

Transparent Public Procurement Rating



Indonesia

Public Procurement Legislation Assessment

The Assessment of the Public Procurement Legislation of Indonesia was prepared by the Indonesia Corruption Watch



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Introduction

The TPPR Methodology is envisioned to be a universal methodology for assessing public procurement legislations (PPLs) with the ultimate goal of identifying the strengths and weaknesses of legal frameworks and their enforcement around the globe.

Structure and Logic

The Methodology is composed of 64 indicators, each of which holds a similar degree of importance. A number of these indicators are further broken down into scoring components.

The Methodology covers all the major components of any public procurement system, from the nature of the legislation to the complaint review process, with focus on the transparency of public procurement systems.

The selection of indicators for the Methodology was largely based on international best practice, international standards and aspects of other existing methodologies in the sphere of public procurement, such as:

- EBRD Methodology and Standard
- GPA Standard (WTO)
- OECD Methodology and Principles
- EU Standard (**Directive 2014/24/EU**)
- Open Contracting Data Standard (OCDS)

Several indicators have been directly taken from one of the sources listed above as examples of best international practice. All of these indicators have been properly referenced.

During the indicator selection and elaboration process, an effort was made to ensure that the Methodology can be used to assess many different kinds of public procurement systems, but at the same time set high standards.

The indicators are separated into 5 groups (benchmark indicators) that represent the key characteristics (values) of a well-functioning, transparent and accountable public procurement system:

1. **Uniformity of the Legislative Framework** – 14 indicators
2. **Efficiency** – 10 indicators
3. **Transparency** – 18 indicators
4. **Accountability and Integrity** – 7 indicators
5. **Competitiveness and Impartiality** – 10 indicators

The methodology also includes 5 indicators that are used to assess legal components **that are not directly part** of the public procurement legislation but are crucial in terms of creating a transparent environment necessary for a proper functioning of any public procurement system. These indicators are grouped separately under '**Transparency Environment**'.

Indicators are also arranged according to the procurement process:

1. **Pre-tendering Phase** – procurement processes leading up to the publication of a notice of intended procurement.
2. **Tendering Phase** – procurement processes between publication of a notice of intended procurement and selection of a tender winner.
3. **Post-tendering Phase** – procurement processes after the selection of a tender winner.

These two arrangements allow for both process and value-based assessments of public procurement legislations.

Limitations

Public procurement systems vary significantly by country. The TPPR Methodology is intended to be applicable on a global scale, meaning that the indicators cannot be too specific and cannot cover all the possible variations and exceptions.

For the same reason, the TPPR Methodology can only be used to assess public procurement legislations on the national level, and it does not include indicators for any industry specific rules.

Scoring System

Each indicator included in the TPPR Methodology is granted equal weight and receives a maximum of 1 point. With a total of 64 indicators, public procurement legislations are rated on the scale of **0 to 64** (converted to percentages for easier understanding and visualization).

Indicators that are further broken down into scoring components are nevertheless worth 1 point. Each scoring component is evaluated separately.

The Methodology uses two ways to distribute points among scoring components of an indicator:

1. **'Scoring method'** is used when scoring components of an indicator overlap (meaning they do not add up as points) or have an unequal distribution of points.
2. **'Point distribution'** is used when each scoring component of an indicator is given an equal share of the overall point granted to that indicator.

This scoring system and the structure of the Methodology allow for the results to be presented in three ways:

1. **Country Overall Results and Rating** – country overall results on the scale of 0-64 are converted into and presented using percentages (0-100%). Countries are then ranked by their overall results.
2. **Results by Benchmark Indicators** – results for benchmark indicators are presented only through percentages, since benchmark indicators include an unequal number of indicators (and, therefore, unequal number of maximum points).
3. **Results by Procurement Process** – results for different phases of the procurement process are presented only through percentages, due to unequal number of indicators included in each phase.

Countries are also ranked and compared by their results for each benchmark indicator.

Visualization

Visualizing the results of the assessment is crucial to the goal of the methodology. For this purpose, the overall points received by each country shall be shown graphically using the scale of 0-100%, divided into 4 quarters of a specific color:

- Low compliance with TPPR Standards – 0% to 25% (red)
- Average compliance with TPPR Standards – 26% to 50% (orange)
- Good compliance with TPPR Standards – 51% to 75% (yellow)
- Excellent compliance with TPPR Standards – 76% to 100% (green)

Visualizations will also include spider graphs depicting country results by benchmark indicators and the procurement process, and multi-colored bar graphs for comparing country results in these categories.

Terminology

This methodology uses universally accepted procurement terminology as well as a few terms of its own design, in order to make key distinctions easier.

Acceptance act – A document signed by parties through which they agree on the terms by which a bargain is concluded.

Bid – Price offered by a tender participant during the bidding procedure.

Bid Security – A refundable amount of money paid by tender candidates validating their participation in a tender.

Coordination – Providing assistance to economic operators and procuring entities to engage in procuring activities.

Day – In the context of this methodology a day implies a calendar day.

Economic Operator – business or other organization which supplies goods, works or services.

Legal entity of public law (LEPL) (Public Legal Entity) – Organization created by the government or a government body, but separated from state management, and performing public authority independent of state control.

Machine-readable – A data format that can be processed (i.e. extract, transform and process) by a computer.

Monitoring – Data collection and analysis.

State non-commercial legal entity – A body governed by public law, having legal personality, not having an industrial or commercial character, and funded or managed, for the most part, by state entities.

Non-competitive procedure (direct procurement) – A type of public procurement procedure that does not involve prior publication of a notice of intended procurement.

Notice of intended procurement – A call for participation in an open tender issued by procuring entities.

Open tender – A type of tender, in which any economic operator can request participation.

Post-tendering phase – procurement processes after the selection of a tender winner.

Pre-tendering phase – procurement processes leading up to the publication of a notice of intended procurement.

Procurement regulatory body – a state body responsible for managing the public procurement system without necessarily incorporating lawmaking and law enforcement functions.

Procuring entity – A state budget and local government entity (including their respective LEPLs and state owned companies).

Public procurement annual plan – A document issued by procuring entities that contains information about all procurements planned within a fiscal year.

Tender – A type of public procurement procedure that involves bidding.

Tender application – An economic operator's official request to participate in a tender that includes all the documents requested by the procuring entity.

Tender candidate – An economic operator willing to participate in a tender.

Tender commission – A group of persons within a procuring entity responsible for conducting procurement (this function can also be performed by a single person).

Tender documentation – A collection of documents containing full information about the procurement, such as its subject-matter, technical requirements/specification, eligibility and evaluation criteria, draft contract conditions etc.

Tender participant – An economic operator that has been allowed to participate in a tender.

Tendering phase – procurement processes between publication of a notice of intended procurement and selection of a tender winner.

TPPR Methodology Indicators

Transparency Environment			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	Business registry is publicly available. – [1 point]	0	According to Government Regulation No. 10 of 2015 concerning Types and Tariff of Non-Tax Incomes within the Ministry of Law and Human Right . Any person who wants to get access to business registry needs to pay US \$ 34 per company document.
2.	Budgets of all public procuring entities are publicly available. – [1 point]	1	Law No. 17 of 2003 concerning State Finance. see article 3 point 1 (1) Keuangan Negara dikelola secara tertib, taat pada peraturan perundang-undangan, efisien, ekonomis, efektif, transparan, dan bertanggung jawab dengan memperhatikan rasa keadilan dan kepatutan. English translation: <i>(State Finance is managed in an orderly manner, abides by the laws and regulations, is efficient, economical, effective, transparent and responsible by paying attention to the sense of justice and propriety)</i>
3.	Public officials are required by law to file asset declarations. – [1 point]	1	<ol style="list-style-type: none"> 1. Law No. 28 of 1999 concerning State Administrator that are Free of Corruption, Collusion and Nepotism; 2. Law No. 30 of 2002 concerning the Commission for the

			Eradication of Corruption see article 13; and
4.	The country has adopted legal provisions ensuring the right to request public information. – [1 point]	1	Law No. 14 of 2008 concerning Public Information Disclosure
5.	Legislation includes provisions regulating whistleblower protection. – [1 point]	1	<ol style="list-style-type: none"> Law No. 14 of 2008 concerning Public Information Disclosure Law No. 30 of 2002 concerning the Commission for the Eradication of Corruption Law No. 31 of 1999 concerning Corruption Eradication

Indicators by Procurement Process

General Characteristics of the Procurement System			
#	Indicator	Score	Relevant Article and Law (if applicable)
1.	Public Procurement Legislation hereinafter referred to as “PPL”, which may include primary and secondary legislation, lays out the basic principles and general framework of the procurement process, makes it operational and indicates how the law must be applied to specific circumstances. – [1 point] <i>Uniformity of the Legislative Framework</i>	1	Presidential Regulation No. 106 of 2007 concerning National Public Procurement Agency Presidential Regulation No. 16 of 2018 concerning Public Procurement
2.	PPL (including primary and secondary legislation) is available in a single and accessible place. – [1 point] Scoring Method <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] 	1	Link of the website for updated public procurement legal framework: https://jdih.lkpp.go.id/

	<ul style="list-style-type: none"> • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>		
3.	<p>PPL applies to all state budget and local government entities (including their respective Legal Entities of Public Law (LEPLs), state owned companies and non-commercial legal entities) and all exempted entities are clearly indicated. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) All state budget entities – [0.2] b) Local government entities – [0.2] c) Legal Entities of Public Law (LEPL) – [0.2] d) State owned companies – [0.2] e) State non-commercial legal entities – [0.2] <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 0.4</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0.2 b) 0.2 c) 0 d) 0 e) 0 	<p>Presidential Regulation No. 16 of 2018 concerning Public Procurement states that the subject of its regulation is only limited to government agencies, either national and sub-national level. It does not include state-owned enterprises and other state non-commercial legal entities.</p>
4.	<p>The scope of coverage of PPL includes all sectors of the economy where competition is possible and exemptions are clearly listed in the PPL. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) The scope of coverage of PPL includes all sectors of the economy where competition is possible. – [0.5] b) PPL clearly lists or refers to all exemptions. – [0.5] <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 0</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0 b) 0 	
5.	<p>PPL determines a separate state body (procurement regulatory body)</p>	<p>0.75</p>	

	<p>responsible for managing public procurement or assigns this function to a subordinate public body(ies). – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • PPL determines a separate state body responsible for managing public procurement, which is authorized to have income in addition to state funding. – [1] • PPL determines a separate state body responsible for managing public procurement. – [0.75] • PPL assigns this function to a subordinated public body(ies). – [0.5] • There is No responsible state body. – [0] <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>		<ol style="list-style-type: none"> 1. Presidential Regulation No. 106 of 2007 concerning National Public Procurement Agency 2. Presidential Regulation No. 16 of 2018 concerning Public Procurement, article 1 point (6). It says that “National Public Procurement Agency, hereinafter abbreviated as NPPA, is a Government institution in charge of developing and formulating Government Goods / Services Procurement policies”.
6.	<p>PPL stipulates that the procurement regulatory body is responsible for at least coordination and monitoring (i.e. data collection and analysis as opposed to regulation and control) of public procurement activities. – [1 point]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>Presidential Regulation No. 106 of 2007 concerning National Public Procurement Agency . See Article 3:</p> <p>In carrying out the tasks referred to in Article 2, NPPA is responsible for:</p> <ol style="list-style-type: none"> a. Preparation and formulation of strategies, as well as determining policy and procedure related to government goods / services procurement, including the procurement of business entities in the framework of Government cooperation with business entities; b. Preparation and formulation of strategies and determining policies for fostering human resources in the procurement of Government goods / services; c. Monitoring and evaluating the implementation of PPL; d. Guiding and developing information systems and supervision of the implementation of procurement of Government goods /

			<p>services electronically (electronic procurement);</p> <p>e. Providing technical guidance, advocacy and legal assistance;</p> <p>f. Organizing general administrative services related to planning, administration, staffing, finance and equipment and general affair.</p>
7.	<p>Legislation provides for a mechanism of consultation with the private and civil society sectors that is aimed at receiving feedback and identifying problems in the procurement system. PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [1 point]</p> <p>Point Distribution</p> <p>a) Legislation provides for a mechanism of consultation with the private sector. – [0.25]</p> <p>b) Legislation provides for a mechanism of consultation with the civil society sector. – [0.25]</p> <p>c) PPL obligates the entity responsible for managing public procurement to use this mechanism on a regular basis. – [0.5]</p> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p> <p>b) 0</p> <p>c) 0</p>	
8.	<p>PPL stipulates that electronic means is the primary method of conducting public procurement and of communication between procuring entities and tender participants. – [1 point]</p> <p>Point Distribution</p> <p>a) PPL stipulates that electronic means is the primary method of conducting public procurement. – [0.5]</p> <p>b) PPL stipulates that electronic means is the primary method of communication between procuring entities and tender</p>	<p>Overall: 1</p> <p>Components:</p> <p>0.5</p> <p>0.5</p>	<p>Presidential Regulation No. 16 of 2018 concerning Public Procurement. See article 69-71, which stipulates that the electronic procurement is the method of PP. In addition, NPPA responsible to set e-marketplace and electronic procurement system.</p> <p>For point a) Article 69, (1) The implementation of Procurement of Goods / Services is carried out electronically using an information</p>

	<p>participants. – [0.5]</p> <p><i>Efficiency</i></p>	<p>system consisting of an Electronic Procurement System (SPSE) and a support system.</p> <p>Article 70, (1) Procurement of goods / services electronically by utilizing E-marketplace.</p> <p>(2) Goods / Services Procurement E-marketplace provides technical infrastructure and transaction support services for Ministries / Institutions / Regional Governments and Providers in the form of:</p> <ul style="list-style-type: none"> a. Electronic Catalog; b. Online Store; and c. Selection of Providers. <p>For point b)</p> <p>Article 71, (1) The scope of SPSE consists of:</p> <ul style="list-style-type: none"> a. Procurement Planning; b. Procurement Preparation; c. Selection of Providers; d. Contract Implementation; e. Handover; f. Management of Providers; and g. Electronic Catalog. <p>(2) SPSE as referred to in paragraph (1) has interconnection with information systems for planning, budgeting, payment, asset management, and other information systems related to SPSE.</p>
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			<p>(3) SPSE support systems include:</p> <ul style="list-style-type: none"> a. National Procurement Portal; b. Management of Human Resources Procurement of Goods / Services; c. Management of advocacy and resolution of legal issues; d. Management of community participation; e. Management of learning resources; and f. Monitoring and Evaluation.
9.	<p>PPL establishes a single official point of access (i.e. an online portal) for all procedures and information related to public procurement. – [1 point]</p> <p style="text-align: right;"><i>Efficiency</i></p>	1	<p>Presidential Regulation No. 16 of 2018 concerning Public Procurement article 69-73.</p> <p>Article 73 (1) Ministries / Institutions / Regional Governments carry out electronic procurement service functions.</p> <p>(2) The functions of electronic procurement services as referred to in paragraph (1) include:</p> <ul style="list-style-type: none"> a. management of all information systems for the procurement of goods / services and their infrastructure; b. implementation of user registration and verification of all Goods / Services Procurement information systems; and c. development of information systems needed by stakeholders. <p>(3) NPPA sets up SPSE information service, capacity and security standards and support systems.</p>

			<p>(4) NPPA provides guidance and supervision of procurement services electronically.</p> <p>(5) Further provisions regarding the function of electronic procurement services as referred to in paragraph (2) shall be regulated by the Regulation of the NPPA.</p>
10.	<p>Legislation requires that software used for electronic procurement and related communication shall be non-discriminatory, free to use and interoperable with the ICT products in general use and shall not restrict economic operators' access to the procurement procedure. – [1 point]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> <i>Source: EU Standard</i></p>	0	
11.	<p>PPL ensures that tender candidates must be given equal treatment, without regard to nationality, residency or political affiliation: – [1 point]</p> <p>Point Distribution</p> <p>a) PPL should not allow domestic preferences. – [1/5]</p> <p>b) Participation of any candidate or group of candidates is based on qualification. – [1/5]</p> <p>c) Ensures that registration if required does not constitute a barrier to participation in tenders. – [1/5]</p> <p>d) State owned companies are not given any preference. – [1/5]</p> <p>e) Time-periods, including any extension of the time-periods, shall be the same for all interested or participating candidates.– [1/5]</p>	<p>Overall: 0.6</p> <p>Components:</p> <p>a) 0</p> <p>b) 1/5</p> <p>c) 1/5</p> <p>d) 1/5</p> <p>e) 0</p>	<p>a) Article 5 (f) of the Presidential Regulation No. 16 of 2018 concerning Public Procurement says that the procurement needs to increase the use of domestic raw materials. In addition, there is a stressing purpose to foster domestic business sector to engage in public procurement.</p> <p>Article 5, Goods / Services Procurement Policy includes: [...] f. encourage the use of domestic goods / services and the Indonesian National Standard (SNI);</p>

	<i>Competitiveness and Impartiality</i> Source: GPA Standard		
12.	PPL stipulates that a procuring entity shall, consistent with its own reasonable needs, provide sufficient time (based on the GPA standard - Article XI) for candidates to prepare and submit tender application. – [1 point] <i>Competitiveness and Impartiality</i>	0	Regulation of NPPA No. 9 of 2018 concerning Guidelines for Procurement of Goods/Services through Providers . See page 46, which hosts standard procedure time-frames. The standard time-frame for bid preparation and submission is 7 days. At the same time there is a procedure which can be referred to as the fast-track procedure, where 3 days are prepare and submit the bid.
13.	PPL stipulates that each procuring entity has a staff member(s) responsible for conducting procurement activities. – [1 point] <i>Uniformity of the Legislative Framework</i>	1	Article 8 of Presidential Regulation No. 16 of 2018 concerning Public Procurement Article 8, Goods / services procurement agents(stakeholders) consist of: [...] d. Procurement officer; e. Tender Commission/Board (making the decision on awards); f. Procurement Agent;
14.	PPL references sanctions for violations of the PPL. – [1 point] <i>Accountability and Integrity</i>	1	Article 78 of Presidential Regulation No. 16 of 2018 concerning Public Procurement Please view the full article.
15.	Legislation explicitly defines fraud and corruption / abuse of public office and spells out the individual responsibilities and consequences for	1	Articles 2 and 3 Law No. 31 of 1999 concerning Corruption Eradication

	<p>government employees and private firms or individuals found guilty of fraud or corruption. – [1 point]</p> <p style="text-align: right;"><i>Accountability and Integrity</i> Source: OECD Methodology</p>		<p>The legal definition of corruption in Indonesia context: “Anyone who is categorized as against the law, commits an act of self-enrichment, benefits himself or another person or a corporation, misuses authority and opportunities or means available to him because of a authority or position that can harm the state's finance or the country's economy” (article 2 and 3)</p> <p>There are seven type of corruption:</p> <ol style="list-style-type: none"> 1. Corruption related to state loss 2. Embezzlement 3. Bribery 4. Extortion 5. Conflict of Interest in Public Procurement 6. Cheating in Public Procurement 7. Gratuity related to bribery
16.	<p>PPL ensures the right to review (complaints), for all interested parties, including general public, tender participants and potential suppliers. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • PPL ensures the right to review, for general public, tender participants and potential suppliers. – [1] • PPL ensures the right to review, for tender participants and potential suppliers. – [0.75] • PPL ensures the right to review, for tender participants. – [0.25] 	0	

	<p>]</p> <ul style="list-style-type: none"> No.one has the right to review. – [0] <p><i>Uniformity of the Legislative Framework</i></p>		
17.	<p>PPL ensures the right to review throughout the procurement process. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Complaints can be filed at any time during the procurement process up until the signing of the contract. – [1/3] b) A procurement contract cannot be awarded with a pending complaint. – [1/3] c) A reasonable amount of time should be left between publication of the contract award decision and the signing of the contract, in order to give any stakeholder the opportunity to challenge the award decision. – [1/3] <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 0</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0 b) 0 c) 0 	<p>There are no detailed articles related to complaint and review mechanism within PPL</p>
18.	<p>PPL ensures the existence of an independent (from parties involved in a procurement dispute) review body with the authority to review complaints and grant remedies. – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) PPL ensures the existence of an independent review body. – [0.7] b) The review body includes civil society members. – [0.3] <p><i>Uniformity of the Legislative Framework</i></p>	<p>Overall: 0</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0 b) 0 	<p>The dispute settlement exists within the NPPA, however, It only has the mandate to rule over disputes that arise during contract implementation.</p> <p>Article 85, Presidential Regulation No. 16 of 2018 concerning Public Procurement:</p> <ul style="list-style-type: none"> (1) Settlement of contract disputes between procuring entity and the provider in the implementation of the contract can be carried out through contract dispute resolution, arbitration, or settlement services through the court. (2) NPPA organizes contract dispute resolution services as referred to in paragraph (1).

			In addition, the NPPA Regulation No 18/2018 concerning Contract Dispute Resolution Service spells out the details of contract dispute settlement.
19.	<p>PPL ensures electronic, machine-readable and free of charge access to submitted complaints, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0	
20.	<p>PPL ensures electronic, machine-readable and free of charge access to dispute resolutions (of the independent review body), either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0	

Pre-tendering Phase

#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL obligates procuring entities to publish as early as possible in each fiscal year a notice regarding their future procurement plans - "public procurement annual plan". The annual plan must include at least: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Subject-matters (CPV- or other similar classificatory system) of planned procurements. – [0.25] b) Planned dates (a range of week/month/quarter) of publication of the notices of intended procurement. – [0.25] c) Estimated value of procurements. – [0.25] d) Source of funding. – [0.25] <p style="text-align: right;"><i>Transparency</i></p>	<p>Overall: 0.5</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0 b) 0 c) 0.25 d) 0.25 	<p>Article 22 of Presidential Regulation No. 16 of 2018 concerning Public Procurement</p> <p>Article 22, (1) Announcement of the Ministry / Institution General Procurement Plan after the determination of budget allocation.</p> <p>(2) Announcement of the General Procurement Plan of the Regional Apparatus carried out after the draft Regional Regulation concerning the APBD is mutually agreed upon by the Regional Government and the Regional Representative Council.</p> <p>(3) Announcement of General Procurement Plan as referred to in paragraph (1) and paragraph (2), is carried out through the application of the Procurement General Plan Information System (SIRUP).</p> <p>(4) Announcement of General Procurement Plan through SIRUP as referred to in paragraph (3) can be added on the Ministry / Institution / Regional Government website, official announcement boards for the public, newspapers, and / or other media.</p> <p>(5) Announcement of General Procurement Plan is carried out in the event that there is a change / revision of the procurement package or the Budget Implementation List (DIPA) / Budget Implementation Document (DPA).</p>

			For more information on the General procurement Plans, please view the following link - https://sirup.lkpp.go.id/sirup/application/index
2.	<p>PPL ensures electronic, machine-readable and free of charge access to public procurement annual plans of all procuring entities or key information included in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0.5	<p>Article 22 of Presidential Regulation No. 16 of 2018 concerning Public Procurement</p> <p>Please view excerpt in indicator 1 of pre-tendering phase</p>
3.	<p>Legislation stipulates that the planning of procurement and estimation of associated expenditures are part of the state budget formulation process in a fiscal year. – [1 point]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;">Source: OECD Methodology</p>	1	<p>Article 18 of Presidential Regulation No. 16 of 2018 concerning Public Procurement</p> <p>Article 18 (1) Procurement planning includes identification of needs, determination of goods / services, methods, schedules, and budget for the procurement of goods / services.</p> <p>(2) Procurement planning with funds originating from the State Budget is carried out simultaneously with the process of preparing Ministry / Institution Work Plans and Budget.</p>

			(3) Procurement Planning whose funds are sourced from the Regional Budget are carried out in conjunction with the process of drafting Regional Work Plan and Budget.
4.	<p>PPL stipulates that procurement process should not normally be initiated until the appropriate financial resources have been identified. – [1 point]</p> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	1	<p>Article 18 of Presidential Regulation No. 16 of 2018 concerning Public Procurement</p> <p>Article 18 (2) procurement planning with funds originating from the State Budget is carried out in conjunction with the process of preparing Ministries’ / Institutions’ Work Plan after indicative ceiling determination”.</p> <p>It does mean that without any clear source of funding, procurement planning cannot be executed.</p>
5.	<p>PPL defines the composition, powers, responsibilities and decision-making procedures of the body (tender commission or a person) responsible for conducting tender within the procuring entity. – [1 point]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>Article 8 and 9 of Presidential Regulation No. 16 of 2018 concerning Public Procurement</p> <p>Article 9 (1) procurement authority (PA) as referred to in Article 8 has the following duties and authorities:</p> <ul style="list-style-type: none"> a. take actions that result in expenditure of the budget; b. enter into agreements with other parties within the stipulated budget limits; c. establish procurement planning; d. establish and announce public procurement procedures; e. carry out the Consolidated procurement of Goods / Services; f. procure through direct contracting when tender/re-announced tender fails;

			<p>g. set PPK; h. establish Procurement Officials; i. set PjPHP / PPHP; j. determine the Self-Organizing Operator; k. designate technical team; l. determine and establish a commission / expert team to carry out the Competition / Contest; m. determine when the Tender fails / when no capable economic operator/tender candidate was determined; and n. announce winning economic operator(s)/tender candidate(s)</p>
6.	<p>Minimum monetary thresholds exist for different types of procurement. – [1 point]</p> <p style="text-align: right;"><i>Efficiency</i></p>	1	<p>Article 1 of Presidential Regulation No. 16 of 2018 concerning Public Procurement</p> <p>Please view the full article.</p>
7.	<p>PPL stipulates that open tender is the default procedure for any public procurement, and all exceptions are clearly listed by the PPL. – [1 point]</p> <p>Point Distribution</p> <p>a) Open tender is the default procedure for any public procurement. – [0.5]</p> <p>b) All exceptions are clearly listed by the PPL. – [0.5]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Article 6 of Presidential Regulation No. 16 of 2018 concerning Public Procurement:</p> <p>Article 6 concerning the basic principles of public procurement</p> <p>Article 59 concerning special procurement → natural disaster</p> <p>Article 61 concerning exemption to state-owned companies</p>
8.	<p>PPL stipulates that justification for using a non-competitive procedure must be made public by the procuring entity. – [1 point]</p> <p style="text-align: right;"><i>Accountability and Integrity</i></p>	0	
9.	<p>PPL stipulates that provided that it does not use this provision for the</p>	1	<p>Articles 38(b),38(3), 1(40),1(41), 41(2) of Presidential Regulation</p>

<p>purpose of avoiding competition among suppliers or in a manner that discriminates against foreign suppliers or protects domestic suppliers, a procuring entity may use non-competitive procedure (direct procurement) when: – [1 point]</p> <ul style="list-style-type: none"> a) Where only a particular supplier and no reasonable alternative or substitute goods can supply the goods or services or services exist. b) For additional deliveries by the original supplier of goods or services that were not included in the initial procurement where a change of supplier for such additional goods or services cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement; or would cause significant inconvenience or substantial duplication of costs for the procuring entity. c) Insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time using open tendering or selective tendering. d) Where a procuring entity procures a prototype or a first good or service that is developed at its request in the course of, and for, a particular contract for research, experiment, study or original development. e) For purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership or bankruptcy, but not for routine purchases from 	<p>No. 16 of 2018 concerning Public Procurement, there are some reasons of conducting direct procurement: Firstly, it should be noted that the legal framework distinguishes between procurement of goods/works/services and procurement of consultative services specifically:</p> <p>For procurement of goods/works/services:</p> <ol style="list-style-type: none"> 1. Direct procurement is applicable only for procuring goods and services with a maximum value of 200 million Indonesian Rupiah. 2. Another variation of single source procurement direct appointment is applicable only: <ol style="list-style-type: none"> a. For the purpose of preparing any instantaneous event, which will be held as a follow-up of an international commitment and attended by the President/Vice President b. For procuring goods or services deemed to be confidential in interest of the state c. For procuring goods or services that can only be supplied by unique supplier d. As a follow-up of an unsuccessful tender <p>For procurement of consultation services:</p> <ol style="list-style-type: none"> 3. Direct procurement is applicable for procuring consultation services with a maximum value of 100 million Indonesian Rupiah. 4. Another variation of single source procurement direct appointment is applicable only:
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	<p>regular suppliers. – [1]</p> <p>Scoring Method</p> <p>In case of any additional exceptions – [0.5]</p> <p style="text-align: center;"><i>Uniformity of the Legislative Framework</i></p> <p style="text-align: center;">Source: GPA Standard</p>		<p>a. When procuring consultation services that can only be provided by a unique supplier</p> <p>b. Urgent need requires direct appointment</p> <p>c. Repeated order for a service from a certain consultant</p>
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Tendering Phase

#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include at least: – [1 point]</p> <p>Point Distribution</p> <p>a) Name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if any. – [1/8]</p> <p>b) A description of the procurement, including the nature and the quantity of the goods or services (including construction) to be procured or, where the quantity is not known, the estimated quantity. – [1/8]</p> <p>c) CPV codes (or other classificatory system of a similar nature). – [1/8]</p> <p>d) Estimated value of the goods or services to be procured. – [1/8]</p> <p>e) The time-frame for delivery of goods or services or the duration of the contract. – [1/8]</p> <p>f) The procurement method that will be used. – [1/8]</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 1/8</p> <p>b) 1/8</p> <p>c) 1/8</p> <p>d) 1/8</p> <p>e) 1/8</p> <p>f) 1/8</p> <p>g) 1/8</p> <p>h) 1/8</p>	<p>Presidential Regulation No. 16 of 2018 concerning Public Procurement, see articles 18 to 68</p> <p>The points are scattered around article 18 to 68.</p>

	<p>g) The address (where applicable) and any final date for the submission of requests for participation in the procurement. – [1/8]</p> <p>h) A list and brief description of any conditions (eligibility criteria) for participation of candidates, including any requirements for specific documents or certifications to be provided by candidates in connection therewith. – [1/8]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i> Source: GPA Standard</p>		
2.	<p>PPL stipulates that the notice of intended procurement / tender documentation must include: – [1 point]</p> <p>Point Distribution</p> <p>a) Payment conditions – [0.2]</p> <p>b) Information about bid security (if required) – [0.2]</p> <p>c) Source of funding – [0.2]</p> <p>d) Payment information for multi-year contracts – [0.2]</p> <p>e) Draft of contract – [0.2]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.2</p> <p>b) 0.2</p> <p>c) 0.2</p> <p>d) 0.2</p> <p>e) 0.2</p>	<p>Presidential Regulation No. 16 of 2018 concerning Public Procurement, see article 18 to 68</p> <p>The points are scattered around article 18 to 68.</p>
3.	<p>PPL defines all eligibility criteria for participation in tender that must include at least: – [1 point]</p> <p>Point Distribution</p> <p>a) Capabilities with the respect to personnel, equipment, and construction or manufacturing facilities. – [1/3]</p> <p>b) Financial position. – [1/3]</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 1/3</p> <p>b) 1/3</p> <p>c) 1/3</p>	<p>Presidential Regulation No. 16 of 2018 concerning Public Procurement, see article 18 to 68</p> <p>The points are scattered around article 18 to 68.</p>

	<p>c) Grounds of restriction for participation. – [1/3]</p> <p style="text-align: center;"><i>Competitiveness and Impartiality</i> Source: EBRD Methodology</p>		
4.	<p>PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement (drafting of tender documentation) from independent experts or market participants. In such cases, these experts or market participants may not take part or benefit from tenders they helped plan unless it can be demonstrated that there is No.conflict of interest (as defined by the national legislation). – [1 point]</p> <p>Point Distribution</p> <p>a) PPL stipulates that procuring entities may seek consultations for the purpose of planning procurement from independent experts or market participants. – [0.5]</p> <p>b) PPL prohibits these experts or market participants from taking part or benefiting from tenders they helped plan, unless it can be demonstrated that there is No.conflict of interest (as defined by the national legislation). – [0.5]</p> <p style="text-align: right;"><i>Efficiency</i> Source: EU Standard</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Article 7 (2) of Presidential Regulation No. 16 of 2018 concerning Public Procurement</p> <p>Article 7(2), The conflict of interest of the parties referred to in paragraph (1) sub-paragraph (e), applies to:</p> <p>[...]</p> <p>b. execution of construction work by the supervising consultant who planned the construction work</p> <p>c. construction management consultants performing the role of planning consultants;</p>
5.	<p>PPL ensures electronic, machine-readable and free of charge access to notices of intended procurement (including tender documentation), either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p>	0.5	<p>Presidential Regulation No. 16 of 2018 concerning Public Procurement, Article 22 concerning the Announcement of Procurement Planning. This article mandates NPPA to establish General Planned Procurement Information System.</p>

	<ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>		
6.	<p>PPL ensures electronic, machine-readable and free of charge access to tender documentation amendments, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0	To view the National Procurement Portal of Indonesia, please view the following link - http://inaproc.id/
7.	<p>PPL ensures electronic, machine-readable and free of charge access to tender candidate applications (all documents needed for the request to participate in a tender), either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] 	0	To view the National Procurement Portal of Indonesia and the tenders, please view the following link - http://inaproc.id/

	<ul style="list-style-type: none"> • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>		
8.	<p>PPL ensures electronic, machine-readable and free of charge access to information about the bids offered by tender participant. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0	To view the National Procurement Portal of Indonesia and the tenders, please view the following link - http://inaproc.id/
9.	<p>PPL ensures electronic, machine-readable and free of charge access to decisions of the tender commission, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0,5	<p>Article 69 of Presidential Regulation No. 16 of 2018 concerning Public Procurement</p> <p>To view the National Procurement Portal of Indonesia and the tenders, please view the following link - http://inaproc.id/</p> <p>Every tender on the portal has a schedule of events that the commission makes.</p>
10.	<p>Unless justified by the subject-matter of the contract, technical specifications shall not refer to a specific make or source, or a particular process which characterizes the products or services provided by a</p>	1	<p>Article 19 of Presidential Regulation No. 16 of 2018 concerning Public Procurement,</p>

	<p>specific economic operator, or to trade marks, patents, types or a specific origin or production with the effect of favoring or eliminating certain undertakings or certain products. – [1 point]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p> <p style="text-align: right;">Source: EU Standard</p>		<p>Article 19 (a): domestic material/product is endorsed in the technical specification</p> <p>Article 19 (b): possible to mention a specific trade mark with some conditions i.e it has been displayed in the e-catalogue; spare parts; part of the existing system; fast track bidding</p>
11.	<p>PPL stipulates that procuring entities may require tender candidates to confirm the validity of their bid with a bid security that is refunded once the procedure is completed. – [1 point]</p> <p style="text-align: right;"><i>Efficiency</i></p>	1	<p>Presidential Regulation No. 16 of 2018 concerning Public Procurement. In addition, Regulation of NPPA No. 9 of 2018 concerning Guidelines for Procurement of Goods/Services through Providers gives detailed information on how bid security and guarantees need to be applied</p>
12.	<p>Legislation explicitly defines conflict of interest and includes mechanisms for its prevention: – [1 point]</p> <p>Point Distribution</p> <p>a) The concept of conflicts of interest covers at least any situation where staff members of the procuring entity or of a procurement service provider acting on behalf of the procuring entity who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure, have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure. – [1/3]</p> <p>b) PPL stipulates that persons responsible for procurement decision-making in procuring entities must declare in writing any conflict of interest with tender participants. – [1/3]</p> <p>c) The legislative framework prohibits the participation of active</p>	<p>Overall: 0.33</p> <p>Components:</p> <p>a) 1/3</p> <p>b) 0</p> <p>c) 0</p>	<p>Article 7 of Presidential Regulation No. 16 of 2018 concerning Public Procurement</p> <p>Please view the full article.</p>

	<p>public officials and former public officials for a reasonable period of time after leaving office in public procurement procedures in ways that benefit them, their relatives, and business or political associates financially or otherwise. – [1/3]</p> <p style="text-align: right;"><i>Accountability and Integrity</i> Source for a): EU Standard Source for b): OECD Methodology</p>		
13.	<p>PPL stipulates that award decisions must be made solely on the basis of evaluation criteria that have been precisely specified in advance in the tender documentation. – [1 point]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	0	
14.	<p>PPL stipulates that upon modification of any criteria and requirements set out in tender documentation prior to the completion of tender application submission period, a procuring entity shall transmit in writing all such modifications: – [1 point]</p> <p>Point Distribution</p> <p>a) To all tender candidates; and – [0.5]</p> <p>b) Give additional adequate time (either by extending or restarting the time) to allow such candidates to modify and re-submit amended tender application. – [0.5]</p> <p style="text-align: right;"><i>Competitiveness and Impartiality</i></p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p> <p>b) 0</p>	<p>Article 54 related to contract amendment of Presidential Regulation No. 16 of 2018 concerning Public Procurement only spells out the amendment rules/procedures of contract document, not bidding document</p>
15.	<p>PPL stipulates that procuring entities shall inform each tender participant of the decision reached about the winner of the tender, including failure to do so, as soon as it is made, but no later than the end of the following working day. – [1 point]</p>	1	<p>Directions and Provisions for the Use of SPSE of the NPPA – Part C (8) of the directions state that - “when the tender committee/commission has determined the winner of the tender, the e-procurement system will automatically display the results of</p>

	<i>Transparency</i>		the tender, and also send this information via e-mail to all the tender participants of the tender.”
16.	<p>PPL ensures that on request from the tender participant the procuring entity shall as quickly as possible inform: – [1 point]</p> <p>Point Distribution</p> <p>a) Any unsuccessful tender candidate of the reasons for the rejection of its request to participate (if such approval is required). – [0.5] ***</p> <p>b) Any unsuccessful tender participant of the reasons for the rejection of its bid. – [0.5]</p> <p>*** If a) is not applicable, b) equals [1 point].</p> <p style="text-align: right;"><i>Transparency</i> Source: EU Standard</p>	0	
17.	<p>PPL stipulates that in cases when evaluation criteria include both price and quality, the winner shall be chosen using a cost-effectiveness approach, such as: – [1 point]</p> <p>Point Distribution</p> <p>a) Life-cycle cost – [1/3]</p> <p>b) Best price-quality ratio – [1/3]</p> <p>c) Environmental and/or social costs – [1/3]</p> <p style="text-align: right;"><i>Efficiency</i> Source: EU Standard</p>	<p>Overall: 2/3</p> <p>Components:</p> <p>a) 1/3</p> <p>b) 1/3</p> <p>c) 0</p>	<p>Presidential Regulation No. 16 of 2018 concerning Public Procurement</p> <p>see article 39 for evaluation method in construction project and other works, and article 42 for the evaluation method in consultation services. The quality and price combination of the evaluation method take into account in these articles.</p>

Post-tendering Phase

#	Indicator	Score	Relevant Article and Law (if applicable)
1.	<p>PPL stipulates that upon successful conclusion of tender (upon choosing and announcing of the winner) the following information must be made public as soon as it is available: – [1 point]</p> <p>Point Distribution</p> <ul style="list-style-type: none"> a) Name, type, identification number, address, telephone, fax number (where applicable), email and internet address of the procuring entity and, where different, of the service from which additional information may be obtained. – [0.1] b) Subject of procurement. – [0.1] c) CPV codes (or other classificatory system of similar nature). – [0.1] d) Description of the procurement: nature, extent, quantity or value of goods, works and services. Where the contract is divided into lots, this information shall be provided for each lot. – [0.1] e) Type of award procedure; in the case of negotiated procedure without prior publication, justification. – [0.1] f) Date of the signing of contract(s) or of framework agreement(s). – [0.1] g) Duration of the contract. – [0.1] h) Number of bids and their respective amounts received. – [0.1] i) Name, address, telephone, fax number (where applicable), email address and internet address of the successful tender participant(s) including: information whether the contract was 	<p>Overall: 0</p> <p>Components:</p> <ul style="list-style-type: none"> a) 0 b) 0 c) 0 d) 0 e) 0 f) 0 g) 0 h) 0 i) 0 j) 0 	

	<p>awarded to a group of economic operators (joint venture, consortium or other) (where applicable). – [0.1]</p> <p>j) Name and address of the body responsible for review and, where appropriate, mediation procedures. Precise information concerning the deadline for review procedures, or if need be, the name, address, telephone number, fax number (where applicable) and email address of the service from which this information may be obtained. – [0.1]</p> <p style="text-align: right;"><i>Transparency</i> Source: EU Standard</p>		
2.	<p>PPL stipulates that the information on subcontractors must be made public upon successful conclusion of tender (upon choosing and announcing of the winner). – [1 point]</p> <p>Point Distribution</p> <p>a) Procurement contracts include information on what proportion of the contract can be subcontracted to third parties. – [0.5]</p> <p>b) Information on subcontractor/s (if any): name, address, ID, contact information, is made public as soon as this information is available. – [0.5]</p> <p style="text-align: right;"><i>Transparency</i></p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p> <p>b) 0</p>	
3.	<p>PPL ensures electronic, machine-readable and free of charge access to procurement contracts, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] 	0	

	<ul style="list-style-type: none"> • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>		
4.	<p>PPL ensures electronic, machine-readable and free of charge access to contract amendments, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0	
5.	<p>PPL ensures electronic, machine-readable and free of charge access to contract performance information (acceptance act and milestone reports), either the full text or key information included in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0	

6.	<p>PPL ensures electronic, machine-readable and free of charge access to payment receipts, either the full text or key information contained in these documents. – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>	0	<p>Legal framework regulates the payment of contract based on specific bidding method. No transparency clauses are mentioned.</p>
7.	<p>PPL clearly defines the procedures for inspection and quality control procedures: – [1 point]</p> <p>Point Distribution</p> <p>a) Quality control (QC) procedures for goods, works and services are well defined in the draft contracts/documents or in the regulations. – [0.5]</p> <p>b) Independent engineering firms or qualified government supervisors and inspectors carry out inspection of civil works. – [0.5]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;">Source: OECD Methodology</p>	<p>Overall: 1</p> <p>Components:</p> <p>a) 0.5</p> <p>b) 0.5</p>	<p>Government Regulation number 60 of 2008 concerning the Government's Internal Control System</p> <p>This regulation defines the internal control system within the government. Article 13, regulates the risk assessment in government business cycle.</p> <p>Article 16, stipulates the scope of internal control, including government spending, program, project and asset.</p> <p>Article 76 concerning the life-cycle of government project monitoring of Presidential Decree No 16 of 2018 concerning Public Procurement.</p>
8.	<p>PPL ensures electronic, machine-readable and free of charge access to any inspection and quality control reports, either the full text or key information contained in these documents. – [1 point]</p>	0	<p>NA</p>

	<p>Scoring Method</p> <ul style="list-style-type: none"> • Electronic, machine-readable, free of charge – [1] • Electronic, machine-readable, not free of charge – [0.75] • Electronic, non-machine-readable – [0.5] • Only on paper – [0.25] • None – [0] <p style="text-align: right;"><i>Transparency</i></p>		
9.	<p>Procedures for acceptance of final products and processing of final payments are clearly defined by the PPL or contract law and are incorporated as standard clauses in contracts. – [1 point]</p> <p style="text-align: right;"><i>Efficiency</i></p> <p style="text-align: right;">Source: OECD Methodology</p>	0	
10.	<p>PPL defines specific procedures for modifying contracts. – [1 point]</p> <p style="text-align: right;"><i>Uniformity of the Legislative Framework</i></p>	1	<p>Article 54 of Presidential Regulation No. 16 of 2018 concerning Public Procurement</p> <p>Article 54 (1) [...] Provider, together with the procuring entity may make changes to the contract, which includes:</p> <p>a. increase or decrease the volume of works stated in the Contract; b. add and / or reduce the type of activity foreseen by the contract; c. change technical specifications according to field conditions; and / or d. change the implementation schedule.</p> <p>(2) In the event that the contract change as referred to in paragraph (1) results in the addition of the contract value, the</p>

			contract may be changed provided that the addition of the final contract value does not exceed 10% (ten percent) of the price stated in the initial Contract.
11.	<p>PPL stipulates that procurement contract must include dispute resolution procedures. – [1 point]</p> <p><i>Uniformity of the Legislative Framework</i></p>	1	<p>Article 85 of Presidential Regulation No. 16 of 2018 concerning Public Procurement</p> <p>Article 85 (1) Settlement of contract disputes between the procuring entity and Providers in the implementation of Contracts can be carried out through contract dispute resolution, arbitration, or settlement services through a court.</p> <p>(2) NPPA organizes contract dispute resolution services as referred to in paragraph (1).</p>
12.	<p>PPL stipulates that all procurement related documentation must be maintained: – [1 point]</p> <p>Scoring Method</p> <ul style="list-style-type: none"> • In electronic form for a period of at least 10 years. – [1] • In paper form for a period of at least 3 years. – [0.5] <p><i>Transparency</i></p>	0	NA
13.	<p>PPL stipulates that public procurement operations must be subject to internal and external audit conducted by qualified specialists. – [1 point]</p> <p>Point Distribution</p> <p>a) PPL stipulates that public procurement operations must be subject to internal audit conducted by qualified specialists. – [</p>	<p>Overall: 0</p> <p>Components:</p> <p>a) 0</p> <p>b) 0</p>	It does not stipulate in PPL, but in different regulations, such as State Finance Law, State Audit Board Law

	<p>0.5] b) PPL stipulates that public procurement operations must be subject to external audit conducted by qualified specialists. – [0.5]</p> <p><i>Accountability and Integrity</i></p>		
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