

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.

Two groups were selected for the purpose of this questionnaire, those being from the Department of Public Service (DPS) and the National Procurement and Tender Administration, a department of the Ministry of Finance.

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

These personnel groups were selected due to the nature of questions of this questionnaire. As these questions pertain to issues related of procurement and the public service, it was felt that the selected groups would be most appropriate.

- 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.

1. Public servants will be governed by the Public Service Rules, which provides instructions on the manner in which they should conduct themselves when exercising their functions.

Link for rules: http://www.oas.org/juridico/spanish/mesicic2_guv_public_service_rules.pdf

As it relates to the Department of Public Service, the recruitment and selection process starts with personnel planning which gives a detailed description of what vacancies are to be filled within the public service. With the recruitment and selection process an applicant pool is developed to attract applicants for the vacant positions in keeping with a recruitment and manpower plan.

Our challenge in this regard comes from the fact that some of the agencies don't have any strategic plan that informs the recruitment or human resource management; which outlines the best method in selecting the most suitable candidate for recruitment or the filling a vacancy. Also, some of the best candidates are not interested given the

compensation and rewards system instituted within the public sector.

Notwithstanding, there's a formal and inter-collaborative and interdependent relationship between the Department of Public Service, Public Service Commission and the Guyana Public Service Union, all of which, together, have a role to play in ensuring that the public they represent are fully aware of their task, duties and duties.

In addition, this network of agencies are working continually to ensure the collective bargaining goes beyond agreements, but, to ensure the relevant instruments of employment (contracts, job descriptions/specifications, wages and remuneration, etc.) are updated to ultimately garner employee satisfaction.

2. Government personnel from the National Procurement and Tender Administration will be guided by the Procurement Act, Cap. 73:04 and the regulations under the said Act.

Link for Act: <http://mola.gov.gy/information/laws-of-guyana?limit=20&limitstart=340>

- 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.

Personnel are informed of their responsibilities and functions via verbal and written means, particularly as it relates to their job duties and specifications, and records are kept of those instructions.

As it relates to the Dept. of Public Service, The Government uses a centralized recruitment strategy for the advertisement and filling of vacancies. This is done due to its many advantages of reducing duplication, which makes it easier to spread the cost of administration or technology effectively over more departments as they seek to build a core team of recruitment experts.

There are a number of provisions (measures, instruments, etc) in place to inform update public servants of their task, duties and responsibilities (TDR's), which is done both in writing (formal orientation/induction training) and verbally (introductions and briefing by agency representatives and the employees functional superior/supervisor).

- 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.

In relation to the Dept. of Public Service, one of the main responsibilities of the PSC is the recruitment and hiring of new entrants into the sector. Although, officers are employed to be technically competent or proficient, the need exist for them to be properly oriented to public sector policies, strategies, protocols, rules and regulations. All of which are done over a phased engagement.

The first phase is by the way of the advertisement in various broadcast media (newspaper, radio, television, agency websites, recruitment agencies [both private and public] and social media).

The second level of engagement has to do with the instructions given in the first phase (advertisement). By this, the probable candidates are advised to visit the PSC, the Department of Public Service, Regional Administration or the Agency (Ministry/Department) in which they are applying and obtain a detailed JD/JS of the vacant position they are trying to fill.

The third level of engagement is during the interview process where they're allowed to ask questions pertaining to the TDR's and clarify any misunderstanding.

The fourth level of engagement is after the candidate would have assumed duties for the position they have successfully filled. This is practiced in two parts, where the Department of Public Service conducts an Orientation/Induction Training for entrants, which either follows or precedes an internal Induction by the agency which they are being employed.

- 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.

The Department of Public Service through its Development & Operations Unit under the auspices of the Training Division offers a range of Training Courses throughout the calendar year. The Induction/Orientation for all new employees intends to familiarize them with the conditions for public service and their obligations. This course covers a number of face to face presentations, one-on-one and large group discussions over the three (3) days duration.

This on-boarding course is premised on both theory and practice and has an inter-collaboration with the functional lead agencies for various thematic areas (fiscal management and accountability act; labour, occupational safety & health; pension; government accounting practices; procurement & stores management, etc.). Some of the partnering agencies are:

- **Auditor General's Office**
- **Ministry of Finance**
- **National Insurance Scheme**
- **Public Service Commission**
- **Dependants Pension**
- **Accountant General**
- **Guyana Public Service Union**

- Ministry of Public Health
- Ministry of Education
- Ministry of Social Protection
- Ministry of Social Security, etc.

Although the course is offered to new employees, from time to time, upon the request, short courses can be requested to refresh the learning/knowledge base of both new and existing employees from all government agencies (Ministries, Regional Administrations and Departments). This function will be fully implemented by the Bertram Collins College of the Public Service (BCCPS) in the near future.

- 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.

Department of Public Service -This is a work in process as some aspects of ICT are being introduced over time. However, to date, the Department of Public Service has implemented a HRMIS (Human Resource Management Information System) database which manages several elements of its HR functions. Some of which are: the creation and updating of JD's/JS's, tracking the number of employees within the public sector, their employment history, etc.

- 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.

Department of Public Service - Every agency is responsible for engaging their employees in order to make them fully aware or familiarize them with the Public Service Rules. However, public servants are free to access the Department of Public Service or the Public Service Commission whenever there's a need for clarification on any particular issue regarding the public service, its rules, memos or circulars.

- 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.

Department of Public Service - The agencies tasked with the responsibility of fully informing public servants of their TDR's are the Agency's Personnel Department, Public Service Commission and the Department of Public Service. In some cases, based on a particular or specific need, the GPSU may be involved.

- 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.

Department of Public Service -Public servants are informed of the ethical rules both in writing (Public Service Rules, the PSC Rules and circulars [an extension to the

Rules]) and verbally (on a needs basis), when seeking an explanation/clarification on a particular subject matter.

Records are kept in the Personnel/Registry Division of the various government agencies (Ministries, Regional Administrations or Departments).

- 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.

Department of Public Service- Article 201 (2) of the Constitution has duly delegated the power of the PSC to exercise disciplinary control of public officers. The ethical rules (discipline) is the instrument used to inform public servants as it relates to execution of job related activities or governing their performance.

They are informed briefly during the orientation and on a needs basis through their tenure as the situation requires. However, officers can make an official or informal request to the PSC or the Department of Public Service and the relevant information is provided forthwith.

A major challenge within the public service, is that the Public Service Rules being implemented are dated (1987) and needs to be modernized. An attempt was made to resolve this in 2004, under the Public Sector Modernisation Project. However, it was met with disapproval by the then government. With this, circulars are issued to support issues/concerns that fall outside of the Public Service or PSC Rules on a continuous basis.

- 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.

Department of Public Service- The Induction/Orientation course being offered by the Training Division informs public servants on the ethical rules governing their activities and the consequences regarding the failure to abide by them.

- 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.

Department of Public Service -Given the structural challenges regarding the development of our digital and technological landscape, the DPS and PSC has resorted to the use of the some aspects of the social media (Facebook) and emails. With the help of the eGovernment unit, it is our hope that systems would be greatly improved.

- 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.

Department of Public Service -The first line of communication is the Agency's Personnel Department. However, they can approach the Department of Public

Service, PSC or the GPSU as the need requires.

- 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.

Department of Public Service -The governing body/authority regarding the awareness and implementation of the ethical rules are the Department of Public Service and the PSC. In some cases, the GPSU can be approached based on the need.

- 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,^{1/} 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,^{2/} 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.

1. If possible, referring to the past five years.
2. If possible, referring to the past five years.

The information is not available at this time.

- 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.

The information is not available at this time.

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.

No. These studies have not been conducted.

- 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.

No. These studies have not been conducted.

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: Guyana

(b) The official to be consulted regarding the responses to the questionnaire is:

Mr/ Aubrey Heath-retemyer_____

Title/position: Chief Executive Officer of the State Asset Recovery

Agency_____

Agency/office: _____

Address: _Shiv Chanderpaul Drive Georgetown

Guyana_____

E-mail address:

aubrey@yahoo.com_____

Telephone number: 592-684-1308 or 592-227-

0237_____

Fax number: _____

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,^{3/} 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

I. 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 and/or administrative procedures, provisions that explicitly provide that government hiring into the Public Service is to be based on the principle of merit and set out criteria upon which the evaluation will be made.

- A) Please briefly describe the specific actions^{4/} 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:

Recruitment in the public service is open to all Guyanese. The system of recruitment and appointment is premised on the basis of merit where suitably qualified persons are selected for the filling of vacancies in accordance to the Job Description / Specification. The PSC (Public Service Commission) has the authority to recruit and make appointments. This was instituted under Article 201 (1) of the Constitution of the Cooperative Republic of Guyana.

3. Following on from this standard format, the structure applicable to the topics considered in the Second Round is described.

4. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

The process for recruitment and selection is done on the basis of the principle of procedural fairness. Any candidate desirous of entering the public sector can do so under the following conditions:

- Age of entry into the public service – 17 to 45 years of age to all Guyanese and in special circumstances to non-Guyanese.
- Vacancy Circulars are published as the need arises for open application by any interested party
- Candidates must apply for entry into the public service in keeping with the application process
- Shortlisted applicants will appear before the PSC for interviews and the most suitably qualified will be selected and appointed by the Commission.

Section 21 of the PSC Rules states that “Every application for a first Appointment to the Public Service shall be addressed to the Secretary on the prescribed form”

Section 22 (1) of the PSC Rules which speaks about Admission to the Public Service indicates that “arrangements may be made by the Commission for the holding of written competitive examinations as may be considered necessary from time to time for admission, or promotion within the public service.

In relation to the principles of selection for promotion, Section 29 of the PSC Rules:

Subsection (1) states that “in considering the eligibility of public officers for promotion, the Commission shall take into account the educational qualifications, merit and ability, together with relative efficiency, and experience of such officers, and should two or more officers, be equally eligible for promotion the Commission shall give consideration to the relative seniority of the officers available for promotion.

Subsection (2) states that “the commission is considering the eligibility of officers under rule 29 (1) for promotion shall attach greater weight to :-

- a) Seniority where promotion is to an office in the grade immediately above an office in the recruiting grade, or
- b) Merit, ability and efficiency where promotion is to an office that involves work requiring progressively higher responsibility and greater initiative.”

Subsection (3) states that “in carrying out its functions under the preceding rules 29 (1) and (2), the Commission shall take into account as regards an officer’s eligibility for promotion:-

- c) **His general physical fitness;**
- d) **His position on the seniority list;**
- e) **His special qualifications;**
- f) **Any special course of training that he may have undergone;**
- g) **The evaluation of his overall performance as reflected in staff appraisal reports;**
- h) **Any letter of commendation or special reports in respect of any special work done by the officer;**
- i) **His job knowledge and experience;**
- j) **The duties of and qualifications required for appointment to the officer for which he is a candidate;**
- k) **Any specific recommendation of the Permanent Secretary or Head of Department for filling the particular Office;**
- l) **Any previous employment of his in the public service; or otherwise;**
- m) **Any special reports for which the Commission may call; and**
- n) **His devotion to duty and general conduct.”**

Subsection (4) states that “in addition to the requirements prescribed in rules 29 (1), (2) and (3), the Commission shall consider any specifications that may be required from time to time for appointment to a particular office or any other matter which in the opinion of the commission is relevant in assessing the eligibility of a public officer for promotion.”

- B) Indicate the new information and developments^{5/} 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,^{6/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{7/} 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:

Job Descriptions / Specifications are updated on a regular basis.

5. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

6. Please provide copies of them or indicate the electronic link through which they may be accessed.

7. Please provide copies of them or indicate the electronic link through which they may be accessed.

- 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: _____
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- 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:

In addition to the inter-collaboration between the Ministry of the Presidency, Department of Public Service and the Public Service Commission, the Ministries, Regional Administrations and other Departments are involved in the process.

Measure b:

Consider the necessity of making examinations and/or interviews a mandatory requirement for all or some of the posts in the public service and also to establish mechanisms that provide clearly defined criteria on the manner in which these examinations and interviews would be carried out.

- A) Please briefly describe the specific actions^{8/} 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 statutory that the Commission will meet to conduct interviews.

The PSC rule requires the implementation of a Competency Test. However, this is not widely practiced and is only done for certain categories of workers (vocational and Technical). This activity is supervised by the Senior Officers, who thereafter analyze the results.

The public service rule A5 (1) provides for the selection of permanent appointment that the PSC may specify from time to time for candidates to take written competitive examinations, attend interviews and do practical tests, where necessary.

The PSC Rule:

Subsection (2) states that “any position in the public service which requires the applicant to take a written examination and/or interview shall be specified in any

8. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

notification published in the Official Gazette or the newspapers and on the basis of such examination and/or interview conducted by the Commission, the applicant for appointment shall be selected.

Subsection (3) states that “any applicant who fails the examination or interview for admission to the public service in any year, shall, if he wishes to be considered again for appointment, re-apply and re-submit himself for the examination and/or interview in any following year, notwithstanding that he may have held a temporary appointment in the public service in the meantime.”

Subsection (4) states that “any applicant who passes the examination for admission to the public service in any year but fails to obtain an appointment shall if he wishes to be considered for appointment, re-apply and re-submit himself for an appointment interview in the following year, but the commission may in such case as it shall think fit, waive the requirements of this Rule.”

Subsection (5) states that “if more than two years elapse between the date when an applicant passes the examination for admission to the public service and the date when he re-applies to be considered for an appointment, then the Commission may, as it thinks fit, require the applicant to re-submit himself for the examination and interview.”

Subsection (6) states that “all examinations held under this rule shall be set and the papers marked by such Examinations Board as may be appointed by the Commission for that purpose and the Secretary shall be responsible for the conduct of the Examinations.”

With regards to the Medical examination on appointment, Section 41 of the PSC Rules:

Subsection (1) states that “a person selected for appointment in the public service shall undergo a medical examination by a Government Medical Board and shall not be confirmed in his appointment unless and until he was deemed medically fit.

Subsection (2) states that “the Permanent Secretary or Head of Department, to which an appointee has been assigned, shall make appropriate arrangements for him to be medically examined as soon as practicable after his assumption of duty.

Subsection (3) states that “the Medical Board after examination the new appointee shall submit a medical report on the prescribed form to the Secretary under confidential cover as soon as practicable after the examination.

Subsection (4) states that “the Secretary shall notify the appointee whether the medical report is favorable or unfavorable and under confidential order send copies of the report to the Permanent Secretary or Head of Department.

Subsection (5) states that “all communication relating to the medical report concerning an appointee shall be strictly confidential and any officer who communicate the details of any medical report to any other person except for the purpose of, and as provided for in this rule, shall be guilty of improper conduct.

- B) Indicate the new information and developments^{9/} 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,^{10/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{11/} 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: **Same as above.**

Measure c:

Adopt, through the appropriate legislative and/or administrative procedures, provisions that set out clear parameters on the conditions for the use of temporary appointments, including definitions of the terms “temporary or seasonal nature” and the term “urgent”; provide limits to their duration and require written reasons for the decision.

- A) Please briefly describe the specific actions^{12/} 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

9. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

10. Please provide copies of them or indicate the electronic link through which they may be accessed.

11. Please provide copies of them or indicate the electronic link through which they may be accessed.

12. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

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 Rule A7 (1) outlines the conditions pertaining to the request for temporary employment, which must be accompanied by the adequate supporting reasons. This is rarely practiced.

Cabinet decisions may dictate employment of temporary project staff.

- B) Indicate the new information and developments^{13/} 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,^{14/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{15/} 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 d:

13. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

14. Please provide copies of them or indicate the electronic link through which they may be accessed.

15. Please provide copies of them or indicate the electronic link through which they may be accessed.

Adopt, through the appropriate legislative and/or administrative procedures, mechanisms that provide clearly defined criteria for the advertisement of hiring opportunities for vacancies within the public service, and ensuring that use is made of the mass media (e.g. newspapers or web pages) when advertising outside the Public Service.

- A) Please briefly describe the specific actions^{16/} 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 PSC has utilised the use of the mass media for the publishing of vacancies outside of the internal circulars published across the public service. Ministries have been authorized to advertise for the filling of vacancies and the applications received are forwarded to the PSC for resolution.

Section (27) of the PSC Rules states that “Where the commission considers either that there is no suitable candidate already in the public service available for the filling of any vacancy or that having regard to qualifications, experience and merit, it would be advantageous and in the best interest of the public service that the services of a person not already in the public service be secured, the Commission may authorise the advertisement of such vacancy in the Official Gazette or the newspapers.”

- B) Indicate the new information and developments^{17/} 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,^{18/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{19/} 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 PSC, Ministries and Departments have resorted to the use of Social Media (Facebook, image messaging) to promote the vacancies and circulars.

- 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

16. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

17. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

18. Please provide copies of them or indicate the electronic link through which they may be accessed.

19. Please provide copies of them or indicate the electronic link through which they may be accessed.

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:

Internet access is limited for some of the Ministries, Regional Administrations and Departments.

- 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 Public Telecommunication through the e-Government Unit is working with the Governmental Agencies to have their websites developed and functional.

Measure e:

Adopt, through the appropriate legislative and/or administrative procedures, mechanisms that provide clearly defined criteria for challenging the substantive aspects of the hiring process.

- A) Please briefly describe the specific actions^{20/} 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:

On the basis of challenging any substantive aspect of the hiring process, these situations can be confronted on the basis of Article 149A of the Constitution, which speaks to the right to work where “no person shall be hindered in the enjoyment of his or her right to work, that is to say, the right to free choice of employment.”

The Prevention of Discrimination Act: Section 4, Subsections (1-3) identifies the grounds in which discrimination against someone is prohibited.

Section 5 (1 - 2) speaks to the unlawful discrimination in relation to employment.

20. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

Section 14 speaks to the prohibition of discrimination regarding the operation of employment agencies.

Section 17 (1) states that for any person to publish or display or to cause to allow to be published or displayed, any advertisement or notice which indicates or could reasonably be understood as indicating an intention to commit a breach of any provision under this Act.

Subsection (2) states that “the publisher of an advertisement made unlawful by subsection (1) shall not be subject to any liability under that subsection if the publisher proves –

- a) **That the advertisement was published in reliance on a statement made by the person who caused it to be published to the effect that the publication would not be lawful; and**

Subsection (3) states that “a person who knowingly or recklessly makes a statement referred to in subsection (2) which is false or misleading in a material particular commits an offence and shall be liable on summary conviction to a fine of fifteen thousand dollars.

- B) Indicate the new information and developments^{21/} 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,^{22/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{23/} 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 reconstitution of the Public Service Appellate Tribunal by the current administration has provided public servants with an avenue to raise their concerns regarding the hiring process and challenge any substantive aspect thereof.

21. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

22. Please provide copies of them or indicate the electronic link through which they may be accessed.

23. Please provide copies of them or indicate the electronic link through which they may be accessed.

- 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: _____
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- 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 Cabinet and the Parliament of Guyana have participated in the implementation of the recommendation.

Measure f:

Adopt, through the appropriate legislative and/or administrative procedures, provisions that regulate the hiring of judicial and legal officers, based on the principles of merit and equality, setting out the criteria upon which the evaluation will be made and provide clearly defined criteria on the manner for the advertisement of posts.

- A) Please briefly describe the specific actions^{24/} 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:

Article 198 of the Constitution dictates the hiring of the Judicial and Legal Officers and such hiring is done by the Judicial Service Commission (JSC).

- B) Indicate the new information and developments^{25/} 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,^{26/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that

24. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

25. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

26. Please provide copies of them or indicate the electronic link through which they may be accessed.

recommendation and measure were formulated,^{27/} 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:

A new JSC has been constituted and it has made further recommendations for the appointments by His Excellency.

- 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 g:

Adopt, through the appropriate legislative and/or administrative procedures, provisions that regulate the hiring of public servants serving in the offices of the Auditor General, based on the principles of merit and equality, providing clearly defined criteria on the manner for carrying out examinations and the advertisement of posts

- A) Please briefly describe the specific actions^{28/} 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 is being addressed by the Public Accounts Committee (PAC) of the Parliament of Guyana, the body overseeing the Auditor General's Office.

27. Please provide copies of them or indicate the electronic link through which they may be accessed.

28. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

B) Indicate the new information and developments^{29/} 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,^{30/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{31/} 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: _____

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

In order to ensure the principles of openness and equality in the government systems for the procurement of goods and services, public tendering is mandatory (see Section 25[c] of the Procurement Act 2003) and is demonstrated by the following process (ie. the open tendering process of procurement):

29. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

30. Please provide copies of them or indicate the electronic link through which they may be accessed.

31. Please provide copies of them or indicate the electronic link through which they may be accessed.

1. The Open Tendering Process

- 1) Invitation to Bid must be published in newspapers of wide circulation and posted in public places (Act, Sect. 30 [1]). In cases in which participation of foreign firms is anticipated, in at least one journal of wide international circulation, dedicated to publishing international tendering. (Act, Sect. 30 [2]). In Guyana, invitations to bid are also posted on the e-procure.gov.gy website;
- 2) The Standard Bidding Documents must be used (Act, Sec. 32 [1]). These documents include, the Evaluation Criteria, clearly defined scope of works, and the conditions to be met in order for a bid to be declared valid and responsive;
- 3) Prospective Bidders should be given adequate time to obtain bidding documents and prepare/submit responses;
- 4) Procuring Entity (PE) should provide the Tender Document to all potential tenderers that respond to the invitation to tender (NB: The price of the Tender Document shall also be specified (the price of the document should be just enough to cover the cost of producing the document and should not be seen as prohibitive) Act, Sec. 32 (1);
- 5) If the PE issues a clarification or modification of the Tender Documents, or if a meeting of suppliers or contractors is held, it shall, prior to the deadline for the submission of tenders, extend the deadline if necessary to afford suppliers or contractors reasonable time to take the clarification of modification , or minutes of the meeting, into account (Act, Sec. 35[2]);
- 6) All suppliers or contractors that have submitted tenders, or their representatives, may attend the opening of tenders (Act, Sec. [38] [2]). (NB: At the Level of the National Procurement and Tender Administration, the news media is also permitted to attend. The minutes of the Tender Opening at the NPTA are usually posted on the NPTA's web site (www.npta.gov.gy) within forty-eight (48) hours of the conclusion of tender opening);
- 7) A bid Evaluation Committee (EC) of three (3) qualified Members, drawn from a pool of Evaluators, is appointed by the PE/NPTAB to examine and evaluate the bids and prepare an Evaluation Report (Act, Sec. 17 [4]);
- 8) The EC shall use only the criteria and methodology outlined in the tender documents to evaluate and compare the tenders (Act, Sec. 39 [2]). The criteria shall be quantified to the extent possible;
- 9) Contract shall be awarded to the lowest evaluated bid which meets the prescribed qualification criteria;

2. Notification of the Outcome of Contracts:

Notification of the outcome of contracts is also done in a manner to ensure openness and equality:

- 1) **Section 43 of the Procurement Act, 2003, requires that upon entry into force of a contract, procuring entities shall give the remaining Suppliers or Contractors the name, address and the contract price of the Supplier or Contractor that has entered into the contract;**
- 2) **A circular was issued by the National Procurement and Tender administration, on October 3rd, 2014, in the absence of the Public Procurement Commission for unsuccessful Suppliers and Contractors to be informed of the reasons why they were not selected for award of contract;**
- 3) **All Permanent Secretaries, Heads of Departments, Regional Executive Officers and Heads of Project Executing Units were asked to note the above requirements and to ensure that there is full compliance thereof.**

3. Administrative Review:

- 1) **An unsuccessful Bidder may submit a protest to the Procuring Entity (PE) within five (5) business days of publication of the award decision (Act, Sec. 52 [1] and [3]);**
- 2) **If the complainant does not get a response within five (5) days, he may approach the National Board, which shall establish the Bid Protest Committee (BPC), comprising three (3) members (One appointed by the Minister of Finance, one (1) by the Business Community and one (1) by the Attorney General) Act, Sec. 53 (1) and (4);**
- 3) **The BPC shall issue a decision within 15 days. Final contract award is suspended during this period. This decision shall be final (Act, Sec. 53 [5] and [6]);**
- 4) **The BPC was established in 2016 for a period of two (2) years - July 1, 2016 to June 30, 2018;**
- 5) **Details in respect of this administrative procurement complaints system can be found on the NPTA website, along with decisions of the BPC.**

4. Publication of Contract Awards:

- 1) **Section 11.(1) of the Procurement Act, 2003, requires procuring entities to publish notices of procurement contract awards, within seven (7) days of awarding such contracts;**

- 2) Pursuant to Section 4.(1), Part II of the Regulations, of the Act, the National Procurement and Tender Administration has created an Internet website for the publicity of contract awards and to disseminate other information about public procurement;

- 3) Permanent Secretaries, Heads of Departments, Regional Executive Officers and Heads of Project Executing Units have been urged, via circular from the National Procurement and Tender Administration, to provide a report to the National Procurement and Tender Administration, within five (5) days of dispatching the notice concerning the award of any contract exceeding the value set in the Regulations, with the following information about the contract, for publication on the Administration's website, in accordance with Section 4. (2)(3), Part II of the Regulations, under the Act:
 - a) Name of the procuring entity:
 - b) Contract description:
 - c) Procurement method used:
 - d) Number of tenders, proposals or quotations received;
 - e) Date of award:
 - f) Contract identification number/letter:
 - g) Name of the party to whom the contract was awarded;
 - h) Contract value

4. All Permanent Secretaries, Heads of Departments, Regional Executive Officers and Heads of Project Executing Units have been asked to note the above instructions and to ensure that there is full compliance thereof.

Measure a:

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

- A) Please briefly describe the specific actions^{32/} 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:

Section 55 (1) of the Procurement Act 2003 which states as follows:

"It shall be an offence for the national Board, a Regional board, a District Board, a Departmental board, an Agency board, an Evaluation Committee (each herein in this Part to referred to as a Body), or a person concerned with the administration of this Act, not to regard as

32. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

secret and confidential all documents, information and things disclosed to them in the execution of any provision of this Act or to divulge such information or the contents of any document to any person except to the extent necessary to discharge its or his function under the Act or any other written law or for the purpose of prosecution for any offence or other legal proceedings"

2) A body or person referred to in subsection (1) commits an offence and shall on summary conviction be liable:-

(i) in case of a Body, to a fine of five hundred thousand Guyana Dollars (G\$500,000.00) and to imprisonment for six (6) months and every member of such Body who participated in the commission of such offence shall be liable to be removed therefrom;

(ii) in the case of a person, to a fine of two hundred thousand Guyana Dollars (G\$200,000.00) and to imprisonment for three (3) months.

B) Indicate the new information and developments^{33/} 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,^{34/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{35/} 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: _____

33. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

34. Please provide copies of them or indicate the electronic link through which they may be accessed.

35. Please provide copies of them or indicate the electronic link through which they may be accessed.

- 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 b:

Establish the Public Procurement Commission or another independent body responsible for monitoring public procurements and procedures, in order to ensure that the procurement of goods and services and the execution of works are done in a fair, transparent, competitive and cost-effective manner.

- A) Please briefly describe the specific actions^{36/} 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:

1) The Government of Guyana enacted a Procurement Act in November 2004 (Act No. 8 of 2003) and Procurement (Amendment) Act 2010. The Act is supplemented by the Procurement Regulations (No. 9 of 2004) and Amending Procurement Regulations (No. 10 of 2004). Procurement is also addressed in Article 212W of the Guyanese Constitution;

2) Article 212W of the Constitution requires the formation of a Public Procurement Commission (PPC) with its members recommended by the Public Accounts Committee (PAC), appointed by the President, and approved by the National Assembly. The PPC would be supported by a Secretariat for its daily operations;

In accordance with Article 212W of the Constitution, the PPC shall:

- a) **monitor and review the functioning of all public procurement systems to ensure that they are in accordance with law and such policy guidelines as may be determined by the National Assembly;**
- b) **promote awareness of the rules, procedures and special requirements of the procurement process among suppliers, contractors and public bodies;**
- c) **safeguard the national interest in public procurement matters, having due regard to any international obligations;**

36. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

- d) **monitor the performance of procurement bodies with respect to adherence to regulations and efficiency in procuring goods and services and execution of works;**
- e) **approve procedures for public procurement, disseminate rules and procedures for public procurement and recommend modifications thereto to the public procurement entities;**
- f) **monitor and review all legislation, policies and measures for compliance with the objects and matters under its purview and report the need for any legislation to the National Assembly;**
- g) **monitor and review the procurement procedures of the ministerial, regional, and national procurement entities as well as those of project execution units;**
- h) **investigate complaints from suppliers, contractors and public entities and propose remedial action;**
- i) **investigate cases of irregularity and mismanagement, and propose remedial action;**
- j) **initiate investigations to facilitate effective functioning of public procurement systems;**
- k) **enlist the aid of such persons, as may be necessary, to assist the Commission with expert advice;**
- l) **liaise with and refer matters to the police and the Auditor General; and**
- m) **do all other acts and things as may be necessary to facilitate the efficient discharge of the functions of the Commission.**

B) Indicate the new information and developments^{37/} 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,^{38/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{39/} 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:

37. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

38. Please provide copies of them or indicate the electronic link through which they may be accessed.

39. Please provide copies of them or indicate the electronic link through which they may be accessed.

A five (5) member Public Procurement Commission was established on October 29, 2016.

- 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 c:

Establish a national registry of contractors of works, goods or services, mandatory to all State bodies, which contemplate the possibility of ensuring that the registry also includes a list of sanctioned contractors, in order to foster the principles of openness, equity and efficiency provided for in the Convention.

- A) Please briefly describe the specific actions^{40/} 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:

1) There is no provision under the Procurement Act 2003 for the establishment of such a registry.

2) The NPTA's website (npta.gov.gy) provides for the listing of sanction contractors.

- B) Indicate the new information and developments^{41/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new

40. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

41. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

provisions and/or measures adopted in connection with the subject,^{42/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{43/} 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:

1) The National Procurement and Tender Administration (NPTA) is currently benefitting from a Public Procurement Modernization initiative, for which funding has been provided by the Inter-American Development Bank, under a Non-reimbursable Technical Cooperation Agreement: Public Procurement Modernization and Financial Management Strengthening in Guyana;

2) Under the Public Procurement Modernization Component of the Agreement, support will be provided to improve efficiency and value for money in public procurement, through strategic planning and introduction of e-GP, and includes the following activities:

- i) strategic planning for e-GP**
- ii) proposal for the Procurement Act and Regulations update**
- iii) establishment of a complaints mechanism and debarment procedures;**
- iv) training in modern procurement operations and tools**

Consultancy services will be provided under the above-referenced Technical Cooperation Agreement to facilitate a review of the Procurement Act 2003 and its Regulations, and it can be utilised to have provision made under the Act/Regulation for a national registry of contractors.

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: _____

42. Please provide copies of them or indicate the electronic link through which they may be accessed.

43. Please provide copies of them or indicate the electronic link through which they may be accessed.

Measure d:

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

- A) Please briefly describe the specific actions^{44/} 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:
- 1) **Debarment - Although the Procurement Act 2003 provides for debarment proceedings to be adjudicated by the Public Procurement Commission/National Procurement and Tender Administration Board, there is no formal procedure/ mechanism in the Act and its Regulations to facilitate the exclusion and/or sanction of certain contractors for stipulated reasons.**
 - 2) **It is recommended that the Regulations should include:**
 - **an exhaustive listing of the grounds on which debarment should be imposed;**
 - **authority to debar (eg the appointment of a Committee including a nominee of the business community which will have the power to suspend or debar a Bidder or Supplier from participation in public procurement proceedings in the country); and**
 - **procedures for suspension and debarment.**
 - 3) **In order to facilitate this establishment of this mechanism, the consultancy firm, Centre for Policy Analysis & Institutional Development was contracted to draft Debarment Regulations. They completed the draft which covers the following areas:**
 - **Grounds for debarment**
 - **Exercise of Debarment (Authority National Tender Board)**
 - **Debarment Application**
 - **Notice of Proposed Debarment**
 - **Response of Supplier/ Contractor**
 - **Hearing Procedure**
 - **Suspension**
 - **Debarment Decision**
 - **Debarment Period**
 - **Notice of Debarment**
 - **Scope of Debarment or Suspension Order**
 - **Implementation of Existing Contracts**
 - **Restrictions on Subcontracting**
 - **Reduction or Termination of Debarment Period**

44. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

- **Judicial Appeal**
- **Publication of Decision**
- **Excluded Parties Registry**
- **Record of Debarment Proceedings**
- **Notices**

4) Attached, is a copy of the Draft Regulations on Suspension and Debarment from Participation in Public Procurement

5) Provision has been made under the IDB's Technical Cooperation Agreement for Public Procurement Modernization, to establish a process for debarment and reporting complaints in compliance with the regulation and internationally accepted standards.

B) Indicate the new information and developments^{45/} 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,^{46/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{47/} 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: _____

45. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

46. Please provide copies of them or indicate the electronic link through which they may be accessed.

47. Please provide copies of them or indicate the electronic link through which they may be accessed.

Measure e:

Develop and implement provisions that establish the ineligibility of bidders or contractors who have ties to the procuring entity or who are directly involved in the determination of needs or specifications, appraisal of bids, selection of alternatives, or approval of purchases or payments.

- A) Please briefly describe the specific actions^{48/} 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^{49/} 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,^{50/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{51/} 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: _____

48. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

49. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

50. Please provide copies of them or indicate the electronic link through which they may be accessed.

51. Please provide copies of them or indicate the electronic link through which they may be accessed.

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 f:

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.

A) Please briefly describe the specific actions^{52/} 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^{53/} 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,^{54/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{55/} 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: _____

52. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

53. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

54. Please provide copies of them or indicate the electronic link through which they may be accessed.

55. Please provide copies of them or indicate the electronic link through which they may be accessed.

- 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 g:

Implement provisions that establish minimum time limits for the publication of tendering opportunities in appropriate media.

- A) Please briefly describe the specific actions^{56/} 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^{57/} 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,^{58/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{59/} indicating whether they are deemed to have an

56. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

57. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

58. Please provide copies of them or indicate the electronic link through which they may be accessed.

59. Please provide copies of them or indicate the electronic link through which they may be accessed.

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:

This measure was satisfactorily considered and, therefore, does not require additional attention

- A) Please briefly describe the specific actions^{60/} 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^{61/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new

60. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

61. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken

provisions and/or measures adopted in connection with the subject,^{62/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{63/} 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 i:

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

- A) Please briefly describe the specific actions^{64/} 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:

into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

62. Please provide copies of them or indicate the electronic link through which they may be accessed.

63. Please provide copies of them or indicate the electronic link through which they may be accessed.

64. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

- B) Indicate the new information and developments^{65/} 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,^{66/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{67/} 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 j:

This measure was satisfactorily considered and, therefore, does not require additional attention.

- A) Please briefly describe the specific actions^{68/} 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,

65. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

66. Please provide copies of them or indicate the electronic link through which they may be accessed.

67. Please provide copies of them or indicate the electronic link through which they may be accessed.

68. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

clearly indicating the information of the web site in question:

- B) Indicate the new information and developments^{69/} 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,^{70/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{71/} 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 k:

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

69. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

70. Please provide copies of them or indicate the electronic link through which they may be accessed.

71. Please provide copies of them or indicate the electronic link through which they may be accessed.

A) Please briefly describe the specific actions^{72/} 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^{73/} 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,^{74/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{75/} 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:

72. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

73. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

74. Please provide copies of them or indicate the electronic link through which they may be accessed.

75. Please provide copies of them or indicate the electronic link through which they may be accessed.

Measure I:

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

- A) Please briefly describe the specific actions^{76/} 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^{77/} 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,^{78/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{79/} 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: _____

76. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

77. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

78. Please provide copies of them or indicate the electronic link through which they may be accessed.

79. Please provide copies of them or indicate the electronic link through which they may be accessed.

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 m:

Harmonize the provisions contained in the Procurement Act and in the Regulations which allow challenges to the procurement process at the administrative level.

A) Please briefly describe the specific actions^{80/} 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^{81/} 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,^{82/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{83/} 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: _____

80. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

81. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

82. Please provide copies of them or indicate the electronic link through which they may be accessed.

83. Please provide copies of them or indicate the electronic link through which they may be accessed.

- 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 n:

Maintain and publish statistics that reflect the nature of contracts awarded, the proportion that is by public tender, the proportion that is by restricted tendering, request for quotations and single source procurement.

- A) Please briefly describe the specific actions^{84/} 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^{85/} 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,^{86/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{87/} indicating whether they are deemed to have an

84. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

85. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

86. Please provide copies of them or indicate the electronic link through which they may be accessed.

87. Please provide copies of them or indicate the electronic link through which they may be accessed.

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: _____

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.

- A) Please briefly describe the specific actions^{88/} 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:

88. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

There is no current legislation to provide for the protection of whistleblowers. However, a draft Bill has been prepared to address this issue.

The Protected Disclosures Bill 2016 was drafted, as stated in its Explanatory Memorandum, as an effort to bring Guyana in compliance with the Inter American Convention against Corruption, particularly Article III (8). While the Bill has not been passed by the National Assembly as yet, its passage will provide a legislative mechanism under which persons (public servants and private citizens) may report acts of corruption, such reports may be investigated and protection will be offered to whistleblowers as necessary.

The Bill can be accessed at the Ministry of Legal Affairs' website at <http://mola.gov.gy/images/pdf/PROTECTEDDISCLOSURBILL2016.pdf>

- B) Indicate the new information and developments^{89/} 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,^{90/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{91/} 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: **Same as above.**
- 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 Bill seeks to provide a comprehensive legal framework that will regulate disclosures being made by whistleblowers and protect the identity of such whistleblowers. However, the implementation of this measure is delayed due to the fact that the Bill has not been passed by the National Assembly as yet. In addition, at the public consultation held on the Bill, concerns were raised as to whether the Bill is feasible in a small society such as Guyana where persons are familiar with everyone. There is a concern that the identity of such whistleblowers might not be adequately protected and attempts to place such persons under witness protection might prove futile given that the society is small.

- 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

89. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

90. Please provide copies of them or indicate the electronic link through which they may be accessed.

91. Please provide copies of them or indicate the electronic link through which they may be accessed.

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:

Upon the completion of the Draft Bill, the Bill would have been circulated to various ministries for comments and recommendations, such as the Ministry of Social Protection, Ministry of Labour, Ministry of Business, Ministry of Public Security etc. In addition, it was also sent to various entities in the private sector and civil society such as the Private Sector Commission, Transparency International etc. A public consultation was also held on the draft Bill and changes were made taking into consideration the public's comments.

Measure b:

Protection of whistleblowers and their families, not only in relation to their physical integrity but also as it concerns the workplace, especially when the person is a public official and the acts of corruption involve superiors or co-workers.

- A) Please briefly describe the specific actions^{92/} 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:

Clause 7 of Bill provides for disclosures of acts of corruption to be made to a Commission about an employer, a co-worker, a Government Official or any other person. The scope of the Bill is intended to cover a wide range of persons and no such person will be removed from the Commission's reach. In addition, clauses 21, 22 and 23 of the Bill prohibits detrimental action to be taken against persons who make disclosures and provides recourse where such actions may occur.

Link : <http://mola.gov.gv/images/pdf/PROTECTEDDISCLOSURBILL2016.pdf>.

- B) Indicate the new information and developments^{93/} 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,^{94/} or the provisions and/or

92. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

93. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

94. Please provide copies of them or indicate the electronic link through which they may be accessed.

measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{95/} 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: **Same as above.**

- 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:

With the Bill as drafted, we do not envision any difficulties as it relates to this specific recommendation. . However, the Bill once passed will have to be tested and upon its practical operation, any possible difficulties that may arise will have to be dealt with.

- 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:

As previously stated, upon the completion of the Draft Bill, the Bill would have been circulated to various ministries for comments and recommendations, such as the Ministry of Social Protection, Ministry of Labour, Ministry of Business, Ministry of Public Security etc. In addition, it was also sent to various entities in the private sector and civil society such as the Private Sector Commission, Transparency International etc. A public consultation was also held on the draft Bill and changes were made taking into consideration the public's comments.

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.

- A) Please briefly describe the specific actions^{96/} 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:

95. Please provide copies of them or indicate the electronic link through which they may be accessed.

96. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

Clause 8 of the Bill provides for persons to make disclosures anonymously to the Commission by virtue of a hotline number, ordinary mail or electronic mail. Clause 19 also prohibits the Commission from disclosing any information that identifies or that might lead to the identification of the person making the disclosure.

Link : <http://mola.gov.gy/images/pdf/PROTECTEDDISCLOSUREBILL2016.pdf>

- B) Indicate the new information and developments^{97/} 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,^{98/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{99/} 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: **Same as above.**
- 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 previously stated, these mechanisms are not in place as yet due to the fact that Bill has not been passed. One possible difficulty that may arise is that under the proposed Bill, while persons may make anonymous disclosures, such disclosures will not be protected unless the person subsequently comes forward. Persons may be reluctant to come forward. However, the Bill allows for persons to meet with the Commission at a mutually agreed place and time. The participation of the person in the selection of the agreed meeting place may help to assuage their fears if they are able to opt for a safe meeting place.

- 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: **Same as previously mentioned.**

Measure d:

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

97. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

98. Please provide copies of them or indicate the electronic link through which they may be accessed.

99. Please provide copies of them or indicate the electronic link through which they may be accessed.

- A) Please briefly describe the specific actions^{100/} 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:

Clause 20 of the Bill provides for protection to be given under the Witness Protection Act (currently in draft Bill format) to whistleblowers or to persons rendering assistance in an investigation. The Commission itself may recommend protection if in its opinion it appears to be necessary. The Commission has the power to issue directives to the appropriate authorities under the said Witness Protection legislation or any other written law to take necessary steps to provide protection to whistleblowers.

Link : <http://mola.gov.gy/images/pdf/PROTECTEDDISCLOSURBILL2016.pdf>

Link for Witness Protection Bill :<http://mola.gov.gy/images/pdf/TWP.pdf>

Indicate the new information and developments^{101/} 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,^{102/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{103/} 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: **Same as above.**

- B) 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 previously stated, these mechanisms are not in place as yet due to the fact that Bill has not been passed. In addition, the Witness Protection law referenced has not been passed by the National Assembly as yet either. However, the passage of these two pieces of legislation will make these mechanisms available to whistleblowers.

- C) 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

100. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

101. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

102. Please provide copies of them or indicate the electronic link through which they may be accessed.

103. Please provide copies of them or indicate the electronic link through which they may be accessed.

page dealing in greater detail with these issues, clearly indicating the information of the web site in question: **Same as previously mentioned.**

Measure e:

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

- A) Please briefly describe the specific actions^{104/} 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:

Under the Protected Disclosures Bill, protection will be offered to any whistleblower or any person rendering assistance in an investigation. There is no preferential treatment based on whether or not that person is a public or private citizen.

- B) Indicate the new information and developments^{105/} 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,^{106/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{107/} 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:

There is a draft Witness Protection Bill to provide for such matters in detail.

- 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 previously stated, Witness Protection Bill is just a draft and has not been passed by the National Assembly as yet .

- 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

104. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

105. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

106. Please provide copies of them or indicate the electronic link through which they may be accessed.

107. Please provide copies of them or indicate the electronic link through which they may be accessed.

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:

A public consultation was held on both the Witness Protection Bill and the Protected Disclosures Bill and the same entities that would have participated in the Protected Disclosures Bill consultation would have participated in the consultation on the Witness Protection Bill.

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.

A) Please briefly describe the specific actions^{108/} 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 no such existing mechanisms to provide for international cooperation in the protection of whistleblowers.

B) Indicate the new information and developments^{109/} 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,^{110/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{111/} 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 draft Witness Protection Bill was prepared as a result of a CARICOM Agreement Establishing the Regional Justice Protection Programme for CARICOM Member States. Whistleblowers offered protection under this proposed Bill as per Clause 20 of the Protected Disclosures Bill may be able to benefit from the existence of such a Regional Programme once operational.

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:

108. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

109. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

110. Please provide copies of them or indicate the electronic link through which they may be accessed.

111. Please provide copies of them or indicate the electronic link through which they may be accessed.

There is no such system. One possible difficulty is that the creation of such a system may take years to become fully operational.

- 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: **N/A.**

Measure g:

A simple whistleblower protection application process.

- A) Please briefly describe the specific actions^{112/} 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:

Clause 20 of the draft Bill does not explicitly set out the application process in detail. However, it is clear that the application is made to the Commission and the Commission will determine whether the circumstances necessitate such protection.

- B) Indicate the new information and developments^{113/} 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,^{114/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{115/} 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: **Same as above.**

- 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

112. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

113. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

114. Please provide copies of them or indicate the electronic link through which they may be accessed.

115. Please provide copies of them or indicate the electronic link through which they may be accessed.

detailed information on them can be obtained, clearly indicating the information of the web site in question:

As previously stated, these mechanisms are not in place as yet due to the fact that Bill has not been passed. In addition, the Witness Protection law referenced has not been passed by the National Assembly as yet either. However, the passage of these two pieces of legislation will make these mechanisms available to whistleblowers.

In addition, the feasibility of such protection in a small society is an issue. While moving witnesses to another neighboring island may be an option considered, it will take some significant time before such a cross-border system of witness protection is created.

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: **Same as previously mentioned.**

Measure h:

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

A) Please briefly describe the specific actions^{116/} 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:

No law at present which addresses this. However, such provisions have been included in the draft Protected Disclosures Bill (see: Clause 24, 24, 26 and 27) and the draft Witness Protection Bill (see Clause 20).

B) Indicate the new information and developments^{117/} 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,^{118/} or the provisions and/or

116. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

117. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

118. Please provide copies of them or indicate the electronic link through which they may be accessed.

measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{119/} 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: **Same as above.**

- 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: **Same as previously stated.**
- 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: **Same as previously stated.**

Measure i:

Provisions that clearly delineate the respective competence of judicial and administrative authorities with respect to this area.

- A) Please briefly describe the specific actions^{120/} 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 is no present law which clearly delineates the respective competence in the area of protection of witnesses and whistleblowers.

- B) Indicate the new information and developments^{121/} 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,^{122/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{123/} 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 draft Witness Protection Bill, PART II provides for the establishment of the Witness Protection Programme and three agencies (an Administrative Centre, an

119. Please provide copies of them or indicate the electronic link through which they may be accessed.

120. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

121. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

122. Please provide copies of them or indicate the electronic link through which they may be accessed.

123. Please provide copies of them or indicate the electronic link through which they may be accessed.

Investigative Agency and a Protective Agency) to administer the Programme. It lays out the functions of the three agencies and their interdependence on each other for the effective and proper administration of the Programme. It requires the disclosure of certain information to the Administrative Centre by the prospective participant, the prospective participant's application to be in the prescribed form, that the participant understands the implications of being included in the Programme and that he understands and signs the Memorandum of Understanding. In relation to criminal matters, the Director of Public Prosecution, where satisfied that the circumstances so warrant, shall prepare and submit the application in the prescribed form.

Link: <http://mola.gov.gy/bills/draft-bills>

- 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: **N/A.**
- 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: **N/A.**

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

RECOMMENDATION 3.1:

Modify Section 338 (2) (a) of the Criminal Law Offences Act, so as to make it more fully consistent with Article VI(1)(a) of the Convention, by incorporating therein, the elements of directly or indirectly accepting a bribe by a public servant or soliciting it

- A) Please briefly describe the specific actions^{124/} 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 aforementioned section has not been amended to date.

Indicate the new information and developments^{125/} related to the subject matter of the above recommendation and the above measure suggested by the Committee, briefly describing the new

124. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

125. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or

provisions and/or measures adopted in connection with the subject,^{126/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{127/} 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: **There has been a change in Government and a new Government's legislative agenda. It is unclear as to whether or not the new administration was aware of this recommendation.**

- B) 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 is no difficulty in amending the aforementioned section. However, the proposed amendment will have to be brought to the attention of the appropriate Government official for consideration.

- C) 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: **N/A.**

RECOMMENDATION 3.2:

Modify Section 338 (2) (b) of the Criminal Law Offences Act, so as to make it more fully consistent with Article VI(1)(b) of the Convention, by incorporating therein, the elements of directly or indirectly offering a bribe to a public servant

- A) Please briefly describe the specific actions^{128/} 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 aforementioned section has not been amended to date.

not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

126. Please provide copies of them or indicate the electronic link through which they may be accessed.

127. Please provide copies of them or indicate the electronic link through which they may be accessed.

128. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

- B) Indicate the new information and developments^{129/} 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,^{130/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{131/} 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:

There has been a change in Government and a new Government's legislative agenda. It is unclear as to whether or not the new administration was aware of this recommendation.

- 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 is no difficulty in amending the aforementioned section. However, the proposed amendment will have to be brought to the attention of the appropriate Government official for consideration.

- 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: **N/A.**

RECOMMENDATION 3.3:

Criminalize those who act as accessories after the fact with respect to corruption offenses, as required by Article VI(1)(e) of the Convention.

- A) Please briefly describe the specific actions^{132/} 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:

129. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

130. Please provide copies of them or indicate the electronic link through which they may be accessed.

131. Please provide copies of them or indicate the electronic link through which they may be accessed.

132. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

B) Indicate the new information and developments^{133/} 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,^{134/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{135/} 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: _____

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.

133. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

134. Please provide copies of them or indicate the electronic link through which they may be accessed.

135. Please provide copies of them or indicate the electronic link through which they may be accessed.

A) Please briefly describe the specific actions^{136/} 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^{137/} 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,^{138/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{139/} 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:

136. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

137. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

138. Please provide copies of them or indicate the electronic link through which they may be accessed.

139. Please provide copies of them or indicate the electronic link through which they may be accessed.

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.

- A) Please briefly describe the specific actions^{140/} 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:

Not compliant with this recommendation.

- B) Indicate the new information and developments^{141/} 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,^{142/} or the provisions and/or measures unknown to or not taken into consideration by the Committee when that recommendation and measure were formulated,^{143/} 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: _____

140. If these actions involve the adoption of provisions and/or measures, please provide copies of them or indicate the electronic link where they may be accessed.

141. In accordance with the provisions of Section V of the Methodology for the Fifth Round, information and new developments are understood as meaning new provisions and/or measures adopted in connection with the matters addressed in the recommendations and measures suggested by the Committee, or provisions and/or measures unknown to or not taken into account by the Committee in formulating those recommendations and measures, that have an impact on their currency or that could require their restatement or reformulation.

142. Please provide copies of them or indicate the electronic link through which they may be accessed.

143. Please provide copies of them or indicate the electronic link through which they may be accessed.

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

Following the thematic structure of the Second Round country report,^{144/} the State under review will be requested to provide information on new developments in such areas as legal frameworks, technological developments, and results, in relation to the Convention provisions that were selected for review in the Second Round.

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

144. Following on from this standard format, the structure applicable to the topics considered in the Second Round is described.

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? _____
