

**EVIDENCE-BASED PUBLIC PROCUREMENT POLICY AND PRACTICE  
TRANSFORMATION: A TOOLKIT FOR STAKEHOLDER INTERVENTION**

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**ABSTRACT.** It is de rigueur for development partners to promote traditional legal-procedural models of public procurement but this model does not necessarily address the challenges of modern public sector management. The UNDP in Trinidad and Tobago recognised this deficiency and developed a Toolkit to support evidence-based policy development and practice transformation. The Toolkit empowers users with the concepts, analytical methods and tools needed to discover the bases of problems or opportunities they perceive and to identify policy and practice solutions. The Toolkit supports both “honest brokers” and “stakeholder initiators” to gather and analyse evidence to provide insights into options for limited scope, incremental change or for thorough reform. The theoretical and practical implications of the evidence-based approach to public procurement reform are discussed.

**INTRODUCTION**

The Toolkit for supporting evidence based public procurement policy development and practice transformation was formulated by the UNDP Trinidad and Tobago Country Office to capture insights into public procurement reform and to support the Government of the Republic of Trinidad and Tobago in implementing a modernising public procurement regime. While developed for use in the Trinidad and Tobago context it has been recognised that the Toolkit provides a cost effective means for development partners to support an

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evidence-based approach to public procurement reform in other countries.

In Trinidad and Tobago there have been calls for public procurement reforms for over two decades and the momentum has been sustained by civil society and by successive Governments but the goal of a modern system of public procurement has only taken meaningful shape in the past ten years. The need for a modern approach was identified in August, 2005 with the publication by the Ministry of Finance of a White Paper on reform of public sector procurement (Ministry of Finance, 2005). In late 2010, following resolutions passed in the House of Representatives and in the Senate, a Joint Select Committee was appointed to consider and report on legislative proposals to provide for public procurement and disposal of public property and on the repeal and replacement of the Central Tenders Board Act (Ministry of Legal Affairs, 1961). In June 2012, the Committee made recommendations that were presented to both Houses to guide the drafting of the legislation and associated policy initiatives for reforming public procurement in the Republic. As a result of this process, the Public Procurement and Disposal of Public Property Bill, 2014 was introduced on April, 2014. The Bill lapsed in late July, 2014 and the Public Procurement and Disposal of Public Property (No.2) Bill, 2014 was introduced in August, 2014. It was finally passed in the House of Representatives on 5 December 2014 and was passed in the Senate on 16 December 2014.<sup>1</sup> The legislation takes effect upon its proclamation by the President. There is no phasing in period for the implementation in the legislation therefore public procuring entities must be ready to implement the reforms on the day on which it is fully proclaimed by the President.

With the election of a new national government in September 2015, certain potential amendments to the legislation were flagged and these have been considered by a Joint Select Committee of the Parliament that issued its final report in late February 2016. The proposed amendments set out as the Public Procurement and Disposal of Public Property (Amendment) Bill (House of Representatives, 2015) relate primarily to the Regulator and to the requirement for a body that would review decisions of the Office of Procurement Regulation. A board that may review the decisions of the Office of Procurement Regulation essentially operates as an appeal mechanism. It serves to reinforce the need for procuring

entities to be fully compliant with the Public Procurement and Disposal of Public Property Act (2015) at the time the Act is fully proclaimed. This will mitigate the potential for disruptions to procurement processes arising from bid challenges and possibly subsequent reviews. These amendments augment the parent Act but do not change or diminish the challenges of implementing the parent Act faced by public procuring entities.

In common with most public procurement regimes the assumptions upon which the reforms in Trinidad and Tobago are based have not been critically examined or tested to determine that they will in fact meet the expressed public policy objectives. The process of reform has been driven mainly by stakeholders external to the procuring entities that must implement the new regime. The legislation, while unique to Trinidad and Tobago, drew heavily on that extant in other jurisdictions including the UNICITRAL Model Law on Public Procurement and on the Jamaican and Kenyan public procurement frameworks. Significant features provide redress for aggrieved suppliers through bid challenges and reviews of decisions of the Office of Procurement Regulation. However, while the reforms overall represent in theory a modern approach to public procurement management, the policy development process was not evidence-based and the implications for public procurement effort and outcomes are yet to be established in implementation.

There are three simultaneous implementation challenges under the new public procurement regime: establishment of the Office of Public Procurement and the Review Board; implementation of the reforms in public procuring entities; and, engagement of the supplier community in the reform agenda. Of these three challenges the scope of the implementation challenge for public procuring entities is the greatest. Much of the challenge of engaging the supplier community is also to be met by the procuring entities with which suppliers deal.

As a first step towards implementation during 2014 and 2015, the UNDP supported the Government through the Ministry of Finance by scoping the implementation challenges and in drafting:

- an internal control framework for public procurement applicable to all public procuring entities;

- a model handbook that provides best practice guidance based on the new legislation and requiring customisation by each public procuring entities;
- organisational arrangements and job design for Ministries and similar procuring entities;
- organisational arrangements and job design for the Office of Procurement Regulation; and providing,
- a facility for supporting the drafting of regulations that would give effect the Act.

Even with the new legislation, regulations giving effect to it, and supporting best practice frameworks in place, there remain significant implementation challenges for public procuring entities. These include: knowing the implications of the new regime for corporate procurement management; prioritising options for change including identifying those that will be the most efficacious and take the least possible time and effort to implement; and then knowing with whom and how it is important to engage to make the implementation happen.

The challenges of implementation are not about mere legal compliance. Apart from processes for handling bid challenges and reviews, the legislation does not prescribe transactional procurement procedures. The reforms modernise public procurement management by requiring a thinking approach rather than one reliant on the rote application of process. The legislation for example: requires the achievement of its objects which include social, economic and environment considerations consistent with the principles of accountability, integrity, transparency and value for money; proscribes the limiting of competition to supply, collusion and unfair dealings; and, requires the timely production of comprehensive information about forward procurement plans and post award contract performance. The reforms therefore assume sophisticated entity level procurement management including risk, commercial, quality, financial, information and change management. Also required is a depth of commercial capability in managing transactional procurement. The following **Table 1** compares and contrast a traditional legal/procedural approach to public procurement with the modern approach evident in the Trinidad and Tobago reforms.

**TABLE 1****Public procurement: the assumptions – traditional and modern**

Traditional public procurement	Modern public procurement
Policy objectives are implicit in the regulations governing public procurement transactions.	Policy objectives for public procurement are explicit.
Compliant application of regulated procedures to each procurement transaction results in achievement of the public policy objectives.	Strategy, policies, procedures, systems and practices applied to organisational effort and to category and transactional management are crafted to support the achievement of the policy objectives.
The same fundamental procedures can be applied with equal efficacy across all procurement transactions.	The approach to be taken to each procurement action depends on the objectives to be achieved and the actual supply risks that are identified.
The compliant application of competitive procedures drives supply markets to be competitive and responsive.	Competition and responsiveness to solicitations are a function of the operation of supply markets.
Supply markets are generally competitive in nature.	Supply markets vary in the extent to which they are competitive.
Stakeholder influences are neutralised through the compliant application of regulated procedures.	Stakeholder needs, issues are actively identified and their influences managed.
The procurement effort of an entity is represented by the sum of all procurement transactions.	The procurement effort of an entity is represented by all the categories of goods and services that are procured.

While the challenges of implementing the reforms at the public procuring entity level could be met by external consulting expertise, there are key limitations of this approach: the considerable cost of sustaining the necessary input of a range of expert advice and most important, the potential for a lack of internal “ownership” in the change management process. Therefore without the capability within procuring entities to manage the change process for themselves and to do so in a manner that meets policy objectives of the new regime, the reforms may stall or deliver sub-optimal outcomes that disappoint stakeholders. The required level of capability is not currently widely evident among Trinidad and Tobago public procuring entities.

#### **WHY AN EVIDENCE-BASED APPROACH TO IMPLEMENTING THE REFORMS?**

With decades of stakeholder investment in the public procurement reforms in Trinidad and Tobago, it is now crucial that their implementation results in the outcomes that have been anticipated. While the shape of the reforms has been based on good faith negotiations among stakeholders through the political process, the outcomes of the new regime in practice will depend on the quality of the implementations in public procuring entities. It is therefore important that public procurement practice transformation has a sound basis and an evidence-based approach provides the greatest potential for effective implementation. The development of the Toolkit has been motivated by this insight.

In the context of national development, public procurement systems are very important because of the magnitude of outlays involved with estimates ranging from ten to twenty percent of GDP and up to fifty percent of total government spending (United Nations Commission on International Trade Law, 2011). While it is not possible to estimate the total public procurement related expenditures in Trinidad and Tobago, inefficiency, waste or corruption have deleterious consequences especially as the revenue side of the Budget is under pressure due to declining oil and gas prices internationally. Given the significance, much is expected from the outcomes of public procurement systems generally and there are several associated development challenges (Thai, 2005):

- the general public policy and public sector management implications of efficiently and effectively managing procurement related outlays;
- the use of public procurement to achieve a range of secondary public policy objectives including those related to economic, social and environmental outcomes;
- balancing competing public policy goals and objectives with public management imperatives of efficiency and effectiveness;
- the dissipation of substantial public outlays through fraud and corruption (OECD, 2007);
- balancing compliance with public procurement regulations and social and economic procurement goals with regional and/or international trade agreements; and,
- rapid changes in technology with implications and the expectations of commensurate improvements in public procurement management and practice.

The soundness of the public procurement legislation and effective compliance are insufficient to guarantee that the management of often competing agendas. Meeting the challenges is a development issue in itself. However, failure to deliver value for money from public procurement also impacts on the availability of resources to support a range of key development goals such as those related to health, education, the environment as well as the delivery of economic infrastructure. Yet, where public procurement reforms are needed and mooted, the path to managing change may be long and difficult especially where different stakeholders have differing perspectives on the shape of the reforms and their implications for delivering the outcomes in which each is invested.

Stakeholders generally have three fundamental expectations of public procurement: that the goods or service will be used effectively to meet the policy, service delivery or programmatic objectives; that best value for money will be achieved; and that, there is no diversion of funds through fraud, corruption or other exploitative dealings. However, stakeholders' expectations may be more nuanced depending on their particular perspectives and circumstances and may involve:

- political actors with various policy and personal agendas;

- public procuring entities that must manage their procurement effort while respecting public policy frameworks and delivering programmes and services within budgets;
- public sector officials and other employees that undertake aspects of procurement with varying degrees of competence and integrity;
- dealings with various supply markets many of which may or may not operate in ways that are favourable to public procuring entities;
- supply market participants that may or may not find public procuring entities attractive as customers thereby influencing the extent to which they may be responsive to their needs;
- those who may seek to subvert public procurement systems for their own nefarious purposes;
- civil society organisations with both direct and indirect interests in the processes and outcomes of public procurement effort; and,
- taxpayers, donors and financiers who expect that their funds are used effectively for the purposes for which they were intended.

The various stakeholders may define the requirements for public procurement systems differently depending on their particular agendas. Stakeholders who may perceive problems or opportunities and who are seeking to have these addressed may identify policy or practice interventions that they believe will be efficacious in meeting their needs. Where different stakeholders simultaneously have issues with a public procurement system, there may or may not be consensus about the nature of the issues or agreement about how to address them. In this context it is noteworthy that public procurement policy and practice reform is a domain that seldom involves careful analysis of the factual bases of perceived problems or opportunities. Even less analysis is generally directed to determining of the efficacy of proposed interventions. Given the lack of evidence-based public procurement policy development and practice transformation, it is not surprising that system reforms may take years and in some cases decades to achieve and when reforms are implemented their effects may not be as envisaged.

It has been suggested there are three enabling factors underpinning evidence based policy development including high-quality and relevant information sources, cadres of professionals with skills in data analysis and policy evaluation as well as political incentives for using such analysis as a source of policy advice to government (Head, 2009). It would appear that these pre-conditions may not generally exist in the arena of public procurement policy and practice reform. However, there has been some discussion in the literature concerning evidence-based public procurement decision making and policy development. Notably it has been identified in proposing an evidence based approach: “to collect, analyse and use evidence from a number of sources and of a number of types - quantitative, financial and economic in orientation, as well as qualitative, social, quality of life types of evidence to incorporate broader stakeholder views. These developments will impact on practice, through more rigorous collecting and use of a broader range of evidence” (Harland & Qatami, 2007).

Finding data for analysis as a basis for policy or practice development in this field is not always easy. For the collection and analysis of evidence to become commonplace in supporting the framing of public procurement policy and practice, it is necessary to begin by identifying relevant data sources and to have a range of analytical tools that would support policy and practice evaluation and development.

Krause and Tutunji (11/06/2014) posted the following on a World Bank governance blog addressing public procurement in the development context (Krause, & Tutunji, 2014):

Why are reforms happening so unevenly or not at all? To find out, a team from the World Bank and the Overseas Development Institute (ODI) joined efforts and started to work with the governments of Morocco and Jordan to investigate this question. Our approach to this work follows a broader trend that tries to transcend applying best-practice models by focusing on problems which stakeholders think are important. Therefore, we broke down the reform agenda into discrete reform building blocks and then investigated which stakeholders were for or against, and why. This is based on the assumption that governments have procurement systems because they serve a function, and not just because the

formal institution of “procurement” looks good on the organizational chart. In other words, this is an effort to understand the “why” of reform.

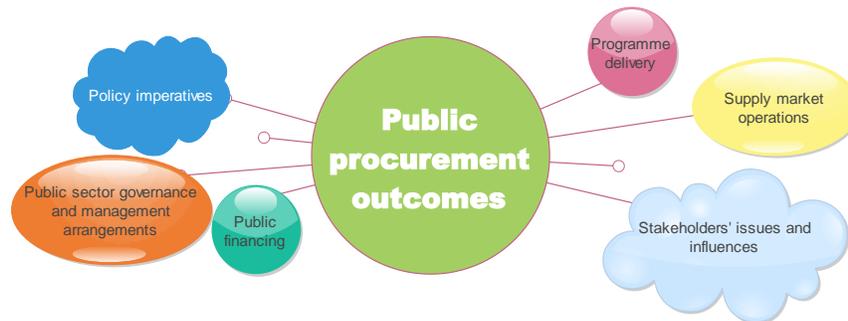
The approach of the World Bank and the Overseas Development Initiative, by asking stakeholders to identify who was for or against each element of a public procurement reform agenda and why is ground breaking. It facilitates analysis of perceptions of public procurement reforms rather than the usual prescription of norms. However, the approach is limited because: it makes the assumption that reform agendas address all the key aspects of a public procurement system; and relatedly assumes that stakeholder appraisal of the building blocks provides sufficient insights for framing a better system or solutions to problems.

In reality there is a constellation of factors that contribute to the outcomes of public procurement systems, the most important of which are not usually addressed in governance arrangements or are hidden from the gaze of all but the very best informed. Thus stakeholder appraisal of the each of the elements of a reform agenda, while a useful start, is likely to be insufficient. Empowering interested stakeholders to: better understand the basis of the focal problem or opportunity; to analyse and frame workable interventions and where appropriate to engage in relevant public policy and practice development processes is the best way to short-circuit interminable debates and wasted effort on fixing a public procurement system that is perceived to be broken. Thus the approach taken in the Toolkit is to promote stakeholder understanding of how the factors that together contribute to the outcomes of public procurement impinge on the problems and opportunities that are perceived. The starting point is therefore a stakeholder’s perception of a problem or opportunity and the ends are policy and/or practice interventions that deliver the expected public procurement system outcomes.

Figure 1 provides an overview of some significant factors that impinge on public procurement outcomes. Within each factor there is potential to identify options for policy and practice interventions the may affect the outcomes of procurement effort. The evidence derived from analysis of these factors and its use in the framing of intervention options provides many more opportunities to achieve the

desired outcomes than are to be found by “better” regulating procurement or by enhancing compliance.

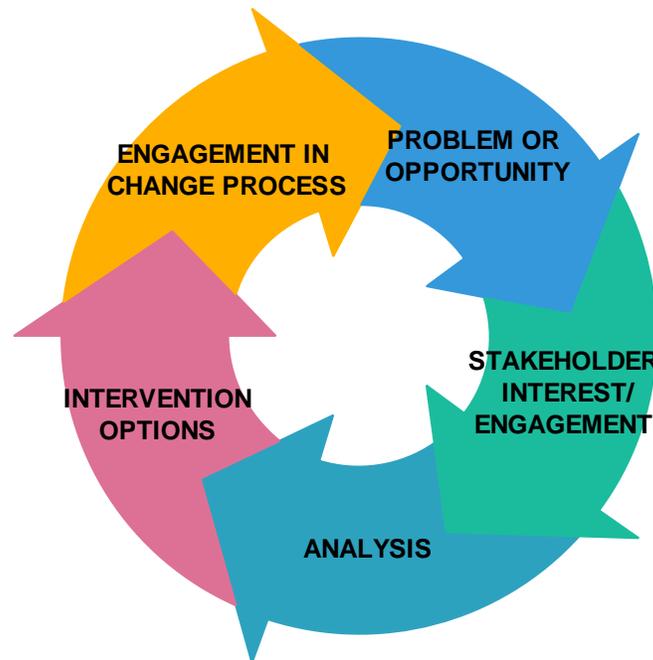
**FIGURE 1**  
**Factors Impinging on Public Procurement Outcomes**



Implementing the public procurement reforms and meeting stakeholder expectations requires certain conditions to be met: that policy makers develop and maintain legislation, regulation and/or policy that enable the delivery of agreed public procurement policy objectives; that public procuring entities undertake their procurement to achieve the policy objectives in an efficient, effective and accountable manner consistent with the highest standards of probity; and that, stakeholders are vigilant in holding both policy makers and public procuring entities accountable for their use of public funds and engage in the policy process to effect required change as necessary. Meeting these conditions is simpler when the stakeholders are in agreement about the nature of the factors impinging on public procurement outcomes about which they are concerned. Such agreement is most likely to be reached where there is some common-ground to be found in evidence. The issue is how to develop a critical mass of capability in public procurement related evidence based policy and practice development that may be readily applied to the various problems and opportunities that arise in the perceptions of stakeholders.

Figure 2 is a diagram that outlines the general process of evidence-based policy development or practice transformation. Such

**FIGURE 2**  
**Process of Evidence-Based Policy Development or Practice Transformation**



a process may be applied to any problem or opportunity, large or small, in a public procurement system that merits stakeholder interest and/or action. It could be the problem for a public procuring entity of identifying the implications of public procurement reforms and the necessary changes to strategy, organization, systems, policies and procedures and capabilities that would have to be implemented. It could also be the opportunity for collaboration among various procuring entities to acquire commonly used goods or services. Another example is that of business or industry stakeholders that may be interested in identifying with procuring entities how to exploit quality management systems to reduce waste and improve consistency of delivery in, for example construction supply chains. It is a technique that could also be used by an entity to

frame a strategy to overcome poor procurement outcomes in a supply market that operates as an oligopoly.

To apply the process effectively it is necessary to have a conceptual understanding of the factors impinging on procurement outcomes, the tools and analytical methods necessary to fully identify the nature of the problem or opportunity; and to be able to frame and test options for policy or practice intervention. The Toolkit has been designed to enable users to develop this capability in support of stakeholders.

The task of such stakeholders is made considerably easier where there are factors that give momentum to the change process. There are three common sources of momentum for public procurement policy and practice reform that are identified here: a history of waste, corruption and/or gridlock in public procurement that gives impetus to citizen outrage and action; the momentum that comes from budgetary stress or constraint whereby there is political impetus to find sources of savings for the public purse; and thirdly, the momentum that comes from new and more effective models of public procurement management and related policy and practice interventions gaining currency. In this circumstance stakeholders can envision the potential for change for the better.

In the case of momentum based on citizen outrage and action the challenge is to understand why the problems have arisen and to identify short, medium and long term interventions for effective reform. The benefit of identifying interventions that make a difference in the short and medium term is that success in bringing about such change gives credibility to the reform process and provides relatively immediate rewards to the stakeholders who have invested in it. An all-out, all or nothing reform process is usually too lengthy and too exhausting for all concerned. It is creditable that some of the civil society stakeholders in Trinidad and Tobago have maintained their energy for change over such a protracted period without yet seeing the reforms come to fruition.

Momentum arising from budgetary stress or constraint provides a basis for prioritizing interventions that give the greatest return on investment to the state's coffers. The 'optics' of targeting savings from procured goods and services is often more politically acceptable than focusing on cuts that would impact on public sector employment or benefits paid by the state to individuals.

Finally the momentum that arises from having a workable vision for change based on new and better ways of managing public procurement provides a basis for reform that has been tried and proven effective elsewhere. This gives confidence to stakeholders who invest in progressing such interventions through policy and practice reform processes.

## **EVIDENCE BASED POLICY DEVELOPMENT AND PRACTICE TRANSFORMATION: THE TOOLKIT APPROACH**

### **Overview**

The UNDP Trinidad and Tobago Country Office invested in the development of the Toolkit to develop a critical mass of capability in public procurement related evidence based policy development and practice transformation. The Toolkit was formulated to capture insights into public procurement reform and to further support the Government of the Republic of Trinidad and Tobago in implementing a modernising public procurement regime. It has been designed to empower those involved in the change process to engage with stakeholders to identify and to frame cost effective interventions to give effect to the reforms. It provides users with sufficient theoretical understanding and practical skills to enable them to use a range of analytical perspectives and tools.

### **Premises**

There are three key premises upon which this Toolkit is based. One premise is that the most cost effective interventions for addressing problems and opportunities in public procurement may be identified through circumscribing and analysing their bases in fact. Then having understood the parameters of the problem or opportunity it is feasible to identify the range of options for intervention and to choose from among them. The second premise is that there are many more aspects to the workings of public procurement than are influenced by the procedures addressing solicitations and contract awards – the usual focus of traditional regulatory regimes. These many other aspects are amenable to a range or policy or practice interventions that may be efficacious in remediating problems or exploiting opportunities. The third premise is that there are stakeholders who care enough and have the commitment to seek a thorough understanding of the bases of the

problems and opportunities they perceive and to take action to progress efficacious policy or practice reform.

This innovation is about providing perspectives and tools that enable engagement with stakeholders to discover the causes of the problems or issues they perceive and to identify policy and/or practice options to address them. In a nutshell it is about facilitating evidence based policy and practice development. The approach enables the identification of options to support limited scope interventions, incremental changes or for thorough public procurement reform as may be required.

### **Toolkit users**

Toolkit users are: those who are themselves stakeholders in a public procurement system; and/or those who act as “honest brokers” by supporting stakeholders to better understand the problems or opportunities they perceive and to take action to facilitate constructive change. Potential users may include but are not limited to:

- development organisation that are working to support partners interested in public procurement reform;
- political actors who are seeking to frame a public procurement policy agenda;
- public/ civil servants who are seeking to improve public procurement capacity;
- civil society representatives who perceive issues with a public procurement system and who are seeking to make positive changes;
- business and industry associations representatives that perceive shortcomings or are seeking to make improvements in a public procurement system; and,
- public procurement managers who may be challenged in implementing public procurement reforms.

### **Stakeholder Engagement by Toolkit Users**

It is the purpose of this Toolkit to enable users as “honest brokers” or as “initiator stakeholders” to effectively and efficiently undertake fact finding and analysis of the focal problem or

opportunity and to facilitate the framing of interventions to address them.

#### ***The honest broker model***

- Someone with credibility as an “honest broker” is prepared to engage with stakeholders;
- All relevant stakeholders are recognised and their interests, issues, attitudes and influences identified and analysed;
- Those stakeholders that are willing to engage in fact finding and to intervene to address the issue are identified;
- The “honest” broker has the capability and tools to guide the stakeholders through fact finding and analysis of the focal issue;
- When all the relevant facts are known, shared and validated among stakeholders, some consensus as to the nature of the problem is reached;
- The ‘honest broker” has the capability to facilitate the framing of options for constructive intervention with stakeholders;
- The “honest broker” is then willing to facilitate stakeholders and support them in pursuing the interventions that they have chosen to support.
- As interventions are pursued, learnings by the stakeholders are documented and shared by the “honest broker” as a basis for informing future effort.

#### ***The stakeholder initiator model***

In cases where a stakeholder seeks to identify and pursue constructive interventions, the following conditions would ideally be met:

- A stakeholder is willing to invest their time and energy in addressing an issue of concern or an apparent opportunity;
- Other relevant stakeholders are recognised and their interests, issues, attitudes and influences identified and analysed;
- Those other stakeholders that are interested and also willing to engage in fact finding and to intervene to address the issue are identified and an alliance formed with them by the initiator stakeholder;
- The initiator stakeholder has the capability and tools to work with the other stakeholder/alliance participants through fact finding and analysis of the focal issue;

- When all the relevant facts are known, shared and validated among stakeholders, some consensus as to the nature of the problem is reached;
- The initiator stakeholder has the capability to facilitate with other stakeholders/alliance participants the framing of options for constructive intervention;
- The initiator stakeholder is willing to work with and support other stakeholders/alliance participants in pursuing the interventions that they have jointly chosen to support; and,
- As interventions are pursued learnings by the stakeholders are documented and shared among themselves as a basis for informing future effort.

While it is feasible for an ‘honest broker’ or ‘initiator stakeholder’ to work alone in seeking to intervene to address problems or opportunities, the nature of public procurement is such that there are usually many stakeholders with an interest or potential interest. Each will have their respective vantage points seeing different aspects of the same phenomenon and may hold differing views on the appropriateness of potential interventions. They may also have very different ideas about what it is that represents a satisfactory resolution to an apparent problem or opportunity. Because of these complexities building consensus among partnering stakeholders is likely to be the most effective basis for achieving constructive change.

### ***Using the Toolkit***

The Toolkit covers the following topics:

- How things go wrong in public procurement
- The nature of public procurement systems
- The workings of public procurement
- Supporting engagement of stakeholders in the public procurement policy process
- Sources of evidence for public procurement policy and practice reform
- Supporting public procurement reform
- Analytical tools and methods

Users are introduced to the Toolkit through face to face training and are subsequently supported through a moderated user forum and online expert advisory services. The process of Toolkit user

capability development involves three elements: training, a moderated user forum and expert advisory services.

### ***Toolkit User Training***

The Toolkit seeks to demystify the workings of public procurement and to equip the user with the perspectives, analytical tools and methods for problem and opportunity circumscription and for framing efficacious interventions for achieving constructive change. An expert in public procurement management and associated public policy and practice reform developed the Toolkit for the UNDP Country Office providing a comprehensive overview of the topic. While the content is presented in a simplified manner, there is a considerable amount of material covered which a user could not easily assimilate without the associated learning through face to face training. Therefore the Toolkit is only issued after the user has received the training. Without the insights, techniques and confidence that such training provides, the user could be wasting the time, effort, resources and goodwill of interested stakeholders.

In the training the various concepts, tools and methods are explained through their practical application to a series of “problem or opportunity scenarios”. Such scenarios may be generated by the training participants themselves in advance of their participation in the course and/or generated as part of the training curriculum. The scenarios used in each course aim to expose participants to a range of circumstances and to the many facets of the Toolkit content. This approach facilitates learning about the workings of the public procurement reforms in practice as well as about engaging stakeholders in the change process.

### ***User Forum***

An online User Forum established and managed by the UNDP Trinidad and Tobago Country Office through a collaboration platform provides Toolkit users with opportunities for networking and problem solving with other users. It includes the input of the online UNDP Public Procurement Toolkit Advisor who moderates the User Forum. Graduates of the training courses are given access to the User Forum. This facility provides the potential for the formation of a community of practice that enables users to share learnings and to find support in developing their capability to respond effectively to challenges of implementation.

The moderation of the User Forum by the Toolkit Advisor involves: the provision of limited advice to Toolkit users who may seek assistance and/or mentoring from time to time; networking of users who are experiencing similar issues; and, the capture and presentation at the site of case studies in the use of the Toolkit which could be shared among Forum members.

### ***Expert Advice***

The UNDP Public Procurement Toolkit Advisor who moderates the User Forum also facilitates user access to appropriate expert resources where the problem or issue is beyond the capacity of the user to fully address for themselves. For this purpose the UNDP Trinidad and Tobago Country will establish a pre-qualified roster of public procurement reform advisors with experience in both public procurement policy and practice reform. Toolkit users could then provide terms of reference for the rostered advisors to address as a basis for their selection to undertake a consultancy. The UNDP Trinidad and Tobago would administer any ensuing contract with any selected rostered expert. The UNDP would thus manage the quality of the advisory services provided and maintain records of advisor performance for future reference. The UNDP Public Procurement Toolkit Advisor could assist users in framing terms of reference for such advisory assistance as maybe required. In this way the use of rostered experts is likely to be very targeted and cost effective for the client.

### **Rationale for the Approach**

The Toolkit is not merely a reference book. It is called a 'Toolkit' because it helps users to take effective and well informed action in support of stakeholders. It facilitates collaborative learning in finding constructive ways to address public procurement problems and opportunities and it is based on an experiential learning model wherein learning is defined as: "the process whereby knowledge is created through the transformation of experience. Knowledge results from the combination of grasping and transforming experience" (Kolb, 1984, p. 41).

This approach assumes a four stage learning cycle whereby, "immediate or concrete experiences are the basis for observations and reflections. These reflections are assimilated and distilled into abstract concepts from which new implications for action can be

drawn. These implications can be actively tested and serve as guides in creating new experiences” (Kolb, Boyatzis, & Mainemelis, 1999, p. 3).

Immediate or concrete experiences of public procurement systems, problems or opportunities provide a basis for observations and reflections. These are assimilated with the concepts and techniques that are introduced in the training. Participants are enabled to distill their observations and reflections into abstract concepts from which new implications for action in terms of interventions for policy development or practice transformation are drawn. The experience of considering and testing of options for interventions provides a basis for future adjustment and learning through experience.

Consistent with the experiential learning model course participants come to the training with immediate or concrete experiences of public procurement and it is these that are used as a stimulus for learning. Therefore prior to the commencement of the course each participant is asked through a structured questionnaire to provide summary information about the public procurement system that is the focus of their interest. They are also asked to each provide a case study of unaddressed problems or opportunities in public procurement about which they may be concerned. The structure of the questionnaire focuses the attention of course participants on salient information about the procurement systems and case studies. This stimulates observations and reflections from their immediate experience that maybe assimilated with the Toolkit content as it is introduced during the training.

As the Toolkit training course is merely the start of the learning process. The participants’ own experiences – information about public procurement systems and case studies also provides the UNDP Public Procurement Toolkit Advisor with background on the context in which each Toolkit user is working. This facilitates the ongoing assistance that the Toolkit Advisor may provide to the user after the training course has been completed. The moderated User Forum provides Toolkit Users with the opportunity to share and expand upon their case studies and associated learnings and to network and to problem solve with other Toolkit users. In this way a community of practice is created that builds a capacity in evidence based public procurement policy development and practice reform.

## CONCLUSION

The task of reforming public procurement in Trinidad and Tobago has been protracted and is ongoing. The UNDP Trinidad and Tobago Country Office has sought to support the Government to achieve the laudable policy objectives of the reforms by capacity development through the Toolkit approach. This very cost effective means of sharing expert capability among public procuring entities and other stakeholders is expected to support thorough and sustained practice transformation. In this way the commitment of the Trinidad and Tobago stakeholders who have been the force for change for decades will be honoured.

## NOTES

1. Progress of the Bill through the Parliament is documented including Hansard records of the First, Second and Third Readings and of the Committee stage. [Online]. Available at <http://www.ttparliament.org/publications.php?mid=28&id=700> Retrieved 18 June 2015
2. The Amendment Bill tabled in the Parliament is documented in Legal Supplement Part C to the “Trinidad and Tobago Gazette”, Vol. 54, No. 122, 26th November, 2015. [Online]. Available at <http://www.ttparliament.org/legislations/b2015h14.pdf> Retrieved 22 March June 2015

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