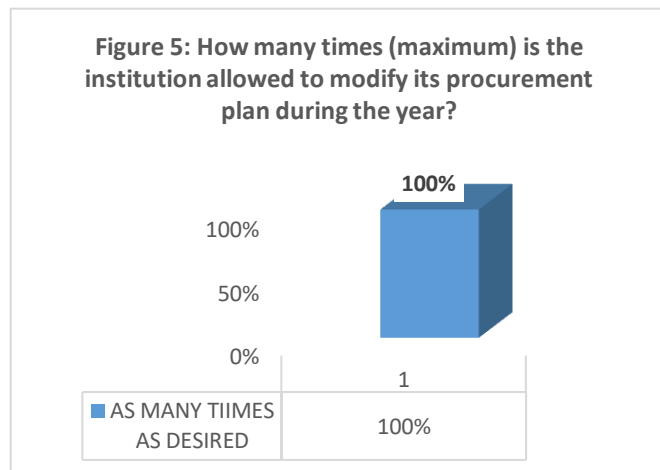
Table showing the key elements that should be on a procurement plan document

| No | Elements of Public Procurement plan      |
|----|--|
| 1  | The name of procurement item or activity |
| 2  | Amount of envisage funds                 |
| 3  | Type of procurement procedure            |
| 4  | Estimated date of contract award         |

There are opportunities provided for the modification of procurement plans during the year and such can be done as often as desired by the institution.

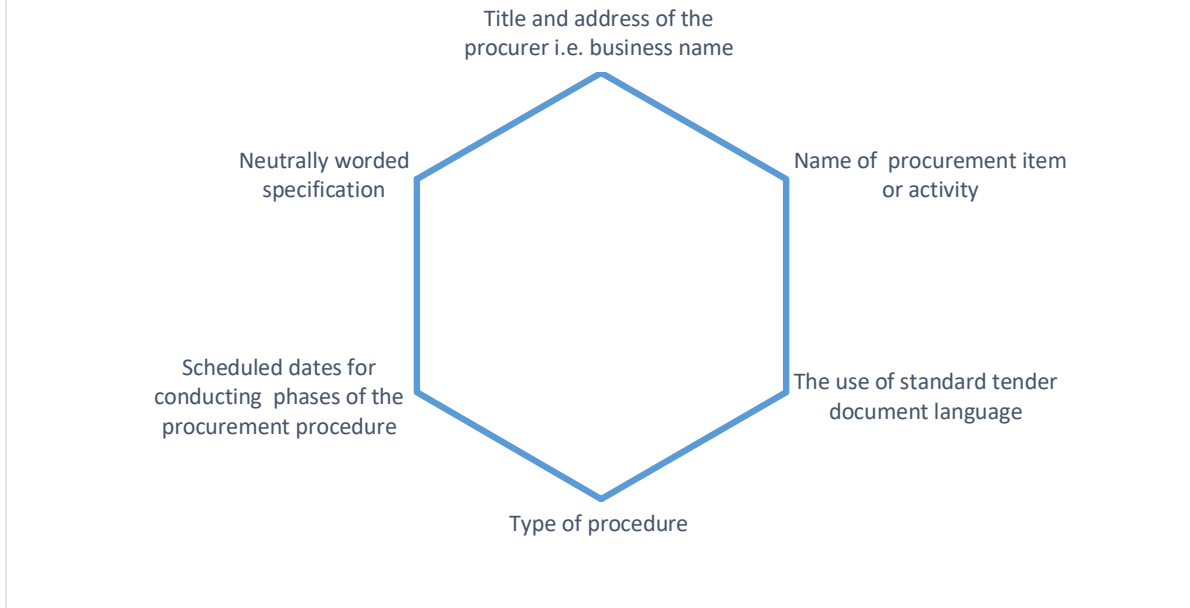
### SOURCING

MDAs confirmed that there is a legislation that requires open advertisement of procurement tenders on both print and electronic media, and all the materials and information required to respond to procurement tenders are readily available to contractors.

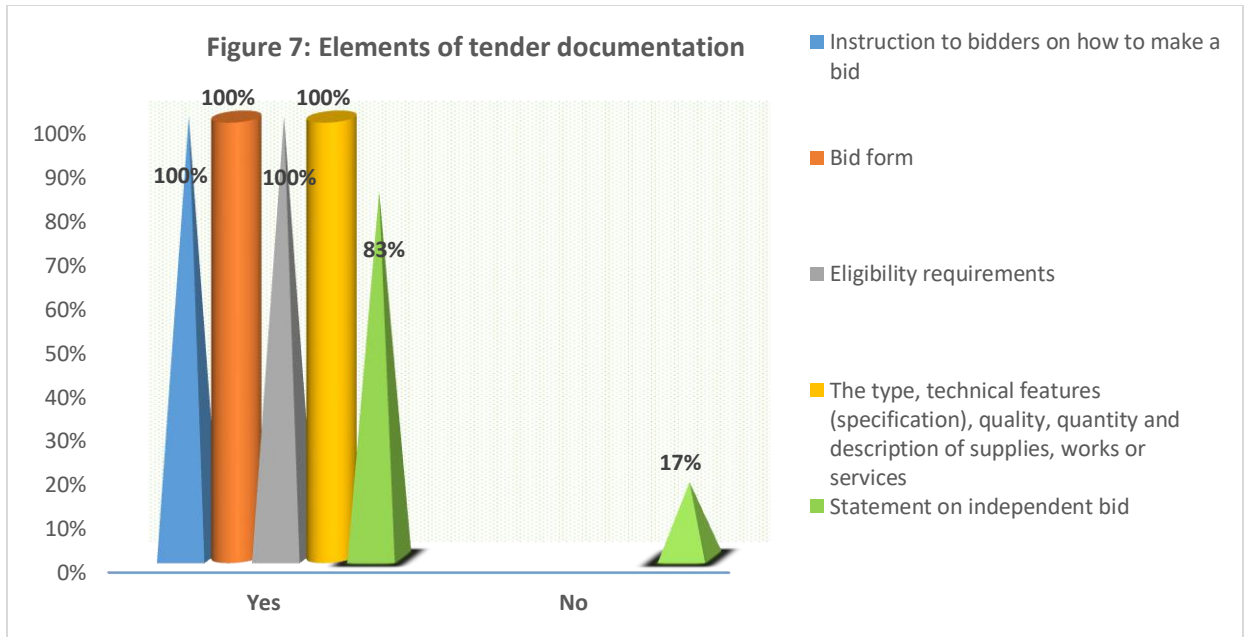


They also stated that procurement tender documents contained all the essential elements as indicated below in the chart.

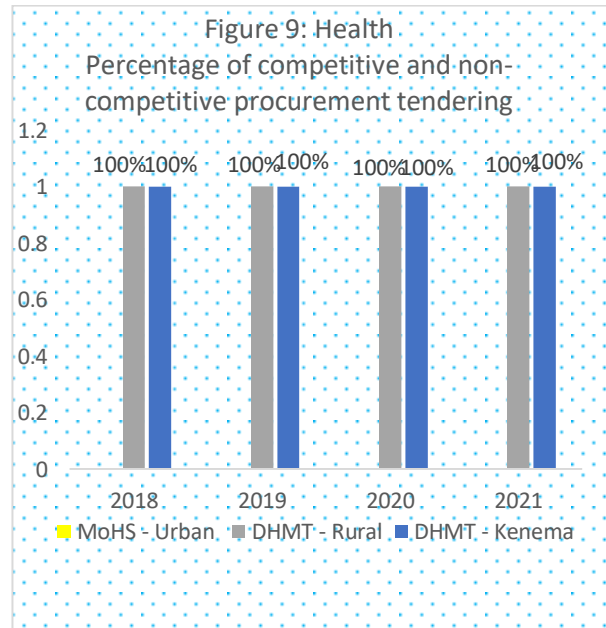
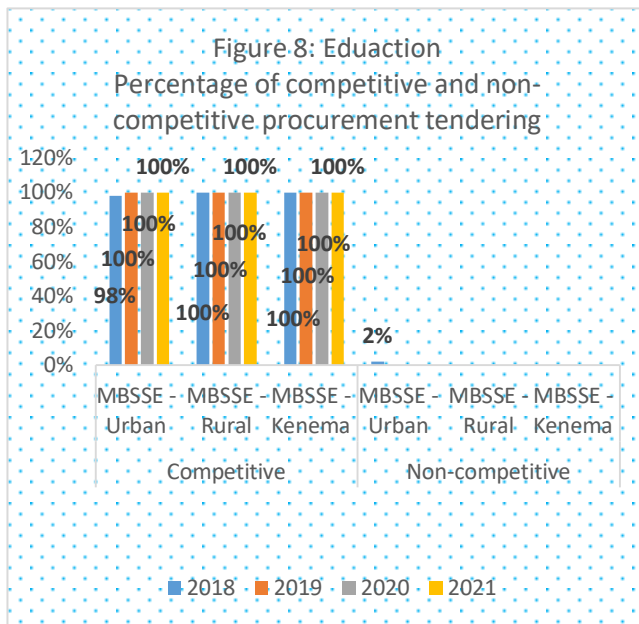
**Figure 6: Basic elements of advertised procurement tenders**



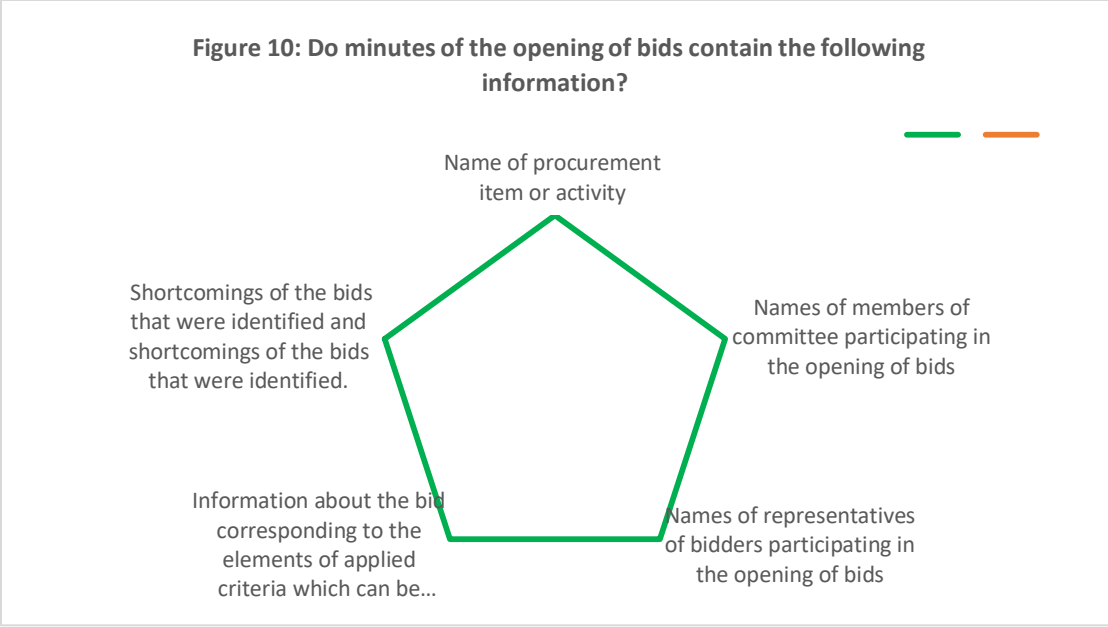
Similarly, there are reasonable time limits for the submission of bids; and the criteria for the award of the contract are stated in tender documents.



Procurement laws in Sierra Leone specify the conditions under which non-competitive procurement must be done.



The above graphic representations show that almost all procurement tendering done by MBSSE and MoHS from 2018 to the third quarter of 2021 are done under competitive method.



**TENDER OPENING AND EVALUATION**

The findings indicated that all bid openings are documented, and minutes of bid openings contain all the vital elements, as shown in the chart above.

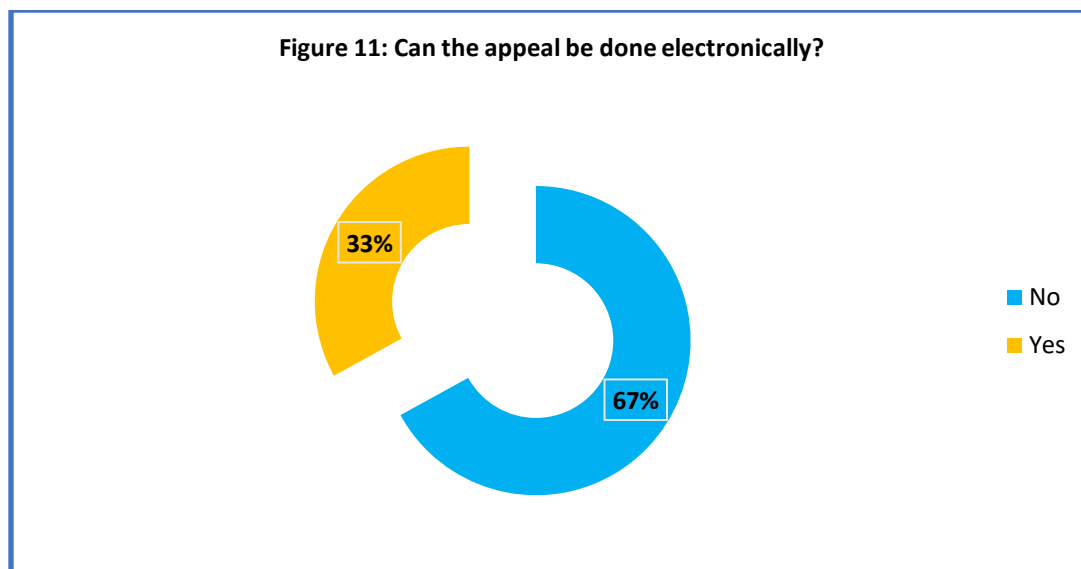
On bid evaluation, 67% of the responses at the national level indicated that there is a designated body responsible for undertaking bid evaluations, but this is contrary to what is obtainable in the Western Area Rural District and Kenema District of both MBSSE and MoHS in these districts. The findings show that the district councils are the designated bodies responsible for undertaking the bid evaluation. The results further proved that there are no different procurement committees responsible for various procurements and these institutions have professional procurement officers. Most of the institutions (67%) that responded to the assessment proved that the country does not have Beneficial Ownership Disclosure (BOD) laws, while 33% confirmed that the country has. Those who stated that there is beneficial ownership disclosure law noted that the beneficial ownership register is not accessible to citizens, media and civil society. It is restricted based on fulfilling certain conditions. The findings further revealed that evaluation committees must review the beneficial owners and directors of bidding companies, which stands at 67%. In the Western Area Urban District, there is a slight difference in their BO as it is dissimilar to the other districts.

All procurement evaluation committees in government institutions are required to declare Conflict of Interest; their declarations are documented in the evaluation reports. It was re-sounding for the findings to show that if there are confirmations of conflict of interest in the evaluation committee, the affected members are obliged to withdraw from the committee for that particular bid. However, these evaluation reports are not accessible to the public.

The findings revealed that the national public procurement act and other applicable legislations allow aggrieved bidders to appeal should they feel aggrieved in a bidding process. However, such appeals can only be done through physical interface other than electronically.

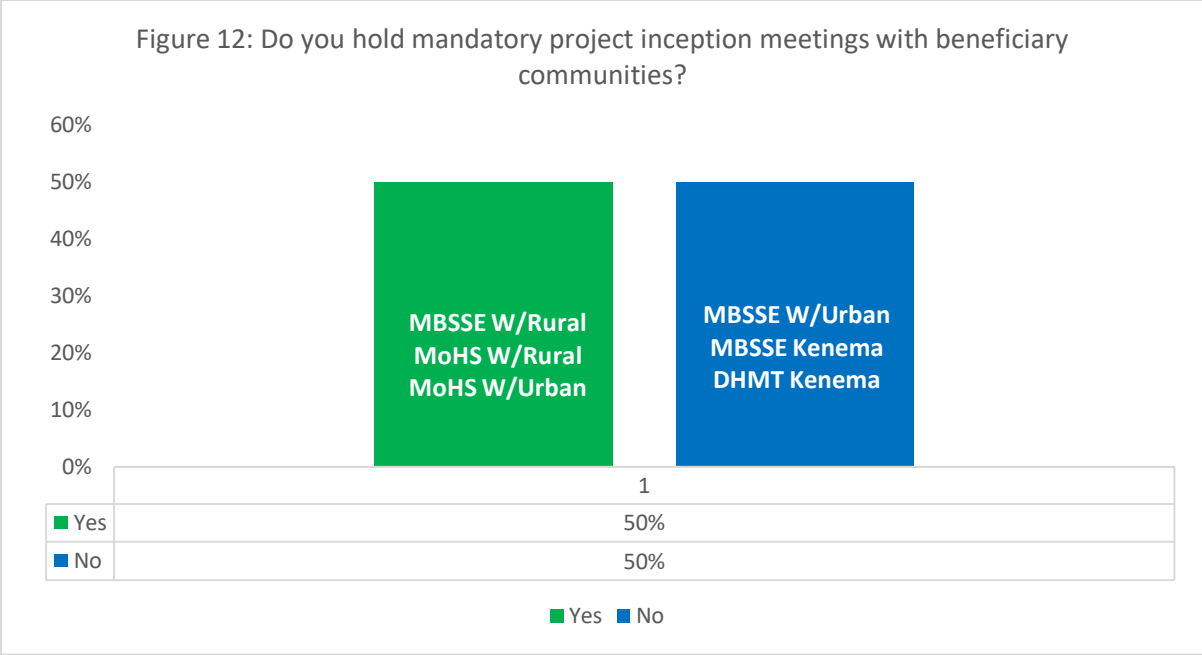
The assessment shows a defined period for feedback from the appeal application period. However, both MBSSE and MoHS in the Western Area Rural District have a different view as they stated that there is no specific period for handling feedback from aggrieved bidders. The findings further noted that the appeal period expires before the contract commencement date at the national level, while it is the reverse in other districts.

The results indicated that the appellate body is not decentralised.



## CONTRACT EXECUTION

MBSSE and MoHS confirmed that they have technical contract managers in charge of contract implementation, except for MBSSE at the national level, who admitted that they did not have technical contract managers in charge of contract implementation. Fifty percent (50%) of the responses revealed that these institutions hold mandatory project inception meetings with beneficiary communities.



The findings state that it is mandatory to conduct monitoring visits during project implementation, but there is no regular schedule for conducting monitoring visits, and beneficiary community members always form part of the monitoring visits. However, most of these institutions do not receive project monitoring reports from civil society organisations. The findings also stated that project contracts are published by all government institutions; however, MoHS at the national level and the MBSSE and DHMT in Kenema districts do not publish project contract variations. The assessments further proved that all completed projects have been in usage and there is no evidence of abandoned projects.

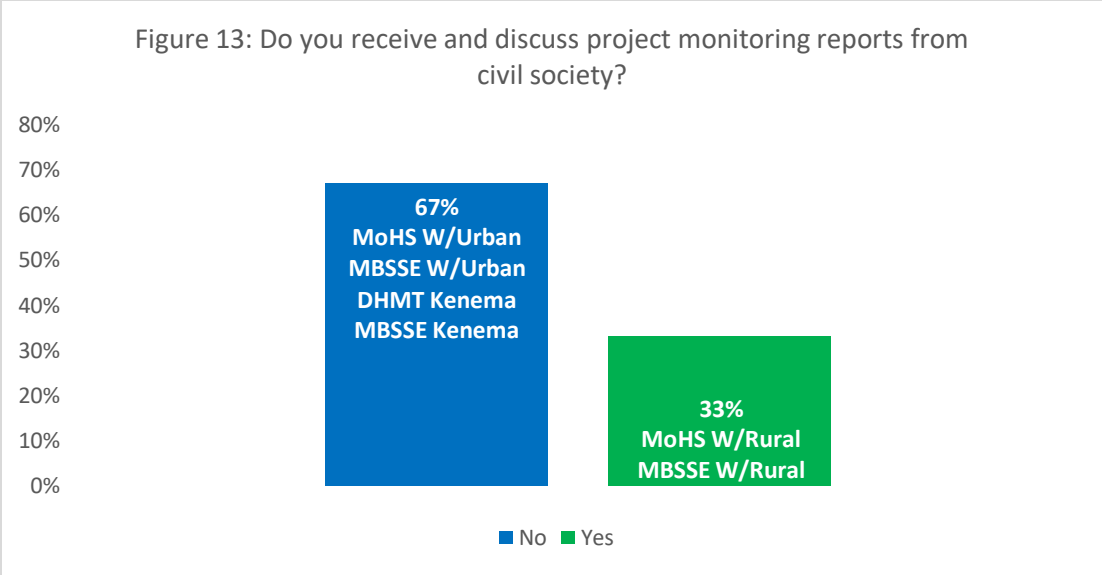
**ELECTRONIC PROCUREMENT**

The assessment revealed that procurement processes are yet to be done electronically as all institutions have no electronic platform for carrying out procurement nationally.

**EMERGENCY PROCUREMENT**

All institutions assessed stated that the country has specific guidelines for emergency procurement. Emergency procurement methods are defined in the procurement act and the gamut of occasions that warrant emergency procurement are well defined.





**Compliance with audit recommendations**

In 2018, the MBSSE and MoHS in the Western Area Rural District have five procurement recommendations, four out of the five were fully complied with, thus giving a percentage of fully compliant recommendations score of 80%. **[Calculation Compliant Score = (X/Y) x Z]**

**X = Total Number of Fully Compliant Recommendations**

**Y = Total Number of Procurement Recommendations**

**Z = Highest Possible Compliance Score (100)**

The analysis explained that the compliant score to audit recommendations for MBSSE and MoHS in 2018 stands at 64%.

In 2019, the MBSSE and MoHS in the Western Area Rural District had ten procurement recommendations and nine recommendations were fully complied with, and the percentage of fully compliance recommendations is at 90%. **[Calculation Compliant Score = (X /Y) x Z]**

**X = Total Number of Fully Compliant Recommendations**

**Y = Total Number of Procurement Recommendations**

**Z = Highest Possible Compliance Score (100)**

The analysis proved that the compliant score rate for MBSSE and MoHS in the Western Area Rural District stands at 81%.

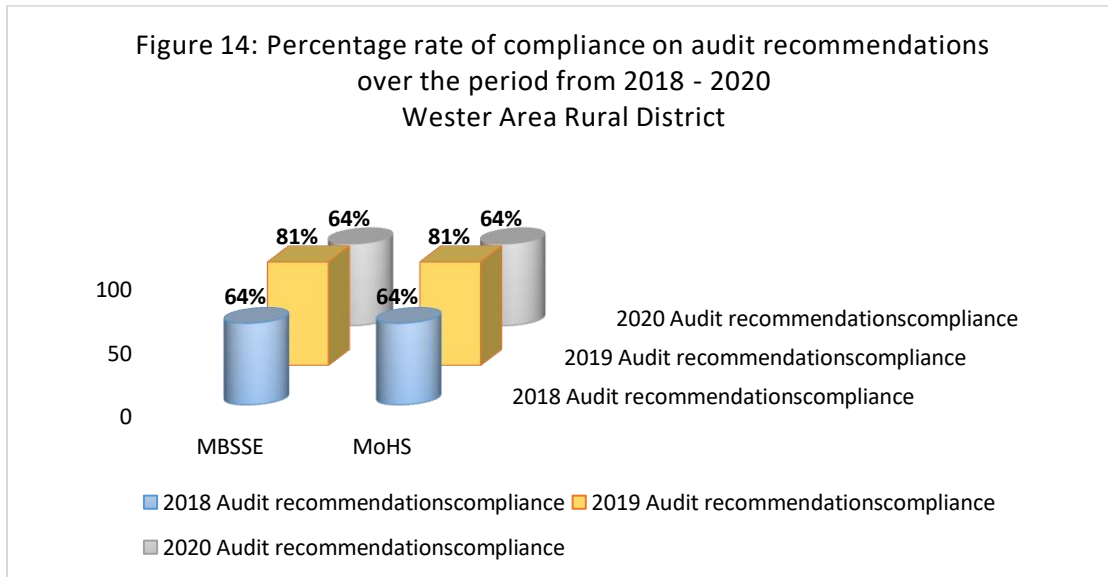
In 2020, the MBSSE and MoHS in the Western Area Rural District had ten procurement recommendations, eight recommendations were fully complied with, and the percentage of fully compliance recommendations is at 80%. **[Calculation Compliant Score = (X /Y) x Z]**

**$X = \text{Total Number of Fully Compliant Recommendations}$**

**$Y = \text{Total Number of Procurement Recommendations}$**

**$Z = \text{Highest Possible Compliance Score (100)}$**

The analysis proved that the compliant score rate for MBSSE and MoHS in the Western Area Rural District stands at 64%.



Western Area Urban and Kenema Districts could not determine their compliance rate with audit recommendations during the assessment.

MDAs however confirmed that there is a competent procurement authority that does procurement compliance technical assessment, and the recent procurement assessment done on their institutions shows a satisfactory rating.

## RESULTS OF FINDINGS GENERATED FROM NPPA

### PLANNING

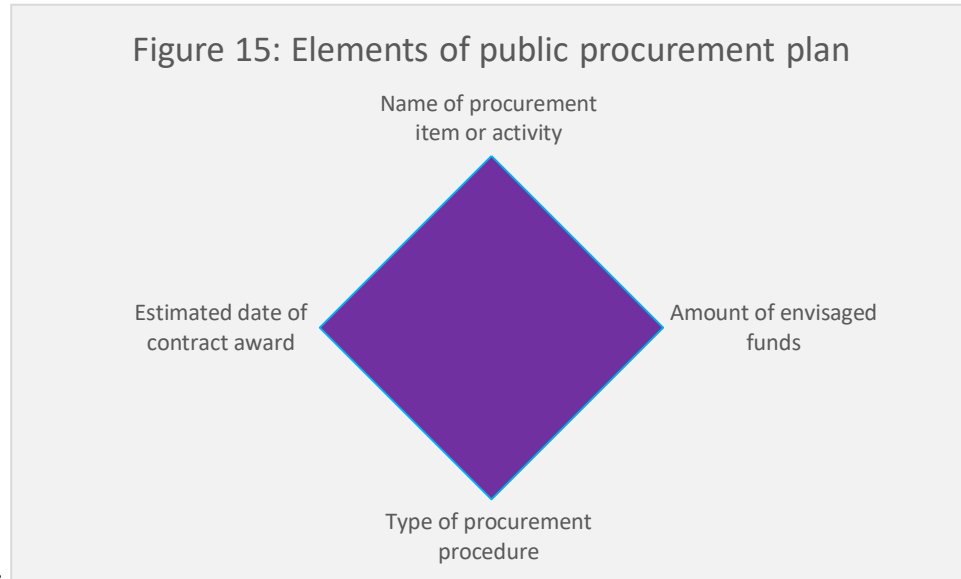
The National Public Procurement Authority (NPPA) was sampled as it is the statutory government institution responsible for all procurement processes in the country.

On procurement planning, NPPA stated that consultation is done on all procurement planning.

They explained that the consultation process involves sending requisition forms to every department and unit to identify a list of items needed for a particular activity.

The NPPA stated that it is mandatory to conduct an impact assessment, Procurement Officers are part of budget planning, and recommendations from the impact assessments are consistently implemented before the project execution. Additionally, NPPA reveals that MBSSE and MoHS always draw annual procurement plans.

The NPPA confirmed that public procurement plans are published on its website for public



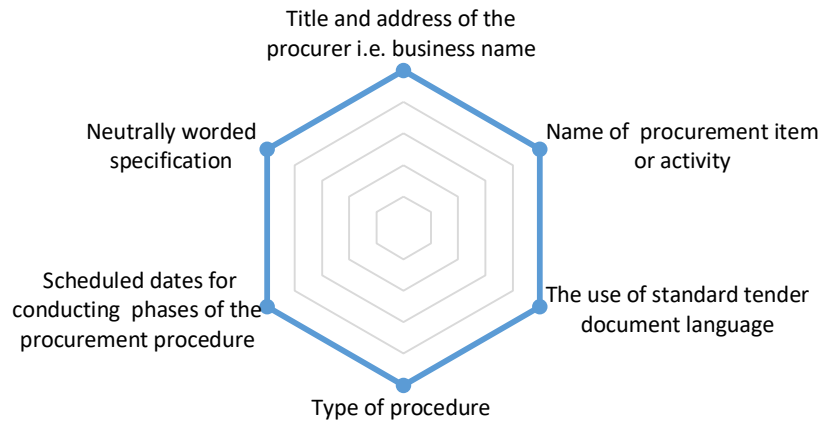
consumptions.

NPPA reveal that procurement plans can be modified during the year, and such can be done as many times as desired.

## SOURCING

The findings from NPPA show that there is legislation in Sierra Leone that requires open advertisement of procurement tenders on print and electronic media. The necessary materials and information to respond to procurement tenders are always readily available to contractors, including the essential elements.

**Figure 16: Basic elements of advertised procurement tenders**



The National Public Procurement Authority also confirmed that there are reasonable time limits for submitting bids/applications, and the criteria for contract award are always stated in tender documents. The analysis proved that all tender documentation contains the following elements, as indicated in the table below.

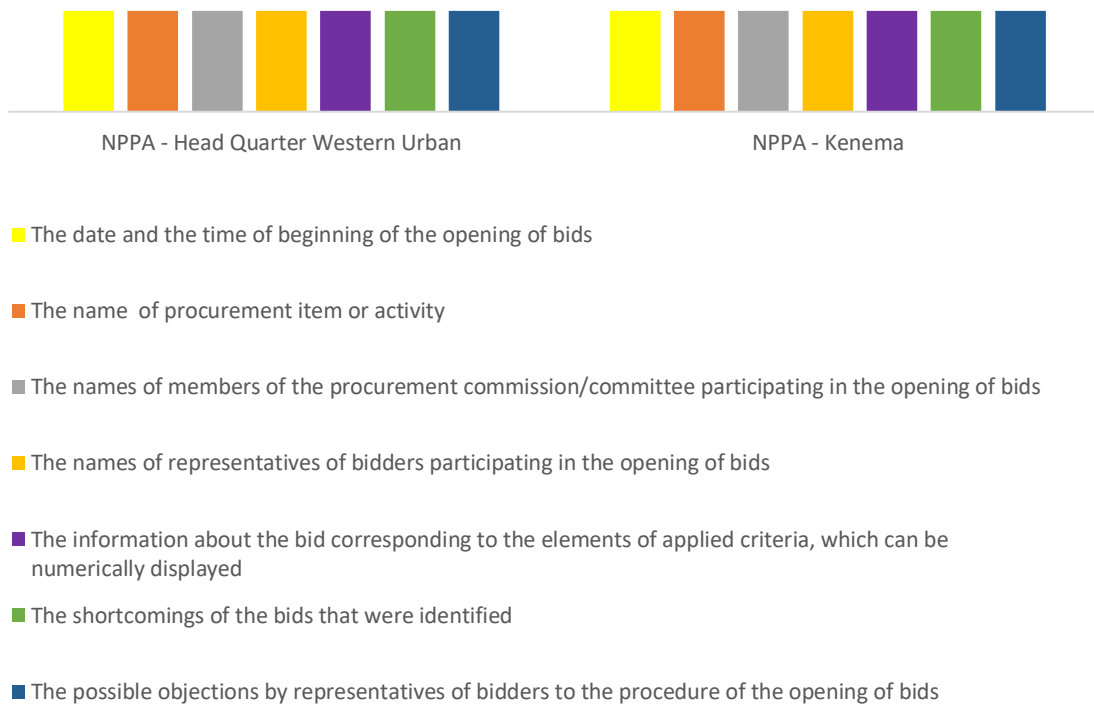
| Table Showing Elements in Tender Documents   |
|--|
| Instruction to bidders on how to make a bid  |
| Bid form   |
| Eligibility requirements   |
| The type, technical features (specification), quality, quantity and description of supplies, works or services |
| Statement on independent bid   |

The responses from NPPA also show that there is a law specifying the conditions under which non-competitive procurement must be undertaken and getting approval from NPPA in sole or single-sourcing cases is always mandatory.

### **TENDER OPENING AND EVALUATION**

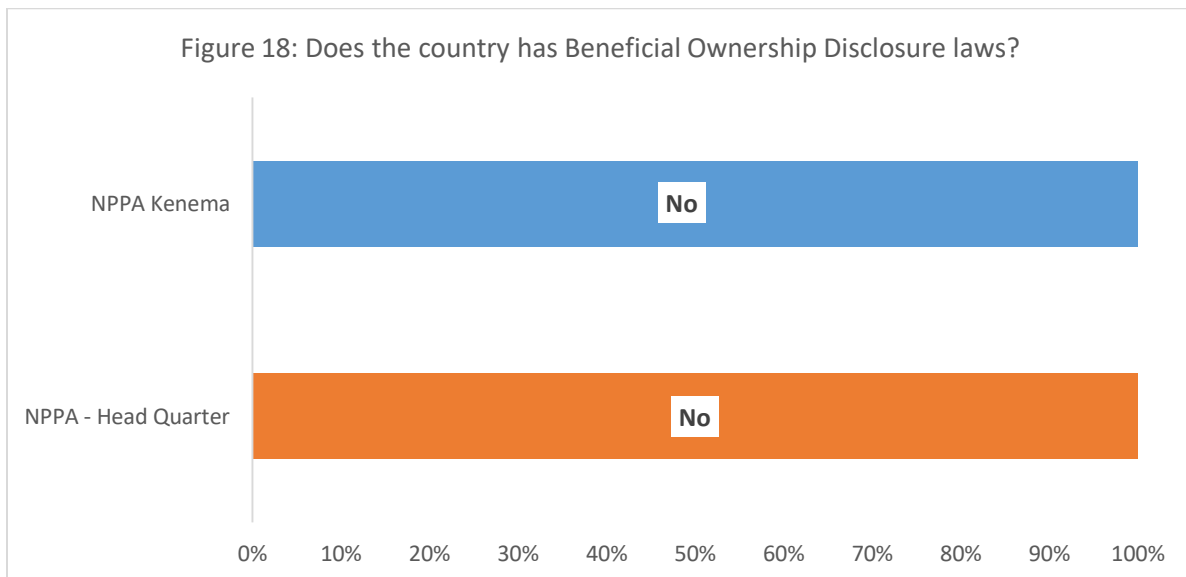
NPPA stated that the bid process is always documented, and that the act does not provides for a designated body to undertake bid evaluations, adding that the evaluation committee can be selected based on the procurement activity. NPPA stated that MDAs have established procurement committees responsible for various procurements activities, and these institutions have professional Procurement Officers.

Figure 17: Relevant information on minutes of bid opening



NPPA stated that there is a company register that is responsible for all registration of companies in the country. However, NPPA stated that the country is yet to have beneficial ownership disclosure laws.

Figure 18: Does the country has Beneficial Ownership Disclosure laws?



NPPA stated that the evaluation committee members are required to declare conflict of interest. The conflict of interest declarations is documented in the evaluation report. If there are confirmations of conflict of interest in the evaluation committee, the affected members are obliged to withdraw from the committee for that particular bid.

NPPA also stated that all evaluation reports are accessible to the public using the right to access to information law. The findings further indicated that NPPA's legislation and other procurement laws allow aggrieved bidders to appeal but not done electronically.

NPPA also stated that there are defined periods for feedback from the appeal application, and this period expires before the contract commencement dates. However, the appeal body is not decentralized.

## **CONTRACT EXECUTION**

The NPPA stated that there are contract managers in charge of contract implementation. They confirmed that mandatory project inception meetings are generally held with beneficiary communities, and mandatory monitoring visits are carried out during project implementation.

NPPA also stated that there is no regular schedule stated in undertaking monitoring visits, and the monitoring team always includes beneficiary communities. All project contracts are published including contract variations and they also said that there is no evidence of completed project that has not being been used by community beneficiaries. However, NPPA stated that there are some instances of abandoned project.

## **ELECTRONIC PROCUREMENT**

The country has no platform for electronic procurement during the period under review. However, NPPA is in the preparatory stage for such transformation.

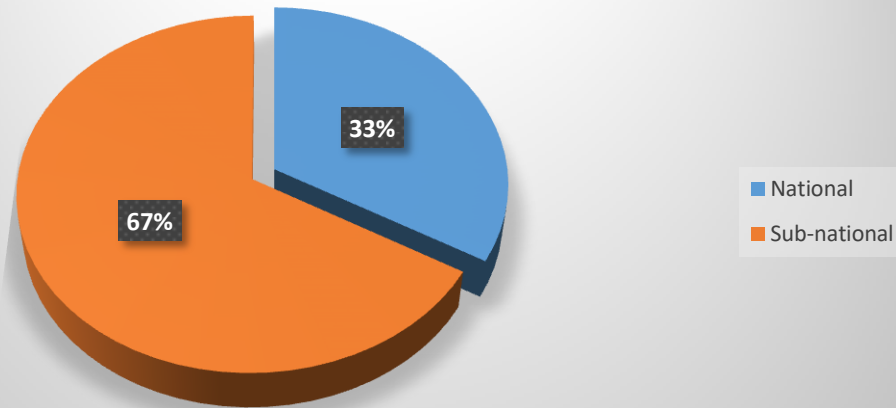
## **EMERGENCY PROCUREMENT**

Both national and sub-national confirmed that there are specific guidelines on emergency procurement, and the scope of occasions that warrant emergency procurement is defined.

## **RESULT OF FINDINGS GENERATED FROM PRIVATE SECTOR (SERVICE PROVIDERS)**

Under this category, questionnaires were administered to nine (9) private enterprises. Three (3) at the national level and six (6) at the sub-national level

Figure 19: Private sector coverage

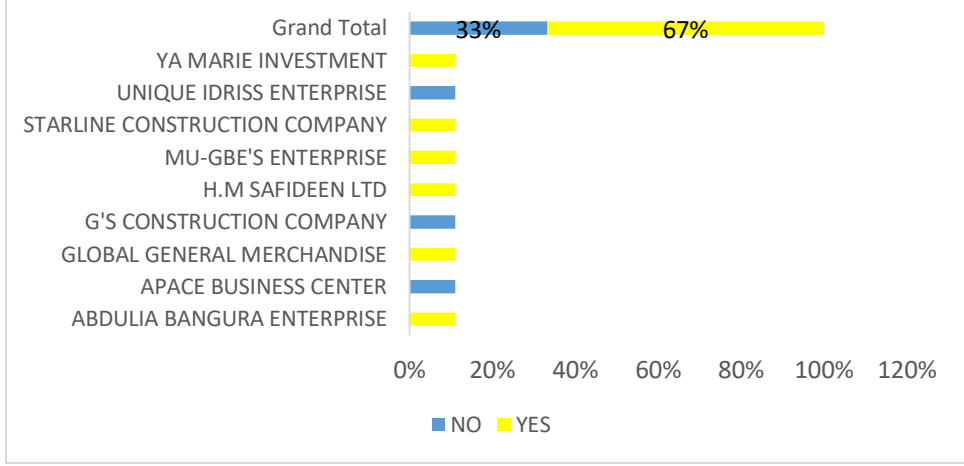


| Sector       | Names of Private Enterprises  |
|--------------|-------------------------------|
| National     | AbduliaBangura Enterprise     |
| National     | Apace Business Center         |
| Sub-national | Global General Merchandise    |
| Sub-national | G's Construction Company      |
| National     | H.M Safideen Ltd              |
| Sub-national | Mu-Gbe's Enterprise           |
| Sub-national | Starline Construction Company |
| Sub-national | Unique Idriss Enterprise      |
| Sub-national | Ya Marie Investment           |

## PLANNING

All private sectors sampled reveal that it is mandatory to conduct impact assessments for work-related procurement. 72% of the service providers confirmed that recommendations from impact assessments are implemented before project execution, while 28% stated that these recommendations are not implemented. The service providers confirmed that public procurement plans are published in all envisaged outlets. Of these service providers, 33% said the publication outlets do not include electronic platforms. They stated that all public procurement plans contain the name of the item/activity, amount of envisaged funds, type of procurement procedure and the estimated date of contract award.

**Figure 20: Does the publication outlets include electronic platforms?**



## SOURCING

All service providers agreed that there is legislation on open advertisement of procurement tenders on print and electronic media, and materials and information required to respond to procurement tenders are always readily available to contractors. They confirmed that the advertised procurement tenders contain the title and address of the procurer, name of procurement item/activity, standard tender document language, type of procedure, schedule dates for conducting phases of the procurement procedures and neutrally worded specification. However, Global General Merchandise stated that there is no neutrally worded specification in the advertised procurement tenders. They said that the time limit for submitting bids/applications is reasonable, and the criteria for contract awards are stated in the tender documents.

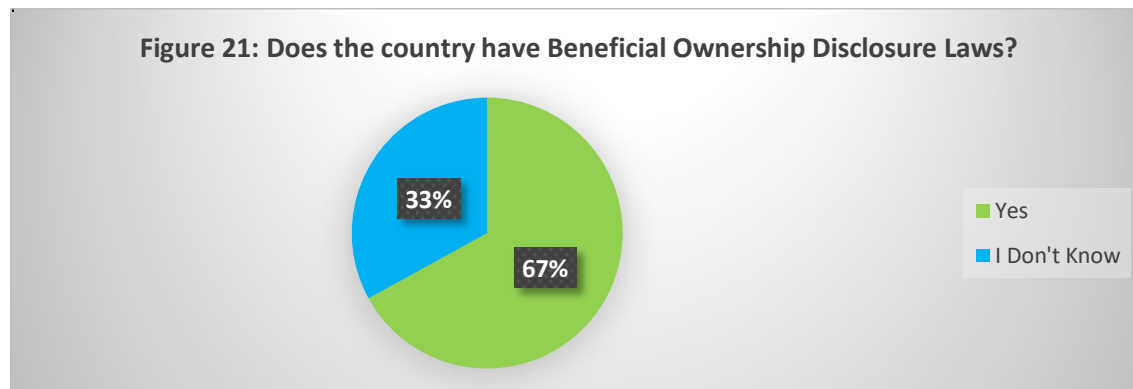
All of them confirmed that all tender documentation contains instructions to bidders on how to make a bid, bid form, eligibility requirement, the type of technical features (specification), quality, quantity and description of supplies, works or services and statement on independent bid. However, Global General Merchandise expressed that statement on the independent bid is not included in tender documentation. The report revealed that 78% of the private sectors reached stated that there is a law specifying conditions under which non-competitive procurement must be done, and 22% (Unique Idriss Enterprise and Global General Merchandise) cannot confirm either 'Yes or No. In cases involving sole or single sourcing, all of them stated that getting approval from an external body such as the public procurement authority is mandatory.



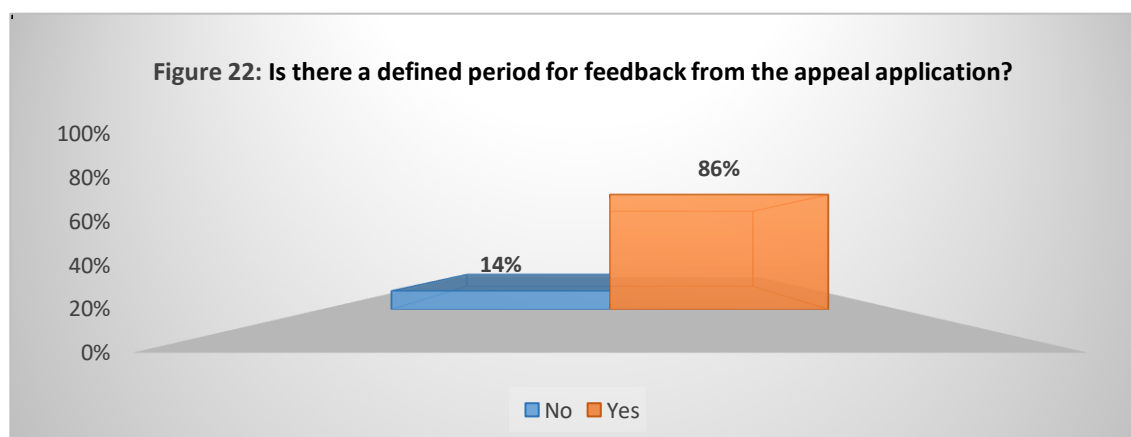
## TENDER OPENING AND EVALUATION

All the private sector enterprises sampled indicated that bid opening is always documented. The minutes of bid opening contains the date and time marking the beginning of the bid opening, the name of procurement item/activity, the names of members of the procurement commission/committee participating in the space of bids, the names of representatives of bidders participating in the opening of bids.

Furthermore, the minutes contain information about the shortcomings of the bids which is numerically displayed, and the possible objections made by representatives of bidders to the procedure of the opening of bids. However, the only outstanding element that has some disagreement on whether it is contained in the minutes of bid opening is the shortcomings identified in the bids; 11% of the private sectors sampled stated that this is not contained in the minutes of bid opening. All (100%) said that there is a body responsible for bid evaluation, and different procurement committees are responsible for different procurement items. More private sectors (78%) expressed that there is a company register, and 22% cannot tell whether there is an existing company register or not. However, 67% of the private sectors sampled indicated that the country has Beneficial Ownership Disclosure laws, while (33%) have no idea about the existence of such laws in Sierra Leone.

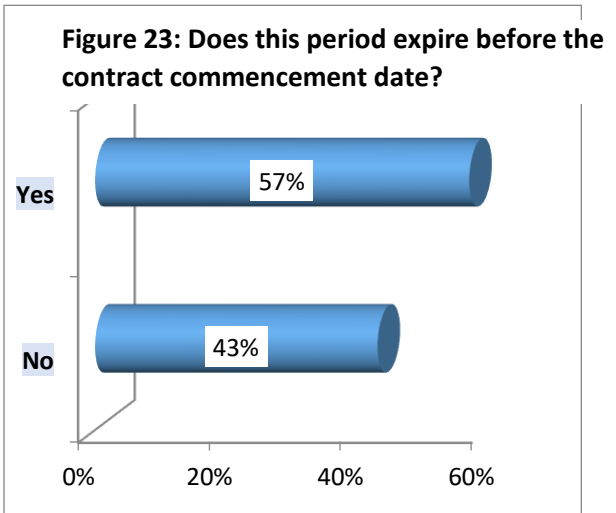


Again, 67% of the service providers stated that the Beneficial Ownership register is not accessible to citizens, media and civil society as it is restricted based on certain conditions. However, 78% confirmed that procurement and other applicable legislations in the



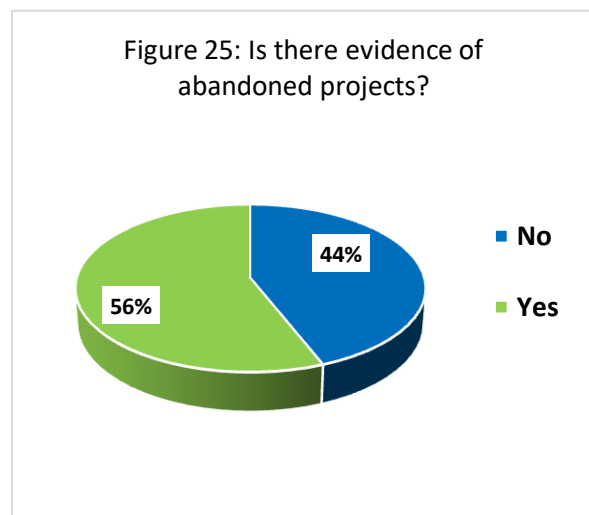
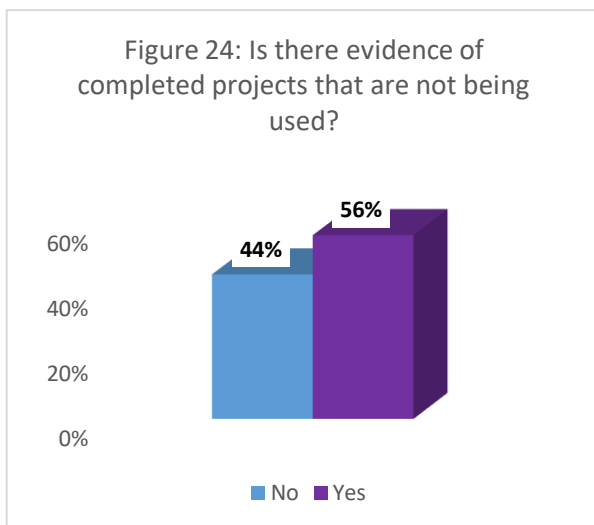
Country permits aggrieved bidders to appeal, but the appeal cannot be done electronically (57%).

The appeal application has a defined period for feedback and the period expires before the contract commencement date. Furthermore, 57% state that the appellate body is not decentralized.



### CONTRACT EXECUTION

22% of the private sectors sampled stated that monitoring visit to project communities during project implementation is not mandatory, while 78% said it is compulsory. All the 78% confirmed that there is no regular schedule for such visits and beneficiary communities are always part of the monitoring team. However, service providers (67%) also stated that they do not receive and discuss project monitoring reports



from civil society.

Additionally, even though project contracts are published to the public, the majority (67%) expressed that contract variations are not published.

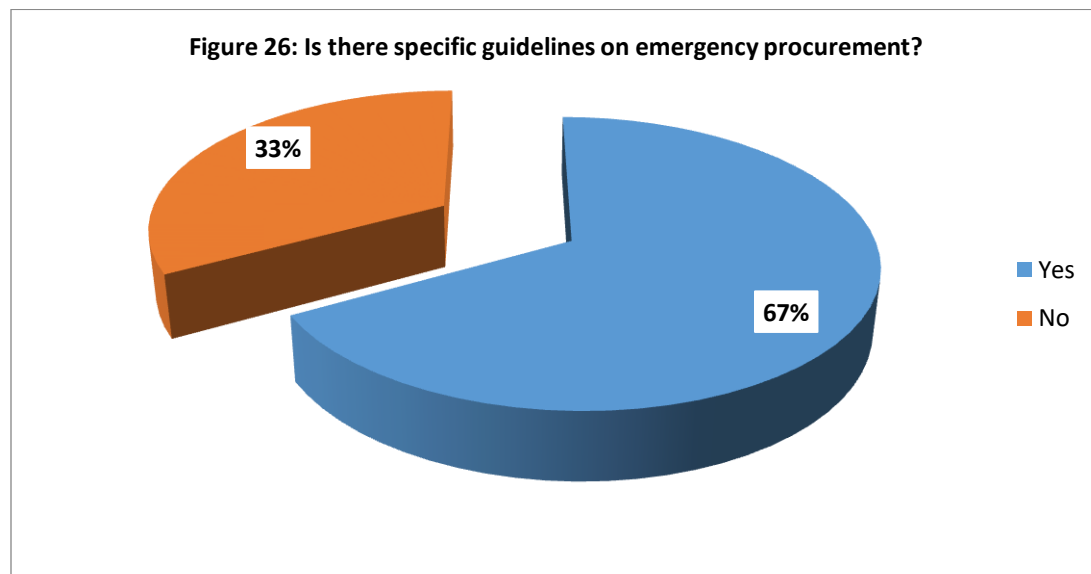
Service providers also stated that there are evidences of completed projects that are not being used by beneficiaries and there are evidences of abandoned projects as well.

## ELECTRONIC PROCUREMENT

The analysis proved that there is no electronic platform to carry out electronic procurement.

## EMERGENCY PROCUREMENT

The majority (67%) expressed that there are specific guidelines on emergency procurement. The range of occasions that warrant emergency procurement is well-defined, and all emergency procurement methods are defined in the guidelines.



## SUMMARY OF FINDINGS

SEND Sierra Leone, during the assessment found the following as impediments to the public procurement landscape in Sierra Leone:

1. Service providers have limited knowledge on whether there is a law specifying the conditions under which non-competitive procurement must be done.
2. Service providers have a low level of awareness on whether the country has a company register.
3. The country does not have Beneficial Ownership Disclosure laws which require the disclosure of companies and their respective owners. Thus, the country is yet to meet the 2016 standards set by the Extractive Industry Transparency Initiative (EITI) on disclosing beneficial ownership information.

4. Aggrieved bidders cannot make their appeals using electronic platforms. This stalled the speed and timeliness of the process.
5. The Independent Procurement Review Panel (IPRP), which serves as the appellate body for receiving and making decisions on all procurement matters, is not decentralized.
6. Both MoHS and MBSSE do not receive and discuss monitoring reports from CSOs.
7. There are evidences of abandoned projects.
8. All procurement activities are done manually. Migration into electronic procurement is still pending.
9. Both MoHS and MBSSE have poor procurement record management as they cannot provide data to substantiate their level of compliance with all audit recommendations for the period under review.

## CONCLUSIONS

The findings generated during the conduct of the assessment are of utmost importance towards having a corrupt-free procurement landscape. The intervention carried out by SEND indicated that there are several challenges that needed to be addressed by both the MBSSE and MoHS for effective utilization of government and donor fund and efficiency in service delivery. The challenges identified are undermining the efforts of government and its development partners in striving towards achieving effective and efficient service delivery in the health and education sector.

Thus, it is expected that the recommendations proffered in this assessment will be taken with seriously in order to promote transparency and accountability in procurement and service delivery. It is believed that the outcome of this assessment will be used as a baseline for government officials and civil society actors in prioritizing further interventions in the two sectors.

## RECOMMENDATIONS

To address the issues above/challenges identified, the following are recommendations provided:

1. The NPPA should collaborate with the Environmental Protection Agency (EPA) to enforce the implementation of impact assessment for work-related procurement.
2. NPPA should popularize their identified envisage outlets for the publication of procurement plans.
3. NPPA should increase their level of public education for service providers and other interested groups and individuals to know the conditions under which any of the procurement methods could be used.

4. Through the Corporate Affairs Commission, the company act of 2009 should be amended to mandate the disclosure of beneficial ownership disclosure of corporate entities, mining and gas companies.
5. NPPA should use digital platform in receiving appeals and complaints from aggrieved bidders to ensure speedy redress of issues.
6. The Independent Procurement Review Panel (IPRP) should at least have presence at all regional levels to effectively receive and make appeal decisions.
7. Contractors and procuring entities who abandon projects should be held accountable by ACC and other anti-graft institutions.
8. NPPA should speed-up the development of the electronic procurement platform that would enable all procurement processes to be undertaken by bidders through the use of electronic portal.
9. Both MoHS and MBSSE should do due diligence in implementing all audit recommendations and provide sufficient data to show their level of compliance in addressing the same.



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