



# National Consultations on CARICOM Framework Public Procurement Policy

Montserrat 19–20 September 2011

## Presentation I

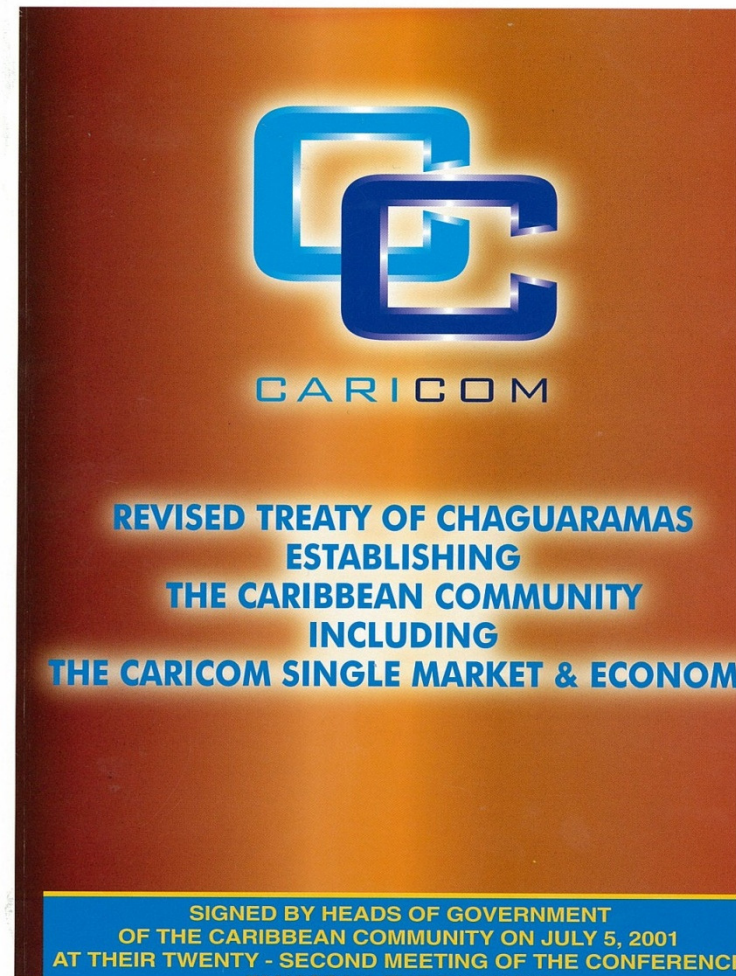
### Background – Regional Integration of Public Procurement in the Caribbean

# SECTION I



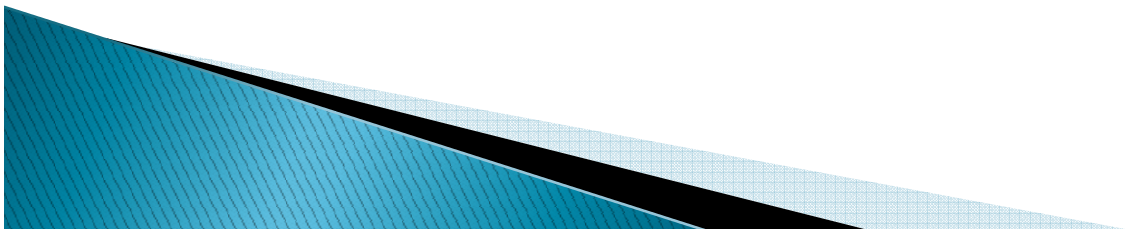
## MANDATE

overarching justification for the establishment and implementation of a regional Public Procurement regime



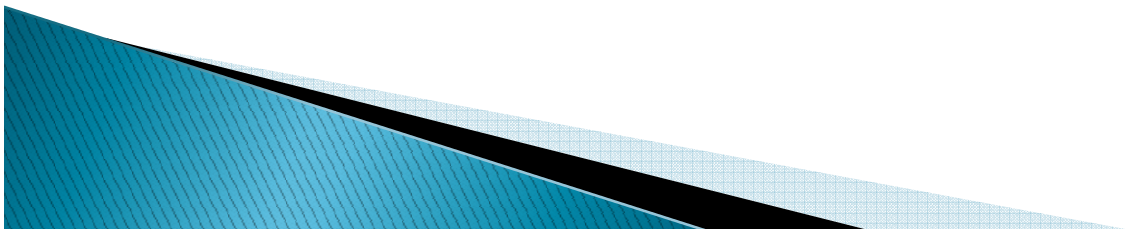
# 1. overarching justification for the establishment and implementation of a regional Public Procurement regime

Article 239 of the Revised Treaty of Chaguaramas obliges Member States to  
*“elaborate a Protocol relating.... to....  
Government Procurement.”*



## 2. legal context for establishment of a regional Public Procurement regime

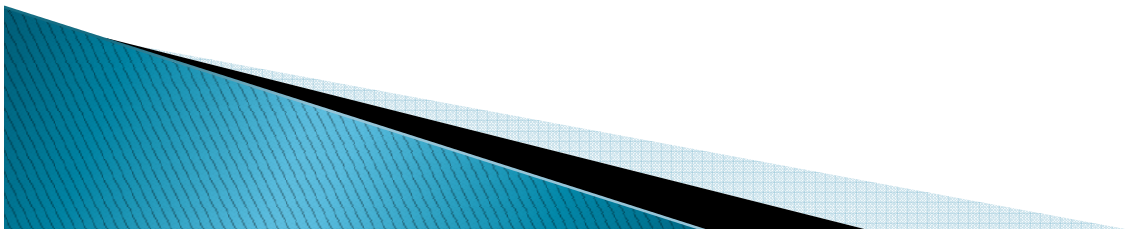
- ◉ The fundamental legal context for establishment of a regional Public Procurement regime is grounded in existing obligations under the Revised Treaty, specifically the liberalization and integration of the regional market for trade in goods and services, the general obligation for which is found in Article 79



## 2. legal context for establishment of a regional Public Procurement regime

Article 79 states that

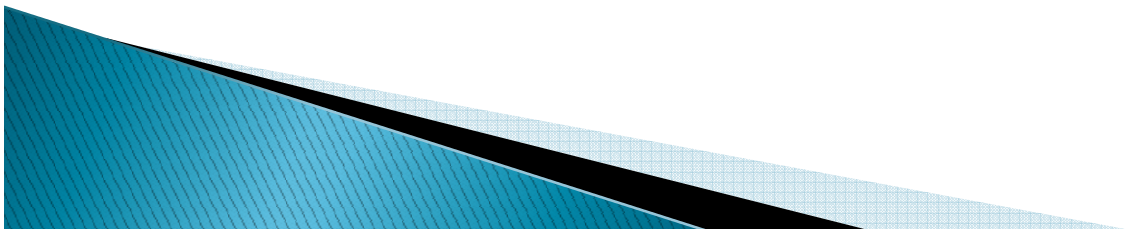
*“The Member States shall establish and maintain a regime for the free movement of goods and services within the CARICOM Single Market and Economy”* towards to objective of *“full integration of national markets into a single unified and open area.”*





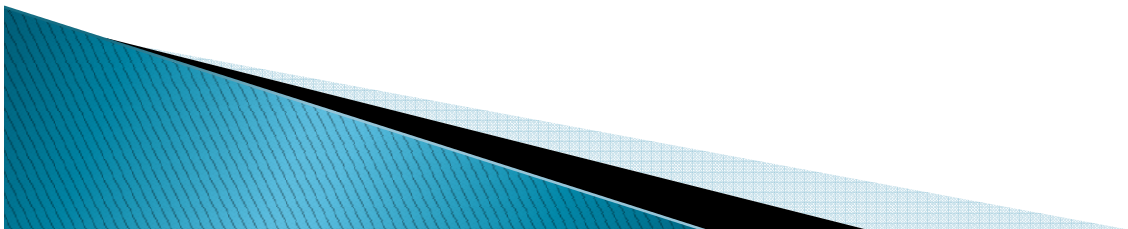
## 2. legal context for establishment of a regional Public Procurement regime

- ▶ The Revised Treaty also provides the legal basis for the free movement of resources, specifically persons and capital, both of which are integral elements in Public Procurement activities.



## 2. legal context for establishment of a regional Public Procurement regime

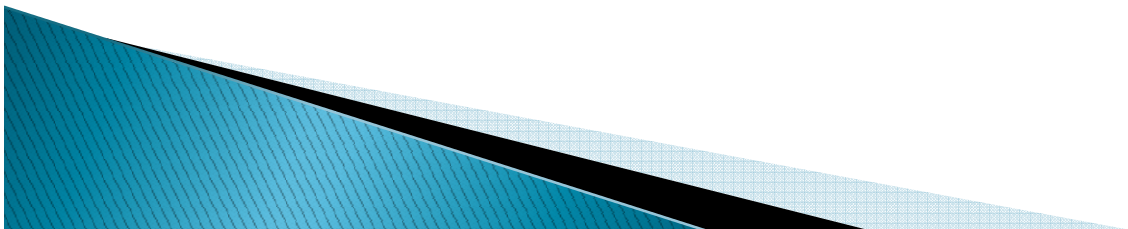
- ▶ Articles 45 and 46 commit Member States to pursuing the goal of **free movement of their Nationals** within the Community and to the establishment of appropriate legislative, administrative and procedural arrangements to facilitate the achievement of this goal.





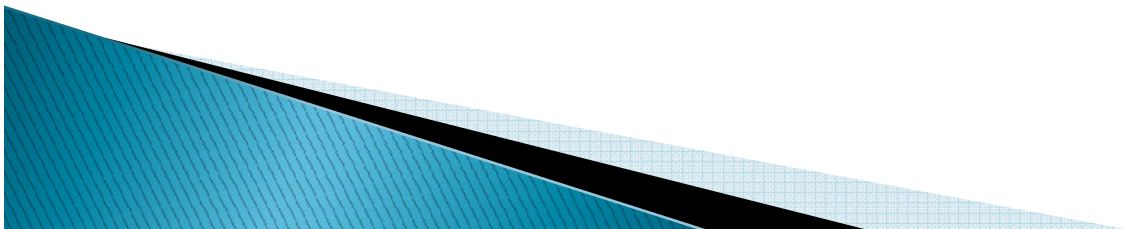
## 2. legal context for establishment of a regional Public Procurement regime

- ▶ Articles 39 through 41 address the **free movement of capital** within the Community, including a commitment to remove restrictions on the movement of capital and related payments as well as an obligation not to introduce any new restrictions in this regard.



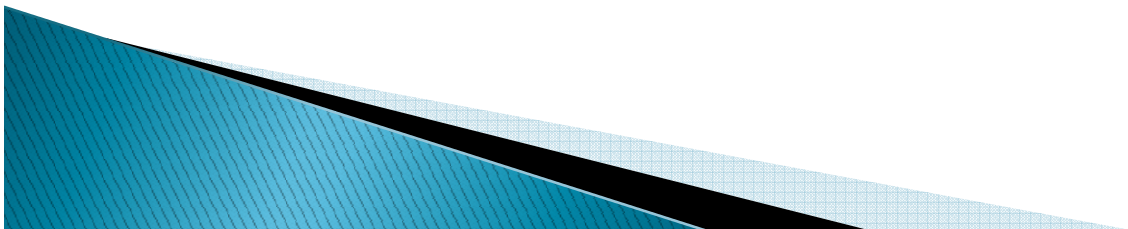
# 3. Economic Integration

- ▶ Contribute to the economic integration of the countries
- ▶ Expand cross border trade and transactions
- ▶ Increase economic interdependence

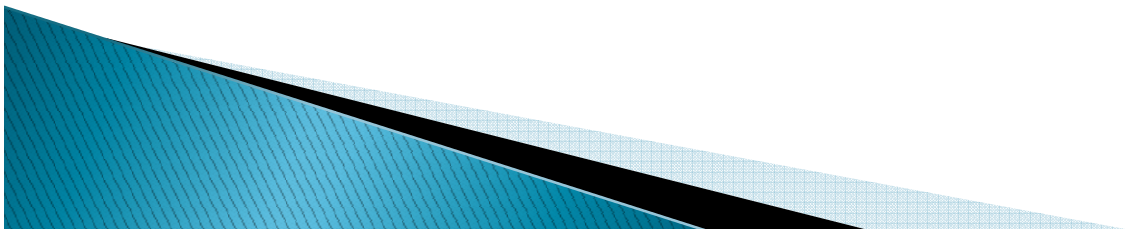


## 4. Deeper Integration and International Standards

- ▶ Develop a unified regional market for procurement which previously did not exist
- ▶ This process will lead to an overall upgrading of procurement in the Caribbean to Global Standards

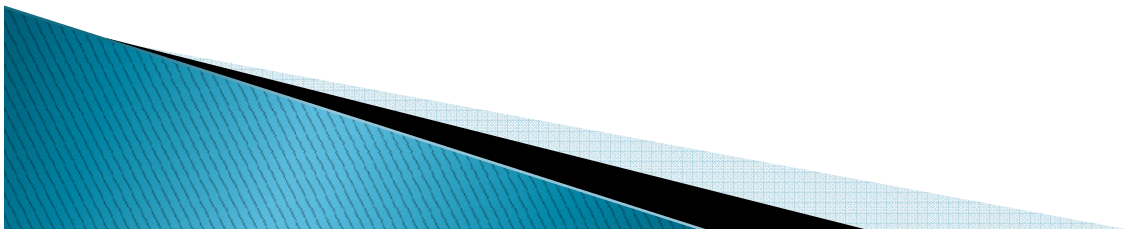


# Building a regime for public procurement



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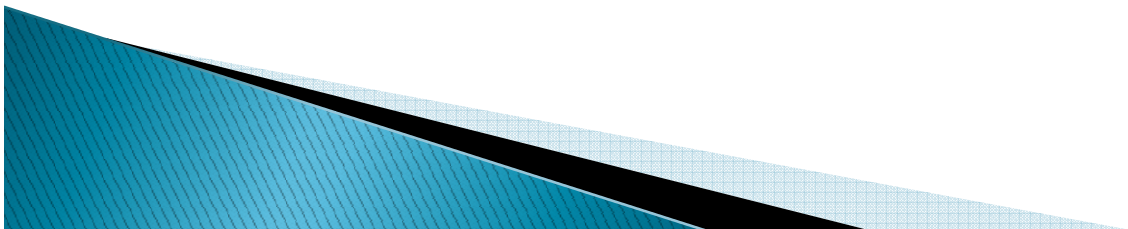
- ▶ The first stage of building a regime for government procurement consistent with the CSME began in 2001. Two studies were done within the Caribbean Community (CARICOM) in order to develop the scope of the Community Policy on Government Procurement.



# Building a regime for public procurement

A Project was commissioned in 2003 by the CARICOM Secretariat with a grant from the IDB and the Canadian International Development Agency (CIDA).

The general objective was to support CARICOM in its efforts to establish an effective regional regime for Public Procurement that facilitates the full implementation of the CSME, and to participate more effectively in external trade negotiations relating to Public Procurement

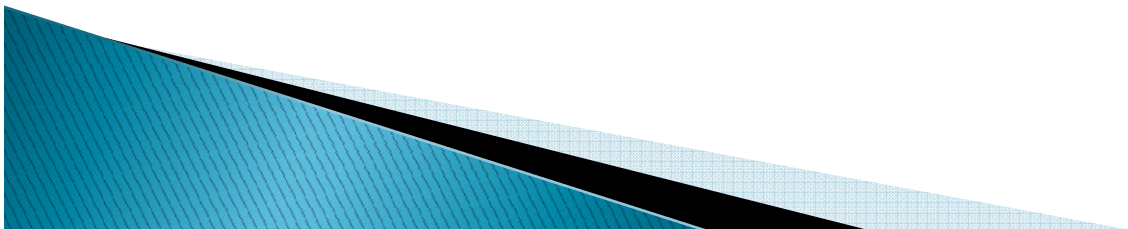




# The Project

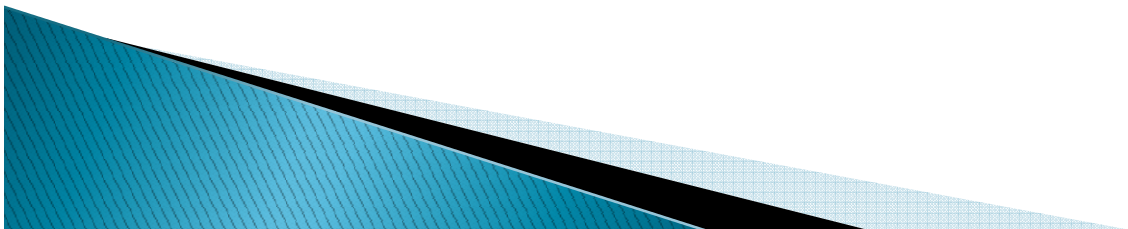
- ▶ The Project was comprised of three components:

Component 1, *National Government  
Procurement Frameworks: Analysis,  
Comparison and Recommended  
Improvements,*



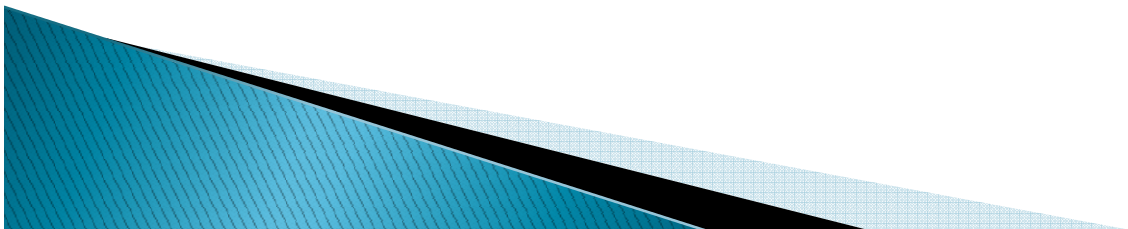
# The Project

- ▶ Component 2, *Collection and Analysis of Government Procurement Statistics*



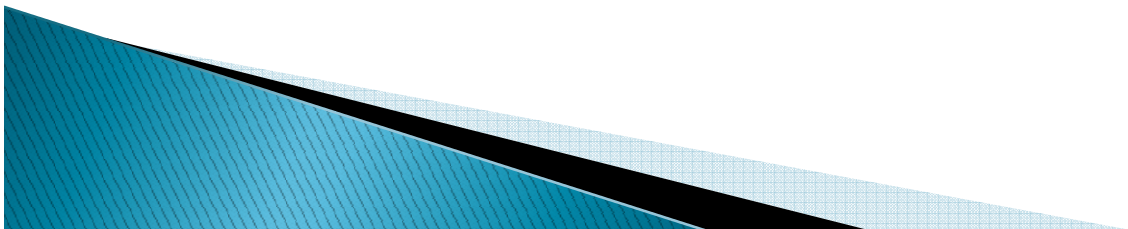
# The Project

- ▶ Component 3, *Recommendations for a Regional Best-practice Regime for Government Procurement*



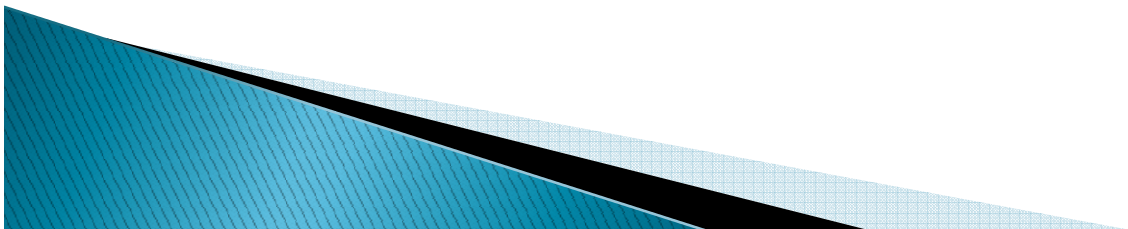
# The key outputs of this first stage of the project

- ▶ (i) fifteen individual country procurement assessment reports (CPAR);
- ▶ (ii) a comparative matrix on national government procurement frameworks;
- ▶ (iii) fourteen country procurement statistical reports; and
- ▶ (iv) a set of recommendations on how CARICOM countries could move towards adopting a regional best practices framework for government procurement.



# Framework Regional Integration Policy on Public Procurement (FRIP)

- ▶ Altogether, the outputs just identified informed the preparation of the first draft of the *Framework Regional Integration Policy on Public Procurement (FRIP)*



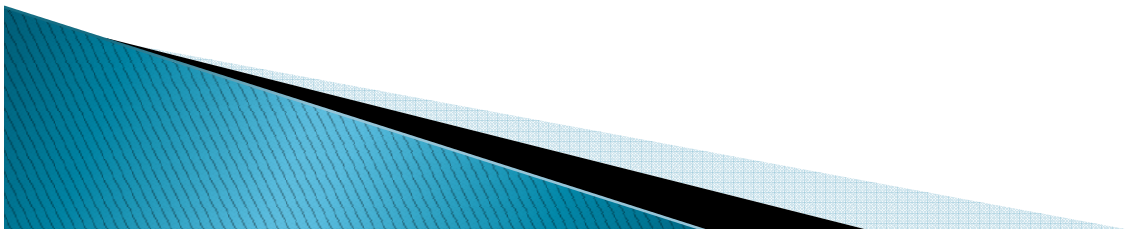
# Community Review of the FRIP

1. Nineteenth Intersessional Meeting of the Conference of Heads of Government of the Caribbean Community, NASSAU; THE BAHAMAS; 7-8 MARCH 2008
2. The Fourth Prime Ministerial Sub-Committee On The Caricom Single Market And Economy (CSME), St. John's, Antigua And Barbuda, 1 July 2008
3. Twenty-Ninth Meeting of the Conference of Heads of Government of the Caribbean Community, Bolans, Antigua and Barbuda, 1-4 July 2008.
4. The Fifth Prime Ministerial Sub-Committee On The Caricom Single Market And Economy (CSME), St. Georges Grenada, 24 February 2011.



# Community Review of the FRIP

5. The Twenty-Second Inter-Sessional Meeting of Heads of Government of the Caribbean Community, St. Georges Grenada, 25-26 February 2011.
6. Twenty-first Meeting of the COTED, 12-13 May 2006; St. Anns, TRINIDAD AND TOBAGO
7. Twenty-second Meeting of the COTED, Georgetown, Guyana 16-17 November 2006
8. Thirtieth Meeting of the COTED, Georgetown, Guyana 14-18 June 2010
9. First Meeting of Government Procurement Officials

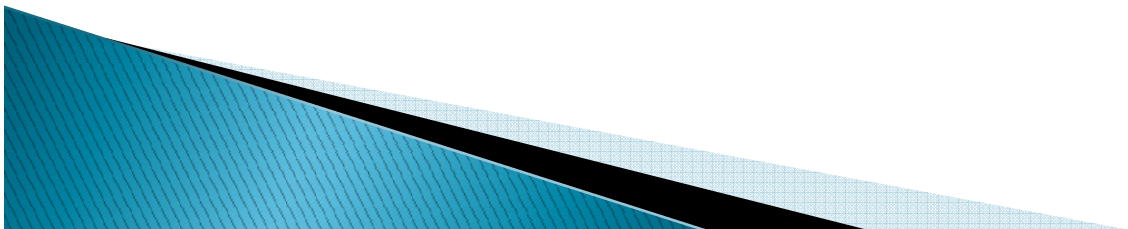


# Community Review of the FRIP

10. Second Meeting of Government Procurement Officials
11. Third Meeting of Government Procurement Officials (2006 – St. Vincent and the Grenadines)
12. Fourth Meeting of Government Procurement Officials (2007 Trinidad and Tobago)
13. Regional Meeting of Senior Public Procurement and Trade Officials 2–3 June 2010, St. Michael, Barbados ;
14. Sixth Regional Meeting of Senior Public Procurement and Trade Officials 14–15 April, 2011 Montego Bay, Jamaica .

# The Community Policy on Public Procurement provides policy guidance

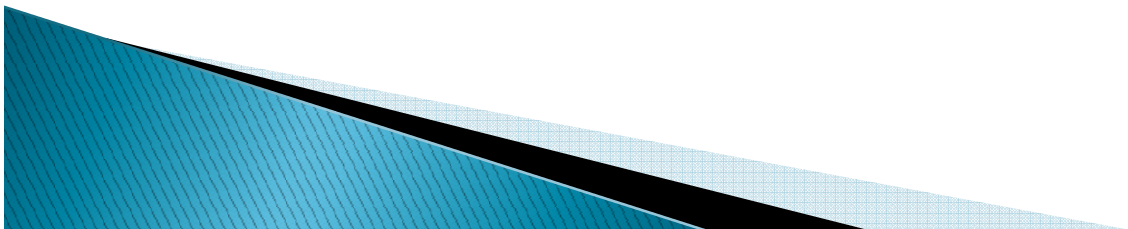
- ◉ in respect of the development of the requisite modern, comprehensive regulatory and institutional/administrative framework that affords the Community an opportunity to realize the benefits of the utilization of Public Procurement as a regional development driver.



# FRIP provisions accord with international best practices

as evidenced by:

- the World Trade Organization (WTO) Agreement on Government Procurement,
- the non-binding principles promulgated by the Government Procurement Experts' Group (GPEG) of the Asia-Pacific Economic Commission (APEC),
- the Model Law on Procurement of Goods, Construction and Services developed by the United Nations Commission on International Trade law (UNCITRAL), as well as,
- current trends in hemispheric, regional and bilateral Public Procurement negotiations



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