

**QUESTIONNAIRE REGARDING FOLLOW-UP OF THE IMPLEMENTATION OF THE
RECOMMENDATIONS FORMULATED AND THE PROVISIONS REVIEWED IN THE
SECOND ROUND, AND ON THE CONVENTION PROVISIONS SELECTED FOR THE
FIFTH ROUND^[1]**

INTRODUCTION

The Report of Buenos Aires^[2] and the Rules of Procedure and Other Provisions^[3] of the Committee of Experts on the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (hereinafter, as applicable, *Report of Buenos Aires*, *Rules*, *Committee*, *Mechanism*, and *Convention*) provide that the Committee shall adopt a questionnaire on the selected provisions to be reviewed in each round.

In the framework of its Twenty-Fourth Meeting, held on September 8 to 12, 2014, the Committee chose, as topics for review during the Fifth Round, those relating to Article III, paragraphs 3 and 12 of the Convention, which refer, respectively, to “instruction[s] to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities” and to “the study of further preventive measures that take into account the relationship between equitable compensation and probity in public service.” In addition, with regard to the follow-up of recommendations, at that same meeting the Committee took the same view as that expressed at the Third Meeting of the Conference of the MESICIC States Parties and agreed that, in the Fifth Round, the Committee would follow-up of the recommendations formulated in the Second Round and which were deemed to require additional attention in the reports from the Third Round, including the consideration of any new and relevant information or developments that would allow the Committee to determine the continued validity of the recommendations and measures suggested in the reports from the Second Round and, with regard to those deemed still valid, to assess whether the State has given them satisfactory consideration or whether additional attention is required or, when applicable, to restate or reformulate them.

In addition, in the Methodology for the Fifth Round, the Committee decided that it would review new developments in the States with respect to the Convention provisions selected for the Second Round, taking into account such aspects as the legal framework, technological developments, and results, and making the relevant observations and recommendations in connection therewith.

Furthermore, Article 29 of the Rules provides that each State Party shall submit information on the implementation of the recommendations in the standard format that the Committee shall provide as an annex to the Questionnaire. Article 29 also establishes that, “with respect to the implementation of recommendations, the State Party shall refer to any difficulties that may have arisen in the process,” and that, “should it deem it to be appropriate, the State Party may also identify the domestic agencies that have participated in implementing the recommendations, as

well as identify specific technical assistance or other needs connected with the implementation of the recommendations.”

In light of the above, this document contains the questions that comprise the questionnaire adopted by the Committee.

The responses given to the questionnaire shall be reviewed in accordance with the methodology by the Committee, which is posted in the Anti-Corruption Portal of the Americas at the following address: <http://www.oas.org/juridico/english/fightcur.html>

Pursuant to Article 21 of the Rules, the State Party is to forward its responses to the Questionnaire through its Permanent Mission to the OAS, in electronic format, together with all the supporting documents, within the time period set by the Committee.

To this effect, the OAS General Secretariat’s e-mail, to which the response to the questionnaire should be sent and to which inquiries may be addressed in order to clarify any doubts that arise, is the following: LegalCooperation@oas.org

SECTION I^[4]

FOLLOW-UP ON THE IMPLEMENTATION OF THE RECOMMENDATIONS FORMULATED IN THE SECOND ROUND AND NEW DEVELOPMENTS IN RELATION TO THE CONVENTION PROVISIONS SELECTED FOR REVIEW IN THAT ROUND

In accordance with the terms of Article 29 of the *Rules of Procedure*, and bearing in mind the agreement reached by the Committee at its Twenty-fourth Meeting, in which in relation to the follow-up of recommendations, it endorsed the criterion contained in recommendation 9.a of the Third Meeting of the Conference of MESICIC States Parties, as well as with the terms of the Methodology for the Fifth Round, the form contained in Annex I of this questionnaire is adopted as the standard form the countries to report on:

- a) Progress, information, and new developments in relation to the implementation of the recommendations formulated to them and the measures suggested to them by the Committee for implementation in the reports from the Second Round and regarding which the Committee deemed required additional attention in the reports from the Third Round; and
- b) New developments in relation to the Convention provisions selected for the Second Round, in such areas as legal frameworks, technological developments, and results.

Based on the above-referenced standard form, the Technical Secretariat will send each country an individualized form which clearly identifies the recommendations and measures referred to in paragraph (a) of this section of the questionnaire and will ask about new developments in connection with the Convention provisions selected for the Second Round, at least three months prior to the date on which they are to return their responses to the questionnaire in accordance with the provisions of Section V of the Methodology adopted by the Committee for the Fifth Round.

SECTION II

QUESTIONS ON IMPLEMENTATION OF THE CONVENTION PROVISIONS SELECTED FOR REVIEW IN THE FIFTH ROUND

CHAPTER ONE

INSTRUCTIONS TO GOVERNMENT PERSONNEL TO ENSURE PROPER UNDERSTANDING OF THEIR RESPONSIBILITIES AND THE ETHICAL RULES GOVERNING THEIR ACTIVITIES (ARTICLE III, PARAGRAPH 3 OF THE CONVENTION)

- A) Select up to a maximum of three groups of government personnel from your country's branches of government or public institutions, at the national/federal level, that, due to them being a majority or based on the importance of their functions, are considered principal groups that merit review for the purpose set out in Article III, paragraph 3, of the Convention, which refers to giving instructions to government personnel for the proper understanding of their responsibilities and the ethical rules governing their activities.

The Government Agencies chosen for review are:

Ministry of Finance

The Minister of Finance is responsible pursuant to the Financial Administration and Audit Act, 2010 for the management of the Consolidated Fund and the supervision, control and direction of matters relating to the financial affairs of The Bahamas, which are not assigned to any other Ministry by any other law.

Department of Public Service.

The Ministry of Public Service plays a vital role in ensuring that the Public Service is properly managed and stable and that employees are available in sufficient numbers to meet the demands of the Service and any policy initiative or project of the Government.

- B) Indicate why your country believes the personnel group(s) selected under the previous question merit review.

There have been several legislative and infrastructure changes underway which have provided tools for identifying and placing safeguards for dealing with and combating criminal offences, in particular corruption.

- C) Indicate whether there are provisions and/or measures in your country for providing instructions to the selected government personnel group(s) which ensure proper understanding of their responsibilities and the ethical rules governing their activities, and attach a copy of them or provide links to the web pages where they can be consulted.
- D) Refer to the following aspects relating to the aforementioned instructions, with respect to the selected government personnel group(s), attaching copies of the provisions and/or measures on which the answers are based or indicating links to the web pages where they may be consulted:
- i. The manner in which personnel are informed of their responsibilities and functions, indicating whether this is done verbally or in writing and whether records are kept of those instructions.
 - ii. The occasion(s) when personnel are informed of their responsibilities and functions, indicating whether this is done when they begin performing them or at a later point; when those functions change; or when functions change due to a change of post.
 - iii. The existence of introductory, training or instructional programs and courses for personnel on how to perform their responsibilities and functions properly and, particularly, for making them aware of the risks of corruption inherent in the performance of those functions.
 - iv. The use of modern communication technologies to apprise personnel of their responsibilities or functions and to provide guidance on how to perform them properly.
 - v. The existence of bodies to which personnel can resort to obtain information or resolve doubts about how to perform their responsibilities and functions properly.
 - vi. The existence of a governing organ, authority or body responsible for defining, steering, advising, or supporting the manner in which personnel are to be informed of their responsibilities and functions, and for seeing that this task is fully carried out, and the measures or actions that such bodies can take to enforce the norms and/or measures in force in this regard.
 - vii. The way in which personnel are informed of the ethical rules governing their activities, indicating whether this is done verbally or in writing and whether records are kept of those instructions.
 - viii. The occasion(s) when personnel are informed of ethical rules governing their activities, indicating whether this is done when they begin performing them or at some later point; when a change in their functions entails a different set of applicable ethical rules; or when changes are made to those rules.
 - ix. The existence of introductory, training or instructional programs and courses for personnel on the ethical rules governing their activities and, particularly, on the consequences of failure to abide by them for public institutions and for wrongdoers.
 - x. The use of modern communication technologies to apprise personnel of the ethical rules governing their activities and to provide guidance as to their scope or interpretation.

- xi. The existence of bodies to which personnel can resort to obtain information or resolve doubts about the scope or interpretation of the ethical rules governing their activities.
 - xii. The existence of a governing organ, authority or body responsible for defining, steering, giving guidance on, or supporting the manner in which personnel are to be informed of the ethical rules governing their activities, and for seeing that this task is fully carried out, and the measures or actions that such bodies can take to enforce the norms and/or measures in force in this regard.
- E) Summarize the results obtained in the application of the provisions and/or measures relating to the instructions given to the selected government personnel group(s) to ensure that they have an appropriate understanding of their responsibilities and functions, providing the relevant information available in your country,^{[5]/} and making reference, to the extent that is possible, to issues such as the following: the holding of introductory, training or instructional programs and courses to that end, the periodicity or frequency with which they have been held, and the number of public servants covered by them; implementation of programs for the same purpose; preparation of guidelines to counsel public servants on the proper performance of their functions and to alert them to the risks of corruption inherent in the performance of their responsibilities; responses to inquiries by public servants on the correct performance of their functions and the use of modern communication technologies for that purpose; activities undertaken to ascertain whether the objective of ensuring that responsibilities or functions are understood was in fact achieved; and measures or actions developed by the authorities or bodies responsible for ensuring that instructions to that end are fully provided and with ensuring the enforcement of provisions and/or measures in force.
- F) Summarize the results obtained in the application of the provisions and/or measures relating to the instructions given to the selected personnel group(s) to ensure that they have an appropriate understanding of the ethical rules governing their activities, providing the relevant information available in your country,^{[6]/} and making reference, to the extent that is possible, to issues such as the following: the holding of introductory, training or instructional programs and courses to that end, the periodicity or frequency with which they have been held, and the number of public servants covered by them; implementation of programs for the same purpose; preparation of guidelines to counsel public servants on the scope and interpretation of those ethical rules and about the consequences of failure to abide by them for public institutions and the wrongdoers; responses to inquiries by public servants to that same end and the use of modern communication technologies for that purpose; activities undertaken to ascertain whether the objective of ensuring that the ethical rules are understood was in fact achieved; and actions undertaken by the authorities or bodies responsible for ensuring that instructions to that end are fully imparted and with ensuring the enforcement of provisions and/or measures in force.
- G) For each of the selected personnel group(s), briefly report on difficulties and/or weaknesses related to instructions for ensuring an adequate understanding of their responsibilities and functions and, if applicable, identify specific technical cooperation needs.

- H) For each of the personnel group(s) selected for review, briefly report on difficulties and/or weaknesses related to instructions for ensuring an adequate understanding of the ethical rules governing their activities and, if applicable, identify specific technical cooperation needs.

CHAPTER TWO

THE STUDY OF PREVENTIVE MEASURES THAT TAKE INTO ACCOUNT THE RELATIONSHIP BETWEEN EQUITABLE COMPENSATION AND PROBITY IN PUBLIC SERVICE (ARTICLE III, PARAGRAPH 12 OF THE CONVENTION)

- A) Indicate whether your country has studied prevention measures that take into account the relationship between equitable compensation and probity in public service. If so, please describe the study or studies carried out and either enclose copies thereof or indicate the web pages where they may be consulted.
- B) Indicate whether your country has established objective and transparent criteria for determining the compensation of public servants. If so, please describe those criteria and enclose copies of the documents, provisions, and/or measures containing those criteria or indicate the web pages where they can be consulted.

SECTION III

BEST PRACTICES

OPTIONAL: Report on a maximum of four best practices related to the Convention provisions selected for the Second and Fifth Rounds that your country would like to share with the other MESICIC member countries, using the standard form attached to this questionnaire for that purpose (Annex II).

SECTION IV

INFORMATION ON THE OFFICIAL RESPONSIBLE FOR COMPLETION OF THIS QUESTIONNAIRE

Please provide the following information:

- (a) State Party:
The Commonwealth of The Bahamas
- (b) The official to be consulted regarding the responses to the questionnaire is:
Mrs. Kenrah Newry/Mr. Kirkland Mackey
- (c) Title/position:
Assistant Director of Legal Affairs/Senior Counsel

- (d) Agency/office:
Office of The Attorney General and Ministry of Legal Affairs
- (e) Address:
**Paul L. Adderley Building
No. 18 John F. Kennedy Drive
P.O. Box N-3007,
Nassau, New Providence, The Bahamas**
- (f) E-mail address:
kenrahnewry@bahamas.bs; kirklandmackey@bahamas.gov.bs
- (g) Telephone number:
1-242-502-0444;1-242-502-8063
- (h) Fax number:
1-242-322-2255

ANNEX I

STANDARD FORMAT FOR REPORTING INFORMATION ON THE IMPLEMENTATION OF THE RECOMMENDATIONS FORMULATED IN THE SECOND ROUND AND NEW DEVELOPMENTS IN RELATION TO THE CONVENTION PROVISIONS SELECTED FOR REVIEW IN THAT ROUND

I. FOLLOW-UP ON THE IMPLEMENTATION OF THE RECOMMENDATIONS FORMULATED IN THE SECOND ROUND

Following the same structure as the Second Round country report,^[7] the Secretariat shall transcribe each of the recommendations formulated for the country in question during the round that the Committee deemed to require additional attention in the Third Round report. Then, it will ask the country to provide information in connection with the corresponding recommendation and with the corresponding measures suggested by the Committee for implementation, and, if any, with the alternative measures adopted by the country to that end, as follows:

1. SYSTEMS OF GOVERNMENT HIRING AND PROCUREMENT OF GOODS AND SERVICES (ARTICLE III (5) OF THE CONVENTION)

1.1. Systems of Government Hiring

Recommendation:

Establish, maintain and strengthen the systems of government hiring of public servants, when applicable, that assure the openness, equity and efficiency of such systems.

Measure a):

Adopt, through the appropriate legislative or administrative procedures, a legal instrument that explicitly provides that government hiring into the Public Service is to be based on the principle of merit.

With respect to the foregoing measure, provide the following information:

- A. Please briefly describe the specific actions / that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

In an effort to carry out the implementation of the above recommendation the Department of Public Service sought, inter alia, to provide clarity on the requirements for being hired and within the Public Service.

In March 2017, the Department of Public Service published a manual entitled ***'The Bahamas Government Human Resources Policies'*** its purpose is to provide a clear procedure for hiring within the government system. For example, it is important to note the following policy, found at page 15 of the manual:

"APPOINTMENTS

The Policy on new appointments is in accordance with the Public Service Act, 1969, Part II 5 (1) which states:

"Every Public Officer appointed to an office for which a scale of salary is provided shall enter that scale at the lowest point thereof unless the Governor General, acting in accordance with the advice of the appropriate Commission, approves of such persons entering such scale at an incremental point above that point."

Applicants must meet the minimum requirements for the recommended post. All new entrants to the public service are to be placed at the minimum of the salary scale OR at the salary point equal to the relevant post qualification(s), if that entry point is a high value."

The Bahamas Government Human Resource Policy manual can be accessed at the following link:

<https://www.bahamas.gov.bs/wps/wcm/connect/c706dcdb-82df-41f4-a448-f01b60014779/HumanResourcePolicyManual-FinalDraft.pdf?MOD=AJPERES>

- B. Indicate the new information and developments / related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, / or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, / indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

Under the section entitled 'Policies on Entry' , the following is stated:-

'...in accordance with the Public Service Act, 1969, Part II 5 (1) ...

"Every Public Officer appointed to an office for which a scale of salary is provided shall enter that scale at the lowest point thereof unless the Governor General, acting in accordance with the advice of the appropriate

Commission, approves of such persons entering such scale at an incremental point above that point." Applicants must meet the minimum requirements for the recommended post. All new entrants to the public service are to be placed at the minimum of the salary scale OR at the salary point equal to the relevant post qualification(s), if that entry point is a high value.'

The implementation of a checklist is a new feature which would provide clarity for personnel within the Department of Public Service to make a determination on the requirements for new appointments into the Public Service.

Subsequent to the aforementioned new policy there is to be found at Annex I of The Bahamas Government Human Resources Policy a checklist outlining the documentation requirements, which are to accompany a recommendation from the requisite Ministry/Department, for the hiring of persons into the Public Service. Included within the checklist are:-

- Verification/Certified Qualifications such as BJC, BGCSE, or Equivalent;
- Certified Degree;
- Certified Official Final Transcript; and
- Certified Copies of Documented Experience.

- C. Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

No difficulties have been encountered in the implementation of the foregoing recommendation as merit is always a consideration when hiring into the Public Service.

- D. If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The governmental agencies that participated in the implementation of the foregoing recommendation and measure were the Department of Public Service and the Public Service Commission.

Measure b):

Adopt, through the appropriate legislative or administrative procedures, a legal instrument that provides parameters on the use of the exception of 'serious inconvenience' that also includes a written justification for its application.

With respect to the foregoing measure, provide the following information:

- A. Please briefly describe the specific actions / that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The Public Service Commission established the 'Out-of-Turn Acting Appointments Policy'.

Please see page 31 of the Report of the Public Service Commission of the Commonwealth of The Bahamas for the Year 2014 - 2016.

- B. Indicate the new information and developments / related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, / or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, / indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

The 'Out-of-Turn Acting Appointments Policy' was established to fill vacancies that occurred after interviews for the Public Schools Administrators exercise was completed. The vacancies were due to unforeseen circumstances eg. unexpected resignations, prolonged illness, such as absence on maternity leave, early retirement, or death.

- C. Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

As numerous instances can result in a 'serious inconvenience' occurring which requires the urgent creation of a new post, placing a parameters on the term may result in an issue in the future which results in the new post not being able to be created as a result of the parameter placed on the phrase.

- D. If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that participated in the implementation of the foregoing recommendation and measure were the Department of Public Service and the Public Service Commission.

Please see page 31 of the Report of the Public Service Commission of the Commonwealth of The Bahamas for the Year 2014 - 2016.

Measure c):

Adopt, through the appropriate legislative or administrative procedures, a legal instrument that provides parameters on the use of the 'urgent' procedural exception in the creation of new posts.

With respect to the foregoing measure, provide the following information:

- A. Please briefly describe the specific actions / that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

New posts are only created as a result of the recommendation by the Minister of Public Service and National Insurance to Cabinet. The only way in which a new post can be created urgently is by requesting the Secretary of the Cabinet to seek the Prime Minister's Approval to place the matter on the Cabinet's agenda forthwith.

The Permanent Secretary in a Ministry, after observing the need for the creation of a new post as a result of new developments in the Ministry, would write to the Permanent Secretary of the Public Service stating that there is a need for an individual to fill a position. The Permanent Secretary would include that pay scale and the qualifications that are necessary for the individual fulfilling the post. This document, after being reviewed by the Permanent Secretary of the Public Service would forward the request to the Public Service Commission for comment. After receiving the comments from the Public Service Commission, the Department of Public Service would then write to the Permanent Secretary of the requesting Ministry the decision with regards to the creation of the new post. This document

would either permit or deny the requesting Ministry to write to the Cabinet to obtain their approval.

- B. Indicate the new information and developments / related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, / or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, / indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

No new developments have occurred in relation to the subject matter as the current system in place for the urgent procedural exception in the creation of new posts is working.

- C. Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

There are no difficulties encountered in the implementation of the foregoing recommendation.

- D. If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that participated in the implementation of the foregoing recommendation and measure were the Department of Public Service and the Public Service Commission.

Measure d):

Adopt, through the appropriate legislative or administrative procedures, a legal instrument that provides parameters on the use of the exception of 'very exceptional circumstances' in cases where a temporary appointment is to exceed twelve months, which also includes a written justification for its application.

With respect to the foregoing measure, provide the following information:

- A. Please briefly describe the specific actions / that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the

alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The Bahamas Government Human Resources Policies manual provides for the appointment of individuals on special programmes for appointment into the public service.

“APPOINTMENTS ON SPECIAL PROGRAMMES

Persons appointed to special programmes in the Public Service are not public officers and therefore their years of service are non-pensionable, nor are they entitled to any benefits under the Pensions Act.

These include but are not limited to the following categories:

- i. Unemployment Work Assistance Programme;***
- ii. Casual Relief Workers;***
- iii. Special Project Workers;***
- iv. Sundry Workers;***
- v. Bahamix Employees;***
- vi. Appointments by Local Council;***
- vii. Contract Workers (Bahamians).***

If the individuals are considered for appointment to the Public Service it will be on twelve (12) months probation or temporary month-to-month terms in the first instance. The processing of appointments of the above listed categories of workers would be treated like new appointments and given incremental credit for years of experience up to a maximum of ten (10) years as follows:

- i. 10 Experience outside the Public Service***
- ii. One (1) increment will be awarded for every two (2) years of relevant experience;***
- iii. One (1) increment will be awarded for every four (4) years of partially relevant experience;***
- iv. One (1) increment will be awarded for every six (6) years of non-relevant experience”.***

Appointment on Contract

Contractual Appointment Approved by the Governor General (Inside the Public Service Salary Structure)

Contractual appointments inside the Public Service are approved by the Governor General, acting on the advice of the relevant Service Commission in accordance with the Public Service Act, at a specific post and salary scale.

The salary on appointment is fixed (no increments and general/special increases are awarded) for the entire period of the contract. These appointments Page 18 of 154 are made by formal agreements for a specified period and do not provide for the payment of a pension.

Every contracted officer who is employed for a continuous period of not less than two years in any public office shall upon satisfactory completion of contractual service be entitled to receive a gratuity equal to 15% of the total salary paid over the period of the contract. Officers may be appointed on contract for a minimum of two (2) years at any one time, up to a maximum of nine (9) years. For example, an officer might enjoy: three (3) contracts of two years each and one (1) for three (3) years; three (3) contracts for three (3) years each; or four (4) contracts of two (2) years each and may be considered for an extension of one (1) year.

At the end of the tour of duty on contract the officer may be considered for appointment on temporary month-to-month terms. Appointments on contract approved by the Governor General are usually awarded to non-Bahamians as specified by the Ministry/Department.

The appointment of a non-Bahamian must be approved by the Minister of the Public Service. In certain circumstances, Bahamians are appointed on contracts as specified by the Ministry/Department. The conditions of service of an officer on contract are provided in the Memorandum on Conditions of Service (See Annex II), General Orders or the relevant Industrial Agreement.

Contract officers are not to be retained in employment unless contracts of employment are renewed prior to expiration. No officer appointed on contract inside the Public Service should be granted a contract beyond the mandatory retirement age of 65. Persons must meet the minimum requirements for the post. See Check List for Appointment at ANNEX I.”

Contractual Appointment Approved by the Cabinet (Outside the Public Service Salary Structure - i.e. other than appointed under the Delegation of Powers Order, Public Service Commission Regulations or Public Service Act)

Contractual appointments outside the Public Service are approved by the Cabinet and signed by the Permanent Secretary, Ministry of the Public Service (generally the salaries are not listed in the Public Service Scales). The appointments are at fixed salaries (no increments and general/special increases are awarded) for the entire period of the contract. 1 In accordance with Section 15 (1) of the Public Service Act Page 19 of 154 Every contracted officer who is employed for a continuous period of not less than two years in any public office shall upon satisfactory completion of contractual service be entitled to receive a gratuity equal

to 15% of the total salary paid over the period of the contract.² Contractual appointments are made by formal agreements for a specified period and do not provide for the payment of a pension.

Note: These appointments are not referred to the relevant Service Commission. The conditions of service of an officer on contract are provided in the Memorandum on Conditions of Service (See Annex II), General Orders or the relevant Industrial Agreement (where applicable). Contract officers are not to be retained in employment unless contracts of employment are renewed prior to expiration. Persons appointed on contract outside the Public Service are governed by the rules and regulations of the Public Service.

Contract officers are normally appointed on contract for a minimum of two (2) years at any one time, up to a maximum of nine (9) years. For example, an officer might enjoy: three (3) contracts of two years each and one (1) for three (3) years; three (3) contracts for three (3) years each; or four (4) contracts of two (2) years each and may be considered for an extension of one (1) year.

After completing nine (9) years on contract the officer may be re-appointed on temporary month-to-month terms and at the expiration of their tour of duty in the Service (providing it is ten years or more), may be awarded a gratuity in accordance with the Pensions Act – Section 25.

- B. Indicate the new information and developments / related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, / or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, / indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

On 31st March 2017, the Ministry of Public Service published The Bahamas Government Human Resources Policies Manuel.

The Bahamas Government Human Resource Policy Manual can be found at the following link:

<https://www.bahamas.gov.bs/wps/wcm/connect/c706dcdb-82df-41f4-a448-f01b60014779/HumanResourcePolicyManual-FinalDraft.pdf?MOD=AJPERES>

- C. Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The difficulty with implementing this recommendation is that the Public Service Commission does not currently have a Comprehensive Human Resource Information Management System and is currently solely utilizing physical paper files. As such, with regards to a temporary appointment there is a high possibility that the expiration of a twelve month period might be overlooked as there is no automated computerized flagging system. This issue is greatly enhanced due to the fact that The Bahamas is an archipelago.

- D. If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that participated in the implementation of the foregoing recommendation and measure were the Department of Public Service and the Public Service Commission.

Measure e):

Ensure that the Public Service Commission clearly substantiate when a decision is made not to advertise a vacancy to the general public, as well as ensure the use of modern means of media for publicizing vacancies (e.g. the internet).

With respect to the foregoing measure, provide the following information:

- A. Please briefly describe the specific actions / that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

When a vacancy is available within the Public Service, the position is firstly advertised internally to the staff of the Public Service via a Circular which states that an assessment exercise is about to be held. The Circulars are published by way of The Bahamas Government Intranet that all officers are expected to consult on a daily basis, further hard copies are circulated throughout the government service through each respective Permanent Secretary also sent to the various Ministries. These Circulars state the effective date of the assessment as well as the criteria, such as years in the post and academic qualifications, each individual must possess in order to be selected to take part in the assessment .

Prior to or subsequent to these advertisements, assessment exercises are held. During these exercises, the skills of the employee participant are assessed through examinations and an interview. At the end of the course the successful participants are eligible for promotion. Cabinet determined the number of vacancies which depends on the actual amount of vacancies available within the Public Service. This provides an opportunity for those individuals already in the Public Service the change to improve themselves educationally and elevate though the Public Service. These assessments are done on a needed bases and depends on the amount of individuals within the Public Service, retiring from the Public Service or dying while in the Public Service.

Post are only advertised for specialized areas which require technical skills which are not readily available within the Public Service.

- B. Indicate the new information and developments / related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, / or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, / indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:
- C. Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The difficulty with implementing this Recommendation is that advertisements to the general public for positions within the Public Service cannot be made until the advertisement of the vacant positions are made internally. In the majority of instances, the vacancy is filled by an individual who is already in the Public Service; hence, there will be no need to advertise the position to the general public. As stated previously, only specialized areas which require technical skills that are not readily available within the Public Service are advertised to the general public.

- D. If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agency that participated in the implementation of the foregoing recommendation and measure was the Department of Public Service.

Measure f):

Strengthen the legal provisions regarding the Service Commissions so that these authorities have the competence to revoke or take other corrective measures when it is found that an appointment process was, among other things, irregular, improper or made through a fraudulent competition.

With respect to the foregoing measure, provide the following information:

- A. Please briefly describe the specific actions / that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

When an incorrect appointment is brought to the attention of the Public Service Commission, disciplinary actions are taken under Regulations 40 of the Public Service Commission Regulation which states :-

“The following punishments may be ordered as a result of proceedings under these Regulations:-

- a. dismissal;***
- b. reduction in rank;***
- c. reduction in salary;***
- d. deferment of increment;***
- e. withholding of increment;***
- f. reprimand;***
- g. forfeiture of any part of any emoluments...”***

Additionally, Article 114 of The Constitution of The Bahamas provides for the Public Service Board of Appeal (PSBOA). This is an independent board mandated to safeguard the rights of individuals officers. Any public officer who does not agree with the disciplinary actions taken by the Commission may appeal the decision to the PSBOA.

See page 35 of the Report of the Public Service Commission of the Commonwealth of The Bahamas for the Years 2014 - 2015.

- B. Indicate the new information and developments / related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, / or the provisions and/or measures unknown to or not taken into consideration by the Committee

when that recommendation and measure were formulated, / indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

- C. Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

In some instances due diligence is not done in making the appointment either by overlooking the academic qualification or security vetting was not done. The Public Service Commission will not appoint an individual who does not meet the established minimum requirements for the post. When an incorrect appointment is brought to the attention of the Public Service Commission, disciplinary actions are taken under Regulations 40 of the Public Service Commission Regulations.

- D. If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agency that participated in the implementation of the foregoing recommendation and measure was the Department of Public Service.

Measure g):

Increase training programs for those responsible for managing public service selection and staffing processes.

With respect to the foregoing measure, provide the following information:

- A. Please briefly describe the specific actions / that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

In March 2017, the Policy and Planning Unit of the Ministry of the Public Service and National Insurance published The Bahamas Government Human Resource Policy Manual. As a result of this publication, the Public Service Centre for Human Resource Development holds bi-monthly training seminars for all

Human Resource Managers in the Public Service which focus on ensuring that each Human Resource Manager is adequately knowledgeable of all policies.

The Bahamas Government Human Resource Policy Manual can be found at the following link:

<https://www.bahamas.gov.bs/wps/wcm/connect/c706dcdb-82df-41f4-a448-f01b60014779/HumanResourcePolicyManual-FinalDraft.pdf?MOD=AJPERES>

The Ministry of the Public Service and National Insurance Circular No. 16 of 2017 which has the schedule of courses for August - December 2017 can be found at the following link:

<http://www.bahamas.gov.bs/wps/wcm/connect/e6322941-2913-4ddd-996b-a1f6d4c3b95f/Circular+No.+16+of+2017+dated+17.05.17.pdf?MOD=AJPERES&CACHEID=e6322941-2913-4ddd-996b-a1f6d4c3b95f>

- B. Indicate the new information and developments / related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, / or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, / indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation.

Subsequent to the training provided to the Human Resource Managers, they are required to return to their respective Ministry and train their staff using the knowledge obtained from the training seminar. This concept of “training the trainer” ensures that all Human Resource staff within the Public Service are knowledgeable of all policies and procedures in place within the Government Service.

- C. Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

There are some instances where a Human Resource Manager for a Ministry may be unable to attend particular sessions held at the Public Service Centre for Human Resources Development (PSCHRD). Subsequently, the HR staff of that particular Ministry will be at a disadvantage as the material presented to them may be inadequate as their ‘trainer’ may have missed information which is not outlined in the Human Resource Policy Manual.

- D. If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested

by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The governmental agency that participated in the implementation of the foregoing recommendation and measure was the Public Service Centre for Human Resources Development under the Ministry of the Public Service and National Insurance.

Measure h):

Increase training and induction programs for those who have recently entered the public service, so as to allow all employees to understand their duties and the functions expected of them.

With respect to the foregoing measure, provide the following information:

- A. Please briefly describe the specific actions / that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

In 1970, The Public Service Training Centre was established by The Bahamas Government. However, due to the expansion of its role in 1996, the name was changed to the Public Service Centre for Human Resource Development (PSCHRD). PSCHRD operates as the training arm of The Public Service.

The PSCHRD offers bi-annual orientation courses to persons who are new to the Department of Public Service.

The Department of Public Service has bi-annually, produced and circulated Circulars which focus on both centralized courses and upgrading courses. These Circulars are disseminated both electronically and via hard copy to various departments within the Public Service. These courses allow employees to obtain and enhance skills to maximize each employees' potential.

- B. Indicate the new information and developments / related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, / or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, / indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation

- C. Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question
- D. If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The governmental agency that participated in the implementation of the foregoing recommendation and measure was the Public Service Centre for Human Resources Development under the Ministry of the Public Service and National Insurance.

1.2. Government Systems for the Procurement of Goods and Services

Recommendation:

Promote the adoption of provisions, in the government systems for the procurement of goods and services, which ensure the principles of openness, equity and efficiency under the Convention.

Measure a):

Consider the establishment of a single legal and regulatory framework which encompasses all the branches and agencies of the State.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^[1] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The Financial Administration and Audit Act, (FAA), CH.359 Sections 56, 57, 58 & 59, establishes the Government Tenders Board and outlines measures that are to be adopted by government agencies and the country, in order to regularize the procurement of goods and services.

Please note that all references to legislation are to be found at The Bahamas Government Laws Online/Statute Laws of The Bahamas:

<http://laws.bahamas.gov.bs/cms/en/>

- B) Indicate the new information and developments^[2] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^[3] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[4] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

The Government of the Commonwealth of The Bahamas has proposed the Public Procurement Bill, 2017 which is intended to specifically address the legal and regulatory framework for procuring goods and services.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The new legislative framework is anticipated to come into effect upon enactment of the Bill, the same is anticipated to be within the current 2017 fiscal year.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Internal agencies that participated in the development of the proposed legal and regulatory framework are the Ministry of Finance and the Office of the Attorney General and Ministry of Legal Affairs.

The Department of Information Technology, Ministry of Public Works and Ministry of Education were also consulted in order to assist with specific technical cooperation requirement.

See Bahamas Government Laws Online/Statue Laws of the Bahamas:
<http://laws.bahamas.gov.bs/cms/en/>

Measure b):

Consider the appointment of a private individual outside of the public service and Government to the Government Tenders Board.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^[5] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The new legislative framework is anticipated to come into effect upon enactment of the Bill, the same is anticipated to be within the current 2017 fiscal year.

- B) Indicate the new information and developments^[6] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly

describing the new provisions and/or measures adopted in connection with the subject,^[7] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[8] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

The proposed Public Procurement Bill, 2017, (Regulation), Section 12 identifies the various associations, professional bodies, civil society and a nominee from the leader of the opposition party – who would constitute the Tender’s Board.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The new legislative framework is anticipated to come into effect upon enactment of the Bill, the same is anticipated to be within the current 2017 fiscal year.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that have participated in the drafting of the proposed legislative framework are the Ministry of Finance, Ministry of Public Works, Ministry of Education, Department of Information Technology and the Office of the Attorney General and Ministry of Legal Affairs. The measures proposed are anticipated for implementation in early 2018.

Measure c):

Implement provisions outlining clear procedures for the selection of contractors when either public tendering or selective tendering procedures are utilized.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^[9] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

There are clear procedures in place for the selection of contractors, as the Ministry of Finance publishes invitations for tenders through several different sources:

- i. **The Bahamas Government's website, <http://laws.bahamas.gov.bs/cms/en/>**
- ii. **Local media i.e. newspapers; and**
- iii. **With the Inter-American Development Bank ("IDB") and the Caribbean Development Bank when a project relates to or is being funded by these entities.**

There are two basic methods of procurement in The Bahamas: Public Tendering, where all interested members of the public are invited to submit bids, despite any prerequisites.

The invitations for bids are advertised via the print media, via The Bahamas Government's website: www.bahamas.gov.bs; and by Select Tendering, which is done when there are specialized services to be provided and contractors who meet the relevant criteria/prerequisite are known to the respective Government Agencies.

- B) Indicate the new information and developments^[10] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^[11] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[12] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

Part 111, Section 24-33 of the proposed Public Procurement Bill provides clear procedures for methods of procurement when selecting contractors for Public tendering process.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The new legislative framework will become effective upon enactment of the Bill within the current fiscal year.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that have participated in the implementation of the foregoing recommendation include, the Ministry of Finance, the Ministry of Public Works, the Ministry of Education, the Office of the Attorney General and Ministry of Legal Affairs and the Department of Information Technology.

The subject website address is <https://suppliers.gov.bs/>

Please note that the aforementioned web link is still under construction however the same is anticipated to be fully operational by January 2018.

Measure d):

Implement provisions that provide for the publication of tendering opportunities in appropriate media, their conditions for participation and the time, method and place for submission of bids.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^[13] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The Tender Bid documentation are published within the local media with the specification requirements.

The requisite documents are published on the Government's website and it is important to note that assistance is available from various international agencies i.e. IDB and CBD for publication.

- B) Indicate the new information and developments^[14] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^[15] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[16] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

Under the ICT4GP grant from IDB, the Government is in the process of implementing a Supplier's Registry and an e-procurement website.

These initiatives will allow online tendering and dispatch automated invitations to registered suppliers, along with web-based publication. However, the local media will still be utilized.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The new framework will become effective upon enactment of the Bill within the current fiscal year.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that have participated in the implementation of the recommendation have included: the Ministry of Finance, the Ministry of Public Works, the Ministry of Education and the Department of Information Technology.

The website is <https://suppliers.gov.bs/>

Please note that the aforementioned web link is still under construction however the same is anticipated to be fully operational by January 2018.

Measure e):

Study the possibility of publishing, when appropriate, pre-bidding terms and conditions so that interested parties can find out about them and submit comments thereon.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^[17] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The actions that have been undertaken to implement the recommendation are as follows, currently, pre-bidding terms and conditions are documented in the tender documents which are prepared by various agencies and, in most cases, the Ministry of Works (for International loan projects). This is where interested persons may ascertain all of the relevant information in order to make a determination whether or not they will submit a bid.

The documentation is also published in the local media and on the Government's website and the same may be submitted to the following email address: tendersboardfina@bahamas.gov.bs.

Further, those persons interested in submitting a bid are able to obtain a copy of the documentation from the relevant Ministry/Department and submit their bid directly to that Ministry/Department.

- B) Indicate the new information and developments^[18] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^[19] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[20] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

The new system eProcurement website (<https://suppliers.gov.bs/>) will allow suppliers/vendors to both obtain information and provide responses via the website.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The new framework will become effective upon enactment of the Bill within the current fiscal year.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that have participated in the implementation include the Ministry of Finance, the Ministry of Public Works, the Ministry of Education and the Department of Information Technology.

The website is <https://suppliers.gov.bs/>

Please note that the aforementioned web link is still under construction however the same is anticipated to be fully operational by January 2018.

Measure f):

Implement provisions outlining clear procedures for the selection of a sole contractor without competitive bidding as well as provide a written justification for doing so.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^[21] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The Selective Tender shall satisfy conditions for Public Tender and may be identified, in the first instance, by the Project Officer on the basis of history of performance of the contractor, that has performed similar works.

The initial list is subject to administrative consideration by routing through the Head of Section, Deputy Director, Director of Public Works, Permanent Secretary and Minister. Changes to the list may be recommended by any of the administrative officers, with the final decision being made by the Minister responsible.

- B) Indicate the new information and developments^[22] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^[23] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[24] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

With the new proposed legislation namely the Public Procurement Bill section 24 outlines that a procuring entity shall, as part of the procurement planning process, select the most appropriate method of procurement for each requirement.

The choice of procurement method shall take into account —

- (a) the estimated value of the procurement, calculated in accordance with the valuation rules set out in the Second Schedule;**
- (b) the potential sources for the procurement including —**
 - i. the competitiveness of the national and international market for the goods, works or services; and**

ii. the likely interest of potential national and international bidders, given the size and nature of the requirement;

(c) the nature of the goods, works or services required; and

(d) to add justification for selection of procurement method.

C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The website is <https://suppliers.gov.bs/>.

Please note that the aforementioned web link is still under construction however the same is anticipated to be fully operational by January 2018

D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that have participated in outlining the implementation of the recommendation for clear procedures, are the Ministry of Finance, the Ministry of Public Works, the Ministry of Education, and the Office of the Attorney General and Ministry of Legal Affairs.

The website is <https://suppliers.gov.bs/>.

Please note that the aforementioned web link is still under construction however the same is anticipated to be fully operational by January 2018.

(Measure g):

Implement provisions that provide for objective selection factors or criteria in the evaluation of bids, including those of public works.

With respect to the foregoing measure, provide the following information:

A) Please briefly describe the specific actions^[25] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The specific steps that have been made to implement the recommendation, is the proposed enactment of the Public Procurement Bill, which provides at Part IV Section 49 to 56 for the criteria in the evaluation of Bids.

The website is <https://suppliers.gov.bs/>.

Please note that the aforementioned web link is still under construction however the same is anticipated to be fully operational by January 2018.

- B) Indicate the new information and developments^[26] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^[27] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[28] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

Section 49-56 of the proposed Public Procurement Bill, 2017 outlines the new provisions that will be adopted in the examination and evaluation of bids.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The new legislative framework will become effective upon enactment of the Bill within the current fiscal year.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that have participated in the implementation include the Ministry of Finance, the Ministry of Works, the Ministry of Education, the Office of the Attorney General and the Department of Information Technology.

The website is <https://suppliers.gov.bs/>.

Please note that the aforementioned web link is still under construction however the same is anticipated to be fully operational by January 2018.

Measure h):

Implement provisions that require that the outcome of a bid evaluation is substantiated clearly and accurately, when applicable.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^[29] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Tender Evaluations presented to the Tenders Board must contain a comparative analysis table, the selection criteria, scope of works, the experience and/or capability of the vendors, the in-house estimate, justification for the procurement of the services/goods, justification for the recommended vendor, and a Tax Compliance Certificate for the recommended vendor, if that vendor is local

- B) Indicate the new information and developments^[30] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^[31] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[32] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

Sections 49-56 of the proposed Public Procurement Bill, 2017 outline the new provisions that clearly substantiate the examination and evaluation process for bids.

Registered Suppliers will receive notifications about procurement opportunities and complete all stages of the tendering process electronically.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The new framework will become effective upon enactment of the Bill within the current fiscal year.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that participated in the implementation of the recommendation include the Ministry of Finance, the Ministry of Works, the Ministry of Education and the Department of Information Technology.

The website is <https://suppliers.gov.bs/>.

Please note that the aforementioned web link is still under construction however the same is anticipated to be fully operational by January 2018.

Measure i):

Reevaluate the threshold of fifty thousand dollars that trigger the involvement of the Board in the tendering process.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^[33] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Pursuant to the Financial Regulations found in Chapter 359 Section 21 of the Financial Administrative and Audit Act (Commencement 14th February, 1975) the threshold is \$50,000.

The proposed Procurement Bill maintains the threshold of \$50,000 but not exceeding \$250,000, for Government contracts, to be considered by the Tender committee, (section 17).

A recommendation has been submitted to the legal team to revise the Public Procurement Bill to increase the in-house (Government agencies) threshold to \$250,000 and the Procurement Board from \$251,000.

- B) Indicate the new information and developments^[34] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^[35] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[36] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

The New Public Procurement Bill 2017 Section 13(a) revision has been submitted to the legal team to increase the in-house (Government agencies) threshold to \$250,000 and the Procurement Board from \$251,000.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The new legislative framework will become effective upon enactment of the Bill within the current fiscal year.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that have participated in the implementation include the Ministry of Finance, the Ministry of Works, the Ministry of Education and the Department of Information Technology.

The website is <https://suppliers.gov.bs/>.

Please note that the aforementioned weblink is still under construction however the same is anticipated to be fully operational by January 2018.

Measure j):

Implement provisions that require awards to be publicized in a sufficiently justified or substantiated announcement.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^[37] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

This recommendation has not been implemented as currently, the awarding of contracts are not published.

- B) Indicate the new information and developments^[38] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly

describing the new provisions and/or measures adopted in connection with the subject,^[39] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[40] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

The new e Procurement system website will allow suppliers/vendors to obtain information and submit responses through the <https://suppliers.gov.bs/> website.

It is proposed that the supplier registry information system will automatically publish the award of all successful vendors.

The website <https://suppliers.gov.bs/> is still under construction however the same is anticipated to be fully operational by January 2018.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The new legislative framework will become effective upon enactment of the Bill within the current fiscal year.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that have participated in the implementation of the recommendation include the Ministry of Finance, the Ministry of Works, the Ministry of Education and the Department of Information Technology.

The website is <https://suppliers.gov.bs/>.

Please note that the aforementioned web link is still under construction however the same is anticipated to be fully operational by January 2018.

Measure k):

Implement provisions that require prior planning sufficiently in advance of the launch of procurement process, such as preparing studies, designs and technical evaluations, and to assess the appropriateness and timeliness of the purchase.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^[41] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

In accordance with Section 22 & 23 of the proposed Public Procurement Bill, 2017, a procuring entity shall prepare a procurement plan for each individual procurement requirement.

- B) Indicate the new information and developments^[42] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^[43] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[44] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

The proposed Public Procurement Bill, 2017, in accordance with Part III Section 22 & 23 is anticipated to address the provisions that require prior planning in advance of the launch of the procurement process.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

It is anticipated that the new legislative framework will become effective upon enactment of the Bill within the current fiscal year.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that have participated in the implementation of the recommendation include the Ministry of Finance, the Ministry of Works, the

Ministry of Education, the Office of the Attorney General and Ministry of Legal Affairs and the Department of Information Technology.

The website is <https://suppliers.gov.bs/>.

Please note that the aforementioned web link is still under construction however the same is anticipated to be fully operational by January 2018.

Measure I):

Establish a governing or administering authority responsible for the internal and external audit, control and oversight of the government procurement system.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^[45] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The Constitution of The Bahamas, provides at Article 136 for the establishment of an office and functions of the Auditor General.

The FAAA Part III authorizes the Auditor General and the Director of Internal Audit to have oversight of the government's audit activities.

- B) Indicate the new information and developments^[46] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^[47] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[48] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

At section 11 of the proposed Public Procurement Bill, 2017 there is the establishment of an authority for the accounts of Ministries and Departments, and for each financial year, to be audited annually by auditors appointed with the approval of the Minister, from among members of The Bahamas Institute of Chartered Accountants.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If

deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question.

The new legislative framework will become effective upon enactment of the Bill within the current fiscal year.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that have participated in the implementation of the recommendation include the Ministry of Finance, the Ministry of Works, the Ministry of Education, the Office of the Attorney General and Ministry of Legal Affairs and the Department of Information Technology.

The website are Bahamas Laws Online (FAAA) and the <https://suppliers.gov.bs/> the latter website is still under construction however the same is anticipated to be fully operational by January 2018.

Measure m):

Develop and implement provisions that punish public officials in cases of non-compliance with the laws and regulations that govern public procurement, without prejudice to any other responsibilities under the existing system.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^[49] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Currently, there are no enforcement measures undertaken to punish public officers for non-compliance. However, Section 27 FAAA, outlines provisions for surcharge against any person in the relevant amount for non-compliance.

Section 20 of the proposed Integrity Commission Bill, 2017 is intended to correct this as the section provides for the creation of an offence in respect of procuring tenders:

'20. (1) A public official who, in relation to a contract for performing any work, providing a service or supplying articles or material —

- (a) accepts, agrees or offers to accept, whether directly or indirectly, any benefit for himself or for another person for awarding a tender to a particular person;*
- (b) gives, agrees or offers to give, whether directly or indirectly, any benefit to another person for the purpose of obtaining any benefit for himself or for another person as a reward for awarding a tender to a particular person;*
- (c) gives confidential information to a person in order to enable that person to tender or not to tender in a particular manner in order to obtain an unfair advantage in tendering; or*
- (d) receives, whether directly or indirectly, any benefit from a person who has submitted a tender or received any Government contract, commits an offence.'*

- B) Indicate the new information and developments^[50] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^[51] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[52] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

The Public Procurement Bill, Part VII Section 73 addresses all measures pertaining to public officials non-compliance with the laws and regulations that governs public procurement.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

It is anticipated that implementation of the contemplated measures of enforcement for the proposed Public Procurement Bill, 2017 would become effective upon enactment, the same is slated to occur before the end of the current fiscal year.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing

in greater detail with these issues, clearly indicating the information of the web site in question:

At present there are no internal agencies participating in the surcharging of officers for non-compliance in procurement matters, however it is important to note that in Part VIII Section 73 of the proposed Public Procurement Bill, 2017 there are enforcement measures outlined.

Measure n):

Strengthen and increase the scope of use of electronic communications, such as the internet for publicizing the tender opportunities, status of bids and awards and the progress in the execution of major projects.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^[53] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The e-Procurement and Supplier Registry website will be accessible to all government registered Vendors and the general public with an interest in government tendering activities.

It is important to note that full access to the website will be available for both buyers and suppliers. Registered Suppliers will receive notifications about procurement opportunities and will have the ability to complete all stages of the tendering process electronically.

This means of tendering bids will increase the number of users and enhance measures of customer satisfaction.

The electronic system will facilitate standardised procurement processes, including data collection, monitoring and maintenance. The eProcurement system will result in cost savings for the Government and thus result in a greater value for money.

The website is <https://suppliers.gov.bs/>.

Please note that the aforementioned web link is still under construction however the same is anticipated to be fully operational by January 2018.

- B) Indicate the new information and developments^[54] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly

describing the new provisions and/or measures adopted in connection with the subject,^[55] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[56] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

In order to fulfill its obligations and achieve full implementation of the e-procurement and supply registry, the Government of the Commonwealth of The Bahamas, on 22nd July, 2014, issued a Request for Proposal for the implementation of an integrated electronic procurement and supplier registry software solution, the purpose of which will encompass:

- (i) implementation,;**
- (ii) maintenance;**
- (iii) training of vendors; and**
- (iv) government staff in the application of the product.**

It is envisaged that vendors will be permitted to access the Electronic Registry and Supply system through the government website and at strategic locations throughout the Commonwealth of The Bahamas.

Since the initial issuance of the RFP in 2014 the project has been divided into several phases as outlined as follows:

- Phase 1 (Inception, Research & Investigation) – completed.**
- Phase 2.1 (Development and Implementation of the Software including Hardware Requirements) - completed.**
- Phase 2.2 (Awareness Campaign Execution) – In progress**
- Phase 3 (Installation of IT Infrastructure & Data Migration) – In progress**
- Phase 4 (User Acceptance Testing) – In Progress**
- Phase 5 (Training and Communication) - Pending**

C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

There have been challenges with implementation of the recommendation as subsequent to short listing the firms deemed eligible for the assignment, scheduling of demonstrations initially experience travel challenges with delays.

Eventually, the demonstration from each of the five firms was effective in selecting the right firm to develop and train stakeholders in the execution of the E-Registry.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The system is a centralised electronic registry of suppliers and Micro Small and Medium Enterprises (MSMEs) which will be managed and maintained by the Ministry of Finance, Procurement Unit, with access granted to Government Ministries and Departments.

Other participating Ministries, Agencies, and Department (MDAs) include: the Ministry of Public Works, the Ministry of Education, the Ministry of Health, the Department of Information Technology, the Customs Department, and the Royal Bahamas Defense Force.

Measure o):

Develop and implement electronic procurement systems, so that the acquisition of goods and services may be carried out through those means.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^[57] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The Government of the Commonwealth of The Bahamas (GOB) has embarked on an initiative to modernize the Government's procurement systems to be more aligned to regional and international standards, including new provisions for promoting the participation of Micro, Small and Medium Enterprises (MSMEs).

Implementation of an Integrated Electronic Procurement and Supplier Registry Solution.

The website is <https://suppliers.gov.bs/>.

Please note that the aforementioned web link is still under construction however the same is anticipated to be fully operational by January 2018.

- B) Indicate the new information and developments^[58] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^[59] or the provisions

and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[60] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

The Government of The Bahamas will establish and implement the e-procurement and the Integrated Electronic Procurement supply registry, so that the acquisition of goods and services may be carried out through those means.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The Ministry of Public Works is using another solution called 'Payment Certificate'. This is a certificate that is granted to the vendor awarded a contract.

BiP solution has indicated that they can include this in their application, so as to have a complete end-to-end solution for the e-Procurement and Tendering process.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The system is a centralised electronic registry of suppliers and Micro Small and Medium Enterprises (MSMEs) which will be managed and maintained by the Ministry of Finance, Procurement Unit, with access granted to Government Ministries and Departments.

Other participating Ministries, Agencies, and Department (MDAs) include: the Ministry of Public Works, the Ministry of Education, the Ministry of Health, the Department of Information Technology, the Customs Department, and the Royal Bahamas Defense Force.

Measure p):

Establish a centralized registry of contractors of works, goods or services, mandatory to all State bodies and dependencies, which contemplate the possibility to ensure that such registration also include a list of sanctioned contractors, in order to foster the principles of openness, equity and efficiency provided for in the Convention.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^[61] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the

alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The electronic registry of suppliers and MSMEs is intended to respond to the expressed needs and expectations of public agencies and private sector stakeholders. Such stakeholder groups include, but are not limited to, officials in various government agencies from whom primary and secondary source data that relates to procurement was collected.

In addition to the above, this project to create and adopt an electronic registry of suppliers and MSMEs will use information technology to integrate the GTB procurement processes, enhance transparency and ensure efficiency, and effectiveness throughout the system.

The project will facilitate alignment of regional and international standards in the area of procurement. This supports also the MIF's prolonged efforts in promoting the competitiveness of MSMEs through building capacity, providing opportunities and removing barriers to entry.

It is intended for the electronic supplier registry system to be user friendly; making it easy for the MSME's to input the required information, and the Ministry of Finance, PPU, to meet its data collection mandate.

The system will integrate with the current Treasury Vendor ID system and the new VAT registration systems. Agencies will also encourage vendors to update or register in the e-supplier registry.

- B) Indicate the new information and developments^[62] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^[63] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[64] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

It is envisaged that vendors will be permitted to access the Electronic Registry and Supply system through the government's website and at strategic locations Throughout The Bahamas.

Since then, the project has been divided into several phases, these are as follows:

- **Phase 1 (Inception, Research & Investigation) – completed.**
- **Phase 2.1 (Development and Implementation of the Software including Hardware Requirements) - completed.**
- **Phase 2.2 (Awareness Campaign Execution) – In progress**

- **Phase 3 (Installation of IT Infrastructure & Data Migration) – In progress**
- **Phase 4 (User Acceptance Testing) – In Progress**
- **Phase 5 (Training and Communication) - Pending**

C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The website is <https://suppliers.gov.bs/>.

Please note that the aforementioned web link is still under construction however the same is anticipated to be fully operational by January 2018.

D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The system is a centralised electronic registry of suppliers and Micro Small and Medium Enterprises (MSMEs) which will be managed and maintained by the Ministry of Finance, the Procurement Unit, with access granted to Government Ministries and Departments.

Other participating internal agencies include, Ministries, Agencies, and Department (MDAs) specifically the Ministry of Public Works, the Ministry of Education, the Ministry of Health, the Department of Information Technology, the Customs Department, and the Royal Bahamas Defense Force.

Measure q):

Implement a mechanism by legislative or administrative means to facilitate the exclusion and/or sanction of certain contractors for stipulated reasons.

With respect to the foregoing measure, provide the following information:

A) Please briefly describe the specific actions^[65] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

It is anticipated that the proposed Public Procurement Bill, 2017, Section 54-56, will provide that a procurement entity shall disqualify a bidder if the procuring entity finds that the information submitted in a bid concerning the bidder's qualifications is false and misleading.

Section 55 Disqualification. states that:

- 1. A procuring entity shall disqualify a bidder if the procuring entity finds that the information submitted in a bid concerning the bidder's qualifications is false or misleading.**
- 2. A procuring entity may disqualify a bidder if the procuring entity —**
 - a) finds that the information submitted in a bid concerning the bidder's qualifications is materially inaccurate or materially incomplete; or**
 - b) gives written notice to the bidder to remedy in writing, within ten days after the bidder's receipt of the notice, the material inaccuracies or material omissions in a bid concerning the bidder's qualifications and the bidder fails or refuses to do so within the time specified.**

B) Indicate the new information and developments^[66], related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^[67] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[68] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

Sections 49 and 56 of the proposed Public Procurement Bill, 2017 outlines all the measures that will implemented by the Tenders Board , which will address this issue.

Of particular note is section 56 which provides for the Cancellation of procurement proceedings:

- 1. Cancellation of procurement proceedings shall be permitted where the procuring entity makes a determination in writing that —**
 - (a) the procurement need has ceased to exist or has changed significantly;**

(b) insufficient funding is available for the procurement;

(c) there has been a significant change in the required technical details, bidding conditions, conditions of contract or other details making it necessary to commence procurement proceedings anew;

(d) insufficient or no responsive bids have been received;

(e) there is evidence of collusion among bidders; or

(f) cancellation is otherwise in the public interest.

2. Bids received shall, where procurement proceedings are cancelled, be returned.

C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The new legislative framework will become effective upon enactment of the Bill, the same is anticipated to be put into effect within the current fiscal year.

D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies which participated in the implementation of the recommendation include the Ministry of Finance, the Ministry of Works, the Ministry of Education, the Office of the Attorney General and Ministry of Legal Affairs and the Department of Information Technology.

The website is <https://suppliers.gov.bs/>

Please note that the aforementioned web link is still under construction however the same is anticipated to be fully operational by January 2018.

Measure r):

Implement provisions that facilitate the participation of citizen overseers or watchdogs in monitoring the execution of contracts where the nature, importance or magnitude so warrants, in particular public works contracts.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^[69] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

Currently, there are no provisions in the proposed Public Procurement Bill to facilitate the participation of citizens overseers or watchdogs in the monitoring of the execution of contracts. This recommendation will be submitted to the working team for their consideration to be included within the proposed Bill.

- B) Indicate the new information and developments^[70] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^[71] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[72] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

The new legislative framework will become effective upon enactment of the Bill, anticipated within the current fiscal year.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The new legislative framework will only become effective upon enactment of the Bill, anticipated within the current fiscal year.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The Ministry of Finance has had discussions and made recommendations to the Office of the Attorney General and Ministry of Legal Affairs, to include a provision in the proposed Public Procurement Bill to address this specific issue.

Measure s):

Implement specific provisions allowing for challenges to the procurement process at the administrative level, which detail the procedure to be followed by government entities in handling and responding to such challenges and appeals.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions^[73] that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The proposed Public Procurement Bill, 2017, Part V Section 64 provides for complaints to be lodged by an aggrieved bidder or potential bidder, the provision is as follows:

64. Complaints.

- (1) A potential or actual bidder who claims to have suffered, or to be likely to suffer, loss or injury due to a breach of a duty imposed on a procuring entity by this Act may at any stage apply by way of complaint to the procuring entity for a review of the procurement proceedings.**
- (2) The procuring entity shall not process an application made pursuant to subsection (1) unless —**
 - a) the complaint which is the subject of the application is made in writing;**
 - b) the complaint identifies the specific act of omission or commission alleged to contravene this Act and the bidding documents; and**
 - c) the complaint is made in respect of a contract award.**
- (3) A procuring entity shall process a complaint by way of a review of the procurement proceedings where such complaint —**
 - a) concerns alleged improprieties in the solicitation of bids or applications to pre-qualification; and**
 - b) such alleged improprieties were not apparent prior to bid opening but have come to light after bid opening.**

Further, the proposed section 63, will establish the Procurement Review Tribunal to allow for challenges and appeals to the procurement process.

- B) Indicate the new information and developments^[74] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,^[75] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^[76] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

Pursuant to the proposed section 59 of the Public Procurement Bill, 2017-

(2)The Procurement Review Tribunal shall—

- a. be an independent, ad hoc tribunal;
- b. exercise its functions, when required, by panels constituted in accordance
- c. with Regulations;
- d. have an official seal that shall be judicially noticed;
- e. consist of the President and such other members as may be prescribed by the regulations; and
- f. develop its own rules of procedure.

(3) The Tribunal shall have exclusive jurisdiction to hear and determine all appeals, matters and disputes referred to it under this Act or the regulations or conferred upon it by any other law.

(4) An appeal from a decision of the Tribunal shall lie to the Supreme Court.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The new legislative framework will become effective upon enactment of the Bill, anticipated to be within the current fiscal year.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that have participated in the implementation of the recommendation included the Ministry of Finance, the Ministry of Works, the Ministry of Education, the Office of the Attorney General and Ministry of Legal Affairs and the Department of Information Technology.

The website is <https://suppliers.gov.bs/>

Please note that the aforementioned web link is still under construction however the same is anticipated to be fully operational by January 2018.

2. SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO IN GOOD FAITH REPORT ACTS OF CORRUPTION (ARTICLE III (8) OF THE CONVENTION)

Recommendation:

Adopt a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption, including protection of their identities, in accordance with its Constitution and the basic principles of its domestic legal system.

Measure a):

Protection for persons who report acts of corruption subject to investigation in administrative or judicial proceedings.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

At present protection is afforded to persons who offer evidence in criminal proceedings of this nature through Sections 11(1) and 12(1) of the Criminal Evidence (Witness Anonymity) Act, 2011, Part III Anonymity in Criminal Proceedings provides as follows:

11. Witness anonymity order.

- 1. A court may make a witness anonymity order to ensure that the identity of the witness is not disclosed in or in connection with the criminal proceedings.**

12. Application for witness anonymity order.

- 1. An application for a witness anonymity order may be made to the court by the prosecutor or the defendant.**

Further, the Justice Protection Act, Chapter 64A was implemented to protect persons appearing as witnesses in judicial proceedings by providing for their participation in a programme designed for ensuring their safety as would enable them to carry out their civic duty as witnesses with confidence when there

is a threat to their safety or property arising from or related to their carrying out of that duty and to provide for matters incidental to judicial proceedings.

When faced with such difficulty the Royal Bahamas Police Force in collaboration with the Attorney-General will intervene in locating the Witness and placing he or she in Witness Protection pursuant to Section 9 of the Justice Protection Act, Chapter 64A which provides:

“9. (1) The Minister in consultation with the Attorney-General shall establish a programme to be known as the Justice Protection Programme for the purpose of providing to participants in accordance with this Act, protection and assistance.

(2) Without prejudice to subsection (3) and notwithstanding anything to the contrary in this Act the Minister responsible for Foreign Affairs in consultation with the Minister may enter into —

- (a) a reciprocal arrangement with the government of a foreign jurisdiction to enable a witness who is involved in activities of a law enforcement agency in that jurisdiction to be admitted to the programme;***
- (b) an arrangement with an international criminal court or tribunal to enable a witness who is involved in activities of that court or tribunal to be admitted to the programme;***
- (c) any Memorandum of Understanding or Agreement with representatives of a foreign state for the purpose of the carrying out of the programme.***

(3) No person may be admitted to The Bahamas pursuant to any such agreement or arrangement as is mentioned in subsection (2) without the consent of the Minister responsible for immigration nor admitted to the programme without the consent of the Minister.

(4) Any person who is admitted from abroad into the programme shall be required to enter into a witness undertaking and the provisions of this Act regarding any breach of terms and conditions pertaining to the programme shall mutatis mutandis apply to that person as they apply to a witness of an approved authority.”

- B)** Indicate the new information and developments related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject/ or the provisions and/or measures unknown to or not taken into consideration by the Committee

when that recommendation and measure were formulated, indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

It is anticipated that this new legislative regime will become effective upon enactment of the Integrity Commission Bill, 2017 the same is anticipated to be in early 2018.

The proposed Integrity Commission Bill, 2017, Section 25 provides for complaints to be lodged by a person with reasonable grounds to believe that a person in public life has committed an act of corruption, the section provides as follow:

25. Complaints of acts of corruption.

(1) Where a person has reasonable grounds to believe that a person in public life has committed an act of corruption, he may, orally or in writing and with or without disclosing his identity, make a complaint to the Commission.

(2) The Commission may, where necessary, require a person who makes a complaint to produce supporting evidence or documentation.

(3) *No person shall be obligated or permitted to disclose the name or address of a person who makes a complaint, or state any matter which may lead to the identity of such person being known.*

(4) No action, suit, prosecution or other proceedings shall be instituted against a person who makes a complaint in good faith in pursuance of the provisions of this Act.

(5) A person who takes any harmful action against another person, including interfering with the other person's lawful employment or occupation, on the ground that the person has made a complaint under this section commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding two years, or to both.

C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question

At present the recommendation has not been fully implemented as the legislation, will become effective upon enactment of the Integrity Commission Bill, 2017 the same is anticipated to be in early 2018.

However legislation already exists that provide for the protection of witnesses generally as provided for in the Justice Protection Act, Chapter 64A which provides at section 12:

“(1) The Justice Protection Programme shall as regards a criminal matter be only

available to offer protection or assistance or both to participants in —

(a) matters involving the offences set out in the Second Schedule;

(b) any matter not being within paragraph (a) but which the Minister, after consultation with the Attorney-General and the Commissioner of Police, considers having regard to its gravity and Cases to be considered for protection. the public interest necessitates use of the Programme.

(2) The Minister may by Order, after consultation with the Attorney-General and the Commissioner of Police amend the Second Schedule.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies which participated in the implementation of the recommendation include the Ministry of Finance, the Ministry of Works, the Ministry of Education, the Office of the Attorney General and Ministry of Legal Affairs and the Department of Information Technology.

Measure b):

Measures to protect not only the physical integrity of whistleblowers and their families, but also to provide protection in the workplace, especially when the person is a public official and the acts of corruption involve his superior or co-workers.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The proposed Integrity Commission Bill, 2017, Section 25 provides for complaints to be lodged by a person with reasonable grounds to believe that a

person in public life has committed an act of corruption, the section provides as follow:

25. Complaints of acts of corruption.

(1) Where a person has reasonable grounds to believe that a person in public life has committed an act of corruption, he may, orally or in writing and with or without disclosing his identity, make a complaint to the Commission.

(2) The Commission may, where necessary, require a person who makes a complaint to produce supporting evidence or documentation.

(3) No person shall be obligated or permitted to disclose the name or address of a person who makes a complaint, or state any matter which may lead to the identity of such person being known.

(4) No action, suit, prosecution or other proceedings shall be instituted against a person who makes a complaint in good faith in pursuance of the provisions of this Act.

(5) A person who takes any harmful action against another person, including interfering with the other person's lawful employment or occupation, on the ground that the person has made a complaint under this section commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding two years, or to both.

The Integrity Commission Bill, 2017 seeks to provide a general duty for “public officials” to report acts of corruption in accordance with section 27:

Duty of public officials to report acts of corruption.

(1) A public official who knows or suspects that another person has been, is, or is likely to be engaged in an act of corruption shall make a report to the Commission.

(2) A public official who fails to report his knowledge or suspicion as required by subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding six months, or to both.

- B) Indicate the new information and developments-related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

The proposed establishment of an Integrity Commission is the first of its kind in The Bahamas as it gives persons the opportunity to report acts of corruption to an independent agency that will investigate any act of corruption reported to them.

Section 25 (3) *No person shall be obligated or permitted to disclose the name or address of a person who makes a complaint, or state any matter which may lead to the identity of such person being known and*

25 (4) No action, suit, prosecution or other proceedings shall be instituted against a person who makes a complaint in good faith in pursuance of the provisions of this Act

These provisions are intended to protect the person(s) who report acts of corruption providing for anonymity in respect of the information provided to the Commission.

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

There are no foreseen difficulties with bringing the legislation into force as the same is part of the Government's mandate to combat corruption, hold public officials accountable and protect persons who report acts deemed to be corruption.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that participated in the implementation of the foregoing recommendation included the Office of The Attorney General and Ministry of Legal Affairs and the Department of Public Prosecutions.

Measure c):

Expand the existing mechanisms for reporting, such as anonymous reporting or protection of identity reporting, that guarantee the personal security and the confidentiality of the identity of public servants and private citizens who in good faith report acts of corruption.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the

alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The proposed Integrity Commission Bill, 2017, Section 30 provides a mechanism for anonymous reporting and for complaints to be lodged by a person with reasonable grounds to believe that a person in public life has committed an act of corruption, the section provides as follow:

Section 30 Action by Director of Public Prosecutions.

The Director of Public Prosecutions shall, as soon as practicable after receiving any report and documents under this Act, in any case in which he considers that a person ought to be prosecuted for an offence, institute and undertake criminal proceedings against the person and shall inform —

- (a) the Commission of any action taken following the receipt of a report from the Commission against a person in public life;**
- (b) the appropriate Service Commission where a report relates to a public officer;**
- (c) the appropriate commission, statutory board, public authority or body with which the person in public life is employed.**

- B) Indicate the new information and developments related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:
- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

It is anticipated that this new legislative regime will become effective upon enactment of the Integrity Commission Bill, 2017 the same is anticipated to be in early 2018. We do not anticipate any difficulties with implementation.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Measure d):

Mechanisms to report any threats or reprisals against whistleblowers, stating the appropriate authorities to process protection requests and the bodies responsible for providing it.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:
- B) Indicate the new information and developments related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:
- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:
- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Measure e):

Witness protection mechanisms that offer witnesses the same guarantees as public servants and private citizens.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The specific measure that has been implemented to provide protection to witnesses generally are available under the Justice Protection Act, Chapter 64A, specifically section 8 which provides for the safety of witnesses as outlined as follows:

- 1) Where the Attorney-General after consultation with the Director of Public Prosecutions and the Commissioner of Police determines that it would be in the interest of the safety of a witness that measures be taken to place the witness within an environment either within or without The Bahamas for the purpose of ensuring that safety and the attainment of the interest of justice during the relevant period, the Attorney-General may, subject to subsection (2) refer the matter to the Administrative Centre to take such measures as it considers necessary for the purpose of placing the witness in the Justice Protection Programme.**
 - 2) The Attorney-General shall ensure that prior to the reference to the Administrative Centre the witness has signed in the prescribed manner a written request for measures to be taken to secure his safety and that any measures to be taken are such that would enable compliance with any directions that may subsequently be given by a court.**
- B) Indicate the new information and developments related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:
- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

The Government of The Bahamas does not regard this as a difficult recommendation in which to implement as it is very important to ensure that justice is not only done but seen to be done.

Therefore providing a mechanism for which witnesses are protected can only be seen as a means of reinforcing this mandate.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that have participated in the implementation of the foregoing recommendation are the Office of the Attorney General and Ministry of Legal Affairs, The Department of Public Prosecutions, the Commissioner of Police and the Minister of National Security.

Measure f):

Mechanisms to facilitate international cooperation on the foregoing matters, when appropriate, including the technical assistance and cooperation provided for by the Convention, as well as the exchanges of experiences, training, and mutual assistance.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The Justice Protection Act, Chapter 64A protects persons appearing as witnesses in judicial proceedings by providing for their participation in a programme designed for ensuring their safety as would enable them to carry out their civic duty as witnesses with confidence when there is a threat to their safety or property arising from or related to their safety or property arising from or related to their carrying out of that duty and to provide for matters incidental to judicial proceedings.

Section 9(2) states,

‘ Without prejudice ... and notwithstanding anything to the contrary in this Act the Minister responsible for Foreign Affairs in consultation with the Minister may enter into -

- a. a reciprocal arrangement with the government of a foreign jurisdiction to enable a witness who is involved in activities of a law enforcement agency in that jurisdiction to be admitted to the programme;*
- b. an arrangement with an international criminal court or tribunal to enable a witness who is involved in activities of that court or tribunal to be admitted to the programme;*
- c. any Memorandum of Understanding or Agreement with representatives of a foreign state for the purpose of the carrying out of the programme.'*

Further, section 9 (4) states,

'Any person who is admitted from abroad into the programme shall be required to enter into a witness undertaking and the provisions of this Act regarding any breach of terms and conditions pertaining to the programme shall mutatis mutandis apply to that person as they apply to a witness of an approved authority.'

- B) Indicate the new information and developments related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:
- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:
- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agency that participated in the implementation of the foregoing recommendation is the Office of the Attorney General and Ministry of Legal Affairs.

Measure g):

A simplified whistleblower protection application process.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the

alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

- B) Indicate the new information and developments related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:
- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:
- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Measure h):

Provisions which provide for administrative and criminal sanctions for the failure to observe the rules and/or duties relating to protection.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

According to section 79 of the proposed Integrity Commission Bill, 2017, ‘An employer or any person in authority over a public official who subject that official to a detriment by reason only of his having made a protected disclosure under section 71 commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding two years, or both.’

Section 24 of the Justice Protection Act outlines the offences related to the privacy of the programme and regulations,

1. *'A person who, without lawful authority, discloses information —*
 - a. *about the identity or location of a person who is or has been a participant;*
 - b. *that compromises the safety or security of a participant or the integrity of the Programme, commits an offence.*
2. *A person who is or has been a participant or a person who has undergone assessment for inclusion in the Justice Protection Programme and discloses —*
 - a. *the fact of such participation or assessment;*
 - b. *information as to the way in which the Programme operates;*
 - c. *information about any officer of the Administrative Centre who is or has been involved in the Programme;*
 - d. *the fact that he has signed a Witness Undertaking; or*
 - e. *any details of a Witness Undertaking that he has signed, commits an offence unless he has been authorised by the Centre to make the disclosure.*
3. *A person who —*
 - a. *offers a bribe or other inducement to any person employed in the administration of this Act, for the purpose of obtaining information which could prejudice the safety or security of a participant or the integrity of the Programme; or*
 - b. *(b) being a person employed in the administration of this Act, accepts any bribe or other inducement in exchange for the information referred to i paragraph (a), commits an offence.*
4. *A person who commits an offence under subsection (1), (2) or (3) is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for five years.*
5. *A person who without reasonable excuse fails to return the documents referred to in section 21(5) in accordance with that section, commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for three years.'*

B) Indicate the new information and developments-related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:
- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agency that have participated in the implementation of the foregoing recommendation are the Office of the Attorney General and Ministry of Legal Affairs.

Measure i):

The respective competence of judicial and administrative authorities with respect to this area, clearly distinguishing one from the other.

With respect to the foregoing measure, provide the following information:

- A) Please briefly describe the specific actions that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:
- B) Indicate the new information and developments-related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,[/] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:
- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:
- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its

implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

3. ACTS OF CORRUPTION (ARTICLE VI(1) OF THE CONVENTION)

Recommendation:

Implement provisions which criminalize other acts or omission in the discharge of his duties by a government official or a person who performs public functions for the purpose of illicitly obtaining benefits for himself or for a third party other than as set out in Section 3.1 of Section 2 of this Report, pursuant to Article VI(1)(c) of the Convention.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:

The Integrity Commission Bill, 2017 is a bill for an act to provide for the establishment of a body to be known as the Integrity Commission which will promote and enhance ethical conduct for Parliamentarians, Senators, Public Officials and other persons. This aim of this act is to provide measures for the prevention, detection and investigation of act of corruption.

- B) Indicate the new information and developments⁴ related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:

Section 19 of The Integrity Commission Bill, 2017 outlines twelve (12) instances where acts or omissions of a government official is an act of corruption. They are as follows:-

- a. **Solicits or accepts, whether directly or indirectly, any article, money or other benefit or advantage for himself or another person for doing an act in the performance of his duty as a public official,**
- b. **In the performance of his duty as a public official, performs or omits to perform any of his duties in an public body for the purpose of obtaining any benefit for himself or any other person;**

- c. Offers, promises or gives directly or indirectly to a public official any article, money, or other benefit, for doing or omitting to do any act in the performance of his duties as a public official;
 - d. solicit , demands, accepts, or receives, whether directly or indirectly, from any private or public corporation, including a transnational corporation or any individuals from another State, any payment, gift or other advantage, as undue consideration for performing or refraining from the performance of his duties in the conduct of international business as a public official;
 - e. Knowingly or recklessly allows his private interest to conflict with his public duties or to improperly influence his conduct in the performance of his duties as a public official;
 - f. Improperly uses for his benefit or that of a third party any classified or confidential information that he has obtained in this duties as a public official;
 - g. Communicated to an unauthorized person any classified or confidential information obtained in the performance of his duties as a public official for the purpose of assisting that person in obtaining a benefit;
 - h. Improperly uses for his benefit or that of a third party, any property belonging to the Government or any statutory body or government controlled company to which he has access as a result of or in the course of the performance of his functions;
 - i. Improperly influences the appointment of, or dismissal, suspension or other disciplinary action against, a public official;
 - j. Hinders, delays or interferes with the performance of a duty of a public official for the purpose of obtaining a benefit for himself or another person;
 - k. During the performance of his official duties pursues a course of conduct with respect to another public officer which amounts to offensive sexual comments, gestures or physical contact or other conduct of that kind;
 - l. Pursues a course of conduct by which he exploits his position or authority for his sexual gratification.
- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:

To-date the Integrity Commission Bill 2017 has not been enacted therefore it is difficult, at this time, to state any difficulties encountered in the implementation.

- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

The internal agencies that have participated in the implementation of the foregoing recommendation are the Office of the Attorney General and Ministry of Legal Affairs.

4. GENERAL RECOMMENDATIONS

Recommendation 4.1:

Design and implement, when appropriate, training programs for public servants responsible for implementing the systems, standards, measures and mechanisms considered in this Report, for the purpose of guaranteeing that they are adequately understood, managed and implemented.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:
- B) Indicate the new information and developments[/] related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject, or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,[/] indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:
- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question
- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

Recommendation 4.2:

Select and develop procedures and indicators, when appropriate and where they do not yet exist, to analyze the results of the systems, standards, measures and mechanisms considered in this Report, and to verify follow-up on the recommendations made herein.

With respect to the foregoing recommendation, provide the following information:

- A) Please briefly describe the specific actions that have been carried out to implement the above recommendation and the above measure suggested by the Committee, or the alternative measure(s) adopted by the country to that end. If deemed appropriate, please indicate the web page on which more detailed information on those actions can be obtained, clearly indicating the information of the web site in question:
- B) Indicate the new information and developments related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new provisions and/or measures adopted in connection with the subject,[/] or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated, indicating whether they are deemed to have an impact on the validity of that recommendation and measure or whether they could lead to its restatement or reformulation:
- C) Please briefly indicate the possible difficulties encountered in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee. If deemed appropriate, please indicate the web page on which more detailed information on them can be obtained, clearly indicating the information of the web site in question:
- D) If deemed appropriate, please indicate which internal agencies have participated in the implementation of the foregoing recommendation and the foregoing measure suggested by the Committee, and identify specific technical cooperation needs related to its implementation. In addition, if deemed relevant, please also indicate the web page dealing in greater detail with these issues, clearly indicating the information of the web site in question:

II. NEW DEVELOPMENTS IN RELATION TO THE CONVENTION PROVISIONS SELECTED FOR REVIEW IN THE SECOND ROUND

In accordance with the provisions of Section II, paragraph b) of the "Questionnaire Regarding Follow-Up of the Implementation of the Recommendations Formulated and the Provisions Reviewed in the Second Round, and on the Convention Provisions Selected for the Fifth Round," as adopted by the Committee at its Twenty-Fifth session, as well as with Section II of the Standard Format attached to this questionnaire (Annex I), the following information is requested:

1. SYSTEMS OF GOVERNMENT HIRING AND PROCUREMENT OF GOODS AND SERVICES (ARTICLE III (5) OF THE CONVENTION)

1.1. Systems of Government Hiring

A) Legal Framework

Please list and briefly describe any new legal provisions and/or measures, if any, adopted by your country subsequent May 25, 2007, in connection with the above provision of the Convention. This date was established by the Committee for your country to provide information on the implementation of said provision of the Second Round of Review:

B) Technological Developments

Please list and briefly describe any technological developments, if any, adopted by your country subsequent to May 25, 2007, in connection with the above provision of the Convention. This date was established by the Committee for your country to provide information on the implementation of said provision of the Second Round of Review:

C) Results

Please briefly mention the objective results obtained in your country in connection with the above provision of the Convention, for the last five years, including available statistical data:

1.2. Systems for government procurement of goods and services

A) Legal Framework

Please list and briefly describe any new legal provisions and/or measures, if any, adopted by your country subsequent to May 25, 2007, in connection with the above provision of the Convention. This date was established by the Committee for

your country to provide information on the implementation of said provision of the Second Round of Review:

B) Technological Developments

Please list and briefly describe any technological developments, if any, adopted by your country subsequent to May 25, 2007, in connection with the above provision of the Convention. This date was established by the Committee for your country to provide information on the implementation of said provision of the Second Round of Review:

C) Results

Please briefly mention the objective results obtained in your country in connection with the above provision of the Convention, for the last five years, including available statistical data:

2. SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO, IN GOOD FAITH, REPORT ACTS OF CORRUPTION (ARTICLE III (8) OF THE CONVENTION)

A) Legal Framework

Please list and briefly describe any new legal provisions and/or measures, if any, adopted by your country subsequent to May 25, 2007, in connection with the above provision of the Convention. This date was established by the Committee for your country to provide information on the implementation of said provision of the Second Round of Review:

B) Technological Developments

Please list and briefly describe any technological developments, if any, adopted by your country subsequent to May 25, 2007, in connection with the above provision of the Convention. This date was established by the Committee for your country to provide information on the implementation of said provision of the Second Round of Review:

C) Results

Please briefly mention the objective results obtained in your country in connection with the above provision of the Convention, for the last five years, including available statistical data:

3. ACTS OF CORRUPTION (ARTICLE VI OF THE CONVENTION)

A) Legal Framework

Please list and briefly describe any new legal provisions and/or measures, if any, adopted by your country subsequent to May 25, 2007, in connection with the above provision of the Convention. This date was established by the Committee for your country to provide information on the implementation of said provision of the Second Round of Review:

B) Results

Please briefly mention the objective results obtained in your country in connection with the above provision of the Convention, for the last five years, including available statistical data:

STRUCTURE OF COUNTRY REPORTS IN THE SECOND ROUND

1. SYSTEMS OF GOVERNMENT HIRING AND PROCUREMENT OF GOODS AND SERVICES (ARTICLE III (5) OF THE CONVENTION)

1.1. Government hiring systems

1.2. Systems for government procurement of goods and services

SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO, IN GOOD FAITH, REPORT ACTS OF CORRUPTION (ARTICLE III (8) OF THE CONVENTION)

3. ACTS OF CORRUPTION (ARTICLE VI OF THE CONVENTION)

4. GENERAL RECOMMENDATIONS

ANNEX II

STANDARD FORMAT FOR PRESENTATION OF INFORMATION ON BEST PRACTICES

1. Institution: The name of the institution that is implementing the best practice
2. Title: The name of the best practice or the topic it covers:
3. Description of the best practice: Include a brief description and summary of the best practice, as well as the reason why it should be considered a best practice:
4. Reasons/Importance: Reasons for pursuing best practice should be given. A description should be made of the situation in place before the adoption of the best practice and identification of the problem or problems it is to address:
5. Approach: What was the proposed design and methodology for applying the best practice? What was considered in its design and methodology? Were other countries' experience taken into account?
6. Implementation: How is the best practice being implemented?
7. Challenges: What are the challenges in implementing the best practice?
8. Outcome: What is the end result or expected end result of implementing the best practice? Have benefits and/or success stories been identified? Have they addressed the problems originally identified as necessitating a best practice to be implemented?
9. Follow-up: Who or what groups will monitor the practice's implementation? How will its implementation be monitored? Will there be a Follow-up Report?
10. Lessons: What are some of the lessons learned in implementing the Best Practice?
11. Documentation: Where can further information be found regarding the best practice (e.g., Internet links)?
12. Contact: Who can be contacted for further information?