

Analysis of the official government procurement portal

(Disadvantages and advantages of the web portal of public procurement in Kyrgyzstan)

Introduction

Transparency International Kyrgyzstan conducted monitoring of tenders for price analysis related to COVID - 19. At first glance there is the state web-platform on public procurement in Kyrgyzstan, where all information about tenders is posted, but in fact due to the lack of completeness of the necessary information and imperfection of the web-portal itself, independent experts, NGOs and businessmen will not be able to conduct full-fledged monitoring.

It may seem that the problems which we describe below are not global, but exactly the set of different small problems on the web-portal creates big problems.

A single point of access to information on public procurement is a web-portal of public procurement, which contains the announcement of tenders and all the tender documents, information about the participants of tenders, as well as the reasons for the selection or rejection of certain participants. The law "On public procurement" obliges state and municipal organizations to publish on the portal for public access the estimated amounts of procurement, subject of procurement, method, etc.

While monitoring the public procurement in Kyrgyzstan, Transparency International studied in detail the tenders published on the web-portal, on which the analysis of the portal itself was made.

Like everything on earth, the public procurement portal has pros and cons.

The Department of Public Procurement admits that there is still work to be done to improve the portal. In this regard, already now in order to eliminate the constant (reference to the portal) attachment of documents, they are preparing a database of suppliers, work through the DGSO, polishing the catalog, etc.

To begin with I would like to describe the disadvantages, as these imperfections of the system prevent from fully working with the portal and getting the necessary information, hinder the development of transparency and accountability in public procurement.

The portal has four different possibilities to collect statistical data on public procurement, unfortunately, now they all show different figures and amounts.

Common problems - risks

Among the identified disadvantages are common problems - risks.

These include:

1. **Lack of centralized control** (cancelled tenders on the grounds of no longer needed, are published again after some time, during the year; the grounds for disqualification of suppliers are not specified even in the generated protocol of public procurement; the procuring entity does not indicate the reason for cancellation or the reason for declaring the tender void; the procuring entity puts the planned amount of 10% from the planned in the first tender instead of 5%, etc.)
2. **Lack of unified standardization** - we need
 - ✓ a standard for filling lots;
 - ✓ standard for registration of bidding documents, WORD or EXEL, etc.;
 - ✓ mandatory and secondary fields to be filled;
 - ✓ grounds for rejection of the bid are specified only in the protocol of opening, but not in the generated protocol of procurement procedure;
 - ✓ we don't have information about pricing in the submitted bidding documents, elementary not in all tenders the dosage of drugs is specified, in some ads the price per unit, package, in some per piece unit, etc.

Unfortunately, a lot of time is spent on the disclosure of tender documents in different formats not machine-readable, loading of the portal itself (runs very slowly, hangs, instead of going to the right page it throws to the main page, etc.; the lot name is uninformative; the lot name must be synchronous with the general classifier of public procurement (GCPP) and technical specification).

Problems - risks associated with technical parameters

These problems are most likely related to the software of the public procurement portal itself.

These include:

1. **Search for the right information on the portal is difficult and incorrect.** For example, to find the right contract by the method of direct conclusion it is

necessary to leaf through the pages of 4 pieces, and not the fact that we can find, because the reference point date of signing is unreliable. On the web - portal they are not arranged by date, and among the December contracts you can find October or November ones.

2. **Filters are incorrect and work selectively**, so in the search line it is necessary to specify the data strictly, how the supplier is registered, the purchasing organization on the portal, etc. But if there was a technical or grammatical error during registration, then to find the necessary information in the filters you must specify the same error. Not only that, over time the generated list for the same search query turns out to be different.
3. **You can configure the portal for the purchasing method (make it a mandatory line to be filled with a drop-down list).**

Then the automatic formation of the protocol of opening will immediately exclude (further canceled) tenders (lots), which do not have a quota of participants (for example, at least 2 suppliers in the simplified method).

4. **If there will be synchronicity with the page "plans", you can also configure** that if you cancel the contest (lot) due to lack of necessity, this lot (plan item) will not be active until the moment that is allowed by law (the current year).
5. **In a 5% procurement, set the barrier of the amount** based on the planned price of the tender to which the procuring entity refers (cross-reference).
6. **The "Plans" page needs improvement.** Need a column of performance, with reference to the contract, the supplier and the amount. And the synchronization of the tender with the actually planned quantity and amount, which would not allow budget overruns.¹
7. **The amount of money saved should be shown in a separate "plans" column.** A separate column should be accompanied by further information about where these funds have been redirected.
8. **No integration with registry and registration services (customs, ministries, banks, etc.)** The public procurement web - portal should be integrated with the rest of the government agencies to compare data from different agencies and get complete information about suppliers or their permitting activities.
9. **The problem of data change or data layering.** Working on our website on public procurement (to monitor, we download data from the government web site to our

¹ competition number 210326271361574 <http://zakupki.gov.kg/popp/view/order/view.xhtml?id=271361574>

web site to monitor government procurements), we found the problem of data change or data layering, which is difficult to identify if you just download the data from the public procurement portal without further work on this data on the portal. An example of this would be the tender. At present, we cannot speculate why another tender's data was downloaded under this number. We were subsequently able to identify which tender data was erroneously downloaded to our website. This tender, but under a different number, was downloaded to our website.

10. **The general classifier of public procurement (GCPP) must be synchronized with the budgeted expenditures of the country.**
11. **The information is on different pages, which makes it difficult to collect all the information.** In order to get all the information about a particular competition, it is a good idea to have a cross-reference from the competition page to the contract, complaint, plan page, that is, those related documents that are directly related to that competition.
12. **Information on the execution of the Complaints Commission decision is not available.** On the grievance page, you need to add a column for execution of the grievance commission's decision.
13. **There is no provision for passing from one page to another without moving to the home page of the web - site** (major purchases and auctions, list of vendors and announcements, etc.)

Problems - the risks associated with the content of the portal

This block contains those problems - risks that are more informative than technical.

These include:

1. **Duplication of these qualification requirements²** may be due to imperfection of the public procurement portal or incompetence (inattention) of employees. If the portal is properly configured, even with a negligent employee, such errors should be excluded. Such and similar bloopers will be automatically eliminated if there is

² competition number 210401272091815 <http://zakupki.gov.kg/popp/view/order/view.xhtml?id=272091815>

a standard of filling the portal with the tender documentation and lots (exclude duplications, grammatical errors, etc.).

2. **There is no complete picture of the supplier's bid**, as it is not possible to view the documents attached by the supplier.

3. **Errors in filling in the bidding documents.**

There are tenders in which there are mistakes. For example, in a tender there is a protocol of opening, where only one supplier was rejected by the procuring entity. But in the evaluation of that same tender, that same supplier is designated as the winner of the tender for which the contract was concluded, but the proposed amount is not indicated. The generated protocol doesn't contain the full information. The supplier had a debt for insurance premiums (unfortunately, we can't know the amount of debt), and the procuring organization made or not a change in the local estimate for the reconstruction (unfortunately, we can't see the difference, because the original estimate was not published for our access). So the supplier is rejected, but there is a contract with the same supplier. In the available data does not indicate the basis for rejection or further recognition of the same winner.

4. **There is no division of tenders by area.**

The largest purchases by the number of lots are for medicines, medical devices, PPE, it would be good to see on the web - portal gradation of tenders or in some other way separated such purchases, or those tenders that are held in the fight against COVID - 19.

5. **Fictitious competition.** Unfortunately, on the portal of public procurement there are competitions in which one owner (director, founder, etc.), using the imperfections of the portal of public procurement, submits a bid as a private person and a legal entity or individual entrepreneur (sole proprietor). Participates with different prices in bids, thereby increasing the chances of winning by creating fictitious competition.

6. **Zeroing of data.** To increase the transparency of public procurement, the ability of procuring entities to zero out the amount and quantity of purchased goods, works and services should be removed.

7. **There is no systematization of Medicines.** Medicines need to be systematized, e.g., for cardiovascular diseases or bandages, etc.

8. **There is no information about holding tenders by paper method**, which are not prescribed on the portal of public procurement. The current legislation provides that if held tenders were found to be unsuccessful and re-tendering, taking into account the revised requirements of the tender documentation did not lead to the

conclusion of the contract, the method of direct contracting is applied. If the web-portal did not receive bids (proposals), the procurement is carried out by repeated monitoring through a request for bids (proposals) in paper form. It is necessary that there should be some kind of marking that the procurement was made in this way.

We were able to identify these problems in connection with the monitoring of COVID - 19, but how many unobvious non-obvious errors or bloopers the portal can be, especially those that are not visible to ordinary users. Maybe there is a problem with data security, maybe there are deficiencies of a systemic nature or something else that we are not told about.

But the picture of the web - portal would not be complete if not to mention the pluses.

These include:

1. "API" - Recently developed a software application interface, which is an analytical platform with the ability to upload data.
2. Published reports from the Department of Public Procurement have appeared.
3. "Tandoo" - catalog - In this catalog is yet fully implemented only type of goods "stationery", the rest of the goods, works and services are pilot or still in development.
4. Data output in a machine-readable way, in EXCEL format, for the convenience of users. You can set certain search parameters.
5. There is an indication of experience not in the amount of the tender amount or planned price, but "Have experience of at least one similar contract (for the supply of medicines, consumables) for an amount not less than the proposed bid".³ Also "The total amount of contracts must not be lower than the bid".⁴
6. In the qualification requirements appeared the provision of information about beneficiaries.

The complicated search for information on the Public Procurement web portal sort of makes it clear that it has been designed in such a way that it can only be used by users who know what to look for and how to find the necessary information. The open page of the portal requires updating or loading again, or will send you to the home page if there are no changes on the page for a certain period of time. A contest announcement opens in one page, while information about a contract or complaint opens in another. The site is inconvenient to check the information. The developers of the site did not provide an easy-to-use verification mechanism.

³ competition number 210326271361574 <http://zakupki.gov.kg/popp/view/order/view.xhtml?id=271361574>

⁴ competition number 210401272091815 <http://zakupki.gov.kg/popp/view/order/view.xhtml?id=272091815>

Thus, although formally the current system of public procurement is transparent, and all purchases are made through an electronic portal, in fact, the work of the web portal of public procurement still leaves loopholes for corruption.