

**BASELINE STUDY ON INTEGRITY AND TRANSPARENCY
OF THE PUBLIC PROCUREMENT SYSTEM IN THE
INFRASTRUCTURE SECTOR IN RWANDA**

September 2021

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Table of contents

Table of contents.....	2
List of Tables	4
Abbreviations and Acronyms	5
EXECUTIVE SUMMARY	6
1. BACKGROUND AND RATIONALE	8
2. OBJECTIVES OF THE BASELINE STUDY	10
3. LITERATURE REVIEW	11
3.1. Most Common Issues that Affect the Effectiveness of Public Procurement	11
3.2. How Corruption Practices Affect Procurement Process	12
3.3. Strategies to Mitigate Corruption in Infrastructure Procurement.....	13
3.4. Public Procurement Legal Framework in Rwanda	13
3.5. Public Procurement Governance in Rwanda.....	14
The Organizational Structure of Rwanda Public Procurement Authority (RPPA)	14
The Organization and Key Principles of Public Procurement in Rwanda	14
Scope of the Public Procurement Law in Rwanda.....	15
Main Requirements in the Public Procurement Process	15
3.7. Types and Methods of Public Procurement in Rwanda	16
Preparation of Tender Document.....	16
Tender Advertisement.....	17
Time for preparation of bids	17
Independent Oversight of the Procurement Process in Rwanda	19
4. METHODOLOGY	21
• Approach.....	21
• Scope of Work	21
• Study population and sampling.....	21
• Sampling frame	21
• Sampling techniques	22
• Sample size	22
• Data collection instruments.....	23
5. PRESENTATION OF FINDINGS	28
5.1. Respondents Characteristics	28

5.2. Bidders' Awareness of Procurement Process and Legal Instruments	31
• Bidders awareness of tendering Process	32
• Sources of Information for Bidders	33
5.3. Transparency in Public Procurement in Rwanda	34
5.4. Bidders' Satisfaction with the Internal Public Procurement Systems.....	37
5.5. The Implementation of Elements of Contract Management	39
5.6. Perception and Experience of Corruption in the Infrastructure related Public Procurement Process	40
• Bidders' Perception on potential risks of corruption in public procurement	40
• Perceived forms of corruption in Public Procurement in Rwanda.....	42
• Bidders' Experience on Corruption in most 3 Recent bids in last 12 Months	44
• Monetary value of bribe paid and Corresponding Frequency.....	45
• Bidders' Experience on the Proportion of the Contract Value Paid as Corruption.....	46
• Bidders' Perception on areas most affected by corruption in the Procurement Process.....	47
• Public Procuring Entities Mostly Affected by Corruption.....	47
• Bidders' reasons for paying bribe during the Procurement Process	48
5.7. Bidders' Grievances in Public Procurement in the Infrastructure Sector in Rwanda	49
• Most Recurrent Grievances Experienced by Bidders in Public Procurement process.....	49
• Frequency of Bidders' Experience Grievances in Public Procurement Process	50
• Reporting of Grievances in Procurement Process.....	51
5.8. Effects of Corruption in Public Procurement in the Infrastructure Sector in Rwanda.....	53
6. CONCLUSION AND RECOMMENDATIONS.....	55
6.1. Conclusion	55
5.2. Recommendations.....	57
BIBLIOGRAPHY	59
ANNEX	61

List of Tables

Table 1 Most of corrupt practices observed at each procurement stage.	12
Table 2 Sample size stratification per category of bidders in the infrastructure sector	22
Table 3 Distribution of Respondents per Category and area of Activity	30

List of Figures

Figure 1: Respondents per District (in %)	28
Figure 2: Respondents' Gender, Age and Education Level.....	29
Figure 3: Key Institutions where Bidders offered their bids.....	30
Figure 4: Tendering Methods used by Bidders.....	31
Figure 5: Level of Bidders 'awareness on Terms and Conditions of Procurement Process	32
Figure 6: How Bidders are Familiar with Tendering Process.....	33
Figure 7: Sources of Information for Bidders.....	34
Figure 8: Bidders' Perception on Transparency in Public procurement Process in Rwanda (%).....	35
Figure 9: Bidders' Satisfaction with the implementation of the Public Procurement process by procuring entities.....	38
Figure 10: Bidders 'opinion on the Implementation of Key Elements of Contract Management (%)	39
Figure 11: Bidders' Perception on potential risks of corruption in public procurement.....	41
Figure 12: Perceived Forms of Corruption existing in Public Procurement in Public Procurement in Rwanda	43
Figure 13: Experience of Bidders on encountered and paid corruption in Public Procurement	44
Figure 14: Monetary value of bribe paid and Corresponding Frequency (FRW).....	45
Figure 15: Proportion of the total Contract Value vis-à-vis payment of corruption	46
<i>Figure 16: Bidders' Perception on areas most affected by corruption in the Procurement Process</i>	<i>47</i>
Figure 17: Public Procuring Entities Affected by Corruption	48
Figure 18: Bidders' reasons for paying bribe during the Procurement Process.....	49
Figure 19: Most Recurrent Grievances Experienced by Bidders in Public Procurement process	50
Figure 20: Frequency of Bidders' Experience Grievances in Public Procurement Process	51
Figure 21: Level of reporting Corruption and Respective Institutions where bidders appeal to	52
Figure 22: Reasons Why Bidders have reported grievances they have experienced.....	52
Figure 23: Responsiveness from Institution at which they have Reported to Grievances	53
Figure 24: Extent to which corruption affect Public Procurement in the Infrastructure Sector in Rwanda	54

Abbreviations and Acronyms

ADB: Asian Development Bank
AfDB: African Development Bank
CSO: Civil Society Organisations
FGD: Focus Group Discussions
FRW: Rwandan Francs
GBC: Gender-Based Corruption
IMF: International Monetary Funds
ICT: Information and Communication Technology
KII: Key informants' interviews
LGs: Local Governments
LODA: Local Administrative Entities Development Agency
MINIJUST: Ministry of Justice
MINECOFIN: Ministry of Finance and Economic Planning
NPPA: National Public Prosecution Authority
NST1: National Strategy for Transformation
OAG: Office of the Auditor General
OECD: Organization of Economic Cooperation and Development
OoO: Office of the Ombudsman
PAC: Public Accounts Committee
PSF: Private Sector Federation
RBI: Rwanda Bribery Index
RIB: Rwanda Investigation Bureau
RPPA: Rwanda Public Procurement Authority
RTDA: Rwanda Transport Development Agency
SPSS: Statistical Package for Social Sciences
TI-Rw: Transparency International Rwanda
UNDP: United Nations Development Programme
UNECA: United Nations Economic Commission for Africa
WASAC: Water Sanitation corporation
WB: World Bank Group

EXECUTIVE SUMMARY

Corruption was found as multi- shapes phenomenon as well as with many various effects on socio-economic conditions of communities. Corruption results into vulnerability of the society as it is a hindering factor to the economic growth and sustainable development. It inhibits the procurement process from the planning phase up to the implementation, evaluation and during the management of acquired assets/services. Due to its complexity to detect and fight against it, corruption is documented to be among the key challenges of the global development agenda.

Considering the case of Rwanda, Government has demonstrated commendable efforts to fighting corruption at institutional and at operational level as well as in all its forms. Commendable efforts to fight against corruption in Rwanda are evidenced by having legal, policy and institutional structures in place as it has been discussed in literature review of this study. Despite Rwanda's international and regional reputation of being ranked for long time among least corrupted countries in Africa, due to its zero tolerance towards corruption, especially through good governance and accountability, corruption still exists in various forms and size (petty and grand). Apart from international annual indices and measures of corruption, national baseline on the status of corruption in different sectors, annual Rwanda bribery index there is no updated detailed study on corruption in public procurement in Rwanda to enlighten policymakers and stakeholders on how to promote effective public procurement.

The overall objective of this baseline study is to collect and analyze data from bidders, public procurement regulators and other stakeholders to assess the status of corruption in public procurement process in the infrastructure projects in Rwanda. The baseline study on integrity and transparency of the public procurement system in the infrastructure sector in Rwanda, used both, quantitative and a qualitative approach. Quantitative data were collected through a survey with 473 bidders selected randomly from 17,945 bidders using the 2021 RPPA list of categorization of bidders operating in works (building, roads and bridges, dams, Marshland Development and Hillside Irrigation and drinking water supply).

The study involved bidders from the City of Kigali and other four provinces which provided data on corruption in public procurement in the infrastructure sector in Rwanda. Key results were analyzed on a number of indicators including the awareness, perception and prevalence of corruption as well as assessing the effect of corruption on procurement process and suggesting policy recommendations.

Awareness of public procurement procedures

The study reveals that overall, 80% of bidders are aware of the language of tender documents, bid evaluation as they are mentioned in the bid document, the existing appeal mechanism in the procurement process, laws and regulations governing public tenders, clarity of terms of reference for call of proposals as well as technical specifications and e-procurement. Though it clear that bidders are aware of above public procurement elements, this study revealed a low level of awareness with regard to how addendum and pre-bid conference are arranged.

Perception of corruption in public procurement

Overall, 80 % of bidders perceived that provisions on integrity and Transparency are catered in the current public procurement law in Rwanda. They added that public procurement documents are available and accessible. Bidders commended the way the public procurement penalizes the conflict of interests for staff from procuring entities. However, this study revealed that the current public procurement law in Rwanda does not allow the involvement of external multi-stakeholders to play oversight role in public procurement process as infrastructure projects use big portion of the national budget. Regarding forms of corruptions, bidders perceived that the most forms of corruption in public procurement in infrastructure in Rwanda are conflict of interest for the senior managers (37.55%), conflict of interest for internal tender committee members (39.66%) and nepotism (42.27%).

Majority of bidders are satisfied with how public procurement process in infrastructure projects is initiated but are dissatisfied with payment of invoices and handling bidders' complaints as they delay too much. They also reveal a low rate of satisfaction on independence of bids' evaluation committee and impartiality of bids evaluation committee. Additionally, overall 60% of bidders confirmed that there is transparency in public procurement process in infrastructure projects in Rwanda.

Prevalence of corruption in public procurement

Corruption prevalence in public procurement is estimated at 17.90% This corresponds to the monetary bribe directly or indirectly provided to staff from procuring entities by bidders for being shortlisted for bid evaluation, getting more information over others, being awarded a contract and getting it signed, supplying sub-standard goods/services, pushing payment. Overall, the total extrapolated amount paid for corruption in the infrastructure related procurement is worth FRW 14,207,178,842 which correspond to the cost of 23.2 km of asphalted road of Ngoma–Rwabusoro-Nyanza.

Challenges to the fight against corruption in the public procurement

Challenges to fight against corruption in procurement are quietly different from other services delivery processes as for this context corruption is paid in most cases for win-win interests except at payment stage where the payment of bribe is not for win-win purpose. Thus, it is hard to denounce the bribe payment either by demand side or supply side. This is added to the existing challenge of reluctance in reporting corruption revealed by earlier studies that are referenced in this work (gaps in corruption reporting system, protection of whistle-blowers), cultural tolerance to corruption, and persistence of fear of reprisal following reporting corruption.

Based on the findings, the baseline study suggested recommendations to promote effective public procurement in infrastructure projects as well as in other activities.

1. BACKGROUND AND RATIONALE

Since the year of 2000, the Government of Rwanda has made impressive development progress through adoption of long-term development programmes such as Vision 2020 and Vision 2050 that is ready to supplement vision 2020 throughout the bridge of National Strategy for Transformation” (NST-1). Public financial management in general and public procurement process in particular have undergone several changes through the enactment of a number of successive laws and putting in place regulations that help the translation of the laws into usable procurement tools. The literature on public procurement has highlighted that lack of procurement capacity is among major challenges of the effectiveness of public procurement (Patrick M. et al., 2018).

The procurement capacity is of three facets including individual; organizational; and an enabling national environment which captures national legislation, policies, and institutional arrangements that can comfort or obstruct the success of procurement processes (UNDP, 2006, AfDB, 2014). The good environment for effective public procurement is enabled by joint institutional arrangements related to public financial management, civil service, education, and other civil society participation (Fayomi, 2013). Though there are many forms of risks that hamper the effectiveness of public procurement, they differ in their contexts. Patrick Manu,(2018) among others has indicated most common practices that negatively affect the effectiveness of public procurement as follow:

- Political interference and nepotism,
- Corruption and conflict of interest,
- Inadequate remuneration of procurement professionals,
- Ineffective auditing, monitoring, and evaluation
- Poor access to information and lack transparency.
- Lack of motivation and job satisfaction in procurement profession
- Lack of civil society participation
- Lack of knowledge and professionalism in public procurement,
- Socio-cultural disregard for laws and due process
- Centralized political and governance systems

The United Nations Economics Commission for Africa (UNECA , 2015) has summarized root causes of ineffective procurement for infrastructure projects into four categories that mix the institutional and individual factors as follow: (1)Bad Governance, (2) Lack of transparency, (3)

Weak accountability and (4) Lack of integrity. As it has been underlined by Transparency International, (2015), an appropriate legal framework is the key tool to prevent corruption risks and loopholes in public procurement. To adequately serve for efficient use of public resources, the public procurement laws should be tailored to the context of preventing corruption breaches and they should cover the country's context and legal tradition as well as general issues of procurement regulations. Loopholes in public procurement process may also be found throughout the procurement cycle including needs assessment, definition of technical specifications, bidding, award and management of the contract, payment and evaluation.

Despite the existence of the different legal and institutional instruments to promote efficiency and transparency in the public procurement processes, there are still looming problems in the way tendering process is carried out in public institutions. This is evidenced by some public officials being dismissed due to embezzlement, mismanagement of entrusted funds and some of them still serving jail sentences on account of misappropriation of public funds through the manipulation of procurement procedures.

As part of the public procurement monitoring, Transparency International Rwanda (TI-RW) and the Institute of Engineers (IER) established a coalition meant to implement the Integrity Pact in Four districts of Rwanda. The coalition was led by a multi-stakeholder group including CSO, public and private sector. The Integrity pact project has been instrumental to identify red flags in public procurement in the four districts, an important step in the right direction to curb corruption in the public procurement in Rwanda.

It is in this framework that TI-RW and IER have commissioned a study on Integrity and transparency of the public procurement system in the infrastructure sector in Rwanda with a view to obtaining information on which to benchmark strategies for improving the national procurement system.

2. OBJECTIVES OF THE BASELINE STUDY

The objective of the study is to promote integrity and transparency in public procurement system to ensure value for money in the infrastructure projects in Rwanda.

Specific Objectives

Specifically, this study is aiming to:

- Analyze the existing legal framework on public procurement in Rwanda, looking at which extend Integrity and transparency are integrated as part of existing legal instruments governing procurement in infrastructure sector in Rwanda;
- Conduct Institutional Internal capacity assessment focusing on internal procurement systems(qualification of internal procurement committees, level of decisions of procurement process);
- Analyze “Integrity and Transparency, indicators in public procurement system in infrastructure sector in Rwanda from its various aspects, which would include but not limited to *Control/Audit system; Efficiency of appeals mechanisms; Access to information; Ethics and anticorruption measures in place and consolidate data from the respondents perspectives (perception and experience)*;
- Analyze the types and extent of grievances of bidders experienced during the procurement process in infrastructure sector in Rwanda;
- Determine the prevalence (evidence and perception) of corruption as hindrance of integrity and transparency in procurement in infrastructure sector in Rwanda
- Gather concrete information on the size of Money paid by bidders while seeking to access to specific contracts

3. LITERATURE REVIEW

This section provides a review of literature related to public procurement such as issues that affect the effectiveness of public procurement including corruption, National Ant-Corruption Tools in Public Procurement and strategies to mitigate corruption in the Infrastructure related Procurement.

3.1. Most Common Issues that Affect the Effectiveness of Public Procurement

Though there are many forms of risks that hamper the effectiveness of public procurement, they differ in their contexts. Patrick Manu, (2018) among others has indicated most common practices that negatively affect the effectiveness of public procurement as follow.

- (i) Political interference and nepotism,
- (ii) Corruption and conflict of interest ,
- (iii) Inadequate remuneration of procurement professionals,
- (iv) Ineffective auditing, monitoring, and evaluation
- (v) Poor access to information and lack transparency.
- (vi) Lack of motivation and job satisfaction in procurement profession
- (vii) Lack of civil society participation
- (viii) Lack of knowledge and professionalism in public procurement,
- (ix) Socio-cultural disregard for laws and due process
- (x) Centralized political and governance systems

Additionally, there are other institutional indicators that adversely affect the effectiveness of the public procurement including:

- (i) Lack of capacity within other procuring agencies/entities
- (ii) Lack of capacity within regulatory institutions
- (iii) Complexity and lack of detailed national regulations and documentation on procurement
- (iv) Lack of consideration of social and environmental issues in national procurement frameworks and regulations
- (v) Vague and outdated national procurement laws and regulatory frameworks

The United Nations Economics Commission for Africa (UNECA , 2015) has summarized root causes of ineffective procurement for infrastructure projects into four categories that mix the institutional and individual factors as follow: (1)Bad Governance, (2) Lack of transparency, (3) Weak accountability and (4) Lack of integrity.

3.2.How Corruption Practices Affect Procurement Process

According to the Transparency International, (2005), corruption is the main threat of effective infrastructure procurement. At each stage of procurement, there are specific practices that give chances to corruption to happen as per table1 below.

Table 1 Most of corrupt practices observed at each procurement stage.

Project Phase	Most of corrupt practices observed at each procurement stage
Planning	<ol style="list-style-type: none"> 1. Unnecessary planning 2. Unsolicited project/ planning out of priorities of beneficiaries. 3. Difficulties in planning approval
Project Design	<ol style="list-style-type: none"> 1.Biased specifications 2.Over designed and under-designed 3. Puzzling tender documents and specifications
Bid Evaluation /Contracting	<ol style="list-style-type: none"> 1.Biased decisions 2.Not transparent selection criteria and procedures 3. Guidelines and clarifications are not equally shared. 4.Decisions to award a contract are not publicly made and are not justified
Contract Implementation	<ol style="list-style-type: none"> 1.Concealing substandard works 2.Delays in the implementation 3.Unjustified addendum 4.Biased project supervision 5.Non reasonable claims

3.3. Strategies to Mitigate Corruption in Infrastructure Procurement

It is obvious to link the effective infrastructure procurement to the sustainable development of the country as this budget line takes a big portion of the national budget for countries with strong ambition to the growth and development. On the other side corruption in the construction of public infrastructure is highly correlated to the low speed of development. Anti-Corruption Resource Centre U₄, (2015), recommended that efforts to improve transparency in public procurement should spotlight on the procedures guiding the decision-making along the project initiation. Additionally, (i) breaking linkages among participants in procurement process curbs corruption risks in the project preparation and implementation as well as is the sole way to improving the governance of effective project management. Moreover, (ii) the strong multi-sectoral governance of the project is a very good strategy to mitigate corruption risks along the project implementation (Kenny, 2007). Such project governance allows to all project beneficiaries to maximize the economic, social, and environmental returns yielded by the project implementation. The (iii) promotion of wide and open competition and avoidance of political influence in tendering process can lead to the effective procurement and high returns to the community (Council of Europe, 2017). To (iv) map out corruption risks at each stages of procurement in order to design appropriate response.

3.4. Public Procurement Legal Framework in Rwanda

To sustainably reduce corruption in public procurement, a country needs a comprehensive set of legal, regulatory, and policy measures for preventing, detecting, investigating, prosecuting, and punishing the corruption. Recently, in Rwanda many reforms have been undertaken in the area of public procurement aiming at increasing the effectiveness of the public procurement. In Rwanda, laws that have been enacted include: The Constitution of Rwanda of June 4, 2003 as revised in 2015 articles, 162,163,164,165,166,167, the Organic Law N° 12/2013/OL of 12/09/2013 on State finances and property, Law N° 54/2018 of 13/08/2018, relating to prevention, repression, and punishment of corruption as well as the current Public Procurement Law N°62/2018 of 25/08/2018. On the basis of the fore mentioned laws and others not cited here, the efficient use of public resources has been taken given special consideration as well as the effectiveness in public procurement process in Rwanda has evolved a lot since 1994. In the period after the 1994 genocide

against the Tutsis, an institution in the name of National Tender Board (NTB) was established to manage all tender requirements at the time. This was replaced by the current Rwanda Public Procurement Authority (RPPA) established in 2007 under Law N° 63/2007 of 30/12/2007 establishing and Determining its Organization, Functioning and Responsibilities which was later replaced by Law No. 25/2011 of 30 June 2011 as well as the N°62/2018 of 25/08/2018 .

3.5. Public Procurement Governance in Rwanda

This section introduces the governance and organization of the public procurement governance in Rwanda. Additionally, it presents at the same time key principles to be followed in a bid to promote transparency and accountability as well as value for money for every single coin used from the national budget.

The Organizational Structure of Rwanda Public Procurement Authority (RPPA)

The public procurement authority in Rwanda is strategically and on daily basis governed by RPPA. This public institution operates under the Ministry of Finance and Economic planning. It is the board of directors that approves all strategic decisions for RPPA and independent review panel. The head of this institution is the Director General who coordinates the policy and operational activities (research, capacity development, monitoring, and administration) related to the public procurement matters (RPPA, 2021).

The Organization and Key Principles of Public Procurement in Rwanda

The article 5 of the laws n°62/2018 of 25/08/2018 specifies organization of public procurement in Rwanda. The public procurement framework is based on Laws, regulations governing public procurement, code of conduct and tender documents model determined by ministerial order. The public procurement in Rwanda is designed in such way each public tender has to respect key principles to ensure that transparency and accountability as well as value for money are achieved when spending national budget. The article 6 of the laws n°62/2018 of 25/08/2018, stipulates that the procurement process should respect the following key principles including:

- i. Transparency.
- ii. Competition.
- iii. Economy.

- iv. Effective, efficient, and fast work.
- v. Fairness.
- vi. Accountability

Scope of the Public Procurement Law in Rwanda

The article 9 of the public procurement law n°62/2018 of 25/08/2018 states that all Government entities that use national budget including central government organs, local administration organs, national commissions, government projects or any other organs empowered by the Chief Budget Manager as well as commercial public institutions are requested to comply with all provisions available in the public procurement law and regulations when spending the State budget.

Main Requirements in the Public Procurement Process

The articles 16, 17 and 18 of the procurement law n°62/2018 of 25/08/2018, request all procuring entities to:

1. implement all budgeted projects through a feasible plan with clear objectives to be achieved. The planning process should take into consideration all laws and regulations governing the budget execution. Generally, the procurement plan corresponds to the fiscal year except for those projects which can be implemented in more than one year. Additionally, the article 16, is clear that that procuring entity plans an activity/project when the budget is available. For the works, this article reminds that the project of work in nature is planned in procurement plan once the feasibility study is approved in addition to the availability of the budget.
2. The procuring entity is requested to provide full information related to any tender to bidders in five working days after the request of clarification. Mainly, all communications must be accommodated by e-procurement system, except if the user encounters a technical problem to use online communication availed in the system, other forms of communications are temporally accepted. Then the concerned user communicates using e-procurement when the problem is solved.
3. There should be confidentiality in public procurement. No staff of public procuring entity is allowed to share any confidential information related to the tender as it can inhibit compliance with procurement laws. Disclosing confidential information related to the

tender may easily affect the level of competition and fairness among other related negative effects.

3.7. Types and Methods of Public Procurement in Rwanda

The article 20 of public procurement law n°62/2018 of 25/08/2018 stipulates that in Rwanda, the procuring entity awards public procurement contracts through open competition, unless otherwise provided in this Law, using the following methods:

1. Prequalification.
2. Restricted tendering.
3. Request for quotations.
4. Single-source procurement or direct contracting.
5. Simplified methods.
6. Force account.
7. Community participation.
8. Two-stage tendering.

Though this law has provided the room for other procurement methods due to justifiable reasons, but the open competition prevails. The use of public procurement method other than open competition by procuring entity, needs to be approved by RPPA (article 29). This part presents a synopsis on the route of tender preparation, minimum requirements for advertisement, bids preparation and their evaluation.

Preparation of Tender Document

The article 30 of the public procurement law n°62/2018 of 25/08/2018, states that before preparing the tender document, the procurement officer must be sure that the tender is included in the annual procurement plan and the secured source of budget is mandatory for tender publication. This article also provides all requirements to be included in the tender document that guide the fair competition among bidders. The following are this key information included in the tender document:

1. The specific requirements relating to goods or supplies, works or non-consultancy services to be procured and the time limit for delivery and completion.
2. Applicable Rwanda standards or international standards where there are no applicable Rwanda Standards, unless such standards are not yet in place either in Rwanda or abroad.

3. A short description of quantities of goods or supplies works or non-consultancy services that are needed as well as the delivery period.
4. If it concerns tender for works, relevant drawings, and bills of quantities.
5. The general and specific conditions governing the contract and requirements of the performance security.
6. The reference number of the tender used by the procuring entity in the tender award process.
7. Instructions for the preparation and submission of bids including:
 - a) The standard bid form.
 - b) Any bid security required, security standard form and amount of such security.
 - c) The documents evidencing the bidder's qualifications.
8. Validity period of bids.
9. The procedures and criteria for bid evaluation and comparison.
10. A clause indicating that the procuring entity may cancel the tender at any time before signing the contract.
11. any other requirement as may be provided for by the tender document in accordance with the provisions of this Law, public procurement regulations and other national laws and regulations in force depending on the tender specific nature.

This article clarifies that technical specifications to be included in the tender document must be neutral no brand should prevail over others (article 31).

Tender Advertisement

Articles 32, 33, 34 and 35 of the public procurement law n°62/2018 of 25/08/2018 provide guidance of tender advertisement for public tenders such as:

1. Public notice to the attention of any interested bidders, generally in the e-procurement
2. The procuring entity provides its name and full address as well as reference of the tender in the tender notice.
3. The tender notice explains how to obtain the tender document and its cost.
4. All information related to the tender including tender document must be available in e-procurement.

Time for preparation of bids

The article 36 of the current public procurement law, specifies that the time for bidding is at least 30 calendar days from the time the tender notice is published for open tender. For international open tender, the time allotted to the preparation of tenders must be between forty five (45) and

ninety (90) calendar days from the time the tender notice is published through e-procurement portal. For a restricted tender, such time limit may be reduced but shall not be less than twenty-one (21) calendar days for an international tender and fourteen (14) calendar days for a national tender. The time limit given to the bidders in case of request for quotations is at least three (3) working days. Such time is counted from the date of receipt of the invitation to tender by the bidder.

Bid evaluation process

Articles 42, 43 and 44 of the public procurement law n°62/2018 of 25/08/2018 stipulate that all bids have to be evaluated by the public tender committee based on procedures and criteria presented in the tender document and nothing can be changed on them. The successful bidder is the bidder who fulfils the requirements and who is lowest responsive bidder. However, this shall not apply when the lowest responsive bidder has provided a price which is extremely higher or lesser compared to the market reality. Awarding contract to the successful bidder must comply with the public procurement law and related regulations in use. The public tender committee must prepare an evaluation report containing a summary of the evaluation and comparison of bids as provided for in the public procurement regulations.

Provisions related to Conflict of Interest in Public Procurement

The article 89, the current public procurement law has provided categories of persons and institutions that are not allowed to participate in public tenders including:

1. Members of the Cabinet, Heads of procuring entities, and civil servants governed by general statutes for public service or by other specific laws.
2. Members of District Councils of for tenders advertised by their Districts.
3. An institution or a company in which a civil servant, his/her parent, his/her spouse or his/her child is a shareholder with shares equal or greater than fifty percent (50%), representative or member of the board of directors for tenders of the entity where that civil servant is an employee.
4. A former employee of a procuring entity before a period of five (5) years or more after leaving the entity except if it is the procuring entity that seeks his/her expertise with regard to tenders for consultancy services, due to his/her proven specialized knowledge. However,

companies in which the persons and institutions referred to in Paragraph One of this Article and whose shares are less than fifty per cent (50%) may bid for public tenders.

The above-mentioned categories are run-down from the rights to participate in public tenders in order to avoid their influence on the procurement process.

Independent Oversight of the Procurement Process in Rwanda

Though OECD, (2016) and Larsson,(2019) have recommended that the role of individual practitioners and civil societies in monitoring the public procurement process to ensure transparency and accountability in public tenders, there is no specific provisions in the current public procurement laws in Rwanda that allow the direct oversight role from external stakeholders for public procurement process. It is only the article 13 of the public procurement in use that stipulates the participation of stakeholders other than the procuring entity to be part of independent review panel that resolves appealed cases. It has been found that the offer in charge of independent review panel is under staff structure of RPPA, which somehow does not reflect a full independence of the independent panel. It has been also noticed that the current public procurement law in use in Rwanda is silent on whistleblower protection.

Institutional Internal Capacity and Internal Procurement Systems

This section assesses the institutional internal capacity and internal procurement systems of procuring entities in order to ascertain that integrity and transparency elements are assured in procurement process. Additionally, the qualification of public procurement tender committee and the decision of procurement process are scrutinized as key factors of transparency.

In order to promote the effective public procurement in public entities, the Government of Rwanda has established the RPPA as per law n°25/2011 of 30/06/2011. It has an administrative and financial autonomy to carry its operations as per article 1 of the above stated law. The essence of its independence is to empower it and ensure that the entire public procurement process operate smoothly and rationally in order to trigger the achievement of sustainable development of the country as per article 3 of the law mentioned in this paragraph. Additionally, the same article 3, clarifies that RPPA has responsibilities of promoting professionalism of the staff involved in public procurement and controls all procurement activities of procurement process from the planning level up to the contract management and its closure.

Regarding the operative organization and management of public procurement in Rwanda, the governance structure of public procurement institutions is well arranged to ensure transparency and accountability. Starting from RPPA as the regulator of all public procurement matters, the senior management has specific duties separated from responsibilities of the board of Directors as

well as the independent review panel at institutional level while the Ministry of Finance and Economic planning play the overall coordination, especially at policy level (RPPA, 2021).

At procuring entity level also the current procurement law in use in Rwanda, article 9 of the law N°62/2018 of 25/08/2018, clearly stipulates that public procurement activities are managed by three organs including chief budget manager for approval, tender committee with key responsibilities not limited to the evaluation of bids, recommendation for tender award and advise for procurement matters.

Despite the above clear organizational arrangement and separation of powers in public procurement, *interviewed bidders and practitioners have suggested that RPPA should not combine powers of inspection of malpractices, faults and powers of suspending or approving the suspension or debarment of bidders from participating in public procurement as this combination of powers may results in blackmailing(Corruption).* On the side of operations, all public procuring entities are generally required to process all procurement activities in e-procurement to increase the transparency and accountability as it is requested by the article 4 of the law N°62/2018 of 25/08/2018. *Despite the use of technology bidders and practitioners in public procurement, they said during the interviews that the e-procurement system needs to be more upgraded to manage the entire process of procurement such as bid evaluation, contract management and e-payment because they are steps that perceived with high corruption risks.*

In order to promote the professionalism in the field of procurement, RPPA has advocated the law n°011/2016 of 02/05/2016 establishing the association of procurement professionals and determining its organization and functioning. Though this law doesn't target having professional procurement only in public sector, this will improve and maintain the standards of ethics of procurement professionals at national level which means at demand side and supply side as Government employs private sector in procurement. ***Having in place professional practitioners in procurement proved existence of elements of internal capacity in terms of humans resources though during interviews with bidders, they have questioned the skills of some procurement staff and members of tender committees as well as contract managers.*** The skills gap for members of tender committees was mostly claimed in the areas of preparation of appropriate technical specifications, contract management, and logistics/supply chain management (New Times , 2020). *During this study RPPA informed that, they are committed to continuously train all staff who directly participate in the public procurement process as they recognize that in some procuring entities there are still some procurement staff whose education background is not in the field of procurement and that the same case exists even among the members of tender committee.*

4. METHODOLOGY

- **Approach**

This study consists of two aspects including quantitative and qualitative. For the purpose of triangulation and validity of data, both qualitative and quantitative approaches have been used in this study. Quantitative data came from bidders using measurable indicators to collect information on forms, perception and experience of corruption in public procurement while the explicative qualitative data was collected from targeted institutions that promote transparency and accountability of the public funds (OAG, MINECOFIN, PSF, LODA, RPPA, RIB, MINUJUST, PAC, office of the ombudsman, researchers and experts in public procurement, Architects and Engineers).

- **Scope of Work**

The study has focused on public procurement in the infrastructure sector at a national coverage. The target groups included public institutions, private companies and individual contractors (engineers, architectures') who are active in infrastructure sector businesses

- **Study population and sampling**

The concept of study population also known as the target population refers to the category of people under investigation. The study population for this baseline is function of indicators which have been used to measure integrity and transparency in public procurement in the infrastructure sector in Rwanda. In other words, it depends on “who” has “which” information or data. Generally, this survey involved bidders in the public sector. These are the beneficiaries of the services provided for or rendered by public procuring entities and who are therefore in a good position to assess issues of corruption through procurement processes.

- **Sampling frame**

As mentioned above, the target population for this survey encompasses all bidders, local and international who are in RPPA database. With the support of RPPA, the list of bidders in Kigali and in the four provinces of Rwanda has been established with their full addresses.

- **Sampling techniques**

As far as the sampling techniques are concerned, the multistage random sampling technique has been used to select respondents from each cluster. The following characteristics elements have been taken into consideration when selecting respondents:

- ✓ Location of bidders per addresses. In relation to this, bidders based in Kigali and those based in other areas of the country are proportionately represented;
- ✓ Size of business. The size of business is of paramount importance for any study related to corruption. For the purpose of this study, small, medium and big bidders were considered.

- **Sample size**

This study has used the Raosoft Sample Size Calculator to determine the size of the sample for the quantitative part. In a bid to get a representative sample, a margin of error of 5 % and a confidence level of 95% and a response distribution of 0.5 and from the study population has been considered. With the study population of 17,945(**Works_Categories_published_28082020.pdf (rppa.gov.rw)**), the sample size is then estimated at 377 which is rounded to 400 respondents.

Table 2 Sample size stratification per category of bidders in the infrastructure sector

Categories	N	Weight	Sample
Buildings	2,333	0.13001	52
Roads and Bridges	10,841	0.60412	240
Dams	1,492	0.08314	34
Marshland Development and Hillside Irrigation	1,520	0.0847	34
Drinking water Supply	1,759	0.09802	40
Total	17,945		400

The minimum sample size for this survey was estimated at 400 bidders. However, after data collection, it was found that 473 bidders were able to participate in this survey.

- **Data collection instruments**

The desk review, questionnaire and individual interviews are three main data collection instruments have been used.

Desk review: the role of the desk review is to equip the researchers with a general overview of the topic of research, to gain a deep understanding of the issues involved and complement other research instruments. This technique has enabled researchers to gather and make use of various specialized reports, studies as well as reports of activities specifically dealing with issues related to or associated with corruption in public procurement. In the same way, legal and regulation texts as well as the public policies related to the theme under study have been analyzed. The desk review has with no limit explored the following documents:

1. Law no 05/2013 of 13/02/2013 on Public Procurement;
2. Law No 12/2007 of 27/03/2007 on Public Procurement;
3. Ministerial Order establishing regulations on public procurement and standard bidding documents (No 001/09/10 Min of 15 Jan 2008);
4. Law N°25/2011 of 30/6/2011 establishing and determining the organization, functioning and responsibilities of Rwanda Public Procurement Authority;
5. Ministerial instruction N°001/11/10/TC of 24/01/2011 establishing the professional code of ethics governing public agents involved in public procurement;
6. Rwanda procurement user guide;
7. Internal procurement control and audit manual;
8. Different circulars issued by Rwanda Public Procurement Authority.
9. The law n° 54/2018 of 13/08/2018 on fighting against corruption
10. Relevant Reports from the Office of the Ombudsman,
11. Auditor General's Reports
12. Articles and any other relevant study or document.

Questionnaire: traditionally, a questionnaire is addressed to a group of individuals in order to collect their opinions, perceptions, knowledge and testimonies on a given phenomenon. In the context of this study, it has been addressed to various people, both men and women, involved in public procurement in the infrastructure sector in Rwanda. The questionnaire covered all aspects

of the study objectives and demographics. The following indicators have been developed as to guide the questionnaire design.

1. Bidders' awareness of procurement process (Key steps in procurement process, Complaint/appeal mechanisms)
1. Bidders' satisfaction with existing complaint mechanisms in case of corruption in public procurement process
2. Bidders satisfaction with decision of the appeal
3. Level of satisfaction of the timeliness of the appeal process
4. Perceived level of independency and impartiality of the Independent Review Panel
5. Proportion of bidders who were asked to pay bribe for the most recent bids (bribe demand occurrence)
6. Proportion of bidders who paid bribe for the most recent bids (bribe paid occurrence)
7. Average size of corruption paid
8. Levels/magnitude of corruption in public procurement disaggregated by procuring entity (LGs, ministries and other government institutions);
9. Forms of corruption in public procurement in the infrastructure sector
10. Level of vulnerability to corruption per phases of procurement process (tender planning and documents, bidding, evaluation of bids and implementation or contract management);
11. Causes of corruption (eg. bribe, favoritism, nepotism, GBC, conflict of interest, etc...) in public procurement in the infrastructure sector
12. Levels/magnitude of corruption in public procurement disaggregated by type/form of corruption
13. Impact of corruption on different categories of services providers/seekers
14. Compliance of bidders with regard to technical specifications and procurement regulations;
15. Types and magnitude of bidders' grievances in relation to public procurement process / practice
16. Effectiveness of existing complaint mechanisms in handling bidders' complaints
17. Strategies to improve the public procurement in the infrastructure sector in Rwanda

Qualitative-based data: In order to gain some elements of explanation, this study identified a number of resource people. These people, also called 'privileged witnesses', have been chosen because of their expertise, their daily experience and their contact with the subject of the study, namely corruption and similar issues in public procurement. There is no pre-fixed number of interviews to be conducted. It has rather been determined according to the principle of *saturation* or the redundancy in the collected answers, which shows the researcher that all aspects of the study are covered and that there are no newer elements. Under the qualitative aspect, the study collected information to respond to the following concerns:

1. Prevalence of corruption in public procurement per phase (FGDs, Key Informants Interviews)
2. Quality of tender documents and compliance with procurement regulations (observation, Interviews, FGDs)
3. Challenges vis-à-vis public procurement process in the infrastructure sector with regard to :
 - Control / audit
 - Efficiency of appeal mechanisms
 - Access to information
4. Ethics and anticorruption measures in place (FGDs, Key Informants Interviews)
5. Consequences of corruption in public procurement (FGDs, Key Informants Interviews)
6. Strategies to improve procurement regulations and practices in the infrastructure sector (FGDs)

Data collection procedures: Data collection procedures used a variety of tools. The gathering of quantitative data has been conducted at the bidders' own addresses. Bidders have been contacted by researchers themselves for convenience sake. With regard to political and administrative management of the research, a "To Whom It May Concern" letter has been availed by TI-RW and presented to various interlocutors and authorities. The administration of the questionnaire has been widely indirect. This means that the researcher has taken time to explain the questionnaires to bidders and fill in themselves in presence of the informant for those who cannot do it by themselves. The questionnaire has been incorporated in tablets to increase the quality during data collection and data analysis. For qualitative data, interviewees have been directly contacted by

researchers and discussions have been taken place mostly at the interviewee's work place or any other convenient place.

Data analysis: Quantitative data was organized, cleaned, coded and entered into SPSS for analysis. Descriptive statistics were mostly used to generate data in tables and graphs. The qualitative data was analyzed by grouping the content of the message and the key words or things most reported by participants during the interviews. Data analysis was done in accordance with key themes of the study, following each component and indicator considered. Content analysis methods helped to complement, understand and triangulate information collected from the quantitative data and desk review. This is essential to ensure that all areas related to the public procurement were covered.

Quality control measures: In order to ensure and monitor quality, five levels should work in a complementary manner. This is the supervisory committee, the general coordinator of the study (consultant), supervisors, research assistants and statistician.

- *The study coordinator* or principal consultant in collaboration with an associate consultant is primarily responsible for developing tools for data collection, define the methodology, coordinate supervision activities of data collection, developing the analysis plan and produce the study report;
- *The Supervisors/team leaders.* Supervisors justifying a long experience in research, are responsible for monitoring the collection of field data. They are also responsible for contacts with potential respondents to facilitate the task for enumerators.
- *Enumerators:* Enumerators were hired with primary duty to collect data;
- One *statistician* was responsible for preparing the data cleaning and verification of the adequacy with SPSS and analyze data accordingly.

In order to boost the freedom of respondents and thus encourage them to talk, less personalized questions have been asked. In addition, the administration of the questionnaire has been organized preferably face to face with respondents. Conducting such a study requires a set of measures to ensure quality data and information. For this purpose, in addition to measures above, the following have been done to ensure quality and reliability of the data collection process:

- ✓ The use of a participatory approach in developing research instruments (consultants, TI-RW, IER, partners, supervisors and data enumerators);
- ✓ The research protocol and instruments have been validated in a meeting with technical staff and relevant stakeholders;
- ✓ A training of enumerators has been organized to ensure understanding of the study objectives, methodology and tools. The training has also covered the following aspects among others;
 - Techniques of friendly interview environment;
 - Protection of information and sources;
 - Difference between perceptions, witnesses and experience.
- ✓ A pilot survey has been conducted to test the quality of research tools, mainly the questionnaire;
- ✓ Continuous field meetings between the consultant, the enumerators and supervisors have been organized to identify emerging problems and to develop appropriate solutions;
- ✓ Anonymous questionnaire has been administered as a way of encouraging free and open expression by respondents

Ethical considerations: The research of knowledge must not contradict some ethical principles including the obligation to avoid hurting or embarrassing the respondents as well as respecting their privacy. According to some scholars¹, researchers, have to first ask themselves the ethical relevance of any research with reference to the values and actions that their undertake in order to complete it. For this purpose, the researchers have observed a set of measures to comply with ethical standards during the whole process of research including securing the research visa from the National Institute of Statistics of Rwanda; obtaining formal consent from each informant before interviewing him /her or engaging in discussions; Guarantee confidentiality regarding any information that have been given to them and promise to use it exclusively for this assignment and anonymity has be guaranteed where needed.

¹ See for instance Jones, R. A., *Méthodes de recherche en sciences sociales*, Bruxelles : De Boeck, 2000.

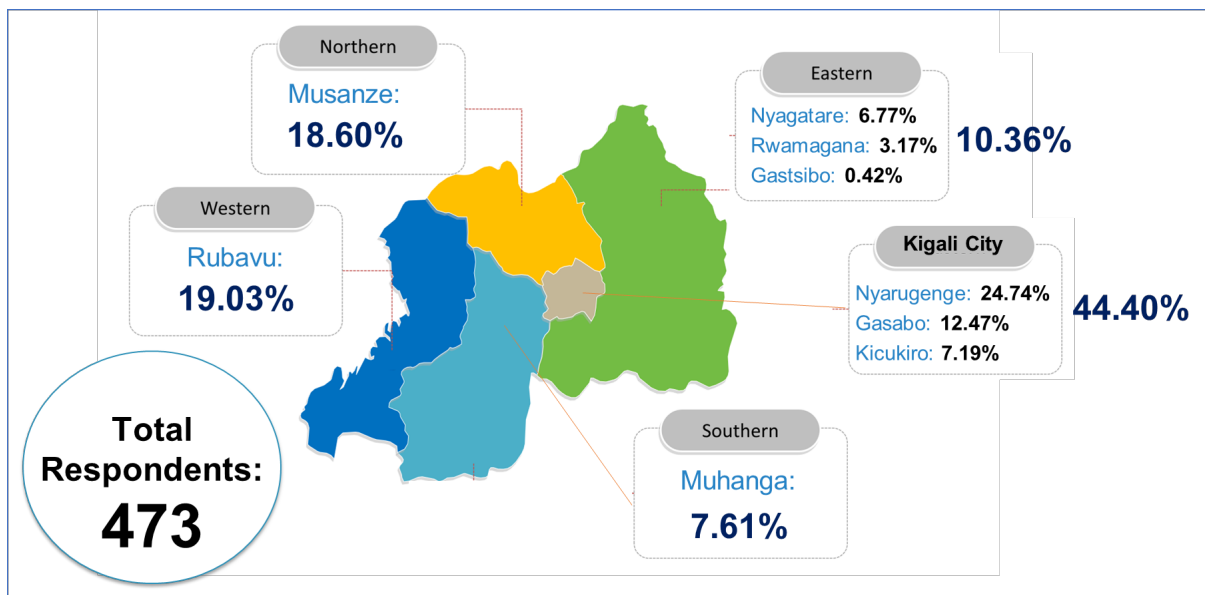
5. PRESENTATION OF FINDINGS

This section presents key findings of the baseline survey. Beside demographic information, it covers key findings on the study dimensions: awareness of bidders on procurement process and legal instruments, forms of corruption in public procurement, corruption perception and experiences by bidders in public procurement, especially in infrastructure sector. In this chapter, the willingness of bidders to report encountered corruption has been analyzed as well.

5.1. Respondents Characteristics

This section describes main features of respondents who participated in this survey. Data was collected from 473 respondents who are company owners operating in Rwanda and where this survey has covered. Key demographic information related to respondents is presented in figures below.

Figure 1: Respondents per District (in %)

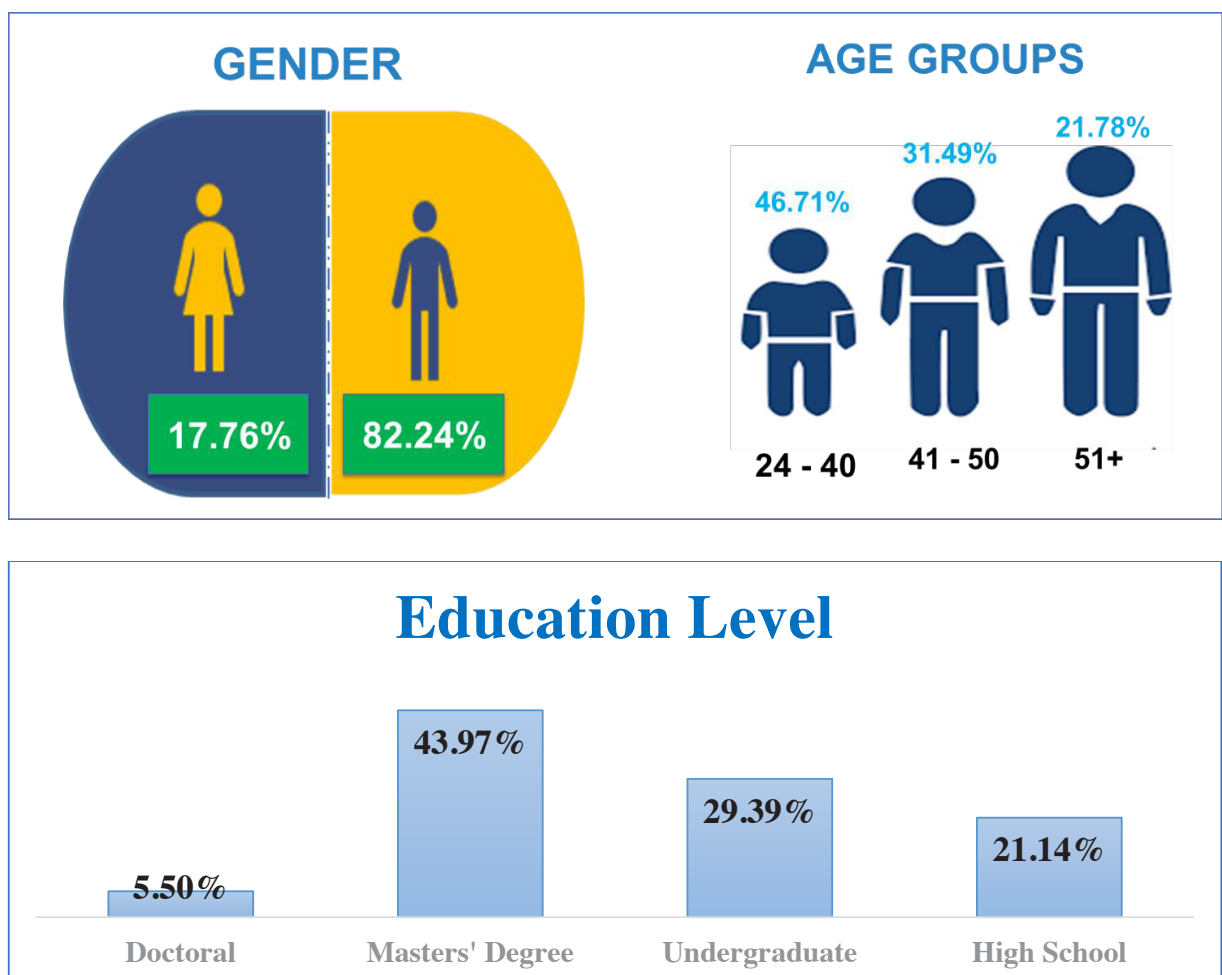


Majority of respondents of this study are from the City of Kigali where most of them are concentrated in Nyarugenge District with 24.74%, Gasabo (12.47%). Considering bidders from other Provinces, Rubavu has 19.03 % of bidders who have participated in this survey followed by

ones from Musanze (18.6%) in Northern Province. In Southern Province, the District of Muhanga register 7.19% of bidders who were involved in this study.

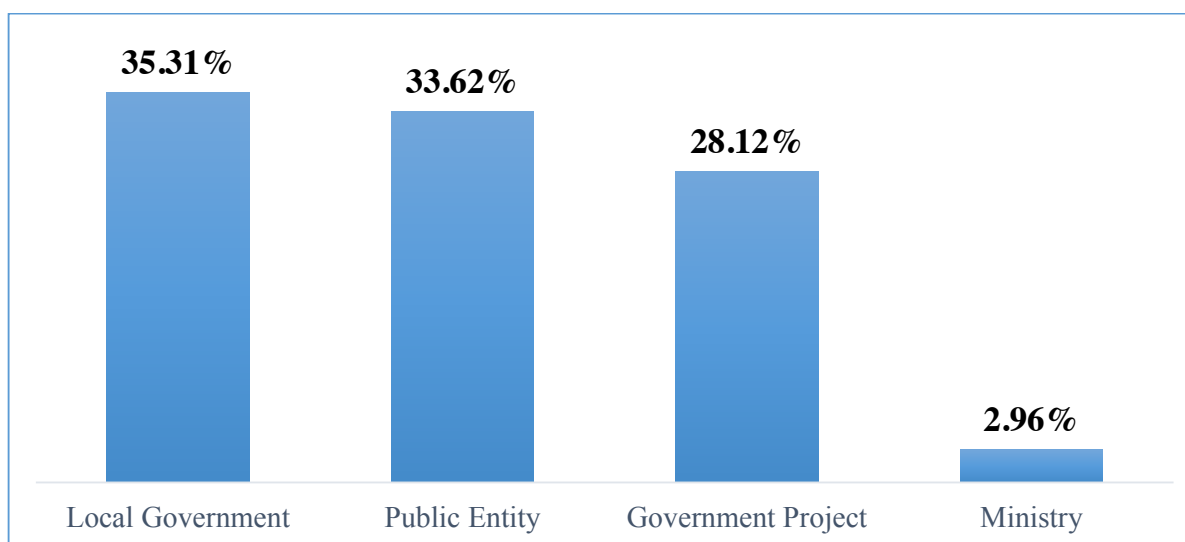
With regard to gender, respondents for this study are dominated by males (82.24%) which indicated that business activities that involve bidding are practiced by males over females. Additionally, distribution of respondents shows that more males owned companies than females as during the survey data was collected from companies' representatives/owners. Respondents' age categories informed that bidding activities involve youth at large compared to old people. The fact of having more young people involved in private business activities might be a result of huge efforts from the Government of Rwanda to provide different kind of supports to them in order to promote self-employment and contribute to the national economy.

Figure 2: Respondents' Gender, Age and Education Level



It is clear that bidding activities involve educated people, where the lowest level of education is secondary studies (21.14%). It is revealed that 43.97% of representatives of companies have master's degree. More bidders offer to the local government tenders, public entities and Government projects.

Figure 3: Key Institutions where Bidders offered their bids



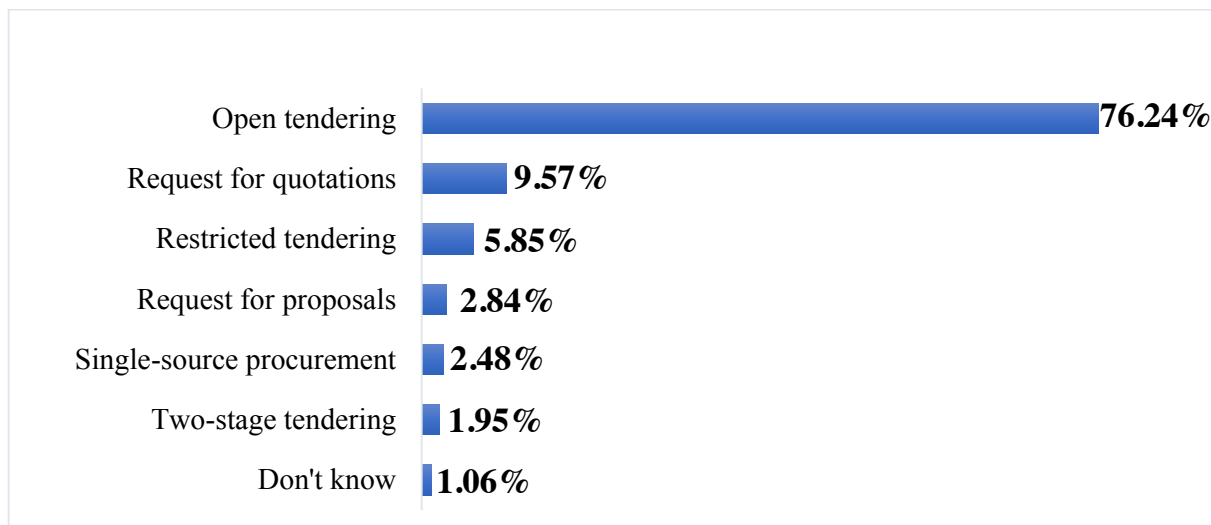
As it indicated in the table 2, majority of bidders who participated in this study are ones from category F as even this category represents the biggest share of bidders in RRPA categorization list.

Table 3 Distribution of Respondents per Category and area of Activity

Category	Buildings	Roads and Bridges	Dams	Marshland development and hillside irrigation	Drinking water Supply
A	4.86%	2.33%	2.11%	2.54%	2.75%
B	1.27%	2.33%	0.85%	0.63%	1.06%
C	2.11%	1.06%	1.27%	1.27%	1.06%
D	7.19%	2.75%	2.11%	2.33%	2.33%
E	12.68%	6.55%	6.77%	5.71%	4.23%
F	71.88.20%	84.99%	86.89%	87.52%	88.59%

Majority of tenders in Rwanda are conducted through open tendering (76.24%), which is followed by request of quotations. Each tendering methods has its own criteria to be followed by each procuring entity in order to apply it for public tenders. Overall, 88.22% of respondents have confirmed that they have offered their bids through open tendering.

Figure 4: Tendering Methods used by Bidders



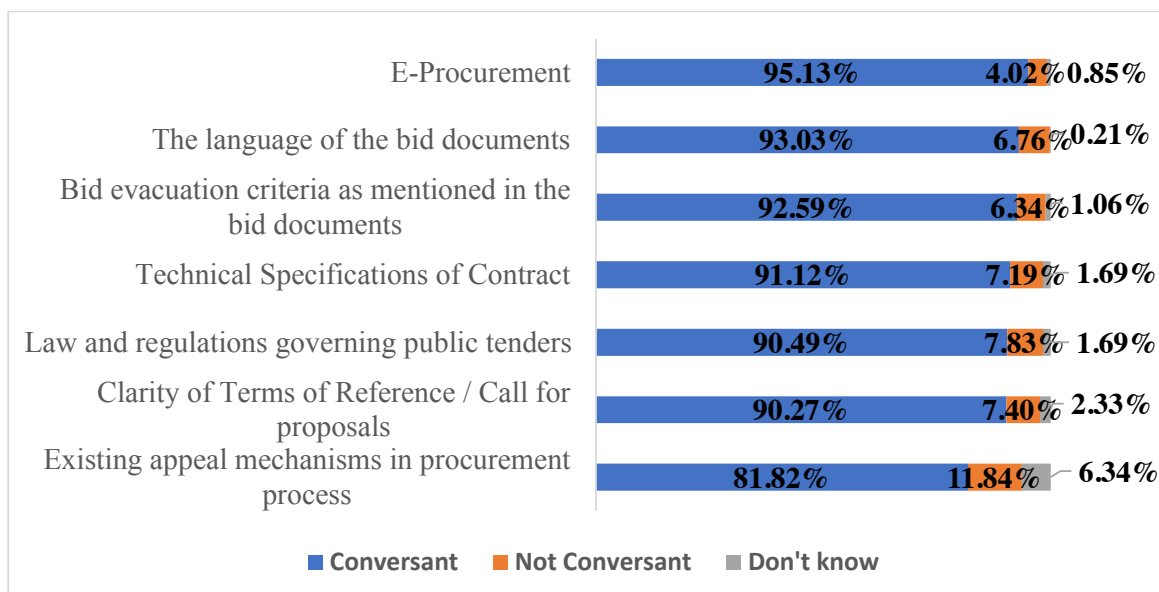
5.2. Bidders' Awareness of Procurement Process and Legal Instruments

This section presents the level of awareness for bidders on the terms and conditions of tenders, and how bidders are familiar with tendering process. It also provides information on sources of information for bidders and their perception on how integrity and transparency are considered in the existing public procurement laws in Rwanda.

- **Bidders awareness of tendering Terms and Conditions**

Overall, more than 90% of bidders have revealed that they are aware of the language of tender documents, bid evaluation as they are mentioned in the bid document, the existing appeal mechanism in the procurement process, laws and regulations governing public tenders, clarity of terms of reference for call of proposals as well as technical specifications and e-procurement.

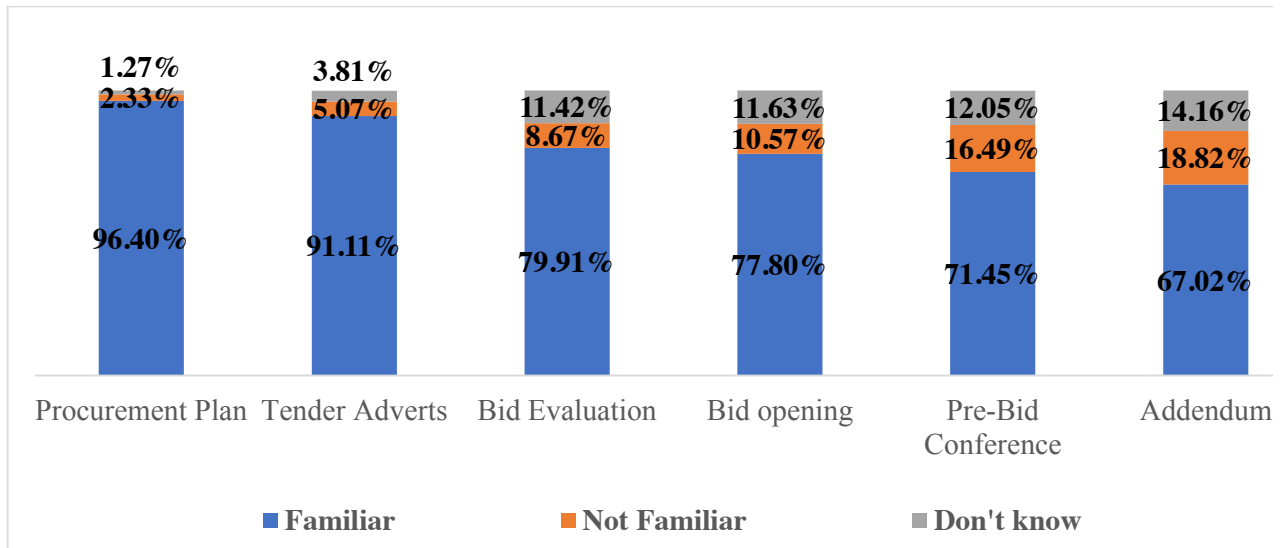
Figure 5: Level of Bidders 'awareness on Terms and Conditions of Procurement Process



- **Bidders awareness of tendering Process**

Regarding how bidders are familiar with tendering process, more than 90 percent of bidders have confirmed that they are accustomed with procurement plan, tender adverts. Around 80 percent of bidders confirmed that they are familiar with bid opening and evaluation while few bidders are not immensely familiar with pre-bid conference and additional contracts compared to other elements of tendering process as it is presented in figure 6 below.

Figure 6: How Bidders are Familiar with Tendering Process

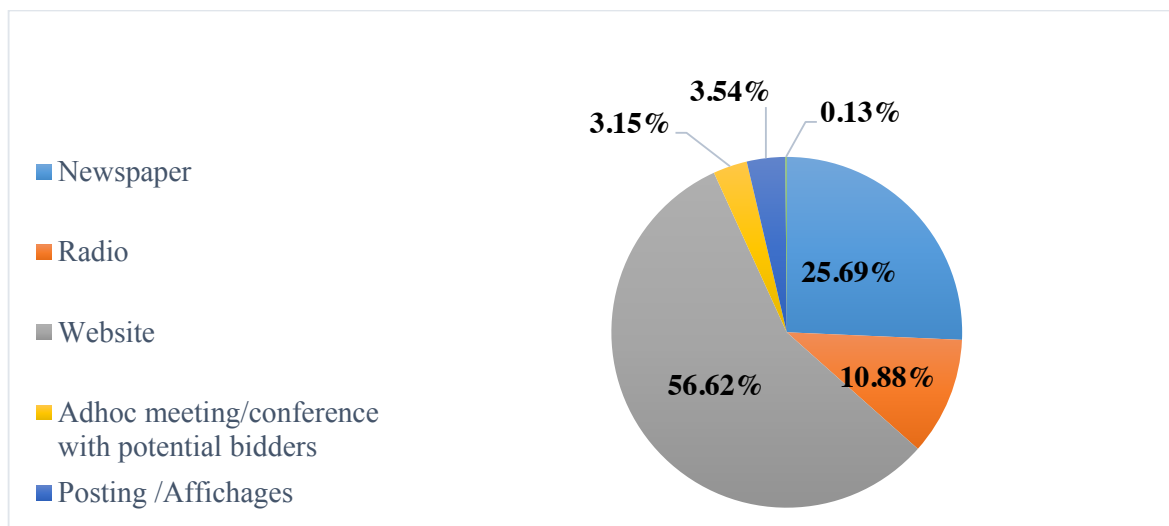


While the majority of bidders affirmed they are familiar with tendering process, during the interview conducted with procurement staff and members of procurement committee in some procuring entities in Kigali said that a big number of bidders do not fully understand the content of tender documents as in most of cases they do not even genuinely respond to administrative requirements or sometimes bidders do not respect provided formats and instructions. Additionally, procuring entities 'staff revealed a technical skills gap in tendering process which leads to disqualify local bidders compared to international bidders who win more tenders. Furthermore, the IRP has added that complaints from bidders were found not relevant which underlines that they are at some extent not deeply familiar with procurement process. The above facts, recall RPPA as regulator of public procurement to design and periodically conduct more awareness sessions in order to increase awareness of bidders on the public procurement process.

- **Sources of Information for Bidders**

It is evident that majority of bidders (56.62%) are getting public tender related information from the website which is now umucyo.gov.rw. The second source of information for public tenders is the newspapers (25.69%) followed with the radio (10.88%). Other listed source are not much utilized to share information related to the public tenders.

Figure 7: Sources of Information for Bidders

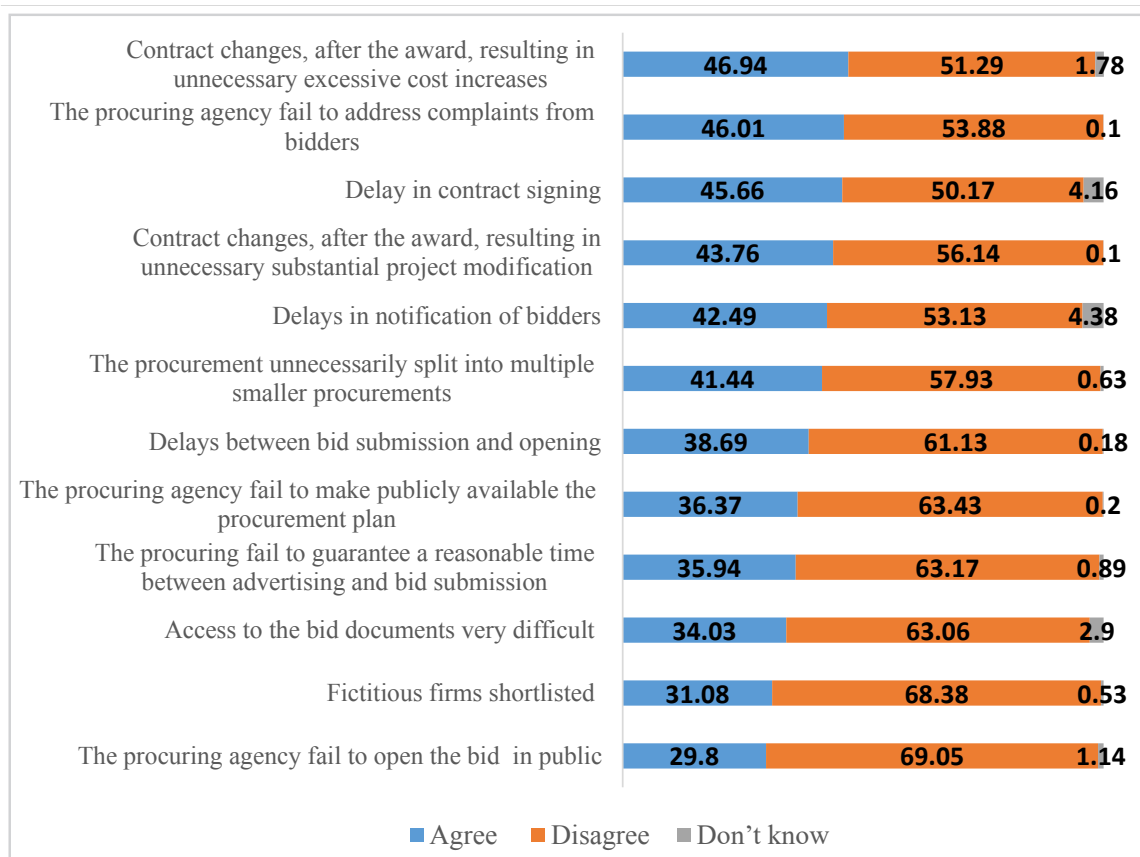


5.3. Transparency in Public Procurement in Rwanda

Transparency in public procurement is very important for country's socio-economic growth and sustainable development. Effective public procurement process fosters good governance and inclusive and sustainable economic growth and development. Furthermore, effective public procurement is an engine of effective and efficient functioning of public sector and service delivery as well (Ackah, 2020). Thus it is crucial to ensure that Government expending is through effective procurement process as biggest budget of public sector is spent under public procurement. This section is dedicated to assess how bidders perceive the level of transparency in public procurement in Rwanda. As it is portrayed in the table below, in many aspects of transparency in public procurement, majority of bidders (nearly 60%) believe that public procurement process is transparent in Rwanda. However, another significant proportion of bidders (around 20%) disagree on the fact that public procurement is transparent in Rwanda. The low level of perception with regard to transparent public procurement is mostly observed in the procurement unnecessarily split into multiple smaller procurements; the procuring entity failure to guarantee a reasonable time between advertising and bid submission; delays in notification of bidders; the procuring agency failure to address complaints from bidders; contract changes, after the award resulting in

unnecessary excessive cost increases and contract changes, after the award, resulting in unnecessary substantial project modification(see figure below).

Figure 8: Bidders' Perception on Transparency in Public procurement Process in Rwanda (%)



The bidders' positive attitude towards transparency in public procurement in Rwanda as highlighted in this study, is supported by the commendable efforts made by Rwanda to ensuring that public procurement operates into transparent manner and with integrity as it is indicated in RPPA's mission (RPPA, 2008) and in the law N°62/2018 of 25/08/2018 governing public procurement. As a matter of fact, articles on transparency are clearly underlined as a requirement in public procurement process. For instance, article 4, requests all public procuring entities to use electronic system for public procurement to mitigate risks that affects transparency such as physical contact that leads to corruption risks, and others malpractices that may result into inefficient service delivery. Additionally, article 7 underlines the governance structure and

segregation of duties in public procurement process. The provision of appeal to the independent review panel to avoid injustice in tender process is catered in article 12 of the current public procurement law. It is worthy to note that article 87 articulates on anti-corruption measures in public procurement.

As mentioned above, this study showed that around 20% of bidders disagree with the fact that the public procurement process in Rwanda is transparent. The same finding was raised by RPPA in its recent annual activity report where some tenders were found with prices which differ from the one of successful bidder in the evaluation report (RPPA, 2020). Delaying notifications to bidders and reluctance to handle bidders' complaints should be avoided at all cost as these malfunctions affect the integrity of the procurement process. It is worth noting that such delays affect even the project implementation. Most of the time, when the administrative process is delayed, the project implementation lags behind to the completion date. The inefficiency in the complaints handling delays even the project's outcomes (ADB, 2018).

This issue was also highlighted by the 2020 Office of Auditor General Report. Despite the existence of legal instrument and clear governance structure, the report indicates that public procurement process continues to be reported with numerous issues including inefficiency in contract management on the top. In 2020, the office of Auditor General of state finances has reported delayed projects with big amount though those contracts have been awarded respecting all steps of procurement process including non-objection.

For example, two projects of WASAC LTD for construction and rehabilitation of GIHIRA II of USD 12,656,529.07(taxes exclusive), construction of port facilities at Rubavu and Rusizi Lake Kivu(FRW 11,448,714,173), upgrading works for Nyagatre –Rukomo of 73.3 km (FRW45,557,036,029) and rehabilitation and widening of Rubengera-Rambura road(FRW13,777,514,234) have delayed (OAG, 2020). It worth noting that the delays in the implementation of projects is associated with non-transparent practices that occur during the contract management including, failure to address complaints from bidders, Contract changes, after the award, resulting in unnecessary substantial project modification and delays in notification of bidders. The same weakness of delays in awarding contract to successful bidders was currently found by the World Bank (WB, 2020).

With regard to the issue of segregation of duties in public procurement process, a bidder who was interviewed in this study testified:

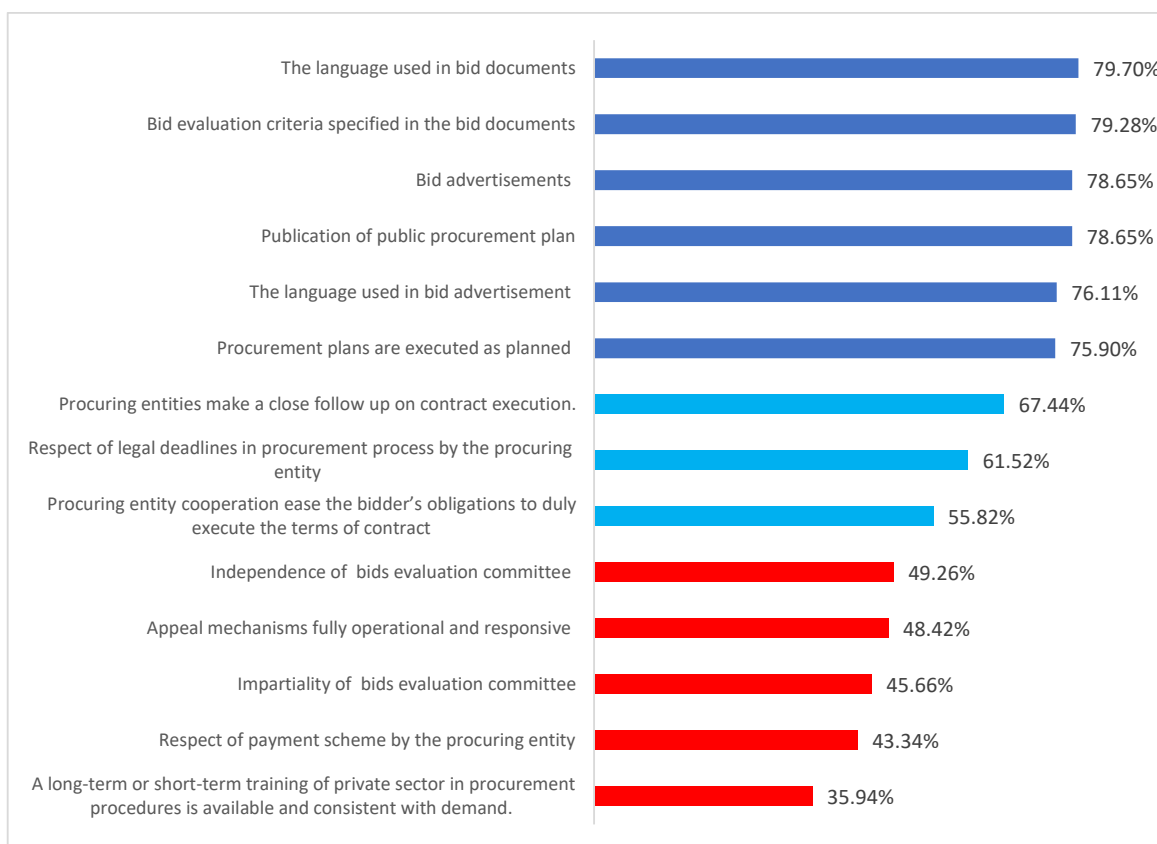
"This is personal experience, one day a CV of one of my technical staff was found with some forged experience. My Company was reported to RPPA for being blacklisted by procuring entity. During that process I have been called by one of RPPA staff requesting me to pay FRW 50million as a cost of not being blacklisted for 7years". I don't understand how RPPA staff can at same time inspect grievances and take such decision, better to leave those powers of blacklisting companies to the Board of Directors for the sake of segregation of duties that promotes accountability and transparency in public procurement process. Later I have realized that this was a conspiracy of my competitor and procuring entity that have initiated that malpractice of killing my business. A bidder testified"

The failure to address complaints from bidders may also be associated with the lack of transparency in the public procurement process as shown in this study. The current public procurement law is keen with transparency and integrity considerations, but the aspect of involving external multi-stakeholders in public procurement process as ones of tools to fostering transparency in public procurement was ignored. Omission of civil society or external stakeholders in the public procurement process to play oversight role was similarly found by the World Bank Group's analysis of the public procurement system in Rwanda (WB, 2020). It is worth to legally allow the participation of multi-stakeholders in the public procurement process in order to enhance transparency and accountability especially for biggest projects that are expected to create high impact on the wellbeing of the communities.

5.4. Bidders' Satisfaction with the Internal Public Procurement Systems

This study revealed that more than 90 percent of bidders are satisfied with the fact that procuring entities publish and implement public procurement plan. The same rate commends understandability of language used in bid adverts as well as the relevance of bid evaluation criteria. Bidders who have participated in this survey revealed that they are satisfied on how procuring entities follow up the implementation of contracts and how they cooperate for smooth implementation of the terms of contract as well as the respect of legal deadlines in procurement process (see figure 4 below).

Figure 9: Bidders' Satisfaction with the implementation of the Public Procurement process by procuring entities

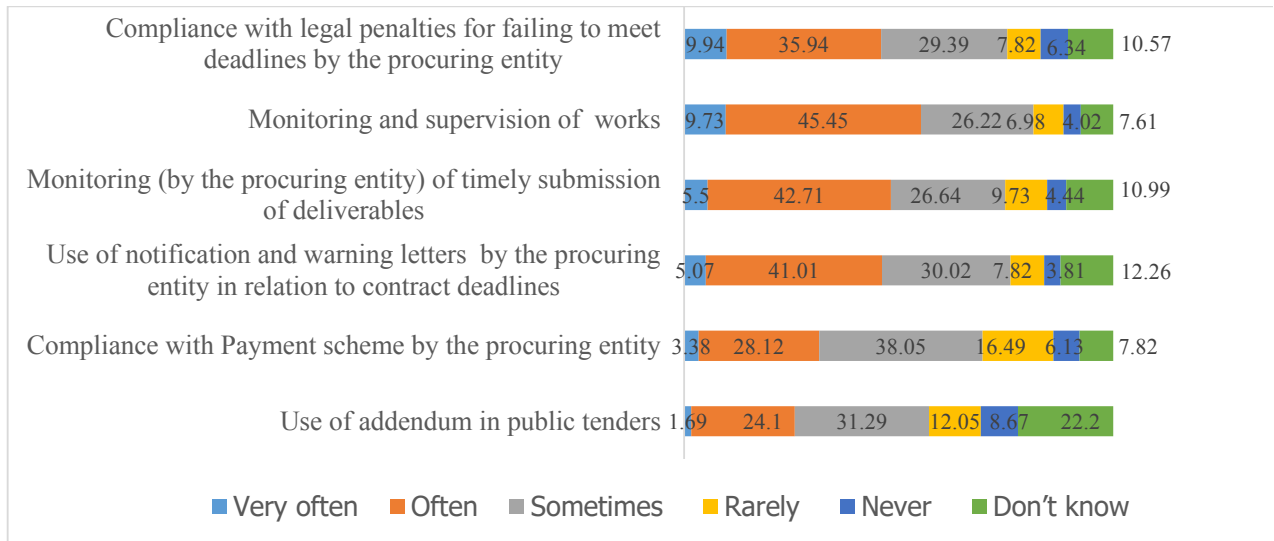


Despite the high level of satisfaction of bidders with regard to many aspects of the public procurement system listed above, the study revealed a number of issues for which bidders were found unsatisfactory during the procurement and have scored below 50% of net satisfaction from bidders. These include the respect of payment scheme by the procuring entity (43.3%), appeal mechanisms fully operational and responsive (48.4%), Independence of bids evaluation committee (49.2%), the impartiality of bids evaluation committee (45.6%), a long-term or short-term training of private sector in procurement procedures is available and consistent with demand (35.9%). The issue of long delays in payment of invoices continues to be one of weaknesses in public procurement in Rwanda. Beside this study, other studies came up with same finding of significant delays in paying invoices by procuring entities (WB, 2020). Numerous research findings have revealed that delayed payments can extremely ruin the economy and development due to the facts that delays in payment lead to bankruptcy and lower profits for corporates, and lower economic growth (IMF, 2015)

5.5. The Implementation of Elements of Contract Management

More than 45 percent of bidders confirmed that the public entities in contract management largely use notification and warning letters in relation to contract deadlines. The same rate confirmed an effective monitoring of timely submission of deliverables as well as effective monitoring and supervision of works while only around 35 percent of bidders confirmed a regular compliance with payment scheme by the procuring entity as well as compliance with legal penalties for those who failed to meet deadlines by the procuring entity. Additionally, the view of bidders about the use of addendum in public tenders is less practiced as it is depicted in the table 5.

Figure 10: Bidders' opinion on the Implementation of Key Elements of Contract Management (%)



Though around 50% and 55% of bidders confirmed monitoring and supervision of contracts, the issue of contract management in public sector was discussed by different institutions and came up with alerting findings. The recent RPPA annual activity reported 113 contracts that were seriously delayed to be signed, 231 ongoing contracts were found with serious implementation issues such as delays while 148 completed contracts were found with serious performance issues against the expected results (RPPA, 2020). In the same line and with much emphasis on the value for money, the office of Auditor General of state Finances in Rwanda, reported delayed 62 contracts worth to FRW 216.1 billion with 38 contracts from public entities and projects. The delay was estimated

up to 2,721 days (OAG, 2020). These above findings from various sources reaffirm that the contract management in public procurement process is still a challenge of effective procurement in public sector. Another important point to note is that most of contracts that face challenges are of infrastructure related projects which even cost big amount of budget due to their impact to brought up to the citizens' well-being and boosting the national economy.

Considering the above facts related to the issues in contracts managements, apart from limited collaboration and flexibility between procuring entities and contractors as well as external shocks, the challenge of having sufficient financial capacity for bidders to implement ongoing contracts might be among key loopholes that result into delays and abandoned contracts. The current public procurement law in use in Rwanda does not provide legal context for some bidders who may win contracts which are beyond of their real financial capacity. This practice of delaying to implement ongoing contracts has stated to occur in different contracts and this has revealed that performance guarantee and proofs of owned credit and liquidity have failed to always secure effective implementation of contracts. The public procurement law should be very strict on financial capacity, especially for infrastructure projects due to their high impacts on socio-economic conditions of citizens. For example, in addition to the existing financial capacity requirements, the law or regulations must indicate the maximum of contracts related to infrastructure that a bidder can have in the same period, of course the value of the contracts are compared to owned financial capacity.

5.6. Perception and Experience of Corruption in the Infrastructure related Public Procurement Process

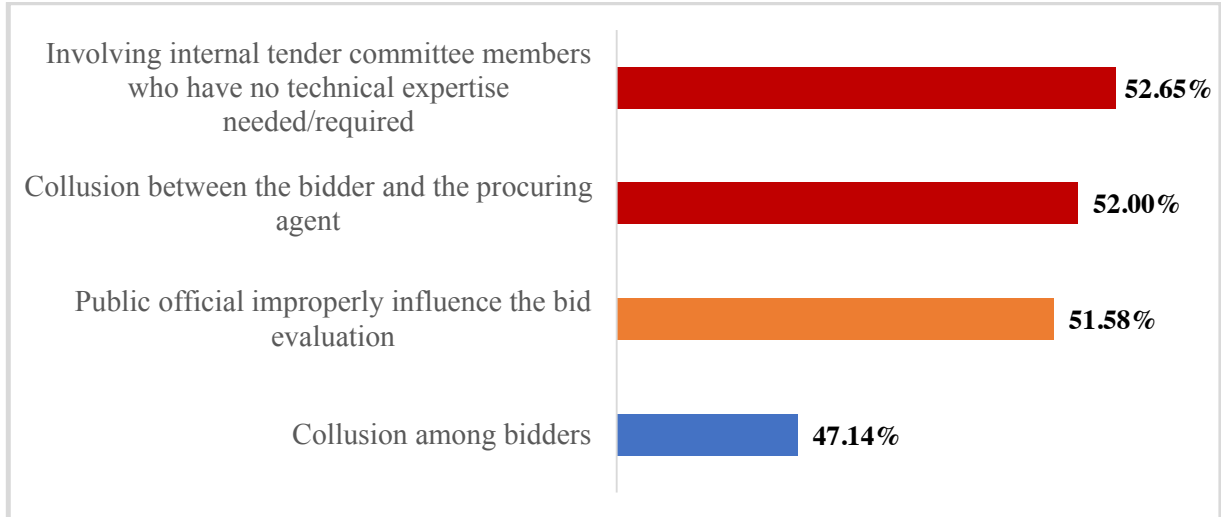
This part presents how bidders perceive potential risks of corruption, their perception on forms of corruption, encountered forms of Corruption and how corruption has affected Procurement Process as well as feedback from bidders who confirmed the payment of a bribe, kickback and/or Gender Based Corruption in public procurement in Rwanda.

- **Bidders' Perception on potential risks of corruption in public procurement**

As it is depicted in the figure below, near 53% of bidders have confirmed the issues of having some members in tender committee with no enough required technical expertise, 47.14% have

affirmed existence of collusion among bidders, 52% have confirmed the existence of collusion between procurement staff and bidders while around 52% of bidders stressed that there is influence of high officials in the public procurement on the bid evaluation.

Figure 11: Bidders' Perception on potential risks of corruption in public procurement



It emerged from the findings that the majority of bidders perceive the lack of technical expertise needed in procurement as the major risk of corruption in public procurement process. The capacity gaps regarding the management of public procurement creates a conducive environment for corruption. This is true because practitioners with high skills levels and knowledge have significant impact on financial performance and operational efficiency in terms of quality improvement, design, and reduction of lead times as opposed to those with no required skills in this area. For example, during the FGDs with bidders, it was revealed that some procurement officers fail to adequately package the tender documents and end up fixing them during the evaluation stage which may provide rooms for corrupt practices.

This study has also revealed a big proportion of bidders (52%) who claimed that contract managers and supervising companies collude to accept and pay substandard infrastructure. This was again confirmed during the FGDs conducted with some procurement staff in one of the public institutions visited in Kigali.

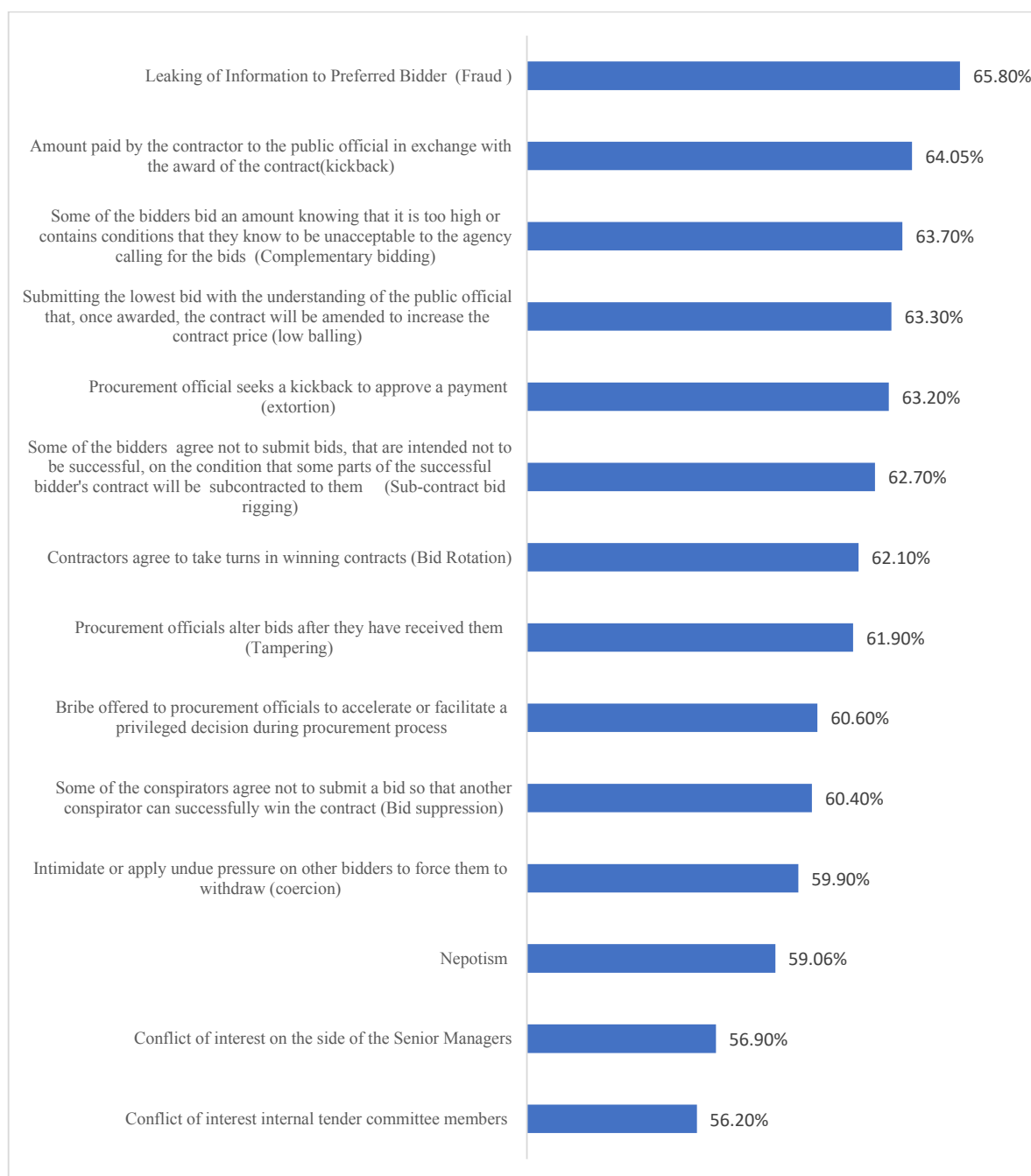
During the FGDs with procuring entities in public institutions whose operations are exclusively for infrastructure, *one staff testified that one day he went to monitor the contract of build whose columns were supposed to be 40x40cm and they found that the contractor has constructed a column of 20 x20cm while supervising company and contract manager were there. This context illustrates collusion between the contractor, supervising company and contract manager.*

As collusion between the contractor, supervising company and contract managers leads to sub-standards works, it is reasonably important to suggest that the current law on procurement in use in Rwanda be amended to prevent such malpractice in the procurement process. This was highlighted during Key Informant Interviews whereby a participant suggested that: *“the articles 97 and 124 of the current procurement law on the duration of the guarantee for works should be proportional to the monetary value of the project and not being fixed for one year for all types of works. The revision should also be made for the article 131 where the ten-year of accountability for works should not be the same for all works but rather the monetary value of the project and the lifetime of the infrastructure should be also considered. Additionally, there should be a harmonized legal standard and not allowing larger flexibility to the tender document which may come up with different considerations for the project of the same nature”.*

- **Perceived forms of corruption in Public Procurement in Rwanda**

The perceived forms of corruption in public procurement in Rwanda appear to be at a high level as shown in the table 7 below. The perceived forms of corruption with the highest level include Leaking of Information to Preferred Bidder (Fraud), Amount paid by the contractor to the public official in exchange with the award of the contract (kickback), Some of the bidders bid an amount knowing that it is too high or contains conditions that they know to be unacceptable to the agency calling for the bids (Complementary bidding), Submitting the lowest bid with the understanding of the public official that, once awarded, the contract will be amended to increase the contract price (low balling), Procurement official seeks a kickback to approve a payment (extortion), Some of the bidders agree not to submit bids, that are intended not to be successful, on the condition that some parts of the successful bidder's contract will be subcontracted to them (Sub-contract bid rigging) which scored 65.8%, 64.05%, 63.7%, 63.3%, 63.2%, 62.7 respectively. These findings corroborate the recent study by the OoO which revealed that the perceived corruption in public procurement in Rwanda stands at 63.3% (OoO, 2020). This study also indicated that Construction (as one of the infrastructure related activity) was scored 64.4% as corrupt by the private sector category of respondents.

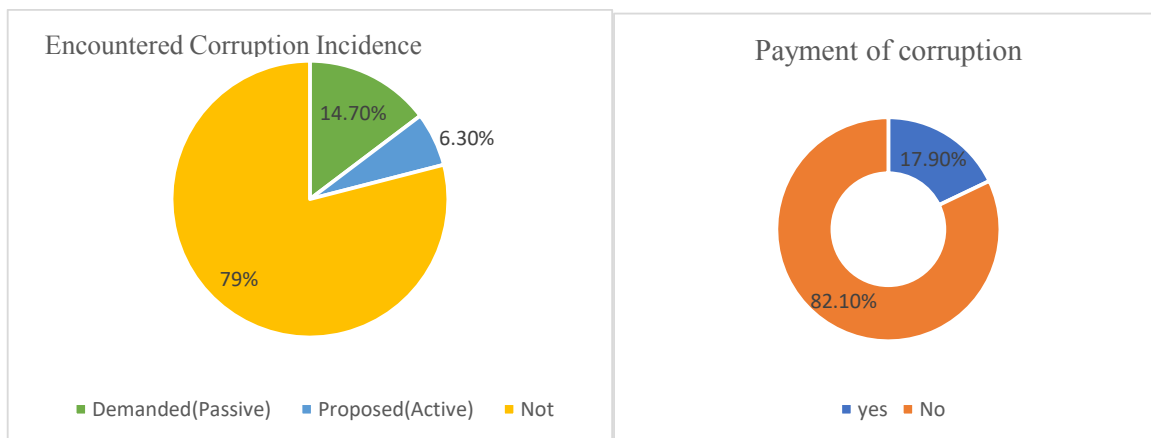
Figure 12: Perceived Forms of Corruption existing in Public Procurement in Public Procurement in Rwanda



- **Bidders' Experience on Corruption in most 3 Recent bids in last 12 Months**

This section presents corruption experience of bidders in public procurement during 12 months ago. Under this part, bidders revealed their experience on bribe demand by staff from procuring entities and proposed bribe by bidders to procuring entities for mostly winning tenders, getting contracts signed, delivering sub-standard goods and services and obtaining unreasonable addendum. Corruption experienced refers to both demanded and offered corruption. The Figure 9 illustrates that 14.7% of bidders who participated in this survey said that they have been directly or indirectly demanded to pay corruption when interacting with staff from procuring entities. It is also evident that corruption in public procurement is less from demand side as 6.30% of bidders have proposed corruption to staff from procuring entities.

Figure 13: Experience of Bidders on encountered and paid corruption in Public Procurement

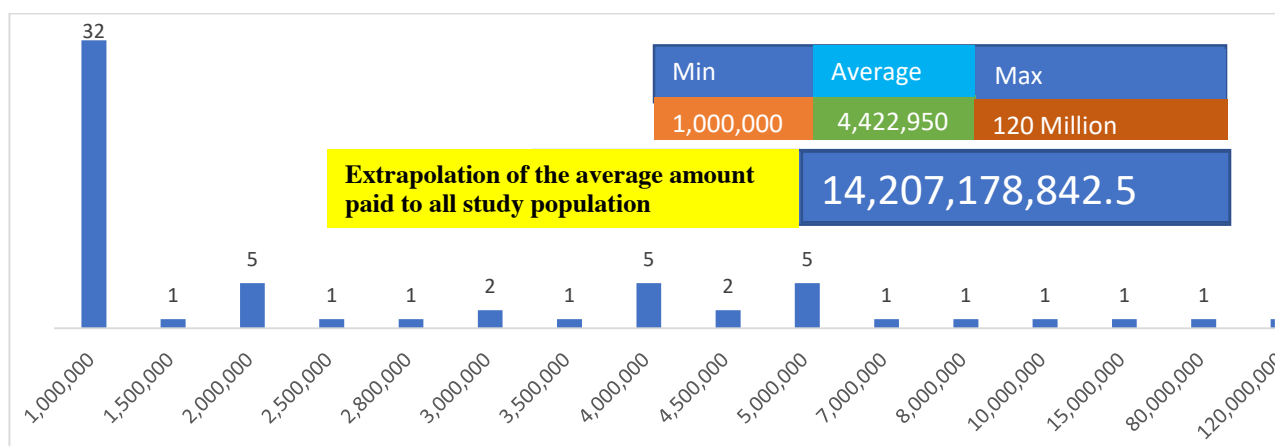


This study has also revealed that the prevalence of corruption in public procurement in the infrastructure project stands at 17.90% against demanded and proposed bribes. This is higher than other prevalence of corruption found by other existing corruption assessments conducted in Rwanda. This statement is due to the fact that existing corruption assessments (Baseline Study on the Status of Corruption in Rwanda 2020 by the office of Ombudsman) (OoO, 2020) and Rwanda Bribery Index 2020(Transparency International Rwanda), revealed that procurement is among the highly perceived as corrupt service in Rwanda.

- **Monetary value of bribe paid and Corresponding Frequency**

As it is illustrated in figure 10, exactly, 61 bidders witnessed the payment of corruption during the public procurement process in last 12 months. The lowest amount paid is one million Rwandan francs which is at the same time the amount paid by more than a half of all bidders who encountered corruption while the highest amount that was paid is 120 million Rwandan francs. The average of bribe paid is also higher than other average payments found by other assessments on corruption that have been earlier mentioned. This higher average reaffirms high prevalence of corruption in public procurement, especially in infrastructure projects.

Figure 14: Monetary value of bribe paid and Corresponding Frequency (FRW)



As it has been informed by this study, monetary corruption was mostly paid at the stage of qualification to the bids evaluation, contract awarding, and contracts implementation and for payment of invoices. Calculating amounts of monetary value spent is to mainly figure out the cost of such illegal and unethical practices to the socio-economic growth and sustainable development. By extrapolation to the study population² (bidders categorized in works as per RPPA list of 2021), the study shows that the estimated amount involved in corruption payment is worth FRW 14,207,178,842. Using the extrapolation approach of the study population³ (bidders categorized in

² Categorized bidders in works as per RPPA list 2021 x prevalence of corruption in public procurement for infrastructure projects x the average of amount paid)

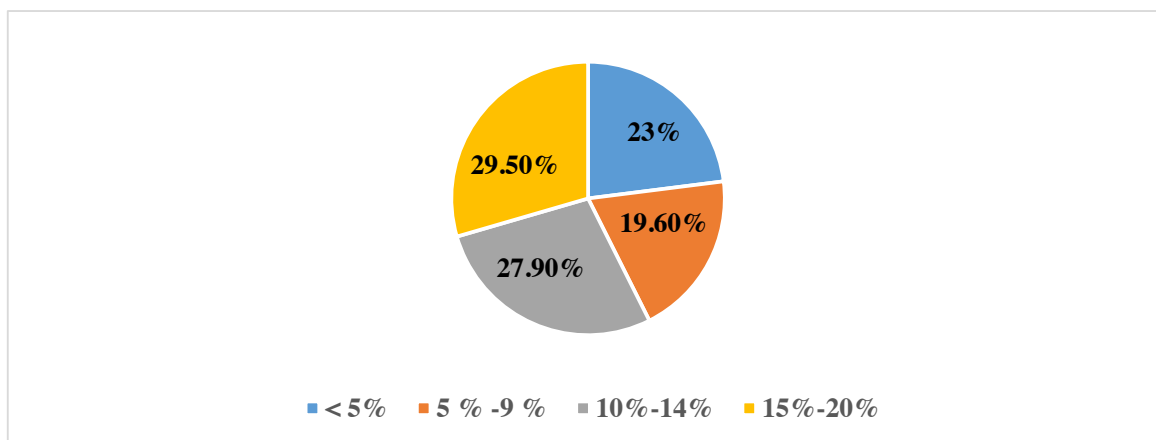
³ Categorized bidders in works as per RPPA list 2021 x prevalence of corruption in public procurement for infrastructure projects x the average of amount paid)

works as per RPPA list of 2021), the study shows that the estimated amount involved in corruption payment is worth FRW 14, 207,178,842. Taking the example of the constructed asphalted road Ngoma-Nyanza road Lot 2 for Kibugabuga- Shinga- Gasoro (66.55 Km) with a value of FRW 40.7 billion⁴ (RTDA, 2019) that is FRW 0.611billion per1km, the extrapolated amount can construct 23.2 kilometers of asphalted road of the same technical specifications as the above mentioned road.

- **Bidders' Experience on the Proportion of the Contract Value Paid as Corruption**

As it is illustrated in table 8, the prevalence of corruption in public procurement for infrastructure projects is high. Based on the bidders' experience and testimonies, 57% of bidders who paid corruption along the public procurement process have paid at least 10% of the contract value. The way that corruption in these kind of activities is tricky, there is risks of bribe at each stage of procurement process. Recently, procurement activities were ranked the second after construction activities in the baseline study on the status of corruption countrywide (OoO, 2020). All these findings alert that more tough strategies are needed to affectively monitor the public procurement process in order to maximize outcomes from public funds.

Figure 15: Proportion of the total Contract Value vis-à-vis payment of corruption

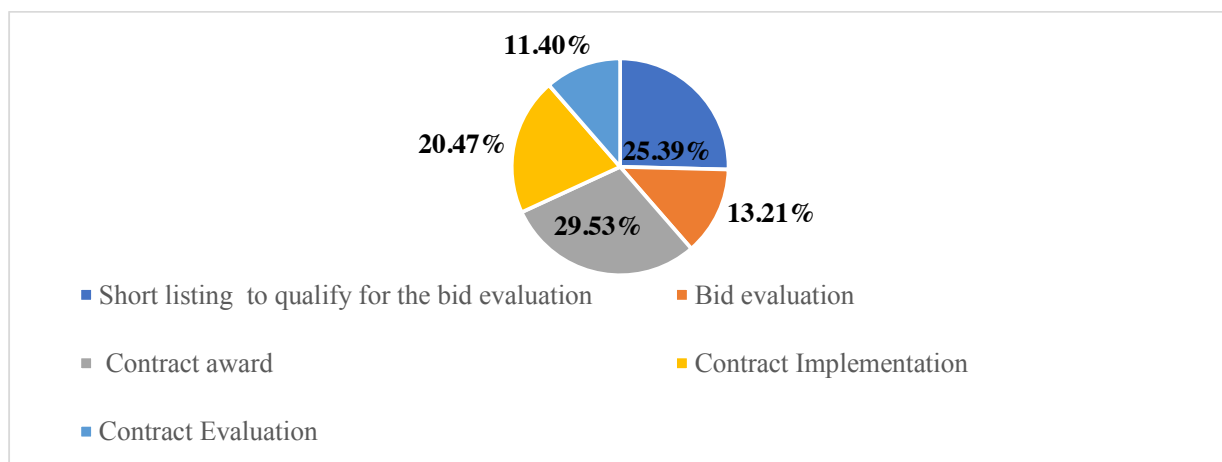


⁴ Price for 1KM of asphalted road was $FRW 40,727,960,565 / 66.55km = FRW 611,990,391.6 / KM$

- **Bidders' Perception on areas most affected by corruption in the Procurement Process**

Overall, 29.53 percent of bidders perceived that corruption comes in at the stage of contract award and at shortlisting phase while 25.39 percent of bidders claimed to experience corruption in a bid to be shortlisted to quality for bid evaluation. It is important to note that 20.47% of bidders indulged in corrupt practices during the contract implementation which may lead to poor quality or little quantity of deliverables.

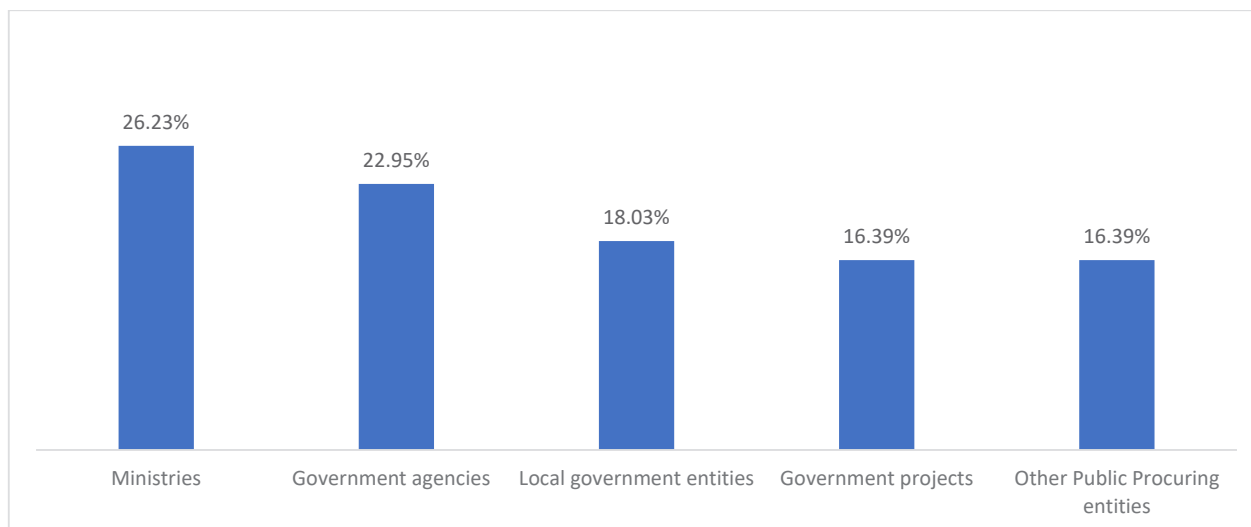
Figure 16: Bidders' Perception on areas most affected by corruption in the Procurement Process



- **Public Procuring Entities Mostly Affected by Corruption**

Bidders who affirmed the payment of corruption during the public procurement process, revealed that Ministries, Government agencies and Local government are the most procuring entities affected by corruption practices as confirmed by 26.23%, 22.953% and 18.03% bidders respectively. Ministries and local government staff have also perceived by citizens as corrupted services providers in the baseline on corruption status in Rwanda published by the OoO in 2020.

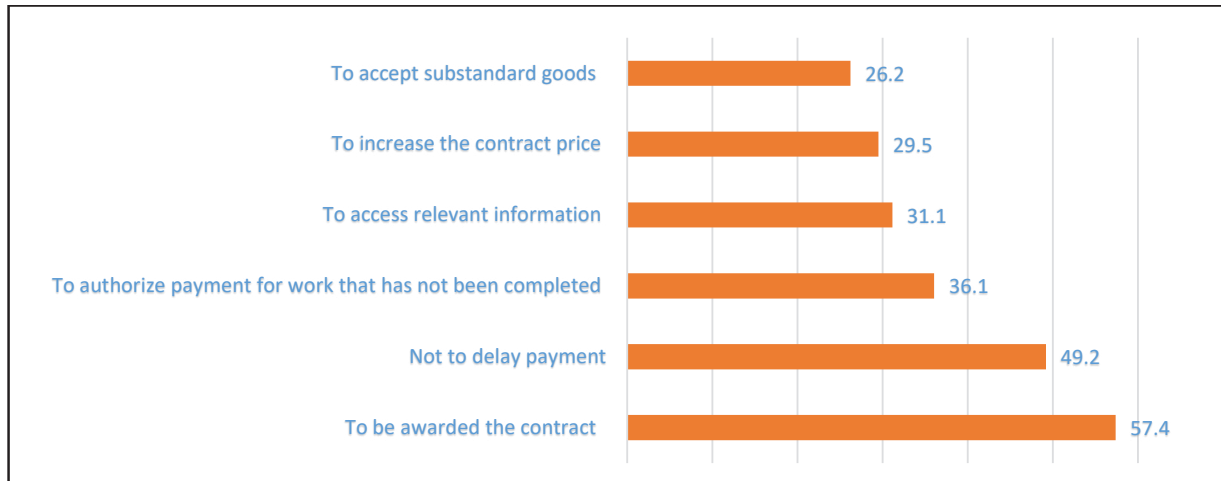
Figure 17: Public Procuring Entities Affected by Corruption



- **Bidders' reasons for paying bribe during the Procurement Process**

This study examined the reasons for which bidders were asked to pay bribe while interacting with procurement officers and other members of the procurement committees. It emerged from the findings that major reasons for paying bribe include being awarded the contract (57.4%), avoiding delays of payment ((49.2%), to authorize payment for works that were not yet completed (36.1%) and access to information (31.1%). As it is presented in figure 11, it seems that corruption is paid at all key phases of procurement process in Public Procuring entities which will negatively affect the socio-economic development and sustainability of constructed infrastructure in the country.

Figure 18: Bidders' reasons for paying bribe during the Procurement Process



In addition to the above reasons for paying bribe, bidder's testimonies revealed that there is a high level of corruption in the form of blacklisting companies by RPPA. This is highlighted by bidders who accept to pay requested bribe fearing to lose their references. For example, a bidder who is going to be blacklisted for 7years will prefer to pay bride to avoid losing his/her references as the validity is for 5years.

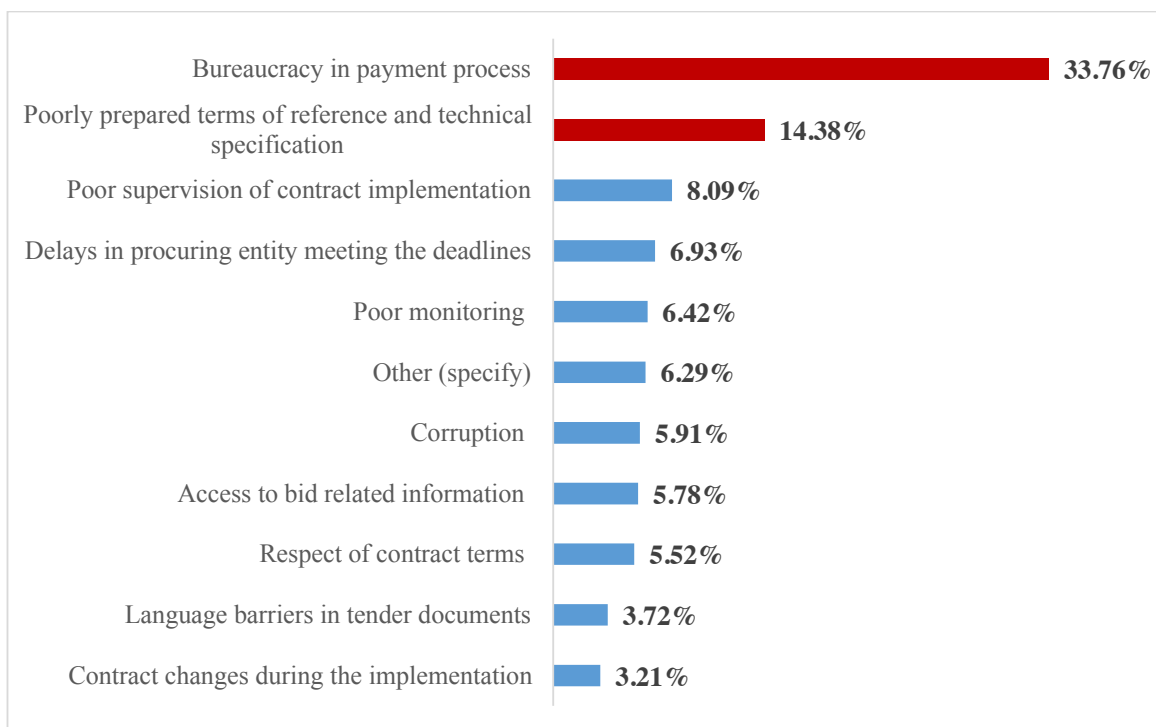
5.7. Bidders' Grievances in Public Procurement in the Infrastructure Sector in Rwanda

This part presents the bidder's experiences on most persistent grievances and their frequency of occurring in the public procurement Process.

- **Most Recurrent Grievances Experienced by Bidders in Public Procurement process**

Bidders have revealed that the most experienced grievances in procurement process are bureaucracy in the payment (33.76%), poorly prepared terms of reference and technical specifications (14.38%), and poor supervision of contract implementation (8.09%) among others. They have added that corruption (5.91%) is among most recurrent issues though it is not on the top list of grievances. As it is indicated in table 10, bidders questioned most of the key stages of procurement process.

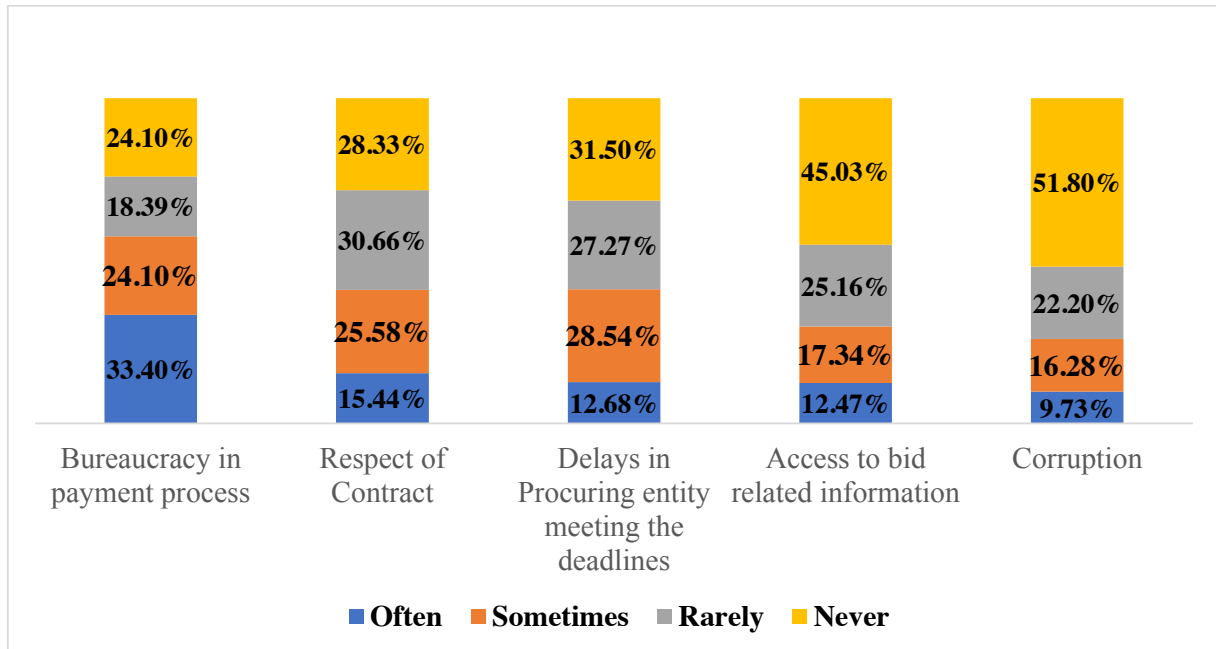
Figure 19: Most Recurrent Grievances Experienced by Bidders in Public Procurement process



- **Frequency of Bidders' Experience Grievances in Public Procurement Process**

When considering the frequency of experiencing grievances in public procurement process, bidders have again mentioned bureaucracy in the payment as the most recurrent grievance as (33.4%) of bidders confirmed the experience of this grievance. The second grievance with higher frequency is the respect of contract terms as bidders have confirmed its occurrence at 15.44% among (see figure13).

Figure 20: Frequency of Bidders' Experience Grievances in Public Procurement Process

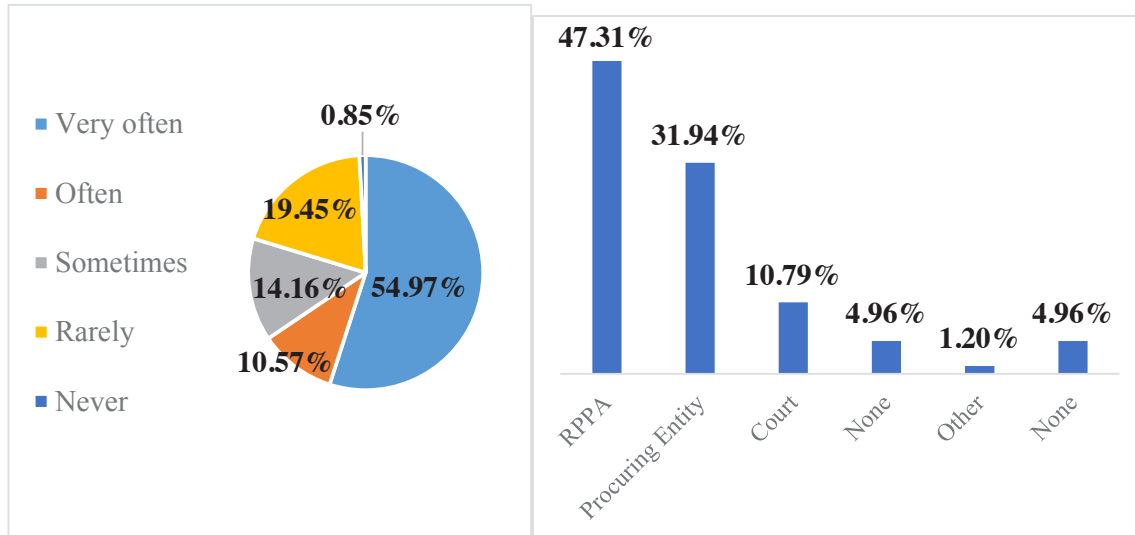


- **Reporting of Grievances in Procurement Process**

As it is indicated in figure 14, it is evident that very few of bidders have reported grievances related to corruption that they have experienced in public procurement process. Overall, 54.97% confirmed that they did not even attempt to report any grievance encountered. It has been noticed from this survey that majority of bidders have submitted encountered grievances to RPPA (47.31%) and to the procuring entity (31.94%). The issue of reluctance in reporting corruption has been revealed in many studies including (TI-Rwanda, 2020) and (Office of Ombudsman , 2020) among others, reiterated that victims and witnesses of corruption are still hesitant to **report corruption** in Rwanda. It is worth to note that reporting corruption in public procurement differs from complexity of reporting corruption in other context such as service delivery as in procurement process corruption has the nature of win-win situation between procuring entity staff and bidder. Sound measures of witness protection should be implemented to increase the willingness of reporting corruption cases. RPPA as regulator of Public procurement, Office of Ombudsman, RIB, NPPA and other anti-corruption actors should establish appropriate mechanisms that motivate

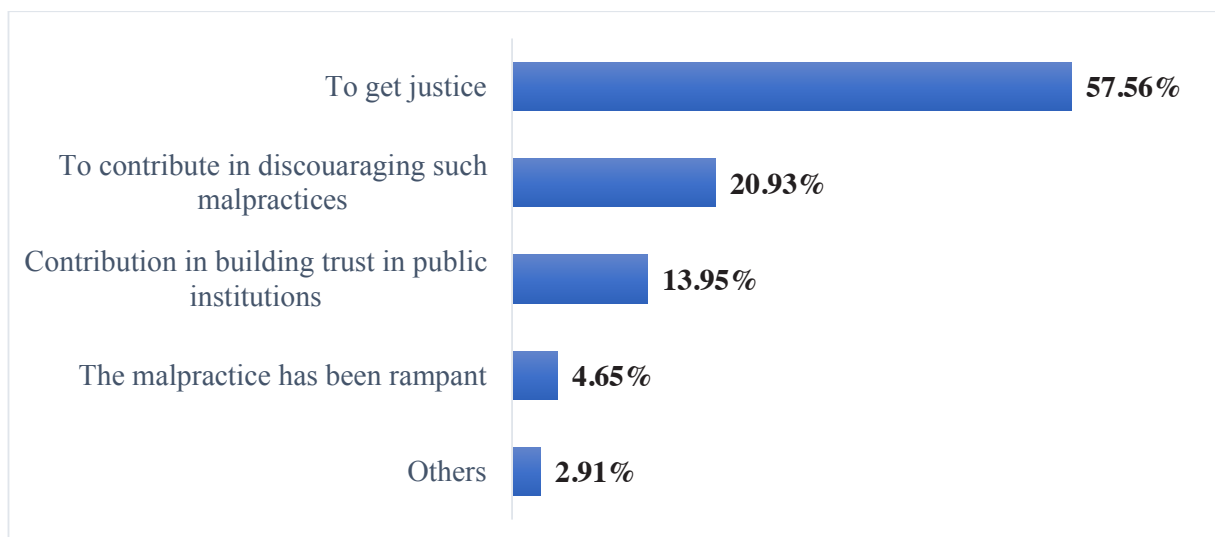
citizens to report corruption with high degree of anonymity (high usage of ICT tools for whistleblowers protection purposes).

Figure 21: Level of reporting Corruption and Respective Institutions where bidders appeal to



Bidders who tried to report encountered grievances have largely revealed that the intention to submit them to the concerned institutions, was to contribute to the deterrence of such bad habits that inhibiting the effective public procurement.

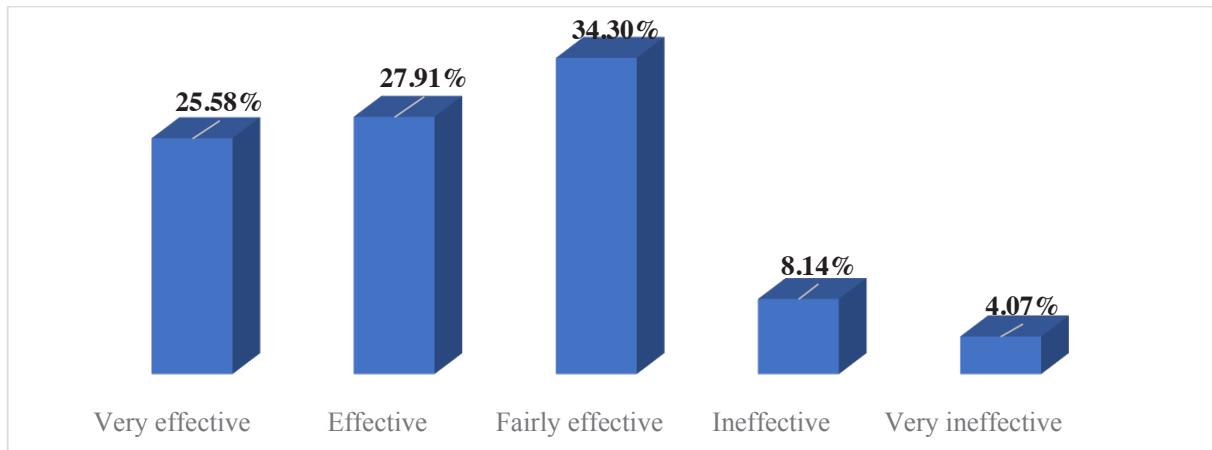
Figure 22: Reasons Why Bidders have reported grievances they have experienced



Overall, 87.79% of bidders have acknowledged the effectiveness of reaction of institutions in charge to fight against corruption and injustices as it is illustrated in figure15.

This study has demonstrated that there is 12.21% of bidders who have experienced ineffective feedback on submitted grievances. This alerts that RPPA and other stakeholders that are dealing with promoting transparency and accountability in public procurement the need to continuously establishing strong mechanisms that minimize the grievances still undermining effective public procurement.

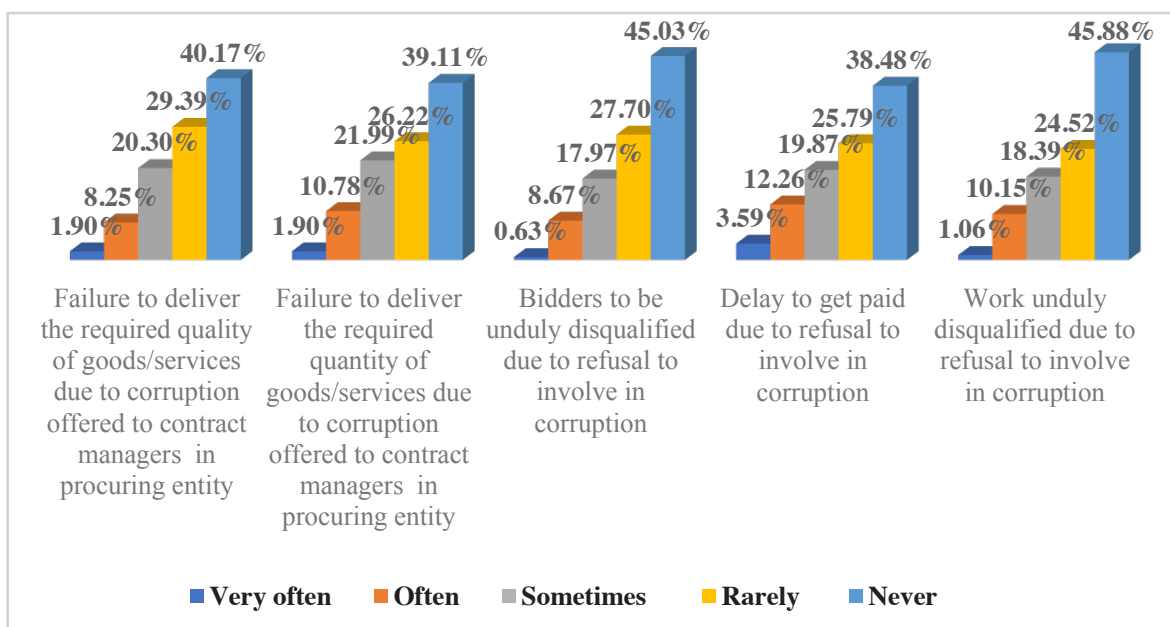
Figure 23: Responsiveness from Institution at which they have Reported to Grievances



5.8.Effects of Corruption in Public Procurement in the Infrastructure Sector in Rwanda

As it is presented in figure 15, around 60% of bidders have revealed their experience in facing consequences linked to corruption practices in the public procurement process. More than 55% of bidders have experienced disqualification during the bidding process or delayed payments due to refusal of paying corruption. Some bidders they have witnessed that sometimes they have failed to deliver the required quantity or quality due to the demanded corruption by contract managers.

Figure 24: Extent to which corruption affect Public Procurement in the Infrastructure Sector in Rwanda



6. CONCLUSION AND RECOMMENDATIONS

6.1. Conclusion

This baseline study on integrity and transparency of the public procurement process is the line of multi-stakeholder's journey of promoting effective public procurement in the infrastructure sector in Rwanda. It provides basic data on extent of corruption and proposes strategies to eradicate corruption in public procurement of infrastructure projects. In addition, it includes a section provides the level of awareness of bidders on public procurement process and legal instruments, terms and conditions of the public procurement process, most used public procurement methods in Rwanda.

This study provides the extent at which bidders are familiar with procurement stages, their perception on how public procurement legal instruments contains provisions that promoting integrity and transparency and bidders' satisfaction on the functionality of the public procurement in Rwanda. The same baseline assess how bidders' perception and experience of corruption in public procurement in the infrastructure sector in Rwanda.

The exclusivity of this baseline is made up of using a robust methodology comprising perception, experiences of corruption, real data, FGDs, interviews, the analysis of at which extent legal instruments address the cover the dimensions of integrity and transparency in public procurement process in Rwanda.

The latter method is the first of its kind in corruption assessment in public procurement in infrastructure sector in Rwanda. This study uses a complement of quantitative from bidders involved in public procurement for works and qualitative data from key stakeholders who directly and indirectly deal with public procurement and use of public funds to determine the extent at which corruption is perceived and experienced in public procurement process. The same methodology allows to figure out main areas with corruption risks in public procurement process in infrastructure sector. The study findings therefore reflect opinions and experiences of a range of stakeholders on corruption in public procurement process for infrastructure sector in Rwanda.

This study adds information on the status of corruption in the public procurement in the infrastructure sector in Rwanda. it will together with others popular corruption assessments such as a baseline study on the status of corruption in Rwanda, a government-led assessment of corruption, Rwanda bribery index, an annually version of Transparency International Rwanda and Transparency International's Corruption Perception Index (CPI) enhance a framework for regular monitoring of corruption trends over time.

Findings of this study show that the Government of Rwanda is considerably committed to fight corruption. To translate into actions, the government willingness to curb corruption practices in

different activity sectors, Rwanda has continuously building capacity of institutions and establishing legal instruments to promote transparency and accountability in service delivery and in management of public entities. It is in the same spirit that the government has put up in place an institution with mandate of strategic management of public procurement known as RPPA.

As an example, the Organic Law N° 01/2012/OL of 02/05/2012 instituting the penal code criminalizes corruption and, in 2018, a specific law on corruption was conceded. Additionally, anti-corruptions institutions (OoO, OAG, and RPPA) have been established with powers to fight against corruption. Commendable efforts are also noticeable in the justice sector due to the newly reforms where the Rwanda set-up the RIB and the jurisdiction of economic crimes including corruption under the law N°30/2018 of 02/06/2018.

Furthermore, this study has the virtue of being first version to evaluate the integrity and transparency of the public procurement process with more focus on the infrastructure cluster. It revealed that through 88.2% of public tenders in infrastructure are conducted under open competition, 52% bidders confirmed existence of corruption risks of collusion among bidders and collusion between procurement staff and bidders. The risk of expertise gap in contract management has been discussed by different actors and this study reaffirmed it at an extent of 53% of confirmation by bidders.

Concerning, the bidders' perception on the forms of corruption in public procurement for infrastructure works, the highly perceived forms are: conflict of interest for the senior managers, conflict of interest for internal tender committee members and nepotism with rate of 37.55%, 39.66% and 42.27%, respectively. This means that winning a contract in infrastructure works is largely based on nepotism which is not a new finding as even earlier assessments on corruption in Rwanda (baseline on status of Corruption in Rwanda and RBI) revealed nepotism as most prevailing form of corruption either in public recruitment or procurement. Considering together perception rates for extreme of very high, high and moderate, it is clear that generally around 50% of bidders perceive that there corruption in public procurement in infrastructure sector. The fact that public procurement is perceived corrupt at such level it is critical as the quality and value for money will be negatively affected as well as the effective use of public funds as big portion of the national budget is dedicated for infrastructure development projects.

About how corruption risks affect the public procurement process, majority of bidders revealed that shortlisting bids to be evaluated (25.39%) and contract award (29.53%) are the most stages ruined by corruption. This study revealed that 17.90 % of bidders who encountered corruption have paid it. The Ministries, Government agencies and Local government are the most procuring entities affected by corruption practices at level of 26.23%, 22.953% and 18.03% respectively.

About recurrent grievances experienced by bidders in procurement process are: bureaucracy in the payment (33.76%), poorly prepared terms of reference and technical specifications (14.38%), and poor supervision of contract implementation (8.09%) among others. They added that the most recurrent grievances are very often affecting public procurement in infrastructure projects. Similarly to other findings, this study informed that bidders are reluctant to report encountered corruption. Overall, 54.97% of bidders did not report encountered grievances.

5.2. Recommendations

Based on findings in this study on integrity and transparency in public procurement of infrastructure projects in Rwanda, the following actionable recommendations are released for effectiveness of public procurement, specifically in infrastructure projects.

1. Despite high rate of how the public procurement accommodate the concern of transparency, it is still missing the provisions on external oversight and whistleblower protection. It is strongly recommended to RPPA and key actors to include in the public procurement law in Rwanda, provisions that allow oversight role by external bodies and practitioners and whistleblower legal backup in order to increase the transparency and integrity in the public procurement process. The oversight role can be applicable for huge project (the threshold can be determined).
2. RPPA must revisit the current public procurement law to provide more precision for all articles that may encourage different implementation in public procurement process. For example article 124, gives more flexibility to the tender document which may come up with different ways of interpreting this article throughout the procurement process.
3. RPPA should review the legal framework for period guarantee for works and see how the guarantee should be proportional to the value and nature of works in order to increase the quality and durability of works.
4. As heavily sanctions induces blackmailing corruption, better to RPPA to revisit categories of sanctions for all faults in public procurement articles 176-182 of the latest public procurement law in Rwanda.
5. As long delays in payment of suppliers' invoices continued to be found in numerous reports, (AOG and TI- Rwanda reports, RPPA audits), the procurement law and regulation should provide an interest for bidders whose payments have delayed as time value of money is concerned. Otherwise bidders will continue to be negatively affected as well as the economy. Imagine delayed payment for a bidder who is paying loan in the bank.
6. As far as the issues of contracts management is concerned and has become recurrent finding in public procurement and in public financial management, the current public procurement law, has to make financial capacity requirements for bidders and procuring entity tougher to avoid delays and abandoning contracts. For example a bidder who have won contracts

which are beyond of his/her financial capacity will tend to use funds from one project to other pending projects.

7. As procurement stages of shortlisting bids for evaluation and contract award continued to be perceived as most with high corruption risks, RPPA and procuring entities should continue to develop mechanisms that regularly track the contract signing process to avoid delays and always there should be a commission decision for each procurement stage.
8. Strengthening existing corruption reporting tools and increasing the trust of bidders to use them, this also includes to ensure more safety of whistle-blowers by granting them confidentiality and physical protection if needed.
9. Establish a multi-stakeholder group comprised of CSO, public and private sectors is crucial in monitoring corruption in the procurement process and especially in the implementation of huge public infrastructure projects. This initiative should concern both Local Government and Government projects as there most perceived corrupted by bidders.
10. The contract management must be strengthened in terms of skills and line management must make follow up of the process for ensuring accountability of the assigned responsibilities.
11. For the sake of transparency it would be better MINECOFIN advocate to all development partners to accept the use of e- procurement process for projects that they fund.

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ANNEX

ANNEX 1 List of Categorized Companies in Works, published by Rwanda Public Procurement Authority (RPPA) on August 28, 2020 ([Works_Categories_published_28082020.pdf](https://rppa.gov.rw/Works_Categories_published_28082020.pdf) (rppa.gov.rw))

Categories	Category A		Category B		Category C	Category D	Category E	Category F	Total
	A1	A2	B1	B2					
Buildings	27		4		28	120	67	2,087	2,333
Roads and Bridges	17	1	1	8	19	42	22	10,731	10,841
Dams	6		2		1	3	1,480		1,492
Marshland Development and Hillside Irrigation	5				7	12	7	1,489	1,520
Drinking water Supply	10		1		15	32	29	1,672	1,759
Total	66		16		70	209	1,605	15,979	17,945

ANNEX-I1: QUESTIONNAIRE

A baseline study on Integrity and Transparency of the public procurement system in the infrastructure sector in Rwanda.

INTRODUCTION
<p>Hello. My name is _____ I am an Enumerator and I am conducting on behalf of TI-RW a baseline study on integrity and transparency of the public procurement system in the infrastructure sector in Rwanda. The study aims to collect bidders' views on transparency and integrity of the public procurement in the infrastructure sector in Rwanda and obtaining information on which to benchmark strategies for improving the national procurement system.</p> <p>All of the information you give us is completely confidential. This information will be combined with that provided by hundreds of other bidders. There will be no way to identify your individual answers, so please feel free to tell us what you really think.</p>

If you feel uncomfortable, you may decline to answer any question, or end the interview at any time with no negative consequences.

We sincerely appreciate your participation in this study.

A. FOR FIELD SUPERVISOR	
Supervisor Name: <input style="width: 90%;" type="text"/>	Supervisor Number: <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/>
Completed Questionnaire Checked and Approved by Supervisor: <i>Check if yes:</i> <input type="checkbox"/>	
Date Approved: <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <div style="text-align: center; margin-top: 5px;"><i>DD / MM / YYYY</i></div>	
Name of interviewer:	<input style="width: 90%;" type="text"/>
Date of interview:	<input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> / <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> / <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <div style="text-align: center; margin-top: 5px;"><i>DD / MM / YYYY</i></div>

SN	Residence	Code
1	Province	
2	District	
3	Sector	

B. DEMOGRAPHICS

1. Age (in years)	-
2. Sex	(1) Male (2) Female
3. Marital status?	(1) Single (2) Married, (3) Widow, (4) Divorced, (5) Separated
4. Education level	(1) PhD, (2) Master's degree, (3) Bachelor degree (4) Diploma, (5) Other/Specify

5. In which category of procuring entity did you compete for a tender and qualified as a successful bidder?

1. LG
2. Ministry
3. Government agency
4. Government projects

5. Which category and associated sub-category of tender were you involved in

Category	Code	Sub-category (Cycle appropriate sub-category)
Buildings	1	A, B, C, D, E, F
Roads and Bridges	2	A, B, C, D, E, F
Dams	3	A, B, C, D, E, F
Marshland Development and Hillside Irrigation	4	A, B, C, D, E, F
Drinking water Supply	5	A, B, C, D, E, F

7. Which type of procurement method is mostly used in your bidding?

Open tendering,	1
Restricted tendering,	2
Request for proposals,	3
Two-stage tendering,	4
Request for quotations, and	5
Single-source procurement.	6
Don't Know	99

8. Which one have you preferred the most?

PROCUREMENT METHOD	Code	Reasons for preference
Open tendering	1	
Restricted tendering	2	
Request for proposal	3	
Two-stage tendering	4	
Request for quotations	5	
Single-Source Procurement	6	

C.BIDDERS' AWARENESS OF PROCUREMENT PROCESS AND LEGAL INSTRUMENTS

9. To what extent do you feel conversant with each of the following procurement related aspects? Would you say you are very conversant, conversant, fairly conversant, not conversant or not conversant at all?

	Very conversant (1)	conversant (2)	Fairly conversant (3)	Not conversant (4)	Not conversant at all (5)	Don't know (99)
The language of the bid documents						
Bid evaluation criteria as mentioned in the bid documents						
Existing appeal mechanisms in procurement process						
Law and regulations governing public tenders						
Clarity of Terms of Reference / Call for proposals						
Technical Specifications of contract						
e-procurement						

10. To what extent are you familiar with the following procurement components? Would you say you are very familiar, familiar, fairly familiar, not familiar or not familiar at all?

	Very familiar (1)	Familiar (2)	Fairly familiar (3)	Not familiar (4)	Not familiar at all (5)	Don't know (99)
Procurement plan						
Advertising						
Pre-Bid Conference						
Pre-qualification report (bid opening report)						
Bid Evaluation Report						
Contract Changes after the award (addendum (avenant))						

11. If familiar with the procurement plan, what was your source of information? Multiple responses possible

1. Newspaper
2. Radio
3. Website
4. Adhoc meeting/conference with potential bidders
5. Posting/affichages
6. Other (specify)

12. To what extent do you agree that Integrity and transparency are integrated in the existing legal instruments governing public procurement in Rwanda;

	Strongly Agree (1)	Agree (2)	Disagree (3)	Strongly disagree (4)	Don't know (99)
1. The procurement legislation applies to all public bodies, sub-national governments and entities when national budget funds are used					
2. All laws and regulations related to public procurement published and easily accessible to the public at no cost					
3. The law recommends that procurement plans, call for tenders, award announcements and awarded contracts be made available for contractors					
4. The law recommends an online portal containing all procurement-related information is available to bidders, civil society, media and citizens in general					
5. The procurement legislation include rules ensuring citizens' rights to request procurement related information at any time					
6. The procurement law recommends that, in order to prevent corruption and increase competition, the open method is made the default method of procurement					
7. The law specifically prohibits the fractioning of contracts to avoid open competition?					
8. In case of restricted method, the law recommends that specific approval requirements (for example, the decision to use a certain non-competitive method needs to be					

approved by a second public official or group of officials and be justified)					
9. The public procurement law establish provisions to guarantee external oversight by civil society, protecting whistleblowers, ensuring the integrity of procurement officials, and providing for proportionate and dissuasive sanction					
10. The procurement legislation includes provisions to prevent conflict of interest and ensure the integrity of procurement officials					

D. BIDDERS' SATISFACTION WITH THE INTERNAL PUBLIC PROCUREMENT SYSTEMS

13. To what extent are you satisfied with each of the following internal public procurement systems? Would you say you are very satisfied, satisfied fairly satisfied, dissatisfied or totally dissatisfied?

	Very satisfied (1)	Satisfied (2)	Fairly satisfied (3)	Dissatisfied (4)	Totally dissatisfied (5)	Don't know (99)
1. Publication of public procurement plan						
2. Procurement plans are executed as planned						
3. Bid advertisements						
4. The language used in bid advertisement						
5. The language used in bid documents						
6. Bid evaluation criteria specified in the bid documents						

7. Independence of bids evaluation committee						
8. Impartiality of bids evaluation committee						
9. Respect of legal deadlines in procurement process by the procuring entity						
10. Respect of payment scheme by the procuring entity						
11. Procuring entity cooperation ease the bidder's obligations to duly execute the terms of contract						
12. Appeal mechanisms fully operational and responsive						
13. Procuring entities make a close follow up on contract execution.						
14. A long-term or short-term training of private sector in procurement procedures is available and consistent with demand.						

14. How often does each of the following practice occur in the public procurement process? Would you say it is very often, often, sometimes, rarely or never?

	Very often (1)	Often (2)	Sometimes (3)	Rarely (4)	Never (5)	Don't know (99)
1. Use of notification and warning letters by the procuring entity in relation to contract deadlines						
2. Monitoring (by the procuring entity) of timely submission of deliverables						
3. monitoring and supervision of works						
4. Compliance with payment scheme by the procuring entity						
5. compliance with legal penalties for failing to meet deadlines by the procuring entity						
6. Use of addendum in public tenders						

E. TRANSPARENCY IN PUBLIC PROCUREMENT PROCESS

15. To what extent do you agree with each of the following statements in line with transparency in public procurement process in Rwanda? Would you say you strongly agree, agree, moderately agree, disagree or totally disagree?

	Strongly agree (1)	Agree (2)	Fairly agree (3)	Disagree (4)	Strongly disagree (5)	Don't know (99)

The procuring agency fail to make publicly available the procurement plan						
The procurement unnecessarily split into multiple smaller procurements						
The procuring fail to guarantee a reasonable time between advertising and bid submission						
Access to the bid documents very difficult						
Fictitious firms shortlisted						
Delays between bid submission and opening						
Delays in notification of bidders						
The procuring agency fail to address complaints from bidders						
The procuring agency fail to open the bid in public						
Delay in contract signing						
contract changes, after the award, resulting in unnecessary excessive cost increases						
Contract changes, after the award, resulting in unnecessary substantial project modification?						

F. PERCEPTION AND EXPERIENCE OF CORRUPTION IN PUBLIC PROCUREMENT IN THE INFRASTRUCTURE SECTOR IN RWANDA ;

16. To what extent do you agree with each of the following potential risks of corruption in public procurement? Would you say you strongly agree, agree, moderately agree, disagree or totally disagree?

	Strongly agree (1)	Agree (2)	Fairly agree (3)	Disagree (4)	Strongly disagree (5)	Don't know (99)
Involving internal tender committee members who have no technical expertise needed/required						
Collusion among bidders						
Collusion between the bidder and the procuring agent						
Public official improperly influence the bid evaluation						

17. To what extent does each of the following forms of corruption exist in public procurement in Rwanda? Would you say it is very high, high, moderate, low or very low?

	very high (1)	high (2)	Moderate (3)	low (4)	Very low (5)	Don't know (99)
Bribe offered to procurement officials to accelerate or facilitate a privileged decision during procurement process						
% of the contract amount paid by the contractor to the public official in exchange for the award of the contract(kickback)						

Procurement official seeks a kickback to approve a payment (extortion)						
Intimidate or apply undue pressure on other bidders to force them to withdraw (coercion)						
submitting the lowest bid with the understanding of the public official that, one awarded, the contract will be amended to increase the contract price (low balling)						
some of the conspirators agree not to submit a bid so that another conspirator can successfully win the contract (Bid suppression)						
some of the bidders bid an amount knowing that it is too high or contains conditions that they know to be unacceptable to the agency calling for the bids (Complementary bidding)						
some of the bidders agree not to submit bids, that are intended not to be successful, on the condition that some parts of the successful bidder's contract will be subcontracted to them (Subcontract bid rigging)						
Contractors agree to take turns in winning contracts (Bid Rotation)						
Leaking of Information to Preferred Bidder (Fraud)						
Procurement officials alter bids after they have received them (Tampering)						
Conflict of interest on the side of the Senior Managers						

Conflict of interest internal tender committee members						
Nepotism						
Gender based corruption (Sex based corruption)						

18. Have you personally encountered any of the above mentioned forms of corruption in procurement for your 3 most recent bids (probe to know whether this happened in the last 12 months in Rwanda)? (Yes =1; NO= 2)

	Yes (1)	No (2)	Refused (97)
Bribe offered to procurement officials to accelerate or facilitate a privileged decision during procurement process			
% of the contract amount paid by the contractor to the public official in exchange for the award of the contract(kickback)			
Procurement official seeks a kickback to approve a payment (extortion)			
Intimidate or apply undue pressure on other bidders to force them to withdraw (coercion)			
submitting the lowest bid with the understanding of the public official that, one awarded, the contract will be amended to increase the contract price (lowballing)			
some of the conspirators agree not to submit a bid so that another conspirator can successfully win the contract (Bid suppression)			
some of the bidders bid an amount knowing that it is too high or contains conditions that they know to be unacceptable to the agency calling for the bids (Complementary bidding)			
some of the bidders agree not to submit bids, that are			

intended not to be successful, on the condition that some parts of the successful bidder's contract will be subcontracted to them (Subcontract bid rigging)			
Contractors agree to take turns in winning contracts (Bid Rotation)			
Leaking of Information to Preferred Bidder (Fraud)			
Procurement officials alter bids after they have received them (Tampering)			
Conflict of interest on the side of the Senior Managers Conflict of interest internal tender committee members			
Nepotism			
Gender based corruption / Sex based corruption			

19. If you encountered any of the above forms of corruption, which phase of procurement process was affected? **TICK AS MANY AS POSSIBLE**

1. Short listing to qualify for the bid evaluation
2. Bid evaluation
3. Contract award
4. Contract Implementation
5. Contract evaluation

20. If bribe, kickbacks or GBC, was it demanded or proposed?

1. Demanded (passive)
2. proposed (active)

21. If yes, have you paid/offered a bribe, kickback and/or Gender Based Corruption?

1. Yes
2. No

22. Please tell me the total amount you paid in your latest bid in each of the category of the procuring entity (if any)

Procuring entity category	Total amount paid/bribe	% of contract paid/kickback
Ministry		
Government agency		
Local government entity		
Government project		
Other procuring entity (Specify):.....		

23. What would you say was the corruption demanded/offered for?

	Yes (1)	No (2)
To access relevant information		
To be awarded the contract		
To increase the contract price		
To authorize payment for work that has not been completed		
To accept substandard goods		
Not to delay payment		
Other(specify)		

G. BIDDERS' GRIEVANCES IN PUBLIC PROCUREMENT IN THE INFRASTRUCTURE SECTOR IN RWANDA

24. Which most frequent grievances did you experience in public procurement process?

1. Poorly prepared terms of reference and technical specification
2. Delays in procuring entity meeting the deadlines
3. Corruption
4. Access to bid related information
5. Bureaucracy in payment process
6. Language barriers in tender documents
7. Poor monitoring
8. Poor supervision of contract implementation
9. Contract changes during the implementation
10. Respect of contract terms
11. Other (specify)

25. How often do you experience each of the following grievances in public procurement process? Would you say it is very often, often, sometimes, rarely or never?

	Very often (1)	Often (2)	Sometimes (3)	Rarely (4)	Never (5)
Delays in procuring entity meeting the deadlines					
Corruption					
Access to bid related information					
Bureaucracy in payment process					
Respect of contract terms					

26. How often do you lodge those grievances in procurement process to any relevant institution? Would you say it is very often, often, sometimes, rarely or never?

1. Very often

2. Often
3. Sometimes
4. Rarely
5. Never

27. Where did you report those grievances?

1. RPPA
2. Police
3. Procuring entity
4. Court
5. Other (specify)
6. None

28. Why did you choose to report those grievances?

1. To get justice
2. To contribute in discouraging such malpractices
3. The malpractice has been rampant
4. Contribute in building trust in public institutions
5. Other (specify)

29. Overall, how effective was the institution you approached been in addressing your grievance? Would you say it is very effective, effective, fairly effective, ineffective or very ineffective?

1. Very effective
2. Effective
3. Fairly effective
4. Ineffective
5. Very ineffective

H. IMPACT OF CORRUPTION IN PUBLIC PROCUREMENT IN THE INFRASTRUCTURE SECTOE IN RWANDA

30. How often does each of the following occur in public procurement? Would you say it is very often, often, sometimes, rarely or never?

	Very often (1)	Often (2)	Sometimes (3)	Rarely (4)	Never (5)
failure to deliver the required quality of goods/services due to corruption offered to contract managers in procuring entity					
failure to deliver the required quantity of goods/services due to corruption offered to contract managers in procuring entity					
bidders to be unduly disqualified due to refusal to involve in corruption					
Delay to get paid due to refusal to involve in corruption					
Work unduly disqualified due to refusal to involve in corruption					

CORRUPTION RISKS IN PUBLIC PROCUREMENT PROCESS IN THE INFRASTRUCTURE SECTOR IN RWANDA

31. What are the most corruption risks that you faced over the last 3 years at each of the following levels?

Level	Challenge
Bidding level	1. 2. 3..... 4..... 5.....
Bid evaluation level	1. 2. 3..... 4.....

	5.....
Implementation level / Contract management	1..... 2..... 3.....

I. STRATEGIES TO FIGHT CORRUPTION IN PUBLIC PROCUREMENT

32. What are 3 most important actions which should be taken in a bid to eradicate corruption in public procurement process in the infrastructure sector Rwanda?

1.
2.
- 3.....



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