

Open Contracting in GUATEMALA

At a glance

Photo by Reinhard Jahn, Mannheim

Open contracting can transform public procurement through better data, analysis and engagement with businesses and civil society. It involves (1) disclosure of open data and documents about the planning, procurement, and management of public contracts; and (2) engagement with civic and business users of information, leading to improved accountability and redress by government agencies or contractors through acting on the feedback received.



COUNTRY FACTS

Uses e-procurement system	YES
Implements Open Contracting Data Standard	NO
Active open contracting infomediaries	NO



COUNTRY HIGHLIGHTS

Guatecompras is the country's contracting information gateway: www.guatecompras.gt

Guatemala is a member of CoST

Recent high-level corruption scandals have created a demand for better governance



OPEN CONTRACTING OPPORTUNITIES IN GUATEMALA

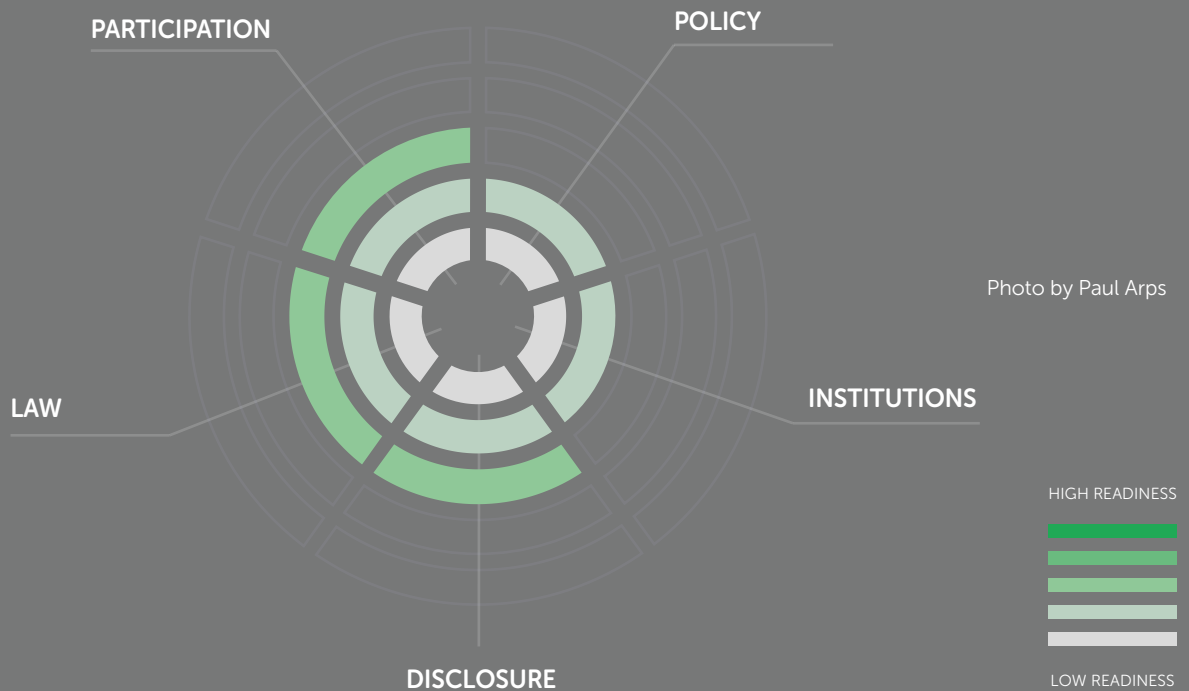
High-level politicians should make specific commitments to open contracting and strengthen existing initiatives like the GUATECOMPRAS e-procurement system. This commitment could use the Open Contracting Global Principles as a guide.

The government should finalize draft reforms, including regulations on the publishing of procurement information, and establish a strong legal framework that supports the timely and complete release of public procurement information.

Fostering greater coordination between public institutions on transparency issues should be a priority for the government. This includes developing an open contracting policy for all institutions that addresses data collection, management and cross-institutional exchange issues.

The Directorate General for State Procurement can take the lead in promoting the benefits of adopting a unified data standard such as the OCDS to improve data management and disclosure.

The government should help to build the capacity of civil society and the media to access and start using contracting data systematically. This can include establishing financial support mechanisms in cooperation with international donors and the private sector.



EVALUATION OF OPEN CONTRACTING READINESS IN GUATEMALA

LAW:

The Law on Access to Information recognize the public's right to information. The Law on Public Contracts established that the GUATECOMPRAS e-procurement system will be used by all subjects obliged by this law in procurements, sales, contracts, rentals or any other modality of public procurement. It also states that Information regarding all stages of public procurement must be published in the system, as well as the codings or catalogues established for public procurement.

POLICY:

There are no high level policies that explicitly commit to transparency in public contracting in Guatemala. However, many officials in Guatemala have publicly expressed an interested in developing open contracting, including the president. According to civil servants in the Ministry of Public Finances (MINFIN), the current administration has shown an interest in transparency, and the president has committed his administration to make improvements to the GUATECOMPRAS system.

INSTITUTIONS:

The institution responsible for regulating procurement is the Directorate General for State Procurement, under the MINFIN. The directorate general is in charge of facilitating processes and proposing or approving regulations related to procurement. Within this mandate, the directorate general must design, manage, regulate and implement policies related to the e-procurement system, and is responsible for training civil servants on procurement issues, as well as monitoring procuring entities, to make sure they follow procurement standards. In addition, the directorate general must keep and update procurement statistics.

DISCLOSURE:

Information related to planning, procurement and execution of public contracts is published in a fragmented way. Monitoring information on each stage of the process requires searching the websites of various public institutions. Not all public institutions comply with the requirement to publish their annual procurement plans on the e-procurement system, according to Acción Ciudadana (AC), an advocacy organization for democracy.

PARTICIPATION:

According to stakeholders interviewed for the study, the GUATECOMPRAS system "is not practical" for social institutions to develop social audit processes "in depth and with qualitative information." As a result, there is no proof that the information provided by the GUATECOMPRAS system is being used by state institutions to formulate public policy, or to carry out social audit work and other work related to transparency and accountability.