



42nd Meeting of the Committee of Experts of the MESICIC

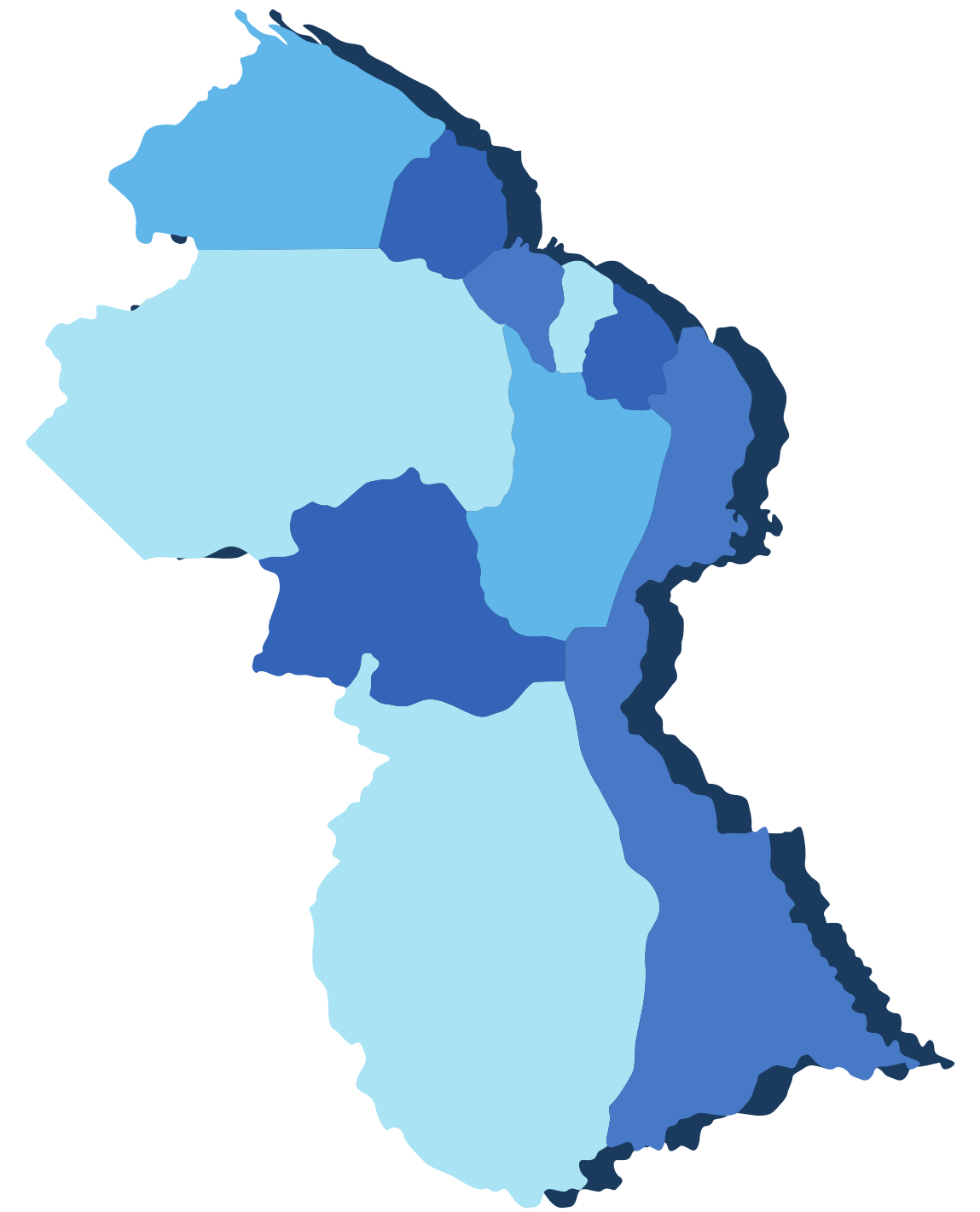
Cooperative Republic of Guyana

Open Contracting to Prevent Corruption

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Guyana Overview

Guyana has made significant strides between 2021-2024 towards strengthening the legal and Institutional capacity of its anti-corruption framework.



Guyana's Procurement Act

Procurement involving public bodies in Guyana is regulated by the Procurement Act 2003, Chapter 73:05, Laws of Guyana as well as Procurement Regulation 9 of 2004.

Process of Open Contracting in Guyana

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graph LR; A((Process of Open Contracting in Guyana)) --- B(1 Planning); A --- C(2 Tendering); A --- D(3 Evaluation); A --- E(4 Awarding); A --- F(5 Contract Monitoring);
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Planning

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Tendering

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Evaluation

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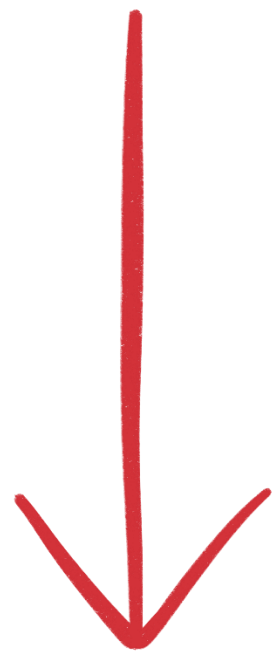
Awarding

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**Contract
Monitoring**

Budget Preparation

Guyana's budgetary process is transparent and is guided by the Constitution and the Fiscal Management & Accountability Act, Part 2, Sections 12 and 13.



Budget Preparation - Planning

Budget requests are submitted to the Ministry of Finance by the Heads of Budget Agencies after consultations with all stakeholders, including experts; technical officials; and inputs from residents having direct engagements with their elected officials in Parliament, 80 Neighbourhood Democratic Councils, 10 Municipalities, 10 Regional Democratic Councils, and 242 Indigenous Village Councils.

This information is then integrated into the Agencies' **Work Programme** for inclusion into the respective Agency's **Capital and Recurrent Budget Proposal**, once there are available resources.

Budget Approval and Adoption

The National Budget Debate and Adoption of the Budget is a public event held at the beginning of each calendar year. It is transparent, with all sessions broadcasted via live stream from Parliament. The budget presentations are all available online.

1 National Budget Proposal Review.
Meetings with all Heads of Budget
Agencies.

2 Cabinet Approval of Estimates

3 Debate on policy and Parliamentary
Consideration of Estimates.

4 Committee of Supply considers the
estimates "line-by-line" where
Opposition MPs field questions and the
respective Ministers provide answers.

5 An Appropriation Act is passed

6 The President then signs the
Appropriation Bill.

Implementation – How it works

Within three weeks of the approval of the Appropriation Act, the Heads of Budget Agencies are required to submit their Procurement Plans for all new activities to the Public Procurement Commission and the National Procurement and Tender Administration Board.

The National Procurement and Tender Administration Board –NPTAB



The NPTAB, established under the Procurement Act, plays a pivotal role in the procurement process. Importantly, the NPTAB is mandated by law to create a website to publicize contracts awarded, as well as to disseminate information concerning public procurement such as:

- information related to procurement procedures
- invitations to tender, and
- information on contracts awarded.

<https://www.npta.gov.gy/>

Tendering

The Procedure for public tendering is set out in **Part V of the Procurement Act.**

Tenders must be solicited through publication of invitations in at least two national newspapers of wide circulation, or on a website of free access where Government procurement opportunities are displayed.

Opening of Tenders

The opening of tenders at all levels of the government are transparent and open to the media and bidders; the bids by all contractors are opened and read publicly.

The opening of bids ceremonies are recorded and are available for viewing by bidders who were unable to attend the ceremony virtually or physically.

In addition, the NPTAB uses its dedicated website to enhance transparency by livestreaming the opening of all bids. **This is a feature which remains unprecedented in many countries.**

The minutes of the opening of the tenders and the awards of tenders are also published on the NPTAB website:

<https://www.npta.gov.gy/minutes-of-tender-openings/>

Evaluation

In accordance with the Procurement Act, an Evaluation Committee is appointed by the NPTAB to evaluate each tender at the Ministerial, Regional and National Tender Boards.

The Evaluation Committee is responsible for the examination, evaluation and comparison of the bids received, and for the preparation of the Bid Evaluation Report after the process is completed.

An effective system of domestic review, including an effective system of appeal, is in place.

Awarding the Contract

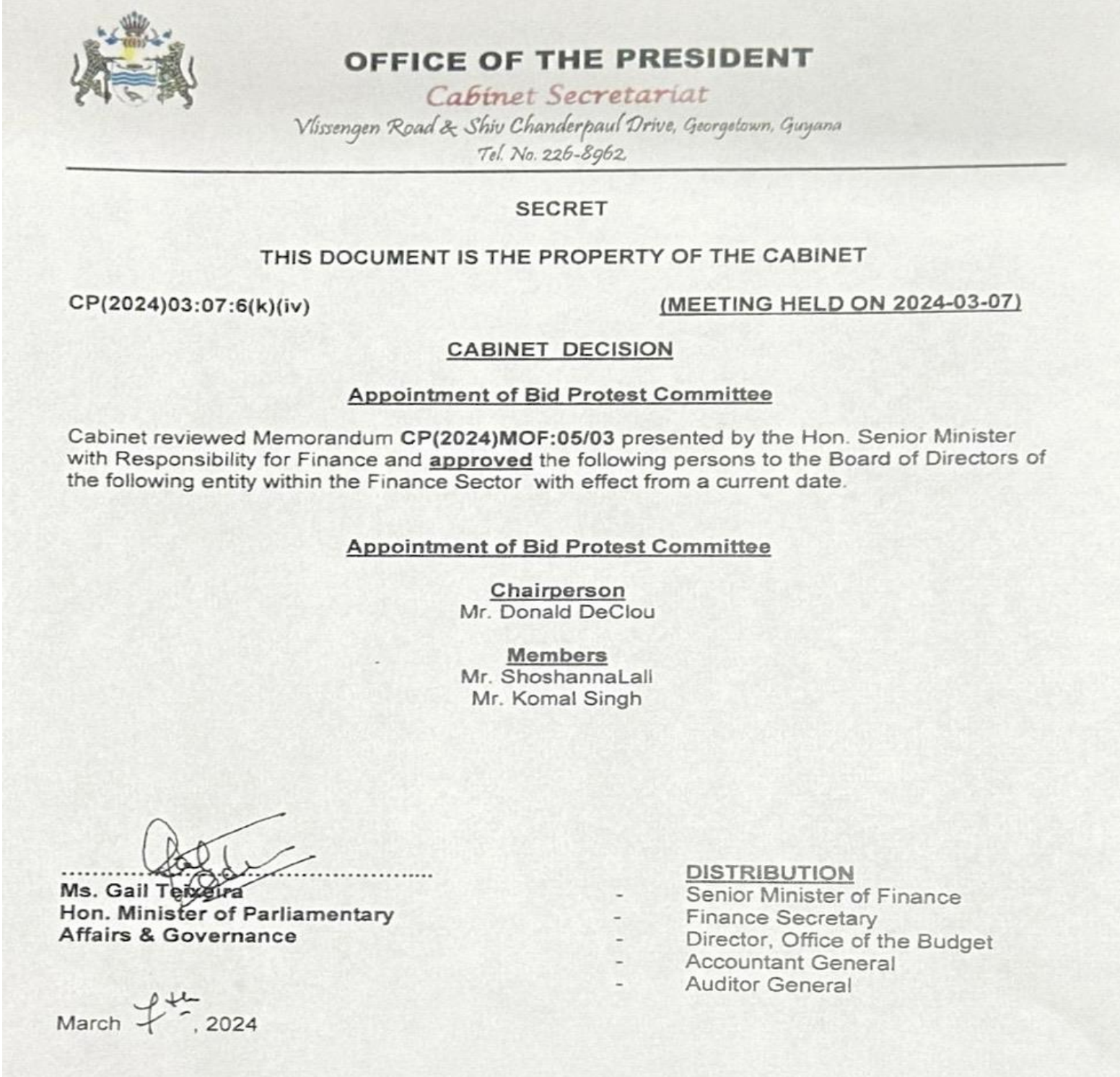
Once the Evaluation Committee has evaluated the bids to determine the lowest evaluated responsive bid, the Procurement Entity should:

- Request and obtain the competent authority's approval prior to awarding the contract;
- Not negotiate the award with the successful bidder;
- After approval is received, the awardee is informed with a contract form, and a performance security form.

- The supplier must return the signed contract together with the required performance security within the time specified in the bidding documents;
- Most of the large contracts are signed publicly with media coverage
- Unsuccessful Bidders are notified as soon as possible after the signed contract and performance security have been received and
- Send a copy of the award in the prescribed format to the NPTAB within 2 days, for publication on the NPTAB website.

Bid Review Committee

Bid Reviews shall be conducted through an *independent, three person Bid Review Committee* which is available at all times to be summoned to examine a Bid Protest, review the claim and make a decision within a short period of time. One member is appointed by the Minister of Finance, one by the Association appearing to represent contractors and one by the Attorney General.



The Role of Cabinet

Section 54 of the Procurement Act, 2003 provides - The Cabinet has the right to be apprised of all procurements, the value of which exceeds Fifteen Million Guyana dollars.

Section 54 (2) states – the Cabinet may object to an award of a procurement contract only if it determines that the procuring entity failed to comply with applicable procurement procedures.

Cabinet can give its “no objection” to an award.

Contract Monitoring and Compliance

- The Government of Guyana has implemented stricter measures to monitor contractors and ensure they fulfill their contractual obligations.
- All government ministries now have specialized units dedicated to monitoring and evaluating contractors and projects.
- The units are empowered to invoke contractual clauses related to delays, sub-standard work, and other breaches, including penalties such as liquidated damages, forfeiture of securities, and contract termination.
- To ensure that the units are functioning as they should, a Contract Compliance Unit has been set up at the Attorney General's Chamber. This unit is responsible for providing legal advice and for the filing of legal proceedings when necessary.

- All aspects of procurement activities are subject to examination by Internal Audit against the standards and procedures set out in the Guidelines, and the relevant Acts of Guyana.
- At the end of each fiscal year, the Audit Office of Guyana prepares an audit report of an agency-by-agency review. Annual Reports of the Auditor General are submitted by end September to the Speaker of the National Assembly for tabling in the House. These reports are posted on its website (<https://audit.org/site/>)
- Audited Reports are scrutinized in Parliament by the Public Accounts Committee (PAC). The PAC then submits its report to the National Assembly with recommendations and once approved the Minister of Finance submits a Treasury Memorandum in 90 days on action taken.
- The PPC monitors, investigates and submits its findings in its annual report to the National Assembly. The PPC also has the power to debar delinquent contractors. (PPC website: <https://ppc.org.gy/>)

Citizen Observers

Guyana has a small population of approximately 800,000.

Citizens use Facebook pages and WhatsApp groups to highlight issues of sub-standard work being done within their communities, and to expose areas of corruption.

The Cabinet, often led by the President, has cultivated the practice of holding frequent public outreaches throughout all Administrative Regions, where Ministers and their technical teams go into communities to listen to the needs of the residence, and resolve problems affecting them. This is called *'bringing government to the people!'*

This practice also allows subject ministers to personally monitor progress of government contracts, and the quality of work being done in those areas. This usually keeps' contractors on their toes'.

Challenges

Due to the geography and small population, there are physical and systemic challenges in monitoring and implementation.

Due to complaints about questionable practices including sub-standard work and delays in the execution of projects, government has begun reviewing the procurement system and is taking stronger enforcement measures to address these issues, including debarment of contractors.

Guyana's lead expert for MESICIC, Minister Gail Teixeira on July 9, 2024, hosted a workshop focused on **“Promoting integrity and effectiveness in public bodies and authorities responsible for preventing corruption”**, in keeping with MESICIC's recommendations from the 6th Cycle Review.

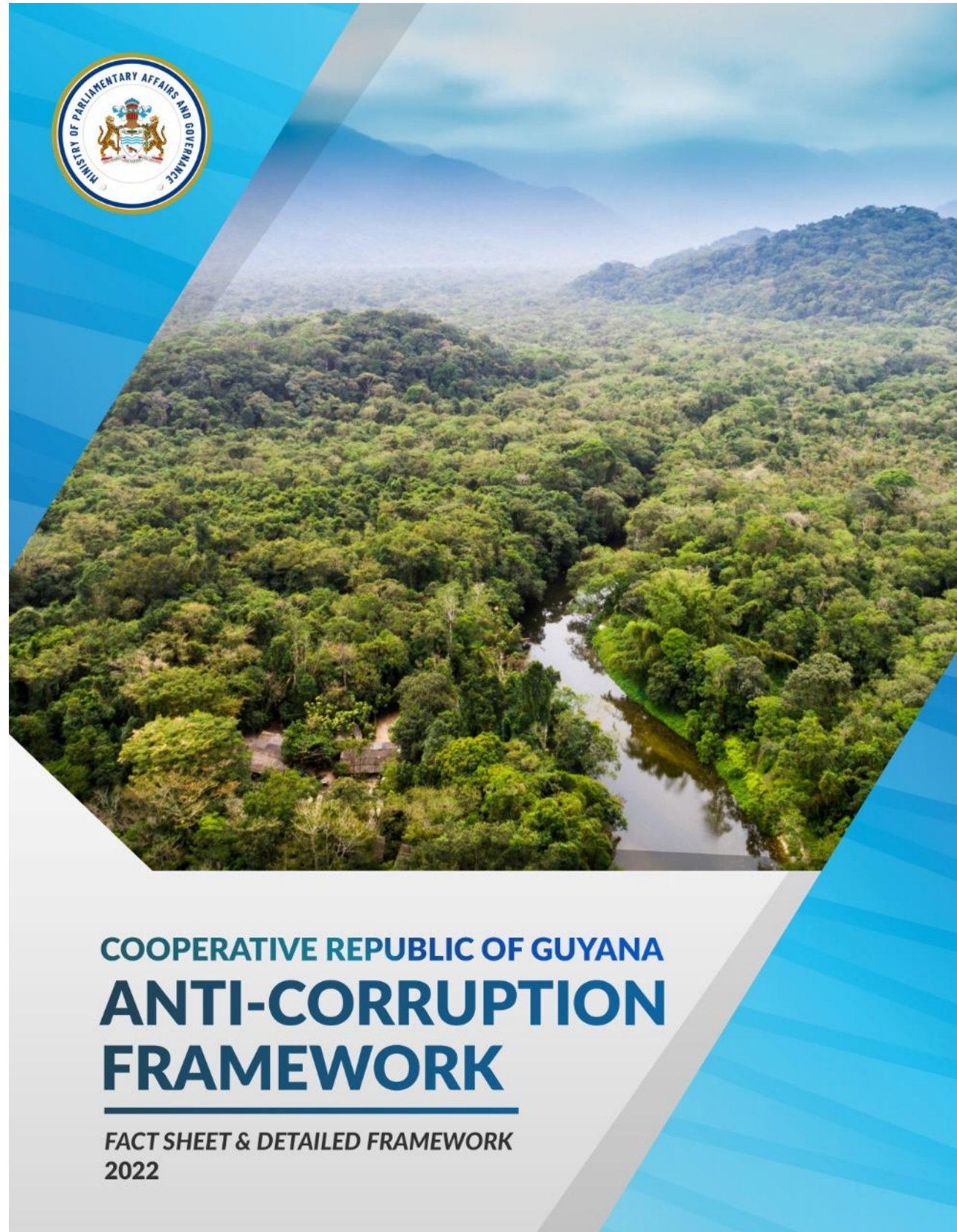
The workshop was attended by Permanent Secretaries and Regional Executive Officers, Procurement Officers, and other high ranking technical persons within the government agencies as well as the Parliamentary Public Accounts Committee (PAC)

Topics covered included:

- Improving Ethnical conduct in the public service
- Preventing and managing conflicts of interest
- Detecting and managing corruption and unethical practices
- Ethics in Procurement



Conclusion



Guyana has its Anti-Corruption Framework published by government as a guide to guard against corruption.

The Government of Guyana is committed to continually strengthen its human, legal and institutional capacity in the fight against corruption.

Thanks!

Ministry of Parliamentary Affairs and Governance



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**Ministry of
Parliamentary Affairs
and Governance
Minister Gail Teixeira**



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