

Translating resource revenues into effective services & infrastructure

Midterm evaluation of
the Open Contracting
Partnership's work funded
by the BHP Foundation

Summary report

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**OPEN
CONTRACTING
PARTNERSHIP**



OXFORD INSIGHTS

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Executive summary

INTRODUCTION

In March 2020, Oxford Insights was contracted to conduct a midterm evaluation of the Open Contracting Partnership (OCP)'s work under the *Translating Resource Revenues Into Effective Services & Infrastructure* project.¹ This is a project funded by the BHP Foundation (BHPF), running from the end of 2017 until 2022. It supports OCP's work in an initial fifteen countries, with three more later added to the project.² It is intended to: *“transform public contracting in resource rich countries through ‘open contracting’ to promote:*

- i) *accessible, user-friendly open data along the entire ‘deal flow’ of public contracts; and*
- ii) *better business and civic engagement to put that data to work across government.”*³

At the midpoint of the project, OCP's **progress towards these goals has been considerable.**

Firstly, OCP has **noted impact in two areas** that clearly demonstrate how open contracting data can be put “to work across government” to design more effective approaches to procurement.

Moreover, we have traced a range of **very strong intermediate outcomes** that show civil society organizations (CSOs), journalists, businesses and government officials engaging intensively with public contracting issues, in many cases by using the open contracting data being disclosed. There is a tangible commitment to further and deeper reforms.

By **building on the recommendations** in this report, we expect that OCP will successfully be able to achieve its planned-for further impacts in the remaining years of the *Translating Resource Revenues Into Effective Services & Infrastructure* project.

This evaluation considers OCP's work in:

- Chile;
- Colombia (national government);
- Argentina (federal government);
- the City of Buenos Aires;
- the UK (central government);
- Afghanistan;
- Nigeria (federal government);
- Australia;
- Honduras;
- Mexico (federal government), and,
- Mexico City.

We would like to acknowledge the BHP Foundation for being a funder of this project.

¹ *BHP Foundation*. Project summary: Translating Resource Revenues into Effective Services & Infrastructure. https://www.bhp.com/-/media/documents/community/bhpfoundation/190507_bhpfoundation_translatingresource-revenues-into-effective-services-infrastructure.pdf?la=en

² The initial grant document lists fifteen countries: Argentina, Canada, Chile, Colombia, Honduras, Mexico, the USA, Ghana, Kenya, Nigeria, Sierra Leone, Tunisia, Afghanistan, Australia and the United Kingdom. Ecuador, Ethiopia, and Malaysia were added to the project at a later date; see *Open Contracting Partnership* (2017). Full proposal for the BHP Billiton Foundation. <https://drive.google.com/file/d/1UoMlnK8jdcINoJMyIaaM8jkCYct3yLGx/view>

³ *Open Contracting Partnership* (2017). Full proposal for the BHP Billiton Foundation. <https://drive.google.com/file/d/1UoMlnK8jdcINoJMyIaaM8jkCYct3yLGx/view>, p.4.

PROJECT FINDINGS

IMPACTS

OCP has seen **impact in two areas** during the BHP Foundation project, both in **Colombia**:

- **Firstly**, using open contracting data to re-design the procurement of school meals in Bogotá has seen the number of suppliers of school meals rise from 12 to 55, and resulted in savings of 10-15%.⁴
- **Secondly**, among entities using Colombia's transactional and transparency-focused e-procurement system, SECOP II, competition increased between 2018 and 2019. The average number of bidders for individual tenders rose by 21% over this time. Meanwhile, more potential suppliers tried to offer business to the government, with the number of tenderers rising from 6571 to 7443.⁵ The procurement agency Colombia Compra Eficiente (CCE) used contracting data to carefully track competition levels, while also setting out guidance on increasing competition to government agencies.

We believe that **future impacts**, meanwhile, are most likely to emerge in the areas of:

- **Healthcare** and **infrastructure and construction** (that is, capital projects, where the physical results are visible to the public), most consistently identified by interviewees as promising use cases for additional attention, and;
- **Open Contracting Lift** projects,⁶ where focused theories of change contain clearly-defined metrics through which OCP expects to show impact, as a result of sustained action by government and CSO partners.

INTERMEDIATE OUTCOMES

Beyond these actual and possible areas of impact, we noted multiple **areas of progress** made against OCP's aims to open more data and "put it to work." Across the project,⁷ these can be summarised thus:

- 1 OCP has contributed to 16 publishers from BHP Foundation project countries opening up contracting data in a format that meets the Open Contracting Data Standard (OCDS), important steps towards encouraging data use;
- 2 OCP has fostered a clear awareness of the value of open contracting data within civil society, journalism, government, and beyond, meaning that there are,

⁴ Open Contracting Partnership (2018). The deals behind the meals. <https://medium.com/open-contracting-stories/the-deals-behind-the-meals-c4592e9466a2>

⁵ Open Contracting Partnership (2020). Open for business: Colombia's data-driven procurement reforms increase competition. <https://www.open-contracting.org/2020/07/16/open-for-business-colombias-data-driven-procurement-reforms-increase-competition/>.

⁶ See <https://lift.open-contracting.org/>.

⁷ This list does not exhaust every outcome we tracked in all locations: we identified many more that were not as common across the project. For example, in Nigeria, there is evidence of stronger collaborative relationships between CSOs working on open contracting, and between CSOs and government. There is also growing trust between CSOs and government in Afghanistan.

to some extent, stronger systems of accountability within countries;

- 3** Investigations based on contracting data that have been supported, funded, or influenced by OCP have resulted in distinct changes in government policy or personnel;
- 4** Partly as a result of OCP advocating for open contracting data, providing technical support for its disclosure, and persuading officials of its benefits, new cultures of transparency are potentially growing within certain governments;
- 5** OCP country managers have built strong interpersonal relationships with their partners, making them trusted and responsive advisors; and,
- 6** During the coronavirus pandemic, CSOs and journalists have paid intensive attention to emergency procurement, in some cases using newly-released data to conduct investigations.

OBSTACLES TO FUTURE PROGRESS

Despite these successes, a number of obstacles remain. The most problematic are that:

- 1** OCDS is often regarded as difficult to implement and too complex for regular use, and partners are not always persuaded of its value;
- 2** In some cases, there are problems with how government entities input data into procurement reporting systems and procurement management information systems, meaning that the data ultimately published is low quality or incomplete;
- 3** It is not always clear what useful “corrective action” looks like, especially in terms of using data as the basis for pursuing savings or managing contracts more effectively; and,
- 4** Political changes threaten the development of open contracting reforms.

OUR RECOMMENDATIONS TO OCP

In relation to its general work in BHPF countries, we **recommend** that OCP should:

- 1 Clarify the most promising *specific* and *local* uses for open contracting data in each country, and promote them as priorities for future impact with local partners.**
- 2 Collaborate with in-country partners to write local theories of change, focusing on specific impact areas and identifying the data that will show progress and impact (that is, set out local key performance indicators, or KPIs).**
- 3 Focus on making clearer arguments for introducing the Open Contracting Data Standard (OCDS), as people sometimes doubt its value.**
- 4 Prioritize funding and supporting new tools and platforms through which open contracting data can be accessed by people without expertise in data analysis, so that there are more “data intermediaries” in focus countries.**
- 5 Introduce more sector-specific and procurement-specific expertise to support data use within government, so that government officials directly see the value of open contracting data.**
- 6 Invite partners to document and then submit individual cases of governments taking specific decisions (“corrective actions”) because of people using open contracting data, allowing OCP to publicize these as appropriate. Examples might include governments resolving problems on infrastructure projects or canceling tenders, as a result of internal data use or civil society pressure.**
- 7 Prepare specific strategies for dealing with political disruptions and changes of administration, so that reforms are not reversed.**
- 8 Conduct research into “cultural change” within government, whereby officials become significantly more understanding of the value of transparency, with data publication becoming habitual and normalized.**

CONCLUSION

None of the obstacles we identified during our evaluation are insurmountable. In most cases, OCP is already taking strong action. The team is widening their focus and investments to ensure that their partners have access to high-quality data - and crucially, *information* - and have the tools they need to tell compelling stories about government contracting. And the coronavirus pandemic has revealed a strong global audience for procurement issues, with many more actors conducting investigations into contracting issues than we would have been able to interview in this evaluation.

Despite these varied successes, there is still a risk that government leaders primarily see open contracting as a means by which citizens can hold them to account, and therefore as a threat to them. Open contracting will become truly sustainable when governments and

CSOs consistently collaborate to improve data quality and to identify problems, and when government officials habitually use open contracting data as an invaluable part of their own decision-making.

There is progress here. Governments are indeed introducing new, data-based systems within their procurement processes. But supporting different use cases inside and outside of government is a delicate balancing act. Every data point that a procurement officer willingly discloses becomes, in theory, raw material for a scandal uncovered by an investigative journalist. How OCP manages this tension across its various engagements will be crucial to achieving impact in the remaining years of *Translating Resource Revenues Into Effective Services & Infrastructure*.

Introduction

have conducted a midterm evaluation of the Open Contracting Partnership (OCP)'s project funded by the BHP Foundation (BHPF) under the *Translating Resource Revenues Into Effective Services & Infrastructure* project.⁸ The project runs from the end of 2017 until 2022, supporting OCP's work in eighteen countries.⁹ It is intended to “transform public contracting in resource rich countries through ‘open contracting’ to promote:

- i) *accessible, user-friendly open data along the entire ‘deal flow’ of public contracts; and*
- ii) *better business and civic engagement to put that data to work across government.”*¹⁰

Over the five years of the BHP Foundation project, OCP expects that, when open contracting data is used by businesses, governments and citizens, this will result in:

- improved service delivery;
- better value for money;

- improved public integrity; and/or,
- increased business competition.

Crucially, OCP aims to demonstrate “documented impact” in these areas when the program is complete. OCP defines impact precisely: it requires “quantitative results through rigorous evaluative measurement such as hard data analysis.”¹¹

As the BHPF project is at its midpoint, OCP does not expect to see the full range of impacts that are projected to result from its interventions. OCP's grant agreement sets out an expectation of one instance of impact in year two of its BHP project - that is, before this evaluation - with one instance of further impact appearing in years three and four each, and two in year five. OCP demonstrated impact in Colombia in year one of the BHP project, with new and open procurement processes leading to an increase in the number of suppliers of school meals to the Bogotá Education Secretariat.¹² No new impact emerged in year two. During this evaluation, in year three of the BHP project, OCP identified impact in a second

⁸ BHP Foundation. Project summary: Translating Resource Revenues into Effective Services & Infrastructure. https://www.bhp.com/-/media/documents/community/bhpfoundation/190507_bhpfoundation_translatingresourcerevenuesintoeffectiveservicesinfrastructure.pdf?la=en.

⁹ The initial grant document lists fifteen countries: Argentina, Canada, Chile, Colombia, Honduras, Mexico, the USA, Ghana, Kenya, Nigeria, Sierra Leone, Tunisia, Afghanistan, Australia and the United Kingdom, with Ecuador, Ethiopia, and Malaysia added to the programme at a later date; see *Open Contracting Partnership* (2017). Full proposal for the BHP Billiton Foundation. <https://drive.google.com/file/d/1UoMlnK8jdcIkJMyLaaM8jkCYct3yLGx/view>.

¹⁰ *Open Contracting Partnership* (2017). Full proposal for the BHP Billiton Foundation. <https://drive.google.com/file/d/1UoMlnK8jdcIkJMyLaaM8jkCYct3yLGx/view>, p.4.

¹¹ *Open Contracting Partnership* (2019). 2019-2023 Strategy. <https://www.open-contracting.org/wp-content/uploads/2019/05/OCP-strategy-19digital.pdf>, p.28.

¹² *Open Contracting Partnership* (2018). The deals behind the meals. <https://medium.com/open-contracting-stories/the-deals-behind-the-meals-c4592e9466a2>.

case in Colombia, seeing an increase in competition among suppliers using the SECOP II procurement system.¹³

Beyond these impacts, this evaluation examines what short-term *outcomes* have resulted from OCP's activities. It also asks a) whether there is qualitative or anecdotal evidence of additional impacts that are already emerging and b) what areas OCP should focus on in the future to foster and trace impact.

In this public report, we summarise our findings and recommendations across all the locations we evaluated. We have also submitted detailed country-focused reports to OCP to help guide their decisions in upcoming years.

13 *Open Contracting Partnership* (2020). Open for business: Colombia's data-driven procurement reforms increase competition. <https://www.open-contracting.org/2020/07/16/open-for-business-colombias-data-driven-procurement-reforms-increase-competition/>.

METHODOLOGICAL NOTE

We began our evaluation in March 2020, delivering the final report on 31 August 2020. As far as possible, we captured outcomes and events as they continued to emerge during the course of the review. The main reason for this was to include developments in open contracting resulting from the 2020 coronavirus pandemic. While the interviews for our main evaluation largely concluded at the beginning of June 2020, some of our findings relate to investigations ongoing during August 2020. We therefore evaluated OCP's work during the period between 27 November 2017 (when the BHP grant agreement was signed) and 24 August 2020 (the start of the week of our final review of the report).

At the start of the project, we worked with OCP to narrow down a list of focus countries from among the fifteen original project countries, to allow in-depth analysis in the time available for our evaluation. This evaluation is therefore based on research relating to:

- Chile;
- Colombia (national government);
- Argentina (federal government);
- the City of Buenos Aires;
- the UK (central government);
- Afghanistan;
- Nigeria (federal government);
- Australia;
- Honduras;
- Mexico (federal), and,
- Mexico City.

Our main research was qualitative: we conducted desk research and over 50 semi-structured interviews between March and August 2020. At the start of the project, we considered the viability of quantitative research (that is, analyzing numerical procurement outcomes across locations, seeking to identify areas of impact), but agreed that this would likely duplicate much of the ongoing work conducted by OCP's own data analysts.

Due to the ongoing 2020 coronavirus pandemic, we held interviews remotely, having initially planned to travel to selected countries. We sought interviewees from across sectors and organizations, including OCP country managers, OCP's civil society partners, journalists and civil servants. At the very least, we wanted to ensure a good balance of government and civil society interviewees. A limitation of our evaluation is the very small number of private sector interviewees that we reached.

Finally, once we had drafted our reports, we shared summary versions with our interviewees, inviting them to add comments, point out errors, and suggest new directions for OCP, before incorporating these into our final reports.

Progress since 2017

IMPACT AREAS

OCP defines “impact” carefully, as measurable quantitative change in:

*“indicators tracked to measure improved service delivery, better value for money, improved public integrity, or increased business competition from public spending because of open contracting”.*¹⁴

They have identified **two** impacts in the BHPF project, both in Colombia.

1 Using open contracting data to re-design the procurement of school meals in Bogotá has seen the number of suppliers of school meals rise from 12 to 55, and resulted in savings of 10-15%.

As reported in April 2018, the Colombian procurement agency Colombia Compra Eficiente (CCE) and Bogotá’s education secretariat established two framework agreements: one for foodstuffs and one to assemble and distribute the meals. Using contract data captured in Colombia’s SECOP II procurement system, CCE and the education secretariat were able to understand what minimum and maximum prices should be. They also gathered information on the

nature and variety of suppliers. With the new framework agreements in place, and information regarding the new contracts made transparently available via the SECOP II platform, Bogotá saw a fourfold increase in the number of direct suppliers of school meals, and savings at around 10-15%.¹⁵

OCP was not directly involved in this reform: it was solely due to CCE and Bogotá’s education secretariat, we heard. Nevertheless, this was a crucial early demonstration of open contracting’s possibilities.

2 Among entities using Colombia’s transactional e-procurement system, SECOP II, competition increased between 2018 and 2019.

By analyzing data from SECOP II released according to the Open Contracting Data Standard (OCDS), OCP determined that between 2018 and 2019:

- the average number of bidders for open tenders rose by 21%;
- more potential suppliers tried to offer business to the government, with the number of tenderers rising from 6571 to 7443; and,
- direct awards fell from 77% of all awards to 71%.¹⁶

¹⁴ Open Contracting Partnership (2017). Full proposal for the BHP Billiton Foundation. <https://drive.google.com/file/d/1UoMlnK8jdcIkJMyLaaM8jkCYct3yLGx/view>, p.41.

¹⁵ Open Contracting Partnership (2018). The deals behind the meals. <https://medium.com/open-contracting-stories/the-deals-behind-the-meals-c4592e9466a2>.

¹⁶ Open Contracting Partnership (2020). Open for business: Colombia’s data-driven procurement reforms increase

During this time, CCE used its contracting data to track progress against its targets, while also offering guidance to government agencies on increasing competition, and providing advice to suppliers on how to submit strong tenders. They published monthly public reports on their progress.¹⁷

There are some caveats here: only around 10% of national and subnational public procurement runs through SECOP II. The changes only appear between two years; there is insufficient data on previous years. Moreover, emergency procurement during 2020 because of the coronavirus pandemic will presumably push the proportion of direct awards upwards again. OCP will need to distinguish emergency and non-emergency procurement in 2020 to continue to measure further changes in competition. Nevertheless, it has worked closely with CCE over the years of the BHPF project, providing support on technical elements of data disclosure and offering examples of best international practice, for example. OCP can therefore fairly claim to have contributed to this impact.

3 We identified further areas with strong potential for future impact in upcoming years.

- Sector-specific impact is a strong possibility. Across all our interviews, interviewees most commonly identified **healthcare** and **infrastructure and construction** (that is, capital expenditure, including large public

works projects as well as building schools, for example) as especially promising areas.

- Work in **Chile** to identify irregularities in healthcare procurement has already contributed to a change in leadership in the healthcare buying agency CENABAST, and ongoing monitoring of coronavirus procurement has drawn the attention of the National Economic Prosecutor's office.¹⁸ It will be fascinating to know whether measurable systematic changes follow in the next two years.
- In **Nigeria, Afghanistan** and **Honduras** there are strong cultures of citizens monitoring infrastructure and construction projects. Using OCDS or the Open Contracting for Infrastructure Data Standard (OC4IDS) to support grassroots accountability initiatives is an opportunity to focus on the effects of widespread data use.
- **Open Contracting Lift projects** have clearly-defined metrics through which OCP expects to show impact.¹⁹ An interviewee in **Buenos Aires**, where increased SME participation in government contracts is the goal, said that they believed that this trend was indeed underway.

competition. <https://www.open-contracting.org/2020/07/16/open-for-business-colombias-data-driven-procurement-reforms-increase-competition/>.

¹⁷ *Ibid.*

¹⁸ Albert, C. and Jara, M. (2020). Los datos que analiza la FNE por posible colusión: sector público paga \$500 por mascarillas que antes costaban \$13. *CIPER*. <https://ciperchile.cl/2020/06/18/los-datos-que-analiza-la-fne-por-posible-colusion-sector-publico-paga-500-por-mascarillas-que-antes-costaban-13/>.

¹⁹ See <https://lift.open-contracting.org/>.

OUTCOMES IDENTIFIED

1 OCP has contributed to 16 publishers from BHP Foundation project countries opening up contracting data in a format that meets the Open Contracting Data Standard (OCDS), important steps towards encouraging data use.

Over the years of the BHP Foundation grant, OCP has contributed to multiple countries opening data according to OCDS. We stress that this is a crucial outcome. The existence of extensive and high-quality open data remains an important condition for any progress on data use.²⁰

Interviewees told us that OCDS offered a discrete and tangible goal that governments could work towards, seeing a clear reward in the fact of having implemented it. OCP has advocated for its introduction in discussions with senior civil servants, shown its possible uses and impacts, and supported implementation by offering technical help (mostly through the OCDS Helpdesk) and advice on how to overcome political challenges. They have also provided support to CSOs and private sector actors successfully campaigning for governments to introduce OCDS.²¹

2 OCP has fostered a clear awareness of the value of open contracting data within civil society, journalism, government, and beyond, meaning that there are, to some extent, stronger systems of accountability within countries.

A wide range of interviewees drawn from civil society, media organizations and civil services, emphasized how the Open Contracting Partnership has, through its in-country workshops, international learning events, articles and in-person advice, helped them understand the potential and affordances of open contracting, and what specific discoveries can be made by analyzing open contracting data.

Where journalists have shown interest in open contracting, OCP has funded collaborative events across countries; then, when ideas for specific investigations have emerged, OCP has offered feedback on their ideas (the Red PALTA journalist network, for example). In some governments and oversight or audit bodies, advice from OCP is supporting decisions on what metrics to track to understand irregularities in procurement (**Chile** and **Colombia**, for example).

Some interviewees even went on to say that “journalists and citizens are demanding more openness” (the **City of Buenos Aires**): or that, before open contracting, “there was a sense of subservience” among the public, but that they are now more expectant of good government (**Nigeria**). It is not yet clear how widespread this effect is, however.

Accountability, in this context, refers to:

- more press coverage of contracting issues;

²⁰ ‘Extensive and high-quality’ can broadly be taken as meaning: a large proportion of procurements disclosed in OCDS, including a large proportion of buying entities; data covering multiple years; data on all five procurement stages included; few missing data fields; and, few errors in data inputs.

²¹ The 16 publishers currently listed by OCP are: Afghanistan: National Procurement Authority; Argentina: Gobierno de la Ciudad de Buenos Aires; Argentina: Dirección Nacional de Vialidad; Australia: Department of Finance; Australia: New South Wales; Canada: Montreal; Chile: ChileCompra; Colombia: Colombia Compra Eficiente; Honduras: Comisión para la Formación de la Alianza Público-Privada; Honduras: Oficina Normativa de Contratación y Adquisiciones del Estado; Kenya: Makueni County; Mexico: Jalisco - Secretary of Planning, Administration, and Finance; Mexico: Nuevo León (OCDS & OC4IDS); Mexico: QuienEsQuien.wiki; United Kingdom: Crown Commercial Services; United Kingdom: Scotland - Scottish Procurement and Commercial Directorate.

- civil society organizations undertaking more targeted and informed investigations of government contracting;
- government officials understanding that open contracting data can be used to correct problems in procurement (“internal” accountability).

The next step is ensuring that this data use systematically leads to governments and oversight or audit bodies taking corrective actions to improve procurement systems: that is, that the feedback loops are completed. There are some very good instances of governments responding to specific issues identified by journalists or officials, but this is, broadly, not yet routine or formalized.

3 Investigations based on contracting data that have been supported, funded or influenced by OCP have resulted in distinct changes in government policy or personnel.

CSOs, journalists and the private sector have identified clear irregularities in procurement by using open contracting data. These cases amount to an impressive set of examples. They clearly show how contracting data is being used by a range of stakeholders to hold governments and officials to account, with governments then resolving inefficiencies and instances of corruption. In some cases, these investigations were directly inspired and supported by OCP; in others, they emerged independently of OCP but clearly demonstrated what can be done with contracting data.

In **Chile**, for example, following a project funded by OCP to investigate competition in procurement, Observatorio Fiscal looked deeper into health procurement. They noticed multiple purchases being directed towards GlaxoSmithKline, the former employer of the director of the health procurement agency, CENABAST. He was asked to resign after the story became public.²²

In the **United Kingdom**, Tussell, a private company that tracks the UK’s OCDS data and the EU’s Tenders Electronic Daily data, noticed that a contract for marine freight shipping had been awarded to a company with no ships. The contract was canceled after sustained public attention. OCP published a use story soon after the event, demonstrating a strong response to this kind of case.²³

4 Partly as a result of OCP advocating for open contracting data, providing technical support for its disclosure, and persuading officials of its benefits, new cultures of transparency are potentially growing within certain governments.

Some interviewees (in **Afghanistan, Buenos Aires, Colombia, Honduras, and Nigeria**, for example) commented that a focus on open contracting has normalized the concept of transparency, or created a “shift in culture” in government.

In Afghanistan, various people said that the concept of releasing data is no longer controversial in certain agencies or within the “political elite”; a remarkable shift within a historically opaque bureaucracy.

²² Elgueta, E. (2019). Irregularidades en Cenabast finalmente hacen caer a Juan Carlos Corbeaux. *El Mostrador*. <https://www.elmostrador.cl/mercados/2019/06/14/el-primer-cortado-de-la-nueva-era-manalich-en-el-minsal-ministro-saca-a-juan-carlos-corbeaux-de-la-cenabast/>.

²³ Evans, M. (2019). How we uncovered a controversial Brexit contract using open contracting data. *Open Contracting Partnership*. <https://www.open-contracting.org/2019/02/25/how-we-uncovered-a-controversial-brexit-contract/>.

This change began before OCP's work in the country, but recent focus on open contracting has possibly intensified it. One person argued that open contracting has the potential to transform the nature of governance in Afghanistan, bringing an emphasis on participatory policy-making by encouraging citizen oversight of government, and challenging officials' "topdown" assumptions. In Colombia, an interviewee said that introducing OCDS had embedded the principle of transparency in government; in Buenos Aires, the understanding of the importance of open contracting has strongly increased across agencies.

The depth and precise nature of this change is worthy of further research, as it is potentially a significant outcome of OCP's and its partners' work.

5 OCP country managers have built strong interpersonal relationships with their partners, making them trusted and responsive advisors.

This was a common theme, and should not be underestimated. Multiple interviewees across various countries (including **Chile**, **Nigeria**, and the **United Kingdom**) emphasized the ease of communicating with OCP country managers, making OCP a regular reference-point for problem-solving and advice on specific issues. This implies that much of OCP's broad success is due to individuals' credibility in informal settings. For

future engagements - and future OCP hires - recognizing and developing this element of success will be crucial.

However, this observation also reflects a potential vulnerability: if OCP is less accessible in certain countries due to capacity constraints, how can it ensure that its partners take on and develop this persuasive and advisory interpersonal role?²⁴ OCP should consider that its remit for training and documentation might include offering strategies for trust-building and interpersonal advocacy.

6 During the coronavirus pandemic, OCP partners in civil society and the media have paid intensive attention to emergency procurement, in some cases with direct OCP support, while some partner governments have also taken care to maintain transparency principles during the pandemic.

The coronavirus pandemic has demonstrated that there is a large and diverse set of users for contracting data, across OCP's BHPF focus countries. In some cases, procurement agencies have moved quickly to release coronavirus-specific contracting data through dedicated portals (**Colombia** Compra Eficiente²⁵, ONCAE in **Honduras**²⁶, and AGEOPS in **Afghanistan**, for example²⁷) and websites (**Nigeria's** Bureau of Public Procurement²⁸). Other publishers have been less proactive, notably in the **UK**,

²⁴ Of course, in many cases OCP partners *will* be taking on this role, but it will be fruitful for OCP to carefully focus on what this involves and how to support it further.

²⁵ *Colombia Compra Eficiente* (2020). Herramienta de Control Ciudadano COVID-19. <https://app.powerbi.com/view?r=eyJrIjoiMGQ5YTkwNzltZWVhMC00ZTgxLWJmYzgtODElNWE0ZGZmNDVkiiwidCI6IjdiMDkwNDkxNTI0NTET-NDIkc04Y2IxLTc5ZDVIM2Q4YzFiZSIsImMiOiR9>.

²⁶ ONCAE (2020). Observatorio de Precios para Insumos de la Emergencia. <http://oncae.gob.hn/observatorio>.

²⁷ NPA (2020). AGEOPS, COVID-19. https://ageops.net/en/procurement-procedure/contract/progress/search?tag_id=1&page_size=10&page_index=2.

²⁸ BPP (2020). NOCOPO/COVID-19 EMERGENCY PROCUREMENT. <https://nocopo.bpp.gov.ng/ContractReportCovid19.aspx>.

where ministries have been criticized for not following requirements that contract notices for direct awards be published 30 days after the award.²⁹

OCP has arguably contributed to procurement agencies' steadfastness on transparency principles during the crisis. For example, Colombia Compra Eficiente's guidance to procuring entities directly refers to OCP advice on the importance of transparency during emergency procurement.³⁰ In other cases, OCP has, over years, consistently encouraged procurement agencies to disclose data. Coronavirus contracting transparency can be understood as a spillover effect of this advocacy.

The coronavirus-specific data released has not always been directly useful for data users, however. In **Colombia**, we heard from one investigative journalist that it was easiest to build their own contracts database by manually inputting information from PDFs of contracts. While CCE's coronavirus transparency portal *did* help them identify what contracts they wanted to examine, they could not download data from it directly. Moreover, there were too many errors in the data downloaded from the SECOP I

and II procurement systems for it to be usable. In **Nigeria**, though, the Bureau of Public Procurement (BPP)'s simple list of coronavirus-related contracts has been used by investigative journalists from Dataphyte and the International Center for Investigative Reporting to identify unregistered companies receiving government contracts.³¹

Investigations into coronavirus-related contracting have prompted governments and oversight agencies to take action on irregularities. In **Argentina**, *La Nación Data* reported on suspiciously high prices being paid for foodstuffs during the pandemic,³² leading to 15 officials' being dismissed from the Ministry of Social Development.³³ In **Chile**, the Investigative Journalism Center (CIPER) documented the government paying CLP\$500 per unit for masks that used to cost \$12.80 per unit. The National Economic Prosecutor's office is opening a preliminary investigation.³⁴

These cases show how, during the pandemic, the feedback loops between data disclosure, data use and authorities' reactions have accelerated. It is possible that coronavirus has strengthened these feedback loops, and deepened the global market for contracting data use.

29 Kinder, T. and Plimmer, G. (2020). UK government paid £1.7bn to private groups for coronavirus contracts. *Financial Times*. <https://www.ft.com/content/7fe7c2d5-24df-431b-9149-50417fa0236a>.

30 Colombia Compra Eficiente (2020). Guía de Transparencia en la Contratación Estatal Durante la Pandemia del Covid-19. https://www.colombiacompra.gov.co/sites/cce_public/files/cce_documentos/v5_guia_de_transparencia_en_la_contratacion_en_la_pandemia_covid-19.pdf, pp.3-5

31 ICIR. (2020). INVESTIGATION: COVID-19 response projects worth N534.98 million awarded to unverified contractors. <https://www.icirnigeria.org/investigation-covid-19-response-projects-worth-n534-98-million-awarded-to-unverified-contractors>.

32 Cabot, D. (2020). Total, paga el Estado. La ineficiencia en las compras que genera sobrepagos y corrupción. *La Nación Data*. <https://www.lanacion.com.ar/economia/total-paga-estado-la-ineficiencia-compras-genera-nid2353052>.

33 Pallaro, B. (2020). Compras del Estado. Entre la falta de transparencia y la ausencia de controles en tiempo real. *La Nación Data*. <https://www.lanacion.com.ar/politica/compras-coronavirus-un-sistema-peligroso-deficiente-nid2360123>.

34 Albert, C. and Jara, M. (2020). Los datos que analiza la FNE por posible colusión: sector público paga \$500 por mascarillas que antes costaban \$13. *CIPER*. <https://ciperchile.cl/2020/06/18/los-datos-que-analiza-la-fne-por-posible-colusion-sector-publico-paga-500-por-mascarillas-que-antes-costaban-13/>.

Barriers to progress since 2017

1 OCDS is often regarded as difficult to implement and too complex for regular use, and partners are not always persuaded of its value.

This was a common refrain during our interviews. Many people said that the nested JSON format was off-puttingly complex for many potential users in civil society and government, and stressed the need for simpler and quicker ways to analyze the large-scale data available through OCDS. One interviewee captured the point neatly: the analyst “who only knows about Excel” is excluded from using much OCDS data. The problem is exacerbated in places with relatively low data literacy, such as **Afghanistan, Colombia, Honduras**, and in some agencies in the **UK**. While OCP does advocate for data to be disclosed in CSV format, these releases are often not in simple tabular structures and remain challenging for many users.

During interviews, the OCDS Helpdesk emphasized that the purpose of OCDS, and the JSON structure in particular, is not to be accessible to all users; rather, it is to act as a basis for the creation of intermediary analytical tools. There is a risk that this message is being lost. Before and during OCDS implementation projects, OCP may need to be more careful about sustaining a clear narrative about what the standard should be used for. Outlining clear use cases, specific to OCDS, will help overcome this, as we recommend below.

This would help resolve a further issue, wherein OCDS is introduced into environments where data is already relatively open. In **Chile** and **Colombia**, the additional added value of an OCDS API over the data that is available through the Chilean government’s Data Warehouse (to which CSOs have access if they sign a license) or the SECOP II platform in Colombia is often unclear. In these places, open contracting investigations tend not to use OCDS data. More broadly, for government officials across countries, OCDS implementation can be seen as an expensive and difficult project, where the benefits are not clear compared to the costs.

Finally, one interviewee questioned the purpose of the standard when the quality of data feeding into it is low in the first place (that is, through the whole procurement management information system). They referred to inconsistent units being used and misclassifications of goods making analysis very hard. This person - and other interviewees - worried that OCDS was being implemented so that senior civil servants and ministers could show that they had ticked a “checkbox” of transparency, but then ignore the serious question of how to ensure minimum data quality standards. To avoid this in the future, our interviewee strongly recommended that OCP design a more visible way of exerting pressure on governments over the issue of data quality. This is discussed further below.

2 In some cases, there are problems with government entities inputting data into procurement reporting systems and procurement management information systems, meaning that the data ultimately published is low quality or incomplete.

This has been an issue in **Nigeria**, **Afghanistan**, **Colombia**, and **Chile**, we heard. While there is an established process by which contracting authorities should be uploading data on contracts for it to be disclosed in a central location like AGEOPS in **Afghanistan** or NOCOPO in **Nigeria**, procurement officers often do not follow this properly. This means that the data disclosed is frequently incomplete or low quality. An interviewee in **Chile** stressed that data quality is the single largest restriction on their ability to analyze contracting data. For example, units of measurement and quantities are entered very inconsistently, meaning that it is very difficult to understand how much of a particular item is being purchased in aggregate.

Explanations for this have varied. “The incentives are very low” to enter high-quality and complete data into the system, we heard in **Chile**. In **Nigeria**, we heard that individual ministries claim that their internet connection isn’t good enough to upload data, or that they lack the training to do so. In both **Afghanistan** and **Nigeria**, interviewees reflected that procurement officers had been “afraid” of what disclosing data would reveal publicly. In **Afghanistan**, however, the situation has apparently improved as procurement officers have become more used to the idea of data transparency.

One person said that OCP should develop more visible ways to hold governments to account for data quality in general. They

suggested that OCP survey its partners asking them to name the five things they need for open contracting data to be usable, and build this into a “minimum quality standard” that should apply to any contracting data that the government releases. This should be understood as a quality mark rather than a data standard, designed to publicly hold governments to account on data quality. OCP publicizing governments’ performance against this could help prevent governments from implementing the structure of OCDS but ignoring data quality, this person emphasized.

Broadly, focused attention on this issue will benefit OCP; it will certainly arise in future engagements. At the least, it is worth considering a short project asking what kinds of sanctions and/or persuasive approaches have been most useful for compliance, in the experience of OCP’s partners.

3 It is not always clear what useful “corrective action” looks like, especially in terms of using data as the basis for pursuing savings or managing contracts more effectively.

What happens next when you have clear, data-based analysis in front of you? Suggesting sanctions or punitive action, or the reversal of the problem which has been identified, might often be the result. This was the case for CENABAST in **Chile**, following the dismissal of its director after Observatorio Fiscal’s investigation into low competition in health procurement. But open contracting data can be used more strategically by procurement agencies, and this is not always clear to them.

For example, understanding the relative size of suppliers is the first step towards understanding how a government might

exert commercial leverage over these suppliers in pursuit of savings. Equally, identifying that departments are disparately buying similar goods and services at a range of prices can justify a cross-governmental sector-specific strategy.

One person, reflecting on the priorities of new governments in **Latin America**, provocatively suggested that OCP should remove words like “transparency”, “accountability” and “openness” from their campaigning lexicon. The language of efficiency will appeal to contemporary decision-makers, they argued. Where they have huge debts and deficits following the coronavirus crisis, this will be yet more powerful. Another interviewee, in **Argentina**, also referred to the need to make the “storytelling” around OCDS stronger, with a focus on “saving money” and making “government smarter”, to win the political argument inside government. Of course, many such framings have potentially divisive political connotations and must be chosen carefully to have an appeal across party and ideological lines.

A similar reflection focuses on the examples OCP uses to make the case for open contracting. Interviewees in the **UK** and **Australia** - both countries that perceive themselves as having low levels of corruption - suggested that using examples of countries with higher corruption rates and recent institutional change could be counter-productive. In Whitehall and Canberra, government officials can point to their long institutional stability and apparently low corruption rates to suggest that the context is simply different.

4 Political changes threaten the development of open contracting reforms.

Elections and political turmoil have presented themselves as serious obstacles to data disclosure, and even moments for regression. For example, changes of government in **Mexico** and **Argentina**, and elections in **Afghanistan** and **Nigeria** have arguably distracted decision-makers from open data and procurement reform as priorities.

Where civil servants are political appointees, and therefore change along with governments, the rupture can be severe. This is the case in **Argentina**, for example; there are no official handovers between teams, and institutional memory can be very swiftly lost. The case is similar in **Mexico**. OCP does plan for governmental transitions, having contributed to a transition memo in Mexico, and also supported introducing legal mandates for open contracting so that requirements to publish data are consistent between administrations. Nevertheless, the vulnerability remains. OCP might consider whether it can go even further in identifying how to create consistency between regimes. For example, this could include establishing a common organizational strategy for handling political change or maintaining documentation that can be quickly disseminated with new officials.

OCP has been broadly successful at handling political difficulties in the **UK**, though in this case there is a permanent civil service. Here, the team has maintained relationships with people at a range of levels in the civil service, and thereby ensured a continued base of support within the government until procurement reform becomes a priority amongst the leadership. They have also maintained close attention to deepening capacity among civil society and journalists.

Recommendations

1 Clarify the most promising *specific* and *local* uses for open contracting data in each country, and promote them as priorities for future impact with local partners.

Broadly, we suggest that there is further work to be done to demonstrate the various purposes and affordances of open contracting data *use*, especially when it involves using OCDS data. This is often seen as complex and hard to use.

Telling stories about data use (likely based on the work of data intermediaries, as recommended below) will be more focused and tangible if centering on specific use cases. Interviewees in **Australia**, for example, powerfully made this point. The examples of Observatorio Fiscal on health procurement in **Chile**, on school meal provision in **Colombia**, and on infrastructure monitoring in **Honduras**, exemplify it well, as will the stories emerging from OCP's Lift projects.

However, some countries lack such specific “flagship” cases, and use remains relatively general. Across our interviews, healthcare, infrastructure and construction were regularly cited as sectors where open contracting could realize its potential. It might support a more commercially-minded approach to government buying, some people said. Of course, the pursuit of corruption was also a common theme. OCP's Latin American training on identifying red flags

in procurement was cited by interviewees as especially helpful. Other specific focus areas could include citizen monitoring, data publishing, SME inclusion, and empowering women-owned businesses, we heard.

2 Collaborate with in-country partners to write local theories of change, focusing on specific impact areas and identifying the data that will show progress and impact (that is, set out local key performance indicators, or KPIs).

With use cases and impact targets chosen, a shared understanding of these goals across civil society and government will provide a consistent focus for stakeholders' future activities. Co-creation and review from partners will ensure that the goals are realistic and appropriate, and will help determine the level of investment needed to achieve them.

This approach, involving more regular tracking of intermediate indicators at the country level, allows for more agility and flexibility as OCP moves towards impact: OCP will be able to adapt its approach according to a continual review of what is working and what is not. Building in scope to quickly identify unexpected changes, manifested by single “corrective action” cases, for example, can also allow for rapid changes of emphases and effort to capitalize on these.

We understand that OCP is moving more closely towards a more use-case-focused monitoring approach, especially in the project design for their Lift projects. This is the right direction to take, and also provides an opportunity to experiment with different methods in different countries. For example, OCP might consider the merits of the “most significant change” evaluation methodology. This is useful for monitoring people’s perceptions of change and reacting to unexpected outcomes in complex situations.³⁵

3 Focus on making clearer arguments for introducing the Open Contracting Data Standard (OCDS), as people sometimes doubt its value.

Our evaluation has suggested that the specific added value of introducing OCDS is not always clear to partners, especially when there are quicker and easier routes to analyzing contracting information. One interviewee said that the time taken to implement OCDS can be very unappealing to senior government officials.

Re-emphasizing the argument that it is a starting point for data intermediaries, who can go on to create new tools, products, and services, will be important. In some cases, this can involve local GovTech companies, from whom governments might purchase licenses to use OCDS-based management information systems; OCP might even offer investment capital. In **Latin America**, the many CivicTech CSOs may also be helpful.

In part, this is an issue of storytelling appropriate to the audience at hand: for

example, understanding exactly how investigations rely on OCDS data, how OCDS specifically has made these investigations more effective and/or easier, and which other audiences will find this narrative particularly appealing. It will also involve using the language of civil servants: creating business cases and showing the likely return on investment of OCDS, for example.

Finally, OCP should keep in mind the possibilities that OCDS introduction may ultimately not be the best way to disclose contracting data in certain cases. This will continually encourage a lively argument for its adoption, or ensure its judicious application. One person argued for the development of an “OCDS-lite”: in the format of a single table with just a few crucial fields, so that implementation would be quicker and use simpler.³⁶

4 OCP should prioritize funding and supporting new tools and platforms by which open contracting data can be accessed by people without expertise in data analysis, so that there are more “data intermediaries” in focus countries.

OCP should not assume that new OCDS use cases will emerge organically: they must be carefully supported. In **Chile**, Observatorio Fiscal’s Public Buying Observatory provides a very strong example of OCP’s ability to do this (though it was not based on OCDS data).

We suggest that there are three potential elements to such work. Firstly, converting data to (or releasing data in) simplified

³⁵ See <https://www.betterevaluation.org/en/node/5280> for theories of change and https://www.betterevaluation.org/en/plan/approach/most_significant_change for most significant change.

³⁶ OCP’s “Usability checklist” and tabular data collection spreadsheet are steps towards this. But our interviewee was considering an even simpler format: <https://docs.google.com/spreadsheets/d/1nG7e52E1CXOXoUjz6pimW4Z7er9u3D-1Ss98QKdJJioE/edit#gid=110864222> and <https://www.open-contracting.org/resources/data-collection-spreadsheet/>.

formats like CSV. Secondly, supporting intermediaries to create intermediary tools: this is often more time- and resource-intensive than expected, potentially requiring grant funding. Thirdly, and crucially, promoting the new tools' benefits and training end-users on their use. In our own experience, this whole process requires concerted effort over significant periods of time to work, with the final phase requiring a sustained focus on marketing intermediary platforms to the relevant user groups.

One successful example beyond this evaluation is OpenUp in South Africa: a civic tech organization that creates public tools based on open government data.³⁷ Beyond their development of intermediary tools, their success lies in the close relationships that they have established with a wide range of end-users. That is, they have forged links between citizens, civil society, government officials and journalists. This enables them to directly support the use of data in their campaigns and news stories, for example.

5 Introduce more sector-specific and procurement-specific expertise to support data use within government, so that government officials directly see the value of open contracting data.

A focus on specific sectors and use cases will also allow OCP to deepen its work, by bringing in category-specific expertise that can show the advantage open contracting can offer to government officials and ministers. If there are price variations in medicine costs, for example, can OCP offer its partners access to people with experience of planning and negotiating large-scale

medicine purchases? Could civic monitoring of infrastructure projects run alongside the reform of major project management within government? Open contracting data can be used as the basis for category strategies and significant savings, and government officials need to see this more clearly. This will also help OCP develop more context-specific examples of successful reforms, diversifying the perceived narrative focus away from corruption cases.

Targeting different user groups with different advice formats and use cases will also likely be fruitful here. For example, government officials may respond more strongly to private business cases, white papers, and even slide decks, rather than public blogs. Meanwhile, journalists will be more keen to access training on translating potentially complex technical issues into compelling public stories (OCP has been notably strong on this).

6 Invite partners to document and then submit individual cases of governments taking specific decisions because of people using open contracting data, allowing OCP to publicize these as appropriate. Examples might include governments resolving problems on infrastructure projects or canceling tenders, as a result of internal data use or civil society pressure.

There are multiple cases of journalists and civil society organizations investigating specific issues that they have discovered by assessing contracting data. It is also possible that these kinds of results are occurring without OCP knowing about them. While

³⁷ <https://openup.org.za/>; CODE in Nigeria provide another good example, at <https://www.connecteddevelopment.org>. See also Treisman, L. (2014). Access to information: bridging the digital divide in Africa. *The Guardian*. <https://www.theguardian.com/global-development-professionals-network/2014/jan/24/digital-divide-access-to-information-africa>.

OCP’s impact stories provide very strong examples of the mechanisms by which sustained attention to monitoring contracting data can contribute to long-term change, there is scope for tracking and publicizing short-term instances of corrective action. OCP should develop a system by which it collects these cases as a matter of course, allowing them to regularly demonstrate open contracting’s benefits and track emerging impacts across countries.

Having an internal bank of cases will allow OCP to track the effects of open contracting use, making it easier to identify likely impacts and widening the pool of possible progress stories. However, care is needed when it comes to publication. If too many “corrective action” stories are published that suggest that open contracting largely results in governments being punished, it risks disincentivizing future officials from pursuing transparency reforms. There is also the possibility that single fixes will be interpreted as having solved deep and systemic issues.

To mitigate this, “corrective action stories” that demonstrate how open contracting can help government officials in their everyday work, or how data use has supported more effective procurement, should be carefully balanced with those that show how CSOs and journalists have used data to hold governments to account.

7 (Continue to) prepare specific strategies for dealing with political disruptions and changes of administration, so that reforms are not reversed.

In some cases - especially infrastructure, where projects might take years to complete - impact will take longer to emerge than others. OCP cannot count on political or governmental stability over this time, making it a priority to develop strategies for adjusting to rapid institutional changes, and otherwise disincentivizing governments from reversing reforms. Interviewees told us that international agreements and international rankings can be powerful checks on unenthusiastic governments; OCP should try to expand the number of international organizations treating open contracting as a high priority.

The Open Government Partnership (OGP) also offers a strong lever, too. In **Nigeria**, an interviewee commented that the OGP process was crucial to future federal success, due to the range and power of actors on the local steering group. In **Argentina**, we heard that the country’s chairship of the Open Government Partnership’s Steering Committee offered hope for the new federal government’s implementation of OCDS.

In the meantime, maintaining documentation for incoming governmental teams, offering clear examples of how using open contracting data will benefit any new procurement official, and suggesting ways that interested civil servants or policy entrepreneurs can persuade their superiors, might all create more resilient reforms. Beyond government alone, OCP should take care to build capacity among CSOs, journalists and the private sector, identifying champions who can maintain support for open contracting during periods of disruption.

8 Conduct research into “cultural change” within government, whereby officials become significantly more understanding of the value of transparency, with data publication becoming habitual and normalized.

This is potentially a major outcome, as attitudinal changes would arguably provide the most sustainable basis for embedding open contracting in governments’ procurement systems in the long term. Interviewees across various countries said that government officials were becoming broadly more accepting of the idea of transparency in procurement and more responsive and positive about requests for specific pieces of data, especially in Afghanistan.

These apparent attitudinal changes are arguably more difficult to measure than other outcomes (or impacts); while quantifiably

higher data publication rates could genuinely reflect a more positive attitude towards openness, they could also result from the introduction of strong sanctions or process re-engineering.

Nevertheless, individuals’ perceptions may corroborate each other, and OCP should consider pursuing research that specifically examines this apparent shift.

A possible starting-point for following up on this would be a focused qualitative study of Afghanistan. This would require interviews with multiple government officials and people with close experience of government procurement, especially those who have been in post since before OCP’s activities in the country. The results could help OCP design a recommended approach to change management in procurement teams across its focus countries: this is very likely the biggest obstacle to reform in all governments.

Conclusion

OCP has made **significant progress** against its aims in the first half of *Translating Resource Revenues Into Effective Services & Infrastructure*. In the first three years of the project, OCP has noted **two impact stories**, while we have been able to identify a **very strong range of intermediate outcomes**. People across civil society, journalism and government are more aware of why open contracting data is important, and are committed to its implementation and use. Specific investigations using contracting data, though not necessarily OCDS data, have led to changes in government policy and personnel. There are strong indications that in some countries, OCP is contributing to growing cultures of transparency. In support of all this, 16 publishers in BHPF countries are currently disclosing data against OCDS.

Despite these successes, **obstacles to further progress remain**. Notably, OCDS data releases are seen as hard to use, and are even neglected in favor of data accessed through other procurement transparency systems in some countries. OCP's justifications for open contracting are perhaps too heavily reliant on anti-corruption, neglecting commercial and practical arguments. The ebb and flow of high-level political commitment to open contracting will continue.

None of these issues are insurmountable, and in most cases, **OCP is already taking strong action**. The team is widening their focus and investments to ensure that their partners have access to high-quality data

- and crucially, *information* - and have the tools they need to tell compelling stories about government contracting. And the coronavirus pandemic has revealed a strong global audience for procurement issues, with many more actors conducting investigations into contracting issues than we would have been able to interview under the scope of this evaluation.

Despite these varied successes, there is still a risk that government leaders primarily see open contracting as a means by which citizens can hold them to account, and therefore as a threat to them. Open contracting will become truly sustainable when governments and CSOs consistently collaborate to improve data quality and to identify problems, and when government officials habitually use open contracting data as an invaluable part of their own decision-making.

There is progress here. Governments are indeed introducing new, data-based systems within their procurement processes. But supporting the use cases that are both external and internal to government is a **delicate balancing act**, as every data point a procurement officer willingly discloses becomes, in theory, raw material for a scandal uncovered by an investigative journalist. **How OCP manages this tension across its various engagements will be crucial to achieving impact in the remaining years of *Translating Resource Revenues Into Effective Services & Infrastructure*.**

About

This midterm evaluation was conducted by Oxford Insights for the Open Contracting Partnership between March and September 2020.

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Annex 1: the development of the BHP Foundation project

Here, we offer a broad narrative overview of how OCP and its partners' actions intertwined with external events over the nearly three years of the BHPF grant. As it shows, advocacy work across multiple countries is characterized by political instability, including changes in governments and the effects of unforeseen global events. This sometimes offered unexpected opportunities to deepen reforms, but has often resulted in reversals.

2017

The BHP Foundation grant was signed at the end of **November**. The same month, **Mexico** had started publishing OCDS data,³⁸ and **Argentina** joined the Contracting 5, a group of governments that had agreed to “foster openness, innovation, integrity and better business and civic engagement in government contracting and procurement.”³⁹ Over the end of 2017, the **UK** government rolled out the Contracts and Spend Insight Engine (CaSIE), an internal tool for tracking procurement spend and performance, with OCDS data feeding into it.

2018

OCP set out its goals in collaboration with country partners in **early 2018**, including **Colombia, Chile, Mexico, and Nigeria**. Public contracting received intense public attention in the **UK** in January with the bankruptcy of the construction and services company Carillion; here, OCP was quick to respond, releasing its own assessment and, with Spend Network, helping provide data for a Wired investigation into the company's huge public contracts.⁴⁰

In **April**, OCP published its long-form impact story into open contracting contributing savings in the provision of school meals in **Colombia**, which has become an influential reference-point for open contracting's potential.⁴¹ At the same time in **Chile**, OCP began funding a project carried out by Observatorio Fiscal, investigating low competition among government suppliers. In **August**, the National Procurement Authority in **Afghanistan** started disclosing OCDS data.⁴²

Mexico's general election in **July 2018** saw the election of Andrés Manuel López Obrador as president. López Obrador's

³⁸ *Open Contracting Partnership* (2018). Annual report 2017. <https://www.open-contracting.org/wp-content/uploads/2018/02/OCP-AnnualReport2017.pdf>, p.8.

³⁹ *Contracting 5* (2016). Contracting 5 Draft Declaration. <https://www.open-contracting.org/wp-content/uploads/2016/12/C5declaration.pdf>, p.1.

⁴⁰ *Open Contracting Partnership* (2018). Better and open data key to effective public oversight and managing risks in government spending. <https://www.open-contracting.org/news/open-data-key-to-effective-public-oversight/>; Manthorpe, R. (2018). Here's the data that reveals the scale of Carillion's big-money government deals. *Wired*. <https://www.wired.co.uk/article/revealed-carillions-billion-pound-government-clients>.

⁴¹ *Open Contracting Partnership* (2018). The deals behind the meals. <https://medium.com/open-contracting-stories/the-deals-behind-the-meals-c4592e9466a2>.

⁴² *National Procurement Authority* (2018). Open Contracting Data Standard (OCDS) implementation in Afghanistan. <https://ocds.ageops.net/>.

announcement in **October** that he would cancel the new Mexico City airport project removed the opportunity to use OCDS in a mega-infrastructure project, as had been planned. Little data has since been uploaded to the federal government's open contracting portal, with open contracting apparently having fallen down the political agenda and the government also designing a new policy for the federal procurement system. Meanwhile, **September** saw the start of Chile's procurement agency, ChileCompra, publishing OCDS data.

Also in **October**, following strong advocacy from OCP and its partners, and technical assistance from the OCDS helpdesk, **Nigeria's** Bureau of Public Procurement began publishing data via its NOCOPO portal.⁴³ In **December**, meeting a commitment in their 2nd Open Government Partnership National Action Plan, and as campaigned for by OCP's country partners, **Australia's** federal government began releasing OCDS data.⁴⁴

2019

Chile released its 4th Open Government Partnership National Action Plan in **January** 2019, with a commitment to put forward a policy proposal on a beneficial ownership registry; this was a consequence of OCP supporting work by its partners Observatorio Fiscal and Chile Transparente on competition in procurement. The same month, **Colombia** released a new API for OCDS data on its SECOP II procurement platform.

In **February** 2019, **Nigeria's** President Buhari was re-elected in a general election, but over the year it began to seem that contracting data publication on NOCOPO was stalling. In **Honduras**, OCP published its progress impact story focusing on infrastructure project monitoring.⁴⁵

In **Chile** in **March**, ChileCompra gained a new director, with whom OCP soon engaged to advise on the agency's future direction. The same month, OCP published a data use story reflecting on Observatorio Fiscal's creation of the Public Buying Observatory (launched in September 2018), a platform that allows users to analyze and visualize competition in procurement. It had been created with funding and technical support from OCP. The same month, journalists from **across Latin America** joined together in Lima, Peru, to establish the collaborative investigative group Red PALTA, with funding from OCP.⁴⁶

March 29th, meanwhile, was supposed to be the day that the **UK** formally left the European Union. The Government Commercial Function met this deadline for creating a post-Brexit system for procurement notices. When released, it will be OCDS-compliant: an important milestone for OCP in the UK.

In **May**, attendees from **Chile, Colombia, Argentina, Mexico, and Honduras** learned about how to track integrity red flags in procurement at a workshop in Santiago, an event that our interviewees

⁴³ *Open Contracting Partnership* (2019). Annual report 2018. https://www.open-contracting.org/wp-content/uploads/2020/03/OCP2019_AnnualReport_web.pdf, p.6.

⁴⁴ *Open Contracting Partnership* (2020). Annual report 2019.

⁴⁵ *Open Contracting Partnership* (2019). Bedrock for better public infrastructure in Honduras. <https://medium.com/open-contracting-stories/bedrock-for-better-public-infrastructure-in-honduras-1e39526100a5>.

⁴⁶ Higuera, S. (2019). Red PALTA is born to monitor the use of public money and public policies in Latin America. *Journalism in the Americas*. <https://knightcenter.utexas.edu/blog/00-21185-red-palta-born-monitor-use-public-money-and-public-policies-latin-america>.

cited as significantly influencing their later work. OCP also released its 2019-2023 strategy, announcing a change in focus from supporting governments in simply disclosing open contracting data to fostering networks of data *users* in government and civil society.⁴⁷

Following an investigation published in *El Mostrador* earlier in the year, where Observatorio Fiscal identified a significant increase in direct awards in medicine purchases, the director of **Chile's** health procurement agency CENABAST was asked to stand down in **June**. He had been directing many direct awards towards his former employers GlaxoSmithKline.⁴⁸

Over the summer, the **Honduras** government's response to protests, and allegations that President Hernández had received a bribe from the Mexican drug lord El Chapo, made it a riskier government to engage with intensively. **August** saw the results of cross-Latin America investigations into governments buying milk to support mothers and children, which OCP had provided extensive input into.⁴⁹

In **Afghanistan**, the presidential elections in **September** lead to a political deadlock that was only resolved in May 2020, as the rivals Ashraf Ghani and Abdullah Abdullah both claimed victory. We heard from interviewees in Afghanistan that disruption before and

after elections poses an ongoing risk to open contracting, as governmental attention focuses elsewhere.

In **October**, OCP launched its Lift program, offering intensive support to 5 reform teams, including in **Mexico City** and the **City of Buenos Aires**. We suggest that these projects will become strong candidates for future impact; in Buenos Aires at least, there is a belief that SME participation in government contracts was increasing before the coronavirus pandemic.

The same month, Horacio Rodríguez Larreta, the mayor of the **City of Buenos Aires** was re-elected; at the national level, the **Argentinian** federal general election saw the defeat of president Mauricio Macri, and his replacement by Alberto Fernández.⁵⁰ Fernández took power in **December**, with the civil service teams who had worked on open contracting over previous years leaving office. Interviewees remarked that this significantly set back the goal of introducing OCDS at the federal level. Nevertheless, the Highways Directorate, the *Dirección Nacional de Vialidad*, had begun publishing OCDS data in November, offering a potential focal point for future data use in Argentina.

Also in December, a general election in the **UK** gave Prime Minister Boris Johnson a strong mandate, with some interviewees arguing that this has opened a policy window

⁴⁷ Open Contracting Partnership (2019). 2019-2023 Strategy. <https://www.open-contracting.org/wp-content/uploads/2019/05/OCP-strategy-19digital.pdf>, p.7.

⁴⁸ Elgueta, E. (2019). Irregularidades en Cenabast finalmente hacen caer a Juan Carlos Corbeaux. *El Mostrador*. <https://www.elmostrador.cl/mercados/2019/06/14/el-primer-cortado-de-la-nueva-era-manalich-en-el-minsal-ministro-saca-a-juan-carlos-corbeaux-de-la-cenabast/>.

⁴⁹ Red PALTA. (2019). La leche prometida. <https://www.redpalta.org/la-leche-prometida/>.

⁵⁰ While this evaluation focuses on the federal Argentinian government and the City of Buenos Aires, a further notable event was the electoral defeat of the incumbent Governor of the Province of Buenos Aires, María Eugenia Vidal. Elections in October 2019 saw her lose to Axel Kicillof, part of the same Frente de Todos coalition that defeated President Macri federally.

for procurement reform. There is apparent support for procurement rules reform within the current Cabinet, offering OCP a strong opportunity for renewed engagement with the government.

2020

2020 began with the publication of two features on **Afghanistan's** open contracting reforms,⁵¹ but the year since then has been dominated by the coronavirus pandemic and the global crisis it has caused. Advocating for transparency in emergency procurement has dominated OCP's work, with specialized websites and platforms allowing the public to identify what governments are purchasing during coronavirus in **Colombia**, **Nigeria**, and **Honduras**, among others.

Public contracting has become publicly salient. Stories about questionable procurement decisions are widespread, involving contract awards to companies not registered as government suppliers,⁵² badly specified orders,⁵³ and large overspends.⁵⁴ In many cases, the speed with which CSOs and journalists have been able to identify irregularities and emphasize the need for

more transparency is a result of OCP's support over the previous years. Moreover, OCP is funding investigations conducted by the Red PALTA journalist network into emergency procurement across Latin America.⁵⁵

Beyond the coronavirus pandemic, OCP reported its second impact in the BHP Foundation project in **July**, demonstrating that competition had increased among suppliers to the **Colombian** government using the SECOP II procurement system.⁵⁶

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- 51** *Open Contracting Partnership* (2020). Taming crocodiles in Afghanistan: Can open contracting give corruption fighters the upper hand? <https://www.open-contracting.org/2020/01/31/taming-crocodiles-in-afghanistan-can-open-contracting-give-corruption-fighters-the-upper-hand/>; Pinder, C. (2020). What does Afghanistan's open contracting data look like? *Open Contracting Partnership* <https://www.open-contracting.org/2020/02/02/what-does-afghanistans-open-contracting-data-look-like/>.
- 52** *ICIR* (2020). INVESTIGATION: COVID-19 response projects worth N534.98 million awarded to unverified contractors. <https://www.icirigeria.org/investigation-covid-19-response-projects-worth-n534-98-million-awarded-to-unverified-contractors/>.
- 53** Kinder, T. (2020). UK government spent £156m on single contract for ineffective PPE. *Financial Times*, <https://www.ft.com/content/93036435-45df-4883-b5d3-86ab96ca20e8>.
- 54** Cabral, E. (2020). Las Compras de la Pandemia: Opacidad y sin Competencia. *Red PALTA*. <https://www.redpalta.org/post/las-compras-de-la-pandemia/>.
- 55** See <https://www.redpalta.org/>.
- 56** *Open Contracting Partnership* (2020). Open for business: Colombia's data-driven procurement reforms increase competition. <https://www.open-contracting.org/2020/07/16/open-for-business-colombias-data-driven-procurement-reforms-increase-competition/>.

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