



## Citizen participation and public procurement in Latin America: Case Studies

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A research report by ILDA. Commissioned by Hivos' Open Up Contracting program.  
June 2020

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Photo cover (photographer: Verónica Leyton) This photo was taken at the Hivos / IIED Food Lab in Bolivia in October 2018, as part of the Sustainable Diets for All program. At the lab, 27 women got together to share their concerns, ideas and solutions to realize a shared dream: to give everyone in Bolivia access to healthy, sustainable and nutritious food.

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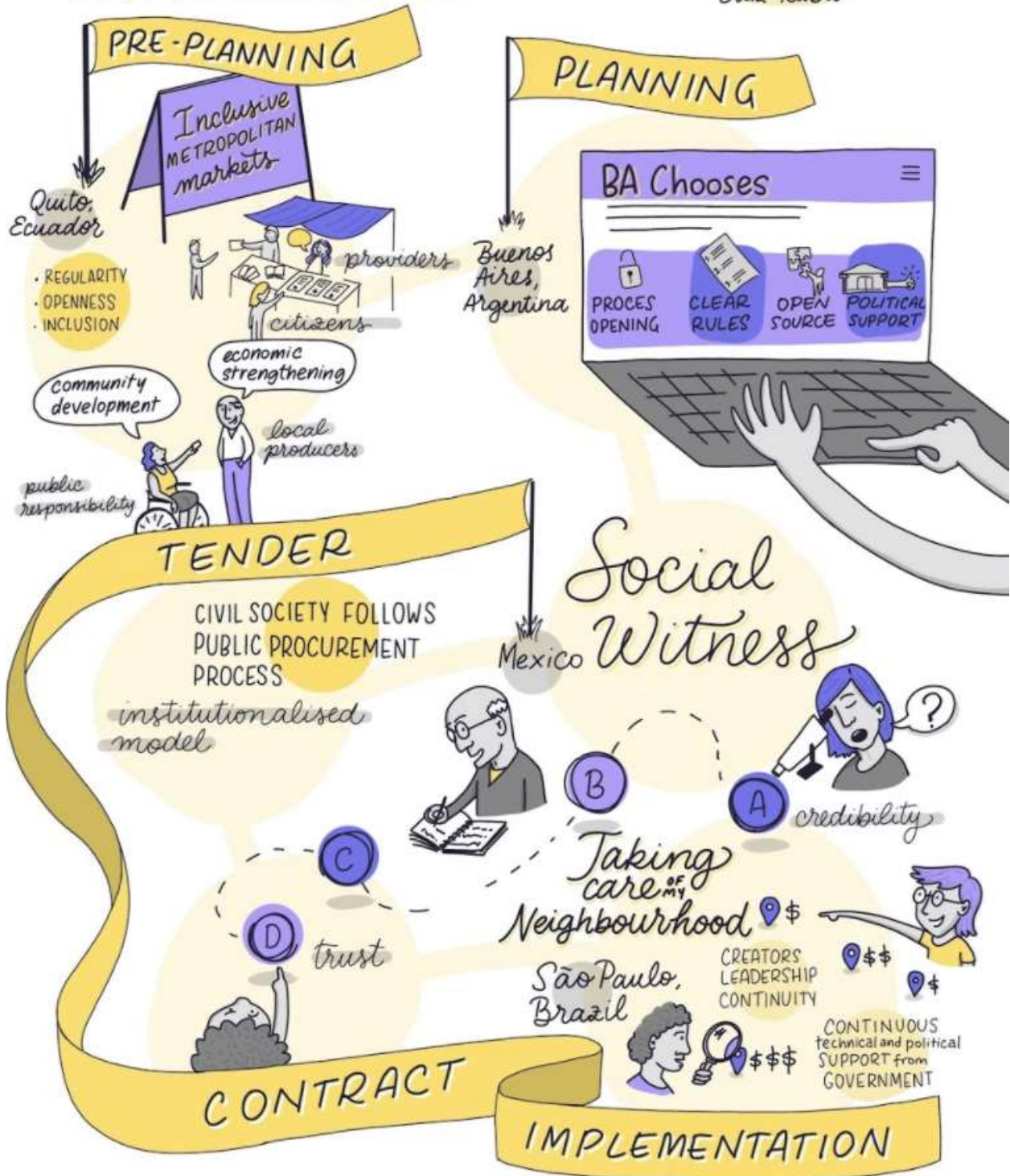
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# CITIZEN PARTICIPATION and PUBLIC PROCUREMENT in LATIN AMERICA

**CASE  
ANALYSIS  
and SUCCESS  
FACTORS**  
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# 1. Executive overview

Public procurement is a key dimension of sustainable and inclusive development in Latin American countries. In view of the growing importance of transparent, economically efficient, technically effective and socially relevant public procurement processes, and given the recent experience of some initiatives that seek to incorporate citizen participation in public procurement in some countries of the region, this research analyzes a selection of such cases and participatory experiences in order to learn about their origin, development and implementation and to identify—if possible—the factors contributing to their success.

Despite the fact that there are currently similar efforts aimed at providing conceptual frameworks for the analysis of democratic innovations or participatory experiences throughout the world, a review of the literature shows that, as of the date of this research, no specific efforts or frameworks have been proposed to systematize and analyze in depth the specific type of participatory experiences linked to public procurement (*public participation in public procurement*). In light of this, it became necessary to develop a framework of our own and, based on its use, seek to advance our understanding and knowledge of this type of experience.

The resulting conceptual framework seeks to describe, for the participatory initiatives identified, which part of the public procurement process they operate in, their main purposes or orientations and the depth of participation that was proposed in their design and implementation. To this end, our framework identifies five key dimensions, as proposed in previous work: a) the stages or *moments* in which to locate participatory processes or strategies associated with public procurement (OECD); b) the *procedural framework or stages* associated with public procurement processes (Open Contracting Partnership); c) the classification of initiatives (institutional designs) for participatory governance (CIVICUS); d) the classification of means and ends identified by the Latinno Project (Pogrebinshi, 2017) on democratic innovations in Latin America; and, finally, e) the spectrum of citizen participation (International Association of Public Participation IAP2).

In our selection of cases we aimed to be as broad as possible with respect to the identification of evidence in the region, and sought to capture the existing diversity of institutional designs proposed (and effectively used) to incorporate citizen participation in processes linked to public procurement. Although one of the nine cases identified is no longer operating(\*), its experience is relevant in terms of findings and lessons learned from its origin and implementation. This inclusiveness notwithstanding, few examples exist compared with the thousands of institutional designs that are linked to participatory processes in the region. The cases selected were:

- *Testigo Social* (Mexico)
- *Comisiones de Compra – Programa Alimentación Escolar Qali Warma* (Peru)
- *Gasto Público Bahiense* (Bahia Blanca, Argentina)\*
- *Cuidando do Meu Bairro* (São Paulo, Brasil)
- *BA Obras* (City of Buenos Aires, Argentina)
- *Tianguis Digital – Experiencia Ecobici* (Mexico City, Mexico)
- *Audiencias Públicas* (Paraguay)
- *Comisiones de Veeduría Ciudadana* (Dominican Republic)
- *Ferias Metropolitanas Inclusivas* (Quito, Ecuador)

The main findings of this study are as follows:

1. Progress at incorporating citizen participation strategies in public procurement in Latin America remains very tentative, despite the fact that the region has a large number of cases and accumulated experience in the development of democratic innovations.
2. The incorporation of citizen participation strategies in public procurement has operated in three ways:
  - a. In the public procurement process itself, that is, an attempt has been made to incorporate participatory institutional designs into pre-existing systems (*Audiencias Públicas* in Paraguay, *Ferias Metropolitanas Inclusivas* in Quito, *Tianguis Digital – Experiencia Ecobici* in Mexico City, *Comisiones de Veeduría Ciudadana* in the Dominican Republic);
  - b. Linked as part of a public policy design, that is, as part of the political designs linked to a program or to the provision of goods and services (*Qali Warma* Peru or *BA Obras* in Buenos Aires, the latter understood as part of a broader open government strategy);
  - c. From social control initiatives coming from citizens and civil society organizations -CSOs- (*Testigo Social* Mexico, *Gasto Público Bahiense* in Argentina, *Cuidando do Meu Bairro* in São Paulo).
3. Although in most cases the presence of the technological variable associated with open data has been a key component in proposing or successfully implementing sophisticated tools for citizen participation in public procurement processes, the evidence we found shows different policy trajectories that can be associated with such innovations:
  - a. In some cases, citizen participation has been prior—or even unrelated—to Information and Communication Technology- ICT- developments (*Testigo Social* Mexico, *Audiencias Públicas* Paraguay, or *Comisiones de Veeduría Ciudadana* in the Dominican Republic, for example);

- b. In other cases, participation has been inherent to the tool or strategy (*Cuidando do Meu Bairro* in São Paulo, *BA Obras* in Argentina).
- 4. In any case, this does not detract from the potential contribution of the use of technological platforms based on open data to promote two key processes: exploring new institutional designs (*BA Obras*, Argentina) or promoting the work of existing participatory designs (as was evident in *Comisiones de Veeduría Ciudadana* in the Dominican Republic)
- 5. We identified at least eight different types of tools (institutional designs) that strategies for citizen participation in public procurement currently employ. This identification does not imply that they are the only tools possible. It is worth remembering that technology has been identified as an enabler for the development of more institutional designs, we anticipate that more types of participatory innovations associated with public procurement can be advanced and experimented with in the future.
- 6. The analysis of cases shows that, as in the case of *Qali Warma* or *BA Obras*, participatory strategies (cases) have been identified that, in fact, combine actions of two types of identified tools, so it can be seen that these tools or initiatives can operate singly or in combination with others, a possibility that increases the potential institutional diversity that we can find or develop.
- 7. Determined leadership and the continued drive of groups of innovators and developers within and outside of government is a fundamental ingredient in these processes.
- 8. The level of ambition to incorporate citizen participation in these processes varies.
  - a. In some cases, citizen participation is a decisive factor (*BA Obras*, *Cuidando de Meu Barrio*);
  - b. In others, which we have called "low-intensity" strategies (such as *Comisiones de Veeduría Ciudadana* in the Dominican Republic or *Audiencias Públicas* in Paraguay), participation is constrained by the same institutional design (rules of operation, rules of access, voluntariness/mandatory nature of the action, etc.).
- 9. Four of the nine initiatives (*BA Obras* and *Gasto Público Bahiense* in Argentina, *Cuidando Meu Bairro* São Paulo, *Tianguis Digital – Experiencia Ecobici* in Mexico City) have mainly worked to create interactive web platforms that make use of and leverage open data, and these platforms enable us to verify the development of significant, relevant and effective participatory actions.
- 10. With the exception of the cases where the initiatives have been conferred or enabled by legislative changes, the level of institutionalization of the initiatives and tools is fragile, and collaboration can be improved as a means of fostering synergies



for the advancement of these participatory processes in public procurement and contracting.

11. The key factors contributing to the success of the management team are, in order of importance: political support and attention at the highest level, a strong, highly-skilled team, a clear distribution of burdens and benefits, expectation management, realistic planning and effective change management.
12. Continued and committed interaction between government and CSOs is an important contributor to success (in seven out of ten cases), as are legislative changes (in six out of nine cases) and involvement and interaction with other innovation systems (in five out of nine cases).

## 2. Introduction

### The importance of public procurement

Public procurement is central to many public policies. The State, through its purchasing power, can influence the design of public development policies, promoting the production and marketing of goods and services that are more appropriate and desirable in social, environmental and economic terms (SELA, 2017).

In other words, the allocation and use of sizeable public funds is decided by public procurement, and with it, many of the key decisions associated with public policies and services in the region materialize, becoming in themselves a privileged tool for promoting social, economic and environmental policies (Inter-American Development Bank, 2016).

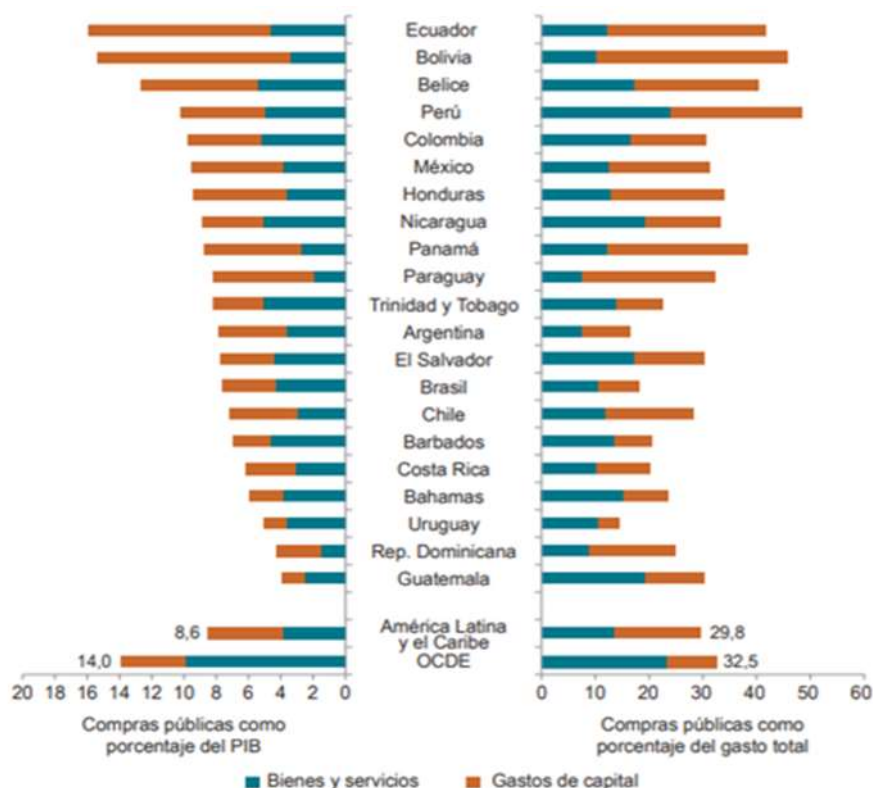


Figure 1 Public procurement as a % of GDP and as a % of total expenditure

Source: Author's calculations based on OECD National Accounts, GM Expenditure Database, IMF WEO (2015-2016) and Pessino, Badin et al (2018).

Note: Expenditure data follow the concepts of the IMF's Manual of Public Finance Statistics (MPFS). "Purchasing" is defined as the sum of the use of goods and services and total capital expenditure (capital transfers plus investments).

"Goods and services" refers to the use of goods and services in the GFSM.

"Capital expenditure" includes capital transfers plus investments.

In the case of Belize, Barbados, The Bahamas, and Trinidad and Tobago, it refers to central government expenditure. Mexico and Chile are not included in the OECD average.

In fact, the size of public procurement in LATAM countries is considerable compared to other countries and regions, if we consider it as a percentage of total public expenditure. This makes public procurement a fundamental area of attention in public management in Latin America. Its transformation is therefore oriented towards implementation of modernization measures based on ICTs and the use of open data to simplify processes, digitize procedures, improve the interoperability of systems, achieve greater transparency

and access to information, and promote information analysis processes for evidence-based public spending, among others.

While *the amount* of public money linked to public procurement in Latin American countries is significant, it is crucial to highlight the importance of improving the *quality* of this expenditure. The means matter, and the way in which these resources linked to the public procurement process are spent matters.

Integrity pacts, community-led procurement policies, platforms for citizen monitoring of public spending, mechanisms for dialog between stakeholders, public hearings and specialized forums for early supplier participation are some of the types of initiatives or institutional designs that have been implemented in Latin America and the world to advance citizen participation in this key sector.

Here we briefly digress to link procurement data and the open data strategy. According to Zuleta,

*"...the data from the public procurement system allows us to: (i) manage knowledge in the public administration; (ii) measure the system's behavior; (iii) improve information for the market in order to seek greater competition in the procurement and contracting system, as well as the participation of the private sector and individuals in general; (iv) integrate data from the procurement and contracting system with the government's financial systems; (v) focus investigations of corruption and collusion; and (vi) support the accountability processes of agencies and public servants. "...the open data initiative cannot be limited to the availability of information. On the contrary, it must seek to ensure that data is used intelligently by governments, civil society and the private sector to make concrete changes" (Zuleta M., 2019).*

The idea that incorporating participation strategies in public procurement will yield improved innovations for openness based on open data therefore seems valid. Moreover, according to the logic of development processes, the ICT modernization strategies, open data and open information, once implemented, are followed by a more ambitious strategy of making the processes linked to public procurement and its management open to public participation, as in the framework of the open data strategy of international initiatives such as the Open Data Charter (principles 5 and 6).

Although in most cases, the presence of technology associated with open data has been a key component in proposing or successfully implementing sophisticated tools for citizen participation in public procurement processes, the evidence we found shows different trajectories of public policies and innovations: In some cases, citizen participation has

predated (or even been unrelated to) ICT developments (*Testigo Social* in Mexico, *Audiencias Públicas* in Paraguay, or *Comisiones de Veeduría Ciudadana* in the Dominican Republic, for example) while in other cases it has gone hand in hand with the tool or strategy (the case of *Cuidando de Meu Barrio* or *BA Obras*).

As shown in this study, technology and the progress of transparency (fundamentally linked to access to data and key information) are two important elements to consider in order to improve institutional, technical and organizational capacities in public procurement. Also relevant are the design and adoption of international standards (*soft-law*), as well as the development of *high-tech* projects, namely those which mainly consist of the development of innovative technologies in which an already existing technology is used and is modified with new innovations and, therefore, a high degree of technological uncertainty is assumed. (Shenhar, Dvir, Levy, & Maltz, 2001).

Undoubtedly, the creation of web platforms, the implementation of open data policies and the use of standards associated with data in public procurement are powerful enablers of tracking, monitoring and control processes. But these processes and innovations also help to initiate or implement some of the most successful mechanisms of citizen participation inserted in concrete parts of the public procurement process, such as, for example, citizen monitoring platforms for public expenditure.

In light of this, it is worth asking: Under what circumstances can we assume that citizen participation will improve this key sector of public policy? How will this improvement occur? Does the progress associated with the use of open data and its conversion into technological platforms in public procurement really provide new opportunities to explore new participatory institutional designs?

It is understood that the incorporation of citizen participation in public procurement allows for the generation of broader processes of government openness in decision-making as to how public spending is used and allocated, as well as fostering processes of citizen monitoring, social oversight of government management and vertical public accountability (Zuleta, 2019) that would otherwise be extremely complicated to implement successfully.

However, although transparency and openness of data are decisive in this equation, they do not in themselves generate these decision-making processes or expenditure monitoring and control processes. The technological development variable plays an important role, since its existence confers and expands the possibilities of action based on new designs and it strengthens control systems and citizen oversight. In no case, however, is technology an element that, by itself, provides sufficient guarantee of effective and successful participation, since other elements are also needed.



The rationales or justifications that support the use of citizen participation in public procurement are:

- Any improvement in the integrity, efficiency and social relevance of these public procurement processes through openness to participation will generate positive impacts on the use of these public resources, increasing the value for money.
- Participation will also increase citizen confidence in government management linked to public purchases and procurement.
- Opening up participation in public procurement will make it possible to include those who have historically been marginalized from these processes.

Therefore, the sector is committed to encouraging participation, not only as a means to increase efficiency and social relevance, but also as a means to gain public confidence and promote greater inclusion.

The research we conducted shows that, despite the advantages identified, progress in incorporating strategies for citizen participation in public procurement remains very tentative, notwithstanding that Latin America has an enormous number of cases and accumulated experience associated with the design and implementation of "democratic innovations" in which new institutional designs incorporating citizen participation are made and tested (see *Table 3 - Means and ends: Categorical variables of the Latinno project*).

We also find that the incorporation of citizen participation strategies or initiatives are designed and implemented as a complement to a larger policy framework, that is, as components or parts of larger processes where, along with political support, the leadership and capacity of the teams involved are critical to success.

For this reason, it is not only important to detect and analyze good practices as a means of promoting their use and replication, but also to know what makes these experiences successful, i.e. the dimensions of analysis according to which we judge them as successful or not, and the factors that contribute to their success.

Therefore, it is useful to analyze and assess how—through the incorporation of public participation mechanisms and strategies—the open processes linked to public procurement are promoted and consolidated in practice, what problems and challenges they face, what the teams promoting them are capable of doing, which institutional designs are used, which designs work and under which contexts, and how the designs can be improved in order to develop open standards for the use and allocation of public expenditure. How can institutionally and technically sound participatory spaces be designed or improved, with or without the involvement of technology associated with the

use of open data, in order to support citizens' and relevant actors' ability to define actions, make decisions, and monitor and control this key area of public policy?

### 3. Analysis framework

To accomplish the main objectives of this research, it is necessary to define a conceptual framework to analyze the set of experiences identified. Given that such participatory experiences reflect a great diversity of designs and purposes, it is necessary to define a conceptual framework to analyze them. Such experiences refer to citizen participation strategies (or, if preferred, "public policy tools") with diverse origins, institutional designs, orientations and purposes, and which, in addition, can operate—as often happens—alone or in combinations and in different phases of the public procurement process.

An analytical framework can provide theoretical and conceptual coherence to this effort, while at the same time affording a minimum conceptual and theoretical scaffolding that allows for knowledge accumulation and comparative analysis.

#### Conceptual development: Citizen participation and public procurement

The first part of this section describes the various conceptual developments identified in the literature in order to provide a descriptive and qualitative basis for the important dimensions that are useful in guiding this case-study effort. The second part seeks to define the dimensions and factors of success in order to assess their occurrence or non-occurrence in each of the selected initiatives (cases). Finally, a third part will integrate these two conceptual efforts to define an analytical procedure for identifying and characterizing initiatives and assessing their degree of success.

At the descriptive level, the cataloging of experiences of citizen participation in public procurement could be based on the identification of:

- The type of institutional designs referred to (types of initiatives);
- The participating actors and their roles in the process;
- The legal frameworks, standards or *softlaw*<sup>1</sup> reference systems that articulate and support them;

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<sup>1</sup> The term *softlaw* refers to quasi-legal instruments which have no legally binding authority, or whose binding authority is weaker than the authority of traditional law, often used in contrast to proper "hard" law (that is to say, relying on sanction mechanisms or coercive capacity in case of non-fulfillment). When referring to legal actions, *softlaw* can function to inspire guidelines for future regulatory developments. Examples of *softlaw* can be standards, such as those set by OCP, recommendations, opinions, codes of conduct, principles such as those declared by the Open Data Charter, etc.

- The phase or phases of the public procurement/contracting process that are affected or intended to be affected;
- The definition of means or use of technologies to achieve their objectives;
- The principles or values behind the participation initiative;
- The type and extent of participation they generate (or intend to generate).

The study of the institutional designs to which we refer is a very important task. It is therefore important to know what works and under which specific contexts. Studying public policies and their designs is "...the more or less systematic effort to develop efficient and effective policies through the application of knowledge about the means, obtained through experience and reason, towards the adoption and development of courses of action that seek success in the attention to the ends pursued within specific political contexts" (Howlett, 2011). Effectiveness, success and institutional design are guiding concepts of this research.

Another very important issue concerns the combined use of participatory strategies or instruments at the procedural level with substantive public policy tools, since the incorporation of citizen participation is fundamentally a means; when correctly implemented, it is a privileged strategy to change the "business as usual" of a given sector of activity, so analyzing its use, effects (alone or in combination) and future challenges is fundamental to understanding how positive interactions and results are obtained, and thus understanding to which factors and contexts we owe such achievements.

Given their importance and soundness, five conceptual developments will be used here, the first two specifically oriented towards public procurement processes, and the following three focused on institutional designs associated with citizen participation.

- The first development comes from the OECD and is descriptive and prescriptive. It posits three stages or moments in which to identify participative processes or strategies.<sup>2</sup> In addition, this development offers a set of key recommendations regarding participation.
- The second, also descriptive, centers on the use of *procedural heuristics* associated with public procurement. It should be noted that there are other procedural models associated with the cycle of public policies and specifically with public procurement processes. One example is Lynch (2013), who simplifies the process stating that "the procurement cycle starts with the identification of a necessity and ends with the allocation of a contract," (2013). It is necessary to identify a model that addresses the different phases of this particular process and, at the same time, is useful by temporarily placing participatory strategies in a non-linear procedural-temporal

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<sup>2</sup> <https://www.oecd.org/gov/public-procurement/recommendation/>

context. In this sense, the identification of phases offered by the international initiative Open Contracting Partnership<sup>3</sup> seems to be the most useful.

- The third development is descriptive and instrumental, and involves the classification of initiatives found in the participatory governance toolkit offered by the international organization CIVICUS.<sup>4</sup> This is a catalog of strategies which, in many respects, accords with the cataloging offered by other international projects that specialize in citizen participation and democratic innovations (e.g. Participedia.net), some of which are linkable for use within public procurement processes.
- The fourth development is the classification of means and ends as identified within the Latinno Project (Pogrebinshi, 2017) on democratic innovations in Latin America,<sup>5</sup> which gives the framework theoretical soundness linked to means and ends, as well as to other previous systematization efforts associated with participatory processes in the region.
- The fifth development distinguishes levels of participation. It is associated with the well-known spectrum of citizen participation proposed by the International Association of Public Participation IAP2,<sup>6</sup> which defines a typology of participation to determine the resulting intensity and scope of participation linked to a given institutional design.

The combined use of these conceptual developments is the basis of the analysis framework proposed here. These developments also allow us to understand how the issue of citizen participation in public procurement has been conceptualized to date. Therefore, it is appropriate to describe their most important elements.

#### **a. First development: The moments to operate engagement (OECD)**

In 2015, the Organization for Economic Co-operation and Development (OECD) launched a strategy to promote changes in public procurement models in its member countries. As a result, a number of key recommendations were published (OECD, 2015). From its perspective, public procurement is a key pillar of strategic governance and service delivery, where "...well-managed public procurement can and should play a major role in promoting public sector efficiency and inspiring public confidence" (OECD, 2015). This recommendation document is based on twelve principles: Transparency; Integrity; Access; Balance; Participation; Efficiency; Digital procurement; Capacity; Evaluation; Risk Management; Accountability; and Integration.

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<sup>3</sup> [www.standard-opencontracting.org](http://www.standard-opencontracting.org)

<sup>4</sup> [www.civicus.org](http://www.civicus.org)

<sup>5</sup> [www.latinno.net](http://www.latinno.net)

<sup>6</sup> [www.iap2.org](http://www.iap2.org)

Specific reference is made to the principle of participation. From the perspective of the OECD, countries that adhere to these recommendations should move forward in implementing the principle of participation in order to open and standardize a process of reforming the contracting system—see recommendation VI-I (OECD, 2015) under the principles of expanded participation, opening up spaces for permanent dialogue during the contracting process (VI-II), and opening up participation to external agents, in order to promote social control of the processes (VI-III).

The OECD offers three guidelines regarding citizen participation for adhering countries and describes concrete actions by which they can be implemented, as summarized below:

*Table 1 OECD Recommendation VI on Participation in Public Procurement.*

Recommendation VI on Participation	Description of concrete actions
<p>I. Elaborate and follow a normalized process for the introduction of changes in the public procurement system. Said process should encourage public consultations, invite comments from the private sector and civil society, ensure the publication of the results of the consultation phase and explain the options chosen, all in a transparent manner.</p>	<ul style="list-style-type: none"> <li>• Encourage <u>public consultations</u>;</li> <li>• Invite comments from the private sector and civil society;</li> <li>• Take into account <u>input and comments</u> received, if applicable;</li> <li>• Ensure the publication of the results of the consultation phase;</li> <li>• Explain the options chosen.</li> </ul>
<p>II. Periodically engage in transparent dialogue with providers and with business partners to expose the public procurement objectives and guarantee an adequate knowledge of the markets. It is necessary to achieve an efficient communication that allows for potential providers to better understand the national necessities and provide public purchasers with information with which to prepare more effective tender documents, based on a better understanding of the entire market offer. These relationships must be subject to safeguards of fairness, transparency and integrity whose</p>	<ul style="list-style-type: none"> <li>• Allow potential providers the opportunity to provide clarification before the tender, especially for high value acquisitions;</li> <li>• Allow quick responses to questions for clarifications and transmit to potential providers in a consistent manner to ensure a level playing field;</li> <li>• Provide reports to tenders who have proven unsuccessful, so they better understand why their proposal fell short in relative terms to other tenders, without revealing sensitive commercial information about other tenders;</li> <li>• Promote a regular dialogue between parties during the contract management phase to allow problems to be quickly identified and resolved;</li> <li>• Adapt interactions to guarantee foreign businesses who participate in tenders will receive transparent and timely information (in terms of language and timing);</li> <li>• Establish regular contact with commercial</li> </ul>



function would vary in accordance to whether there exists a tender process in progress. It will also be necessary to adapt these relationships to guarantee that foreign businesses that participate in public tenders also receive transparent and timely information.

III. Provide opportunities for direct participation for interested external agents in the public procurement system.

In order to enhance transparency and integrity while ensuring an adequate level of control, without prejudice to the continued respect of confidentiality, equal treatment and other legal obligations for the public procurement process.

- associations;
- Conduct effective market research, regular market surveys, as well as strategic sourcing for all tenders (compile relevant information about possible providers, products and current prices for goods and services);
- Conduct competitive dialogues;
- Use (early) participation mechanisms with providers, such as Requests for Information (RFI), individual consultations with providers, celebrations of industry/provider days, information discussions, competitive dialogues (when necessary), etc.
- Implement "direct social control" and "community monitoring" mechanisms that encourage participation of civil society members, academics or end-users as external observers of the entire procurement process or of key decision points, such as social witness programs or public hearings;
- Facilitate access to data for relevant external stakeholders;
- Provide clear channels to allow external observers to inform control authorities in case of possible irregularities or corruption, through website complaint mechanisms and the use of digital media;
- Design confidential information and accessible complaint mechanisms to reduce possible user intimidation and allow civil servants to access comments about public policies and services.

**Source:** Author's elaboration based on (OECD, 2015). See also (OECD, 2016).  
Several types of strategies or mechanisms are underlined.

This development is very important, as it allows us to identify specific tools and courses of action proposed as a means to articulate citizen participation in public procurement, such as public consultations or different types of early participation mechanisms with suppliers, information requests, holding industry days or fairs, etc. In addition, it also identifies three stages or moments in which to locate participatory processes or strategies, which are important for advancing the conceptual framework:

- When designing or reconfiguring the purchasing and contracting system (design *ex ante* the procurement system, in a participatory manner);
- When interacting with stakeholders during the process (transparency and communication *ex dure* the procurement process);
- When monitoring and exercising social control of the process (monitoring *ex dure* and control *ex post* the procurement process).

All institutional design work associated with public procurement can be easily located in at least one of these three moments.

However, most participatory innovations that have been identified occur in the third moment, and none of the cases in this research could be associated with the first moment referred to above (participation for the redesign of the procurement system). Some countries are seeking to advance along these lines—see, for example, Box 1 - Towards a working group to propose reforms to the public works contracting law in Argentina 2019 - 2021.







*Box 1 Towards a working group to propose reforms to the public works contracting law in Argentina 2019-2021.*

Like many other Latin American countries, public works represent a large percentage of GDP. According to OECD estimates, this figure is between thirteen percent (13%) and twenty percent (20%) in Argentina. According to the **Fourth Action Plan in Open Government of Argentina 2019-2021**, this enormous volume of money indicates the impact that this item has on the general economy and on the political life of Argentines; and that it constitutes a key element for the management of any government. The success or failure of a government is affected by its capacity to carry out necessary and high quality public works that improve citizen life and to carry them out with efficiency and transparency. Making changes in the laws and regulations regarding public works is a priority.



The government of Argentina presented its Fourth Action Plan in Open Government. It includes 16 commitments, one of which is the commitment titled "**Openness of information in the public projects procurement system**" which consists of "...publishing information in open formats on the life cycle of public projects contracts. Supporting documentation will also be published and a **multi-stakeholder working group (government, civil society, private sector) will be established to propose reforms to the regulations in force, improvements in the management of projects and the publication of new datasets, within the framework of the competencies of the National Contracting Office**" (Government of Argentina, 2019) (emphasis added).

It is therefore a matter of advancing a strategy for improving and opening up information in public projects using a non-permanent participative component (multi-stakeholder roundtable) focused on analyzing the regulations and, where appropriate, proposing reforms, as well as improvements in project management processes, in the production and publication of new datasets. As such, this commitment could be understood as ambitious, in that it aims to form an important participatory body that, during implementation, seeks proposals for improvements in the Law and in key processes.

The final design of this innovation is not yet known, but this working group could become a structured mechanism like the one recommended by the OECD, focused on developing and following a standard procedure for the introduction of changes in the public procurement system, inviting comments from the private sector and civil society, ensuring the publication of the results of the consultations and explaining the options chosen

transparently.  As of the date of this research (May 2020), no information is available regarding progress on this commitment or any of its milestones. The Commitment Tracking Board does not contain any relevant information [ <a href="https://www.argentina.gob.ar/jefatura/innovacion-publica/plangobiernoabierto">https://www.argentina.gob.ar/jefatura/innovacion-publica/plangobiernoabierto</a> ] (consulted May 30, 2020).					
a) Effectiveness associated with relevant goals and values	b) Openness to participation in key processes	(c) Changes in behavior	d) Citizenship interest and social acceptance	(e) Replication of the initiative	Identified success factors
					

Source: Author's elaboration. Symbolism explanation in [section 4](#).

Symbology:  Accomplished  Not accomplished  Missing information or analysis  To be determined

## b. Second development: Phases of the Open Contracting Process

The Open Contracting Partnership is a platform that has been working in more than 30 countries since 2015. It works with governments, businesses, civil society and technologists to open up and transform public procurement worldwide. It bases its work on open data and open government principles to ensure that public money is spent openly, fairly and effectively. It focuses on public contracts, as they are the largest single item of expenditure for most governments and represent the greatest risk of corruption.

This organization defines public procurement as a process of planning, tendering, awarding and implementing a contract, which involves a large amount of information that must be systematized and structured in open formats (or OCDS data standards).

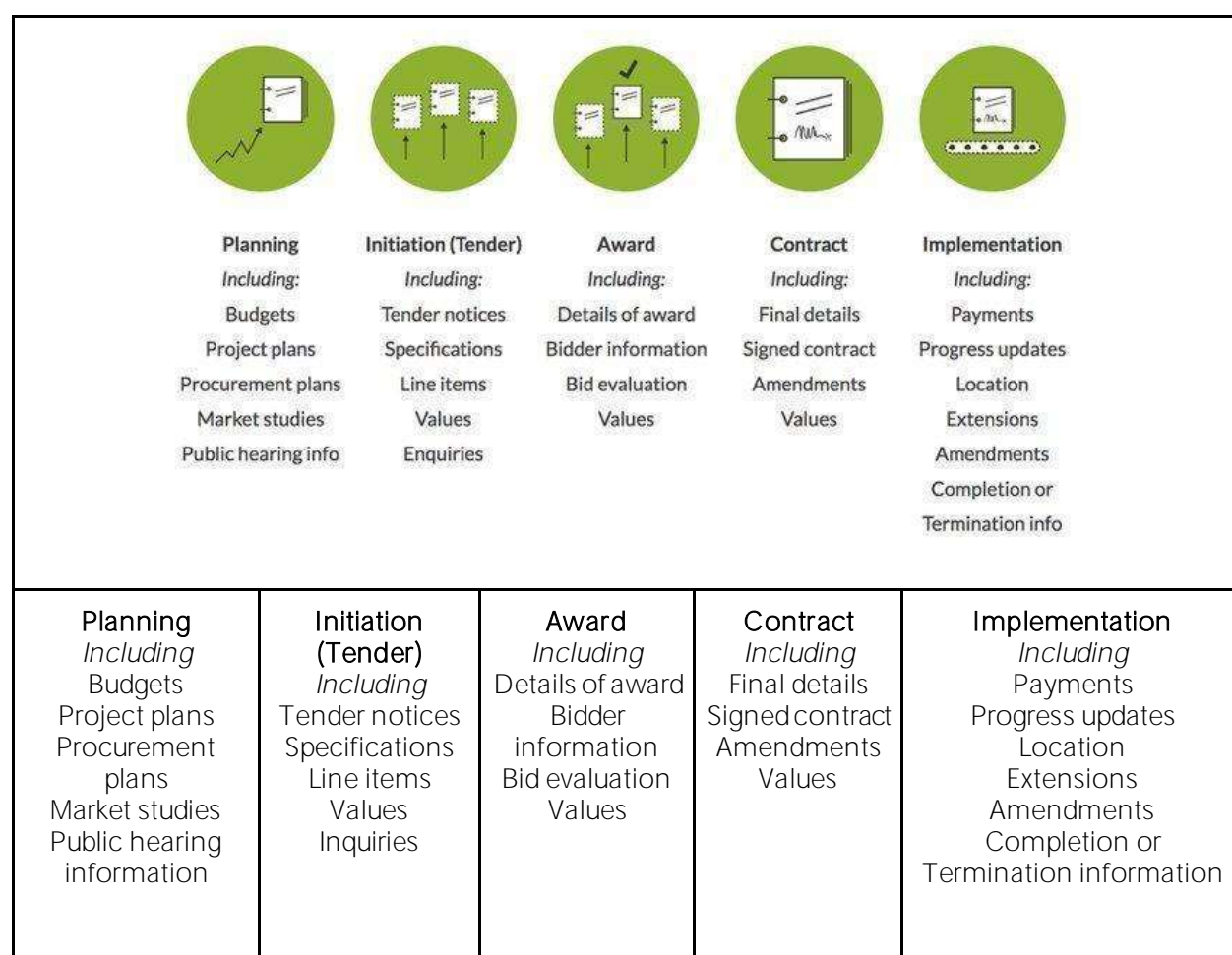


Figure 2 Phases of the Open Contracting Process.

Source: Open Contracting Partnership, s.f.

Although it is directly linked to the information generated in the different phases, this process identification is extremely useful for our purposes, since public procurements and

contracts can be understood as processes through which relevant information is produced and transformed for decision making, which occurs in clearly identifiable phases. And through these phases, various processes and strategies (participatory or inclusion-oriented) are designed and implemented, turning these phases into the temporal space where these innovations operate, which can be associated or interconnected through a sequence of events.

As with the procedural approach to the study of public policies, we must remember that this identification of phases is above all a heuristic, an "analytical device" for locating complex socio-political processes in time and in an institutional sense (deLeon, 1999). Since its origin, the OCP has progressively gained ground in Latin America.

*Box 2 The progress of open contracting in Latin America.*

Public procurement represents the largest market in the world. According to the Open Contracting Partnership (OCP), governments spend about \$10 billion annually on contracts with private companies (for public infrastructure and equipment, roads, procurement, health services, education, maintenance and even the acquisition of material for infrastructure). Public procurement makes it possible to contract for goods and services that are vital for all of us, so it is assumed to be an essential part of public welfare. But it is also the area where the greatest risk of corruption lies.

*"Open contracting is essentially about open government and open data on public procurement. Open government involves getting different actors in government, business and civil society to collaborate on reforms, interact with users and respond to feedback. Openness of data is about collecting, disseminating, sharing and analysing information and generating the tools for systematic change. Modern economies require a smart, data-driven public procurement ecosystem. We bring governments, businesses and citizens together to build that ecosystem. (<https://www.open-contracting.org/>)"*





According to information provided on the OCP website (<https://www.open-contracting.org/>), 18 government offices in 11 Latin American countries are, as of June 2020, developing or publishing data under the open contracting standards. Of these, 11 correspond to offices, ministries or purchasing departments at the national level, 3 are at the local level, and another 4 are associated with other public entities or agencies. All participating governments have included these developments as commitments within the action plans of the Alliance for Open Government (AGA-OGP).

The OCP model is based on (a) establishing clear objectives for public procurement; (b) publishing data in a standardized format; (c) improving collaboration among stakeholders, as well as oversight and monitoring bodies; and (d) promoting processes for monitoring, measuring and institutionalizing the reforms implemented.

The OCP conceptual model is well aligned with the exploration of innovations in citizen participation to make the public procurement process more open. It, thus, transcends openness for transparency and explores other possibilities of openness, some directly associated with the use of open standardized data, from the initial phase associated with the establishment of clear objectives in public procurement to the final phase, linked to the monitoring and institutionalization of reforms in the system.

### c. Third development: Typology of tools for participatory governance (CIVICUS)

The following three developments are linked to the characterization of tools and initiatives (institutional designs) associated with citizen participation. That is, citizen participation is the focus of these developments which provide models of governance and democratic innovation.

CIVICUS offers a universal toolkit on participatory governance.<sup>7</sup> According to this organization,

<sup>7</sup> <https://www.civicus.org/>.

*"Participatory governance is embodied in processes that empower citizens to participate in public decision-making, and has gained increasing acceptance as an effective means of addressing 'democracy deficits' and improving public accountability. Around the world, a growing number of governments and their civil society partners are experimenting with innovative practices that seek to expand the space and mechanisms for citizen participation in governance processes beyond elections. There is evidence that participatory governance practices are contributing to greater government transparency, accountability and responsiveness, and improved public policies and services."* (CIVICUS, 2018)

As indicated, this classification and cataloging of tools is useful for our purposes, since in addition to being an exhaustive classification and being similar to other major international projects that analyze the progress of citizen participation in the world, such as the global project,<sup>8</sup> it allows us to accommodate the different initiatives identified in the area of citizen participation in public procurement.

The classification offered by CIVICUS includes nine dimensions and more than 35 types of participatory governance tools. An advantage of using this classification is that it does not exhaust the universe of participatory governance tools currently used in public procurement processes, potentially expanding their sphere of influence as more democratic innovations seek to be incorporated into the different phases of the public procurement process.

Of the nine categories it identifies, the one referring to public budgets and expenditures is of particular relevance to our conceptual framework. According to CIVICUS, this category refers to "transparent, responsible, effective and efficient public financial management, which are key to good governance. (Tools in this category) ...will help citizens understand and influence decisions regarding the allocation of public resources, monitor public expenditure and hold governments accountable for their management of public financial resources." (CIVICUS, 2018).

However, as we have noted, the public procurement process transcends this dimension, also including participatory initiatives linked to processes of awareness raising and civic capacity building, dialogue between relevant actors in the process (stakeholders), community systems for monitoring public expenditure (which also include the public procurement process), as well as more sophisticated systems for surveillance and monitoring of public services or works, with the organized participation of expert members

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<sup>8</sup> [www.participedia.net](http://www.participedia.net)

of civil society. The following are the participatory governance tools that can be directly linked to public procurement.

*Table 2 CIVICUS toolkit: Identifying participatory tools for public procurement.*

Dimensions	Description	Tools Identified Public purchases
Education and deliberation	Tools to raise citizens' awareness of their rights and responsibilities (civic education). A variety of innovative methods to help citizens learn about and collectively discuss issues of public concern or priority.	<ul style="list-style-type: none"> <li>• <a href="#">Public forums</a></li> <li>• <a href="#">Civic education</a></li> </ul>
Civic advocacy and citizen voices	Tools to improve advocacy and help citizens to publicly express their opinions and concerns.	<ul style="list-style-type: none"> <li>• <a href="#">Citizen initiatives</a></li> </ul>
Public dialogue	A range of innovative approaches and tools to promote more productive interactions and enhance dialogue between multiple state and non-state actors.	<ul style="list-style-type: none"> <li>• <a href="#">Multi-stakeholder dialogue</a></li> </ul>
Budget and public spending	Tools in this section help citizens understand and influence decisions concerning the allocation of public resources, monitor public spending and hold governments accountable for their management.	<ul style="list-style-type: none"> <li>• <a href="#">Participatory budgets</a></li> <li>• <a href="#">Community-driven acquisitions</a></li> <li>• <a href="#">Reporting and monitoring of public expenditure</a></li> </ul>
Monitoring and evaluation of public services	Tools which offer innovative ways for citizens to monitor and evaluate accessibility, quality and efficiency of public services, which lead to better services and better quality of life for all citizens.	<ul style="list-style-type: none"> <li>• <a href="#">Community monitoring and evaluations</a></li> </ul>

Public supervision	Methods which citizens and civil society organizations can use to monitor and supervise public actions and seek public accountability for injustices or misdeeds in government administration.	<ul style="list-style-type: none"> <li>• <u>Integrity pacts - social witness</u></li> </ul>
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**Source:** Author's elaboration based on CIVICUS (CIVICUS, 2018).

**Note:** 15 out 35 participatory tools proposed by CIVICUS are identified, in six of the nine dimensions. These are the tools that are directly related to—or have been used in—public procurement.

As can be seen, it seems necessary to draw on a combination of initiatives and tools identified by the OECD (from the perspective of public procurement) and CIVICUS (from the perspective of democratic governance innovations) to correctly identify the full range of initiatives or participatory tools potentially usable in public procurement processes. A preview of this development is in the section Types of participatory tools in public procurement in this document.

#### **d. Fourth development: Democratic Innovation and participatory governance (Latinno Project)**

The Latinno Project is the first complete and systematic database of new forms of citizen participation developed in Latin America.<sup>9</sup> Under the aegis of this research project, which began in 2015, the trends and the debate associated with the innovations have focused over the years not so much on achieving greater levels of effectiveness and efficiency in management via ICTs, or on innovations aimed simply at greater electronic governance, but, rather, on designing relevant institutional improvements or innovations as a privileged strategy for improving democracies (Pogrebinschi, 2017).

Based on a participatory governance approach, this trend has been characterized by the open and collaborative adoption of more inclusive and complex new rationalities, languages and narratives to promote understanding of old and new public problems, social reconstruction of users and beneficiaries (redefining target populations), better use of expertise (that is, both expert knowledge and the knowledge distributed in society and other areas), experimentation with new approaches, processes and tools, and the identification of citizen involvement as a key asset in the production of solutions and policies (Durose & Richardson, 2015).

This trend has enabled the rise of innovations and their implementation in decision-making or implementation structures, rearticulating in their design and execution the roles

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<sup>9</sup> [www.latinno.net](http://www.latinno.net)

and expectations of key actors with direct impact on the oversight and/or control of public policies. This is because innovations that influence institutional designs themselves become new institutions: with their implementation, new rules that redefine collective action are explored and put into practice, influencing and changing the aspirations, strategic behavior and expectations of the actors potentially involved, generating new scenarios of interaction and, consequently, widening the frontiers of what is socially possible.

Democratic innovations are understood as institutional designs based on strategies of deliberation, direct voting, digital representation and citizen representation, which aim to promote public accountability, government responsiveness to its citizens, consolidate the rule of law, and foster greater political inclusion and social equality, all with the aim of improving the quality of democracy.

Examples of democratic innovations can be found in citizen oversight, citizen or popular juries, committees, local boards or councils, neighborhoods, dialogue and collaboration platforms, multi-stakeholder dialogues, websites and platforms aimed at expanding civic space, etc.

According to information from this project, “thousands of new institutional designs have been created in recent years with the aim of not only including more citizens in the political process, but also, through citizen participation, making governments more responsive to citizen demands, making institutions more accountable for their actions, as well as strengthening the rule of law and promoting social equality” (Pogrebinschi, 2017). Thanks to the Latinno Project, there is a systematized catalog of democratic innovations, which, at the time of writing, had more than 2,660 innovations implemented in 18 Latin American countries.

*Table 3 Means and ends: Categorical variables for Latinno Project.*

Means	Ends
<p><b>Deliberation</b></p> <p>All forms of interaction in which participants have the opportunity to express their positions and listen to the position of others. A deliberative democratic innovation is, then, in general an institutional design which allows participants to modify their initial positions by means of a communicative exchange. When conducted online, deliberation requires a design that allows for mutual interaction (an exchange of views and not just the isolated</p>	<p><b>Accountability</b></p> <p>All non-electoral forms of representative government, institutions, elected officials and representatives held accountable for their actions, that is, responsible for their actions and omissions, and liable to interrogation. Democratic innovations aimed at improving accountability can promote activities as diverse as monitoring institutional performance, reporting public information, sanctioning public agents and supervising the</p>



<p>expression of demands).</p> <p><b>Direct vote</b></p> <p>All means commonly known as instruments of direct democracy, i.e. referendum, plebiscite and citizens' initiative. These generally are considered to include, for example, recall and non-binding plebiscites organized by civil society organizations. In addition, every form of direct voting in which citizens have the chance to vote on specific issues (beyond candidate elections) belong in this category. These means include citizen consultations organized by governments and civil society organizations.</p> <p><b>Digital participation</b></p> <p>All forms of participation involving information and communication technologies (ICT). These include mobile devices, both digital (apps) and analog (SMS). Digital Participation requires some level of citizen involvement (often combined with forms of direct deliberation or voting), not simply open access to data or information.</p> <p><b>Citizen representation</b></p> <p>Every form of participation for citizens and civil society organizations which a) have a function in a government body or are assigned a role in the policy process (which may or may not involve decision-making); or b) are elected or self-appointed (instead of being elected) to act on behalf of other citizens or organizations, or to represent specific interests (for example, the environment) for groups (for example, minorities) or localities (for example, boroughs). These means include a wide range of forms of non-electoral representation, in which citizens or civil society organizations act or speak on behalf of others, regardless of whether they have been authorized to do so. Democratic innovations involving forms of citizen representation can also internally reproduce traditional means of representation (elections, appointments, votes).</p>	<p>delivery of public services.</p> <p><b>Responsiveness</b></p> <p>The ways in which citizens signal their political preferences, and the corresponding reception by governments. Democratic innovations that aim to improve government responsiveness to citizens' demands provide spaces or mechanisms that allow citizens to formulate and express their preferences, and governments to become aware of them and take them into consideration.</p> <p><b>Rule of Law</b></p> <p>All forms of rule of law and the rights they cover, individual and public security, crime prevention and control, restriction of potential abuse of power by the State, independent administration of justice, conflict resolution and access to justice. The safeguarding of political rights and civil liberties, as well as the protection of human rights, fall into this category, which also includes forms of constitution and law-making.</p> <p><b>Political inclusion</b></p> <p>All forms of recognition and empowerment of individuals, groups and communities. Democratic innovations aimed at improving political inclusion provide spaces or mechanisms for the participation, involvement and expression of preferences of those groups of people who feel underrepresented, discriminated against or marginalized.</p> <p><b>Social equality</b></p> <p>Ways to improve the quality of life, well-being and capabilities of individuals, groups and communities. Different ways of combating poverty and hunger fall into this category. Democratic innovations that aim to improve social equality provide spaces or mechanisms for the inclusion of those who are disadvantaged. These can involve social policies, economic rights and primary goods, as well as all possible forms of redistribution.</p>
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**Source:** Latinno Project (Pogrebinschi, 2017).

This categorization is very useful because:

- It assumes an important variety of purposes (aims, orientations) linked to the incorporation of citizen participation in public procurement;
- It assumes that different means (technologies, strategies) are used in the designs;
- Its use is associated with different phases of the process.

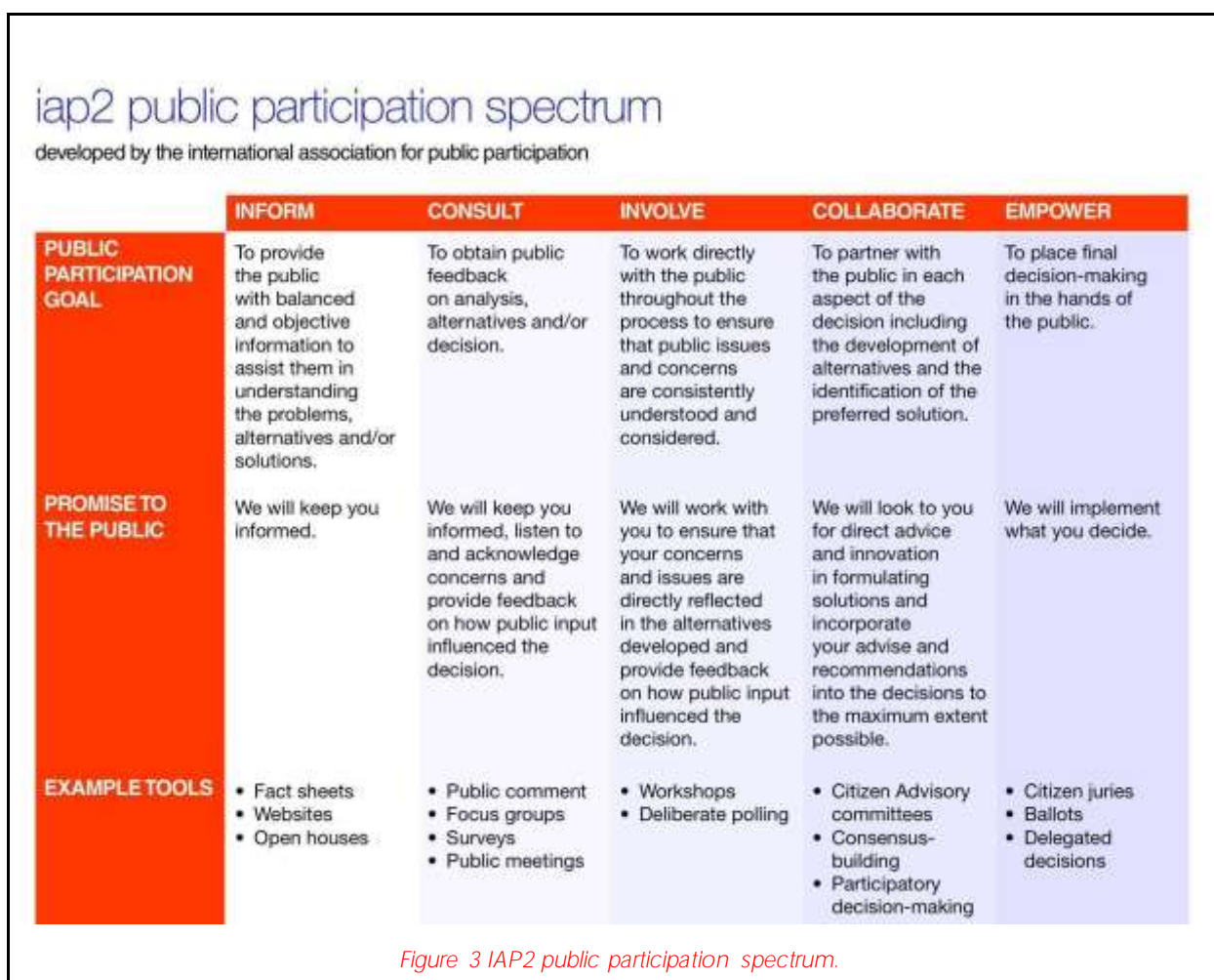
Therefore, participatory tools or initiatives will vary according to these means and ends, which require identifying the relevant means and ends to allow comparative analysis of designs. Regarding the means, democratic innovations associated with public procurement are mostly linked to deliberation, digital participation and citizen representation, while ends are generally linked to all the dimensions of the framework proposed by Latinno, focusing on accountability, responsibility, rule of law and political inclusion.

#### **e. Fifth development: The spectrum for public participation (IAP2)**

Not every participatory strategy has the same scope or purpose, or the same level of interaction or depth. For example, while both are understood as citizen participation, a public consultation does not have the same purpose, scope or level of interaction as a participatory co-creation strategy.

The issue here is the depth of the citizen participation itself and its impact on the public. The International Association for Public Participation (IAP2) public participation spectrum was designed to help users select the level of participation that defines the role of the public in any participatory process, based on the potential impact of the participation, the level of public involvement and the resulting types of interaction. This categorization is widely known, has fairly widespread use, and can be found in many of the national and local public participation agendas at the global level, as well as in some international organizations such as the OGP (with some modifications).

The objective of the IAP2 public participation spectrum is to identify each level of public involvement, the type and extent of government engagement with the public, and the available tools that are most commonly used at each of these levels.



Source: (IAP2, 2020)

In general, the whole spectrum of citizen participation can be incorporated in public procurement matters, as the initiatives and cases identified can be considered from a basic level of achieving greater transparency and information (the most elementary level of the spectrum) to consultation processes, collaborative work and even citizen empowerment, (the level of the spectrum that yields the greatest impact). \*\*

The level of public impact also depends on the level of specificity and technical complexity on which the public procurement models concerned are based. The more concrete (that is, the more technically simple, local and specific the objective associated with participation) the more possibilities there are to advance along this spectrum.

Later on, in the section *Integration of the developments for the characterization of the cases*, the aim will be to advance integration of these five developments within the proposed framework of analysis.

## On success as a variable for analysis

In this section we discuss success as an analysis variable, the dimensions to be considered, and the factors that contribute to the success of public innovation processes associated with the incorporation of citizen participation strategies in public procurement.

### a. Institutional designs, democratic innovations and dimensions of success

In general, identifying successful initiatives is different from simply considering the effectiveness of achieving objectives and obtaining benefits for an organization. Preliminary reviews of the literature (which fundamentally address this issue from a management and project development perspective) show the variety and multidimensionality of perspectives linked to the characterization, measurement and identification of factors associated with project success (Motoa, 2015). Our focus, however, is on analyzing the successful use of institutional designs, specifically strategies of citizen participation in public procurement, which may have their origin in innovation processes in the public sector, or in the adaptation of innovations due to policy dissemination processes. Sometimes they are articulated with other strategies in the form of *policy mixes*. In short, these processes have elements that differentiate an internal project within an organization or company, which requires identifying other more appropriate dimensions of success.

As FitzGerald et al. (2019) point out, "a policy is successful to the extent that it achieves the objectives that the proposers set out to achieve. However, only those who support the original objectives can perceive, with satisfaction, the result of a policy's success. Opponents are likely to perceive failure, regardless of the results, because they did not support the original objectives." (FitzGerald, O'Malley, & Broin, 2019). From this perspective, not all effectiveness or profit could be understood as success. Success goes beyond effectiveness because it is associated with desired goals or values, with the achievement of various benefits, and with the recognition and expansion of the idea.

As such, we will attempt to identify dimensions of success of innovative institutional designs, and associate this search with the logic by which public innovation processes operate.

This effort will focus on the achievement of goals, the significance of the initiative associated with such achievements, as well as the achievement of positive changes in behavior and key governance processes. Thus, beyond effectiveness, success can also be achieved by attending to other variables or dimensions, linked to the last phases of the

value chain (results or impacts), and where managerial factors identified by the literature could account for change (Motoa, 2015).

In addition, and for the type of strategies at issue here, citizen participation is a key tool on which open government rests as an approach to contemporary public governance (Cruz-Rubio, 2015). Within this framework, a criterion of success associated with this type of initiative must be included in the real openness generated as an effect or direct consequence of the participatory implementation of a given strategy — that is, whether or not, thanks to the implementation of the initiative, a greater openness of information and key processes (decision-making, follow-up and/or monitoring) linked to public procurement (in decision-making, in process supervision, in control mechanisms or vertical accountability) was achieved.

In any case, citizen participation should be understood as a means (value or principle of action) that defines or configures concrete strategies (institutional designs).

Beyond the achievement of objectives or recognition, a strategy could succeed—or be perceived as having succeeded— if it serves as a clear trigger for positive changes in individual behavior, with consequences at the collective level, both for the beneficiaries or recipients of the strategy and for other actors beyond the area of the policy in question. Innovations generate changes in the incentives and expectations of the actors involved/affected, in response to which they may be able to promote changes in key interactions, and by so doing, consolidate institutional change.

When this happens, success tends to generate greater knowledge of the case within the local context or ecosystem of stakeholders and the public, thus generating recognition of the government's work and connecting with people. Proactively, the socialization of achievements leads to this. For example, it could be understood as a criterion for success if a strategy achieves its goals and therefore also enjoys a high level of recognition, interest and social acceptance.

But success can also generate and/or be the cause of continuous dynamics of innovation and diffusion of public policies (policy diffusion) (Berry & Berry, 2007), based not so much on coercion, but fundamentally on emulation or learning (Gilardi & Wasserfallen, 2018). This would be a dimension of impact also linked to "successful" socialization and sharing of achievements, whose effects could be assessed in accordance with the degree of proven replication of the institutional design of the strategy, that is, whether it has been "exported" as an innovative initiative (and whether it has been planned for implementation) in another country, city or context. This is done with the support of a network of collaborators or the work of an innovation ecosystem.

In summary, in the framework of this research, a successful public procurement experience (and in general, any democratic innovation), regardless of whether it is an initiative that arises from the government or from the CSOs and whether it is currently active or not, will be understood as one that achieved the results indicated below:

- a. Achievement of objectives associated with relevant goals;
- b. Openness to participation in key phases and processes;
- c. Trigger changes in behavior;
- d. Social recognition and acceptance;
- e. Replication of the initiative.

It should be clarified that, within the framework of this analysis, the five dimensions of results and impacts identified here have their own specific weight. Given the centrality of effectiveness as a factor of success and openness as a key principle of participation (a and b), in this research framework, these two dimensions should be understood as mandatory for an initiative to be considered successful.

The three remaining dimensions of success identified could be understood as complementary, to the extent that they are achievements that are desirable or linked to success, but which may not have been achieved or may be present —without thereby discounting such success— at the time of analysis.

This is so because the initiatives may be effective at achieving their objectives and at achieving high levels of openness, but may not be well known or may not yet have achieved significant changes in behavior, or may have been implemented without the intention of replication in other contexts, or such a process may still be underway. They may have arisen from processes that are medium- or long-term or that have been developed in the absence of sufficient outreach and public awareness mechanisms, so that only those directly involved have been able to learn about the initiative.

*Table 4 Proposed dimensions of success for this analysis.*

Dimension	Associated Milestones: Key Questions	Type
a) Effectiveness	<i>Has the implementation of the initiative demonstrated that it achieves its objectives? Are they achieved in a sustained manner over time?</i>	Mandatory



b) Openness	<i>Has the implementation of the initiative enabled effective and open spaces for citizen participation (at the level of consultation, or informed debate, of sending proposals, for decision making, or for monitoring and/or inspection of resources)?</i>	Mandatory
c) Changes in behavior	<i>Did the initiative succeed in modifying negative or undesired behaviors, or create new desired behaviors in any of the phases of public procurement processes, consequently changing business-as-usual between government, citizens, and other actors (tendering companies, CSOs)?</i>	Complementary
d) Social acceptance and recognition	<i>Did the initiative, once launched, generate citizen interest, greater recognition and high levels of acceptance by citizens and stakeholders, including detractors?</i>	Complementary
e) Replication	<i>Has the implementation of the innovative initiative and its results allowed for replication in other countries or governments?</i>	Complementary

**Source:** Author's elaboration.

Consequently, in order to be assessed as successful in the light of this framework, a strategy must comply with dimensions a and b, and may comply with dimensions c, d, and e. Compliance with the complementary dimensions (even with all of them) is not a determinant of success in the light of this framework, if they occur in the absence of compliance with a and b.

### **b. Success factors**

How is success achieved? What factors or combination of factors determine its achievement? These questions are relevant not only when advancing innovative participatory strategies in public procurement, but also for any process of public innovation in general.

Because democratic innovations implemented in the public sector require strong leadership and support, the formation of effective and informed working groups, flexible medium-term planning and skilled working groups aligned with the project, the internal organizational variables (factors) associated with planning, leadership, and management are particularly important determinants of success. We also found evidence of other success factors relevant to innovation processes in the public sector.

Specifically, our research has identified at least eight case-related "success factors." The first five, which are specific to the organization behind the project, are associated with the so-called "maturity level" of the project management team. The other three factors are associated with the institutionalization of the project and the way in which those involved interact with CSOs and other innovation ecosystems.

According to Motoa (2015), the Project Management Institute is conducting *Pulse of the Profession*, a study based on surveys of project managers and professionals directly or indirectly involved in project development. This study found a clear correlation between *the level of maturity in the organization's project management and the success of these projects* (Project Management Institute PMI, 2012). Five management-related success factors were identified:

1. Work teams with the appropriate talent and skills;
2. Planning for realistic implementation;
3. Ongoing support from senior management;
4. Clearly defined project benefits;
5. Effective change management.

In several of the in-depth interviews conducted for this research, Motoa noted the emergence of more than one of these factors within the initiatives considered successful. However, they were associated with the particularities of the public sector, where senior management were supported not only by the directors of the promoting organizations, but also by the elected officials who operate as promoters of reform and innovation processes, and where the "benefits" are associated with the burdens generated. For our purposes, it is therefore appropriate to rename these five factors to adapt them to the type of initiatives to be analyzed.

1. Work teams with the appropriate talent and skills;
2. Planning for realistic implementation;
3. Government attention at the highest level and ongoing support from top management (instead of only ongoing support from top management);
4. Clearly defined burdens and benefits for stakeholders (rather than clearly defined project benefits);

5. Effective change management by the project team.

In addition to these management-related success factors are three factors associated with the institutional or external environment:









1. Continued and committed interaction between CSOs and government to advance the initiative;
2. Institutionalization processes associated with soft law or formal legal changes that give legal force to the initiatives or give centrality to the initiative in the responsible organization;
3. Team involvement with public innovation networks, platforms or ecosystems.

In the public sector, legal force is a key driver of success, because without legal coverage many successful initiatives tend to remain isolated cases, without clear institutional anchors or administrative generality that would guarantee their continuity.

In some cases, raising innovations to the rank of law is not viable or possible; in other cases it is possible, and achieving this legal force is a political product that is sustained by leaders and by evidence of success from pilot studies, which, with the impulse of intra-organizational innovation groups, have demonstrated to governmental actors and those in high-level political positions the applicability, relevance and viability associated with the innovations, so that the institutionalization processes are based on prior evidence of success and can be promoted and driven by them.

On the other hand, active membership within at least one ecosystem or innovation platform, pushes the initiatives and diffuses them, Regional or international public innovation initiatives typically are *high-tech* projects which mainly consist of the development of innovative technologies in which an already existing technology is used and is modified with new technology, therefore, a high degree of technological uncertainty is assumed. (Shenhar, Dvir, Levy, & Maltz, 2001).

*Table 5 Success factors associated with the analysis framework.*

Type	Symbol	Success factors
Maturity level of the management team		1. Work teams with the appropriate talent and skills
		2. Planning for realistic implementation
		3. Government attention at the highest level and ongoing support from top management
		4. Clearly defined burdens and benefits for stakeholders
		5. Effective change management by the work team
Level of institutionalization and external interaction		6. Continued and committed interaction between CSOs and government to advance the initiative
		7. Institutionalization processes associated with soft law or legal changes that give legal force to the initiatives or give centrality to the initiative in the responsible organization
		8. Team involvement with public innovation networks, platforms or ecosystems

**Source:** Author's elaboration

Clearly, attributing the success of participation strategies to any of these eight factors requires evidence, mostly based on subjective perceptions (opinions and reflections of key informants), and sometimes it can be supported or validated by other specific empirical evidence, such as third-party reports. This research will use both types of evidence interchangeably.

## Integration of developments for the assessment of success

This section describes how the identification of conceptual developments will form the basis of the proposed analytical framework, which requires an adequate characterization of the cases. It also describes how we will assess the success of the cases we study, based on evidence of achievements in light of our analysis framework and the eight success factors identified above.

### c. Integration of the developments for the characterization of the cases

While the first two developments (OECD and Open Contracting) are associated with the moments or stages in which participation strategies operate, and are therefore descriptive in nature, the third, fourth, fifth and sixth dimensions (proposed by CIVICUS, Latinno and IAP2) concern variables of a more qualitative nature, linked to the purposes and scope of the designs. Thus, while the first two dimensions address the question of *when* does public participation occur, the third, fourth, fifth and sixth dimensions address the questions of *how*, *why* and *to what extent* participation occurs.

However, it is important to note that this grouping of developments is imperfect, since it cannot assume, for example, a univocal relationship between the stages or types of initiatives and the categorical variables associated with means and ends. This means that it is possible to find strategies (cases) that take advantage of various moments or stages of the contracting/purchasing process and that are a combination of types of initiatives and means, oriented towards different ends and with varying scope.

As indicated above, some of the selected initiatives use not only one strategy or type of tool but, rather, a group or mixture of substantive behavioral instruments associated with participatory strategies, in the manner of policy mixes (Howlett, 2005), which broadens or modifies the space the initiatives seek to occupy in each of the descriptive dimensions and categorical variables referred to above.

As can be seen below, this integration of developments will allow us to identify similarities between tools with respect to the phases or moments and with respect to the means, ends or scope of participation. It will also allow us to identify whether the outcome of a given strategy differs based on whether it is promoted by the government or by external parties.

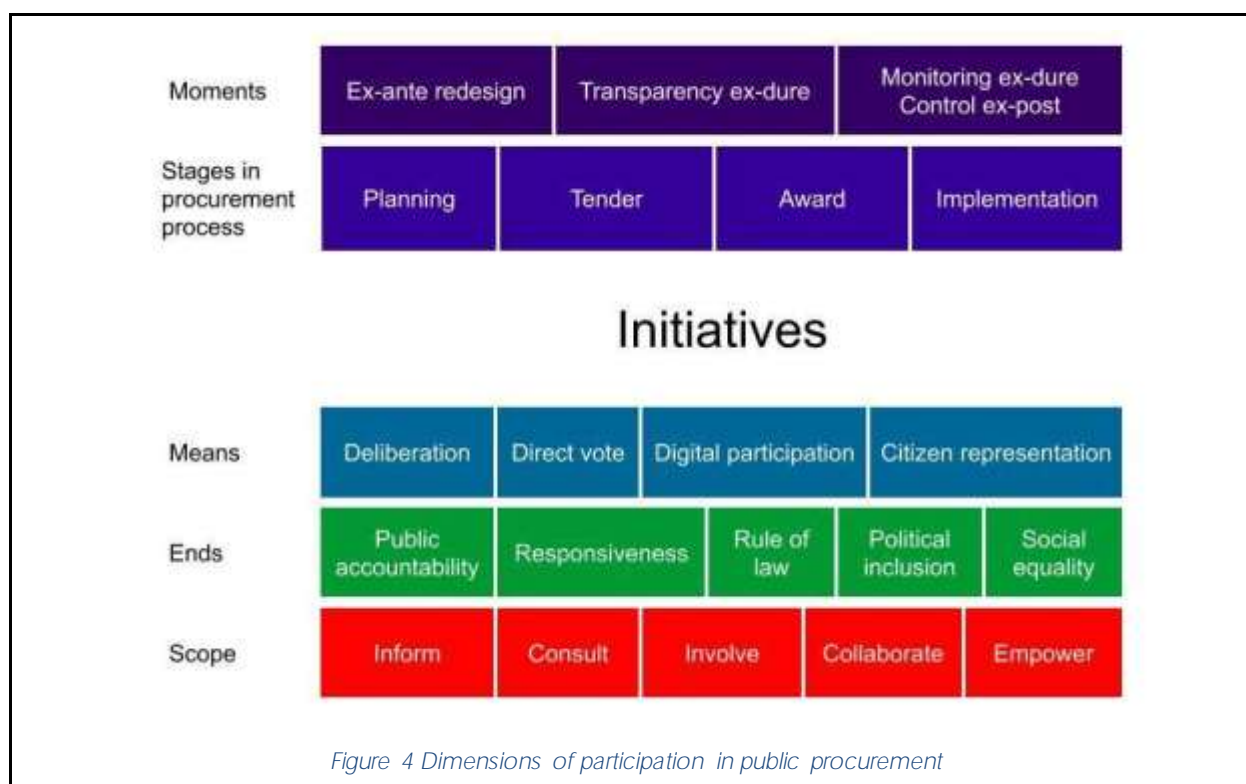
This grouping of developments is summarized in Table 6 and Figure 4 below.

*Table 6 Summary table of analysis framework: Dimensions of participation in public procurement.*

Dimensions	Question	Elements
Moments (OECD)	When	Ex-ante redesign Transparency and communication ex-dure Monitoring ex-dure and control ex-post
Stages in procurement process (OCP)	When	Planning Initiation (Tender) Award Implementation
Types of tools (CIVICUS)	How	Civic education Citizen initiatives Public dialogue and early participation mechanisms Budget and public spending Monitoring of public expenditure and evaluation of services Public supervision
Means (Latinno)	How	Deliberation Direct vote Digital participation Citizen representation
Ends (Latinno)	For what	Public accountability Responsiveness Rule of law Political inclusion Social equality
Scope (IAP2)	To what extent	Inform Consult Involve Collaborate Empower

Source: Author's elaboration.





Source: Author's elaboration.

Over the course of the research, we confirmed the usefulness of these dimensions for categorizing the various participatory experiences. The following are some of the issues associated with this group of cases:

- As previously stated, we did not identify any participatory experiences (cases) associated with the moment of designing or reconfiguring the procurement and contracting system (that is, in the words of the OECD, participatory initiatives for the *ex-ante design of public procurement systems*). This does not imply that initiatives of this type exist (*ex-ante*) that have already been promoted in the region or that can be associated with such a recommendation (see [Box 1](#)).
- A considerable variety of mechanisms exist, which are associated with various stages of the contracting process. We found some coherence among this diversity regarding instruments linked to the moments and stages, so that the initiatives identified in the moment of transparency and *ex dure* communication are concentrated in the intermediate phases of the public contracting process (Planning, Bidding, Awarding) while those initiatives of *ex dure* monitoring and *ex post* control are concentrated in the intermediate and final phases of the contracting process (Implementation).
- The CIVICUS participatory governance toolkit is useful as a means to properly identify the type of tools or strategies that can be linked to the cases in this study. It

is important to clarify that six of the twelve cases are strategies that involve the use of more than one participatory governance initiative, that is, they are a policy mix that includes two or more differentiable components of citizen participation.

- The means and ends dimensions, proposed by the Latinno Project and used for the categorization of cases, help connect mechanisms and strategies with the values, and principles associated with each case. It also provides a way to differentiate between the use of web technologies and the participatory strategies that are promoted within them (see [BA Obras, Argentina](#)).
- The dimensions to which the types of tools and the cases themselves refer may change over time. First, they are general frameworks for understanding the different types of tools, and, second, they are specific designs with particularities, objectives and strategies that, based on the regulations that apply to them and their level of development and purposes, may differ from the ideal type identified here.

## Achievements and their codification

The identification and assessment of the initiatives (cases) will be carried out by evaluating each initiative along the five dimensions of success described above, based on documentary evidence (secondary sources) or information from primary sources (in-depth interviews). The answers to *key questions* associated with each dimension (see Table 7) provide the basis for evaluating an initiative's success.

To this end, we will use the following four-level coding scheme to summarize the degree to which a given initiative has achieved a particular milestone:



*1. Major milestones achieved:* Achievement of the milestones described in the key questions;



*2. Major milestones not met:* There is evidence that the milestones described in the key questions either were not achieved, or their achievement was short-lived or not significant;



*3. Lack of information, data or analysis:* The absence or insufficiency of information, evidence or analysis makes it impossible to determine whether the milestones have been achieved;



*4. Further implementation time is needed:* The achievement of milestones is foreseeable but it is too early to make a final determination, even in the presence of information or data, either because progress is preliminary, a process is ongoing or unfinished, or a process is operating in phases.

Assessment categories 1 and 2 are dichotomous events: either 1 or 2 can occur, but not both at the same time. Assessment categories 3 and 4 are independent events: the occurrence of one does not depend upon the occurrence or nonoccurrence of the other.

Additionally, by combining the dimensions of success with the dimensions of participation, we identified those aspects of participation of greatest importance in evaluating the success of an initiative:














- When evaluating *effectiveness*, attention will be paid to the specific phases in which success has occurred (planning, bidding, awarding and/or implementation) and how this achievement of objectives has promoted greater public accountability, more responsive government, strengthening the rule of law, promoting processes of inclusion and/or attention to greater social equality;
- When evaluating *openness*, attention will be paid to how the means or mechanisms used (whether through deliberation, electronic participation, or representation) effectively generated relevant participatory spaces and to the scope of such spaces within the process (informing, consulting, involving, collaborating and empowering);
- When evaluating *changes in behavior*, attention will be paid to how the achievement of effectiveness and openness has modified the form of interactions between key actors and agents, and how this change has advanced (or not) the desired ends.

Finally, for the dimensions of success related to *citizen interest and social acceptance* (d) as well as *replication of the initiative* (e) no dimensions of participation have been specified for further attention.

Once the answers to these questions have been determined, we must identify for each case the presence or absence of each of the eight success factors described above. To this end, information will be provided from interviews with key actors and/or from analysis of documentary evidence, including reports, web pages.

The integration and assessment strategy is presented in Table 7:

*Table 7 Assessing success: Dimensions, key questions, dimensions of participation and identifiable success factors*

	Key Questions				
Success dimensions	a) Effectiveness associated with relevant goals and values	b) Openness to participation in key processes	(c) Changes in behavior	d) Citizenship interest and social acceptance	e) Replication of the initiative
Key Questions	Has the implementation of the initiative demonstrated that it achieves its objectives? Are the objectives achieved in a sustained manner over time?	Has the implementation of the initiative enabled effective and open spaces for citizen participation (at the level of consultation, or informed debate, for sending proposals, for decision making, or for monitoring and/or inspection of resources)?	Did the initiative succeed in modifying negative or undesired behaviors, or in creating new desired behaviors in any of the phases of public procurement processes, consequently changing business-as-usual between government, citizens, and other actors (e.g. tendering companies, CSOs)?	Did the initiative, once launched, generate citizen interest, greater recognition and high levels of acceptance by citizens and stakeholders, including detractors?	Has the implementation of the innovative initiative and its results allowed for replication in other countries or by other governments?
Possible Symbolology (For Achievement Reviews)	 Mandatory	 Mandatory	 	 	 
Dimensions of Participation of Greater Attention	Phases Purpose	Media Scope	Purpose	Not specified	Not specified
Identifiable Success Factors	     <p>Associated with the maturity level of the management team</p>				

	 <p>Associated with the level of institutionalization and external interaction</p>
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Source: Own elaboration

## Types of participatory tools in public procurement

This final section of the analysis framework provides an overview of the seven general types of institutional design (citizen participation tools) identified here, which can be used in public procurement processes.

An instructional approach is used in this section, because participatory innovations linked to public procurement operate on the basis of specific institutional designs that determine the scope of participation and guidance during the process, based on specific rules, systems or platforms (when applicable) to instantiate these designs.

This overview does not imply that these are the only possible designs. As noted above, the technological variable has been identified as an enabler for the development of more institutional designs, and it is hoped that more types of participatory innovations associated with public procurement can be advanced in the future. The analysis of cases shows that, as in the case of Qali Warma (Peru) or BA Obras (Argentina), participatory strategies (cases) have been identified that combine features of at least two of these types of tools.

Eight types of generic tools for public participation that can be associated with public procurement are identified below:

- Integrity pacts/social witness (IP-SW)
- Community-led procurement (CLP)
- Public oversight committees
- Platforms for monitoring public expenditure
- Multi-Stakeholder dialogue (MSD)
- Public hearings
- Public forums (early supplier involvement)
- Participatory budgets (citizen initiative and public consultation)

The following section describes the features of each of these tools and shows, by means of an infographic, how each relates to the five dimensions of participation.

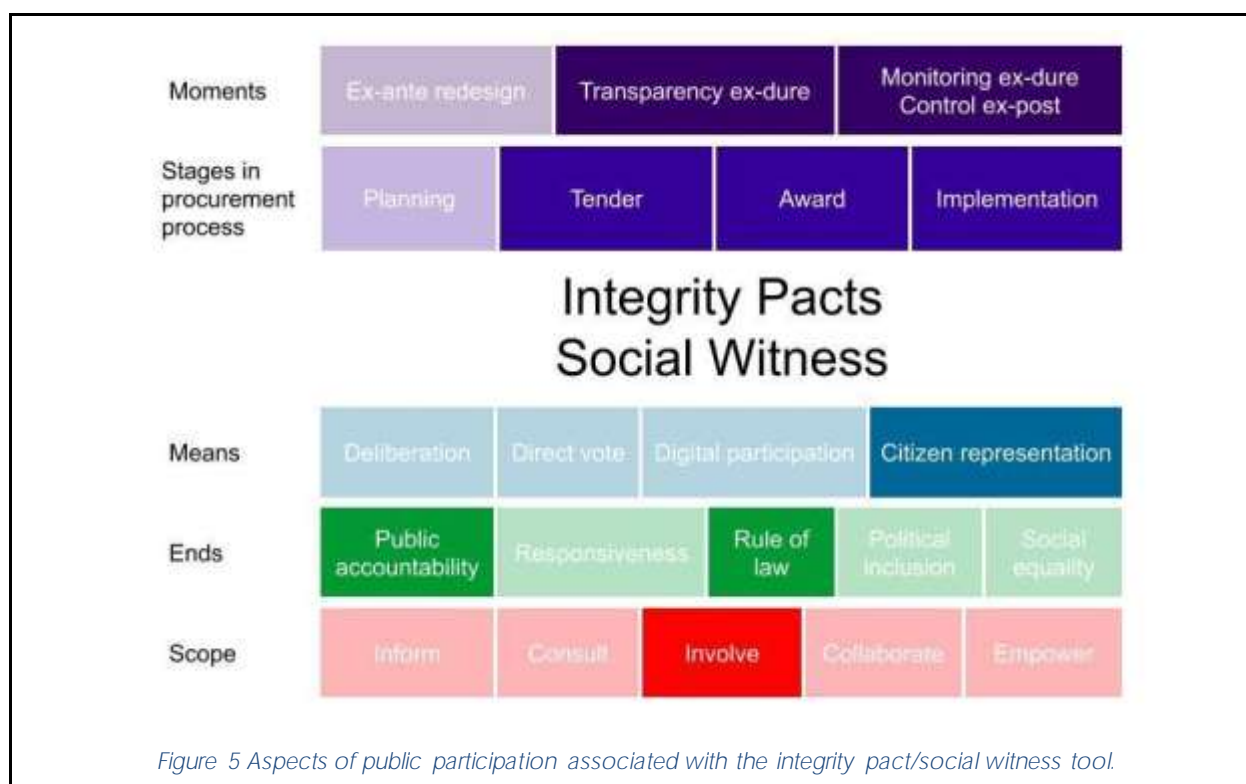
#### d. Integrity pacts/social witness (IP-SW)

An integrity pact can be understood as "...an agreement facilitated and monitored by civil society between a public administration (in particular, a contracting authority) and the tendering businesses or associations or entities representing their interests by which they pledge to follow a transparent procurement procedure and to avoid any practices that could be considered as corruption. At the same time, it allows the creation of favorable conditions for the effective and efficient use of public resources, as well as the promotion of competitiveness, by improving equality of access to the public procurement market" (Arribas, 2019).

Integrity pacts have been implemented for over 20 years. There are even countries, such as India and Mexico, where the use of the integrity pact has been mandated law or government procedure (Transparency International, 2016).

The integrity pact is thus a tool that favors transparency during the process, as well as monitoring and control processes in the key stages of contracting (tendering, awarding and implementation), basing its strategy on the participation of an external agent (social witness) who acts as an expert and as "external representative of the citizenry" to encourage compliance with the regulations. By their involvement, the social witness promotes integrity and makes it possible to hold the responsible authorities accountable for possible deviations or non-compliance. Finally, the social witness participates in follow-up activities and in the preparation of recommendations and reports.





Source: Author's elaboration.

Case example: Testigo Social (Mexico).

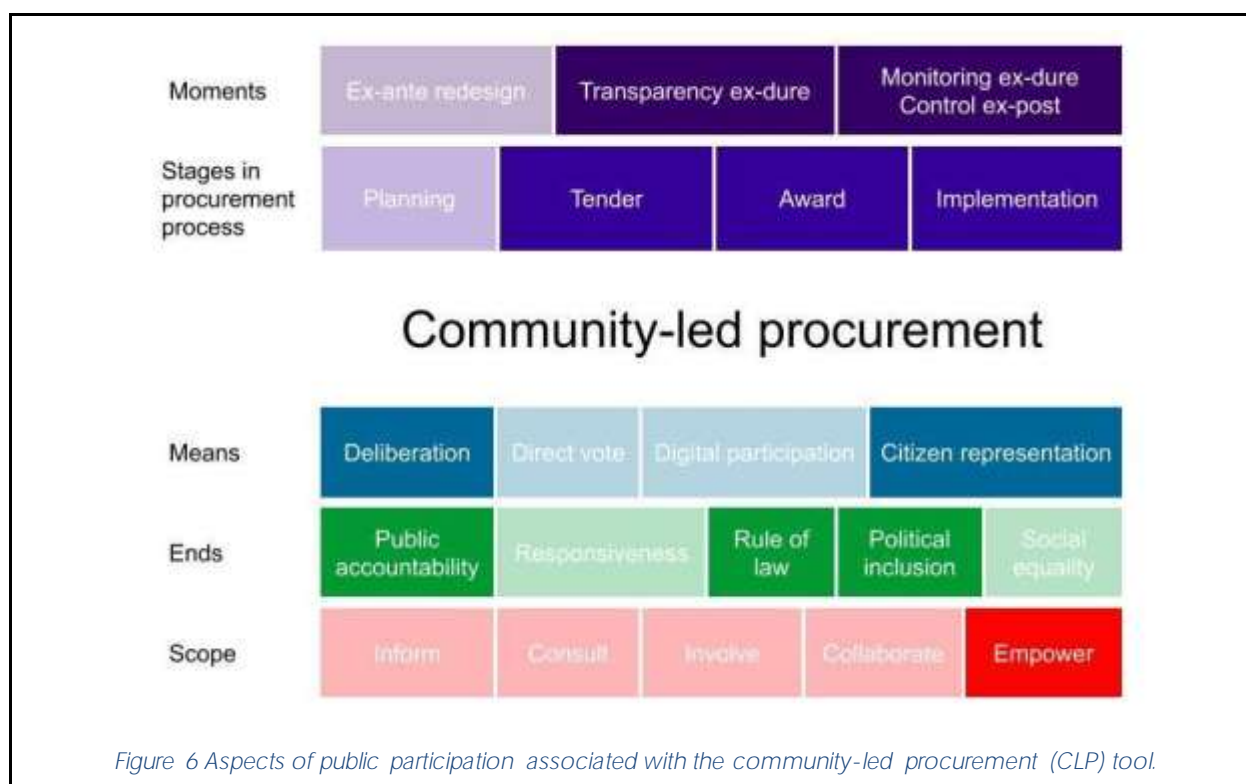
### e. Community-led procurement (CLP)

According to CIVICUS, Community-Led Procurements (CLP) are a tool for developing systems to manage local government and/or donor funds and to use them in community-determined ways to purchase products, contractors and services, usually through locally-elected community organizations (CIVICUS, 2018).

CLP is a bottom-up alternative to public procurement, in which citizens and community actors outside the government are involved in procurement processes and public purchases, which provides transparency to the process and allows monitoring and control.

This tool seeks to empower communities in the purchasing process, operating in the bidding, awarding and implementation phases, and it can be used to support local producers and economies.

Through purchasing committees or similar instances of representation, the design of tenders, awards, and resource management are discussed. This tool allows for greater inclusion in the procurement processes, as well as due diligence in the enforcement of the law, promoting public accountability processes.



Source: Author's elaboration

Case example: Comisiones de Compra — Programa Alimentación Escolar Qali Warma (Peru).

#### f. Public oversight committees

Public oversight committees are an instance of the broader category of public oversight processes. There are a variety of mechanisms and tools that involve citizens and/or independent agencies in carrying out an oversight or monitoring function in relation to government to help curb corruption, build public trust in government and encourage greater transparency and public accountability.

Public oversight committees can be created at any level of government—but are most often formed at the community or municipal level—to guide and oversee government activities or to act as a watchdog for public services.

According to CIVICUS, effective public oversight depends on a degree of freedom of information to access relevant government data and documents and freedom of expression to publicly discuss findings and concerns. It is important that public oversight mechanisms be accessible, independent and have the trust of the general public. (CIVICUS, 2018).



**Source:** Author's elaboration

Case examples: Comisiones de Veeduría Ciudadana (Dominican Republic),  
Comisiones de Compra—Programa Alimentación Escolar Qali Warma (Peru).

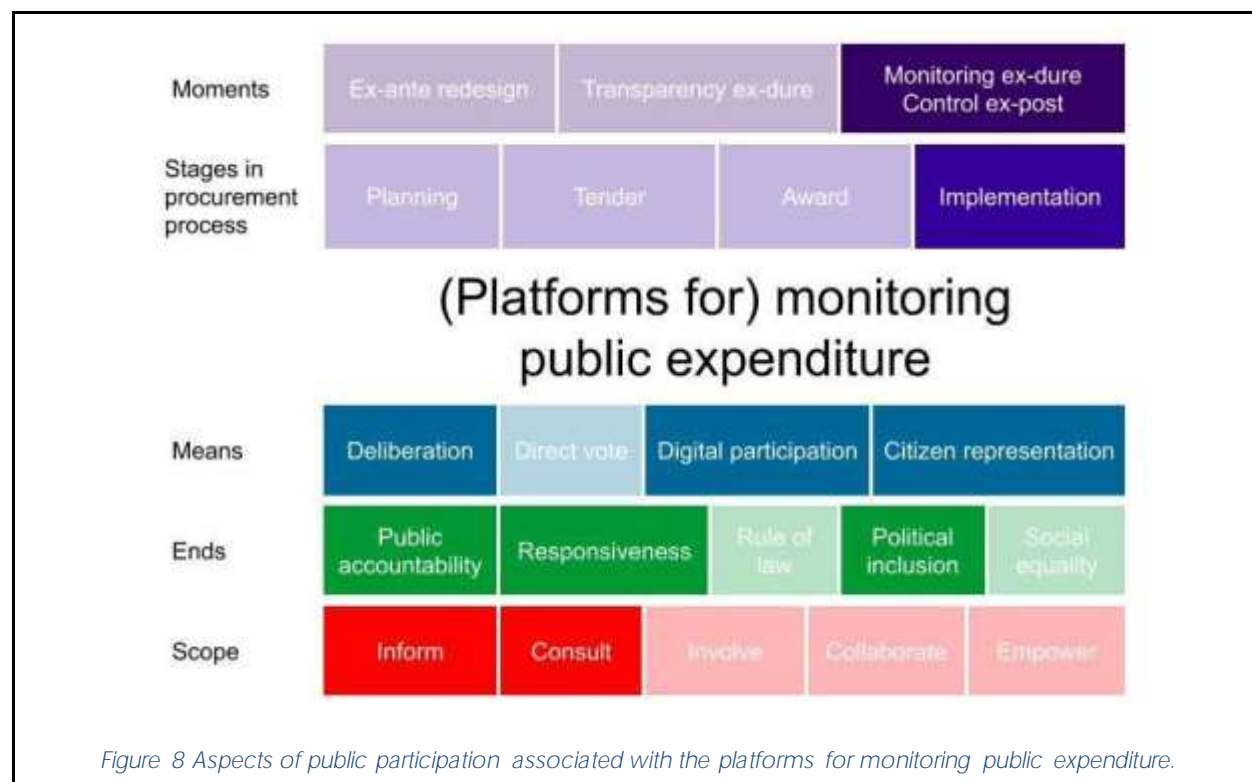
### **g. Platforms for monitoring public expenditure**

According to CIVICUS, public expenditure monitoring involves tracking the flow of public resources for the provision of goods and services from origin to destination. It can help detect bottlenecks, inefficiencies and/or corruption in the transfer of public goods and resources and is a vital tool for government and civil society organizations to protect themselves against corruption and to ensure transparent, accountable and effective public financing (CIVICUS, 2018). Public expenditure monitoring usually involves some form of quantitative research, such as verification of financial accounts to monitor the actual flow of funds, and qualitative research, such as interviewing users of public services about their experiences and evaluations of the quality, accessibility and cost of public services. Expenditure monitoring can be done at the local, district or sub-national level. (CIVICUS, 2018)

With the rise of the use of open data and the technological advancement of the internet, it has become considerably easier to develop and implement portals that allow users to consult key information on public spending, purchases and contracts, as well as to monitor

public investments and purchases in real time. These platforms make it possible to improve transparency in management and their monitoring of the use and allocation of public money focuses for this purpose on the implementation stages (execution).

The platforms therefore engage interested citizens, civil society organizations and community actors outside of government in their monitoring, provide transparency to the processes and allow for tracking and control. These platforms seek to empower communities in the procurement process. These types of tools allow governments to be responsive, and indicate how resources associated with public procurement are managed. When targeted to specific beneficiaries, these platforms also allow for greater inclusion of historically marginalized groups, as well as due monitoring of compliance with the law, fostering processes of public accountability.



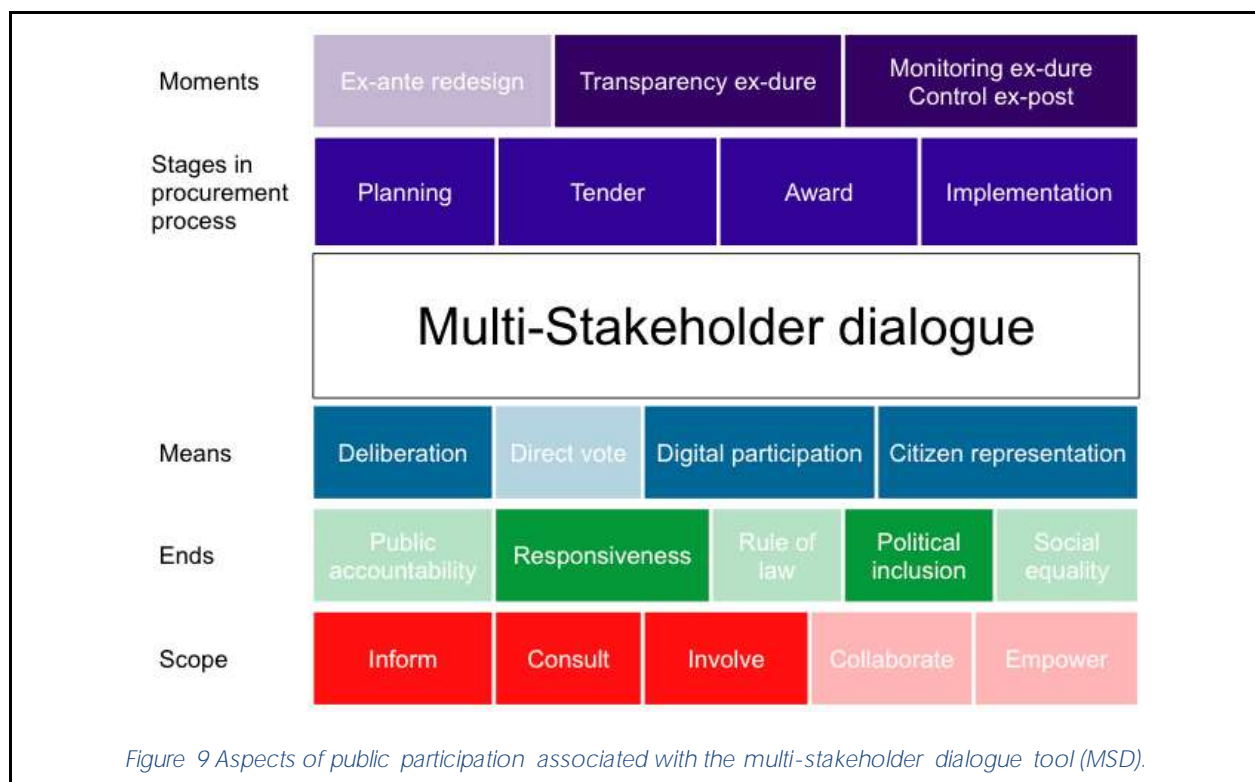
**Source:** Author's elaboration

Case examples: Cuidando do Meu Bairro (São Paulo, Brasil),  
BA Obras (City of Buenos Aires, Argentina),  
Gasto Público Bahiense (Bahia Blanca, Argentina).\*

## h. Multi-stakeholder dialogue (MSD)

According to CIVICUS, a multi-stakeholder dialogue (MSD) aims to bring together relevant interested parties or those who have a "stake" in a given issue or decision. The key objective of a MSD is to improve levels of trust between different actors, share information and institutional knowledge, and generate relevant solutions and good practices.

The process considers that all stakeholders have relevant experience, knowledge and information that will ultimately inform and improve the quality of the decision-making process, as well as any actions that may result. With sufficient time, resources and preparation, MSD can be a very effective tool for bringing diverse groups together to build consensus on complex, multifaceted and, in some cases, divisive issues. In public procurement, these types of tools are linked to the use of platforms or instances—semi-permanent spaces where providers, citizens, observers, and public officials confer and deliberate about the public procurement processes, promoting government responsiveness by making it more sensitive to the needs, opinions and concerns of potential stakeholders.



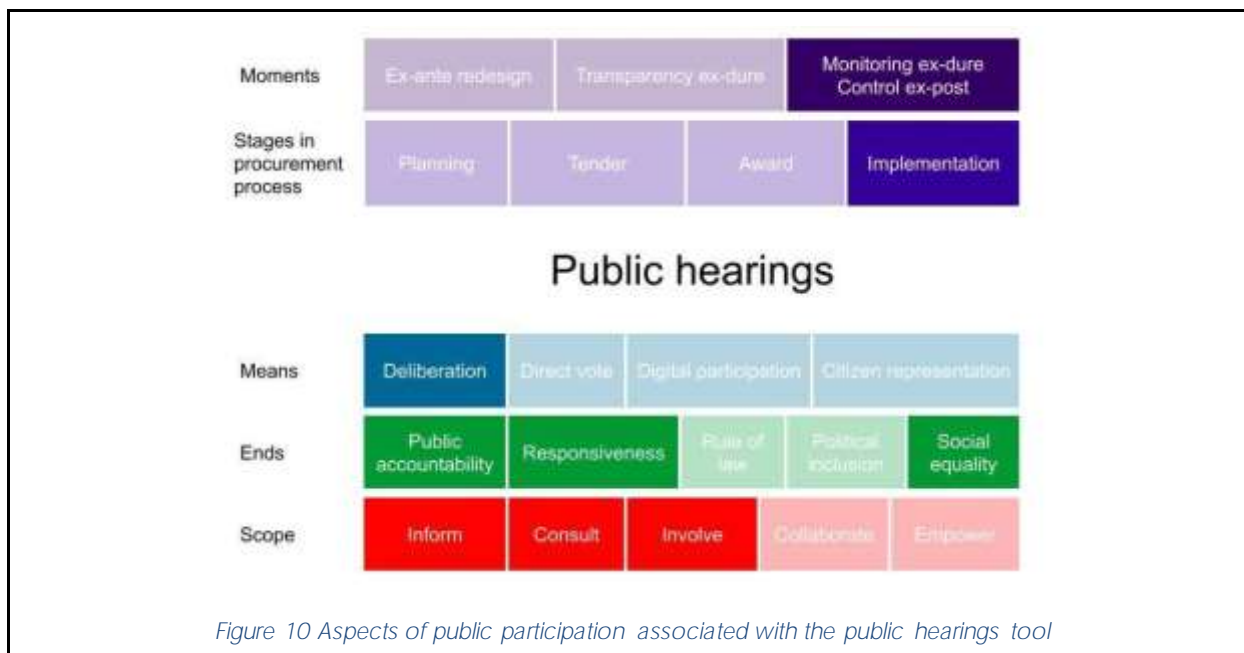
Source: Author's elaboration

Case example: Tianguis Digital – Experiencia Ecobici (Mexico City, México).

### i. Public hearings

A public hearing is an instance of participation empowered by a responsible authority, either on its own initiative or at the request of the citizens, to address citizens' declarations or requests and to provide a basis for government decisions or actions. In some countries, these instances are regulated by law. In general terms, public hearings are participatory mechanisms that use dialogue between the authorities and the public as a tool to inform and monitor the management of the public service. This dialogue must take place using formal channels, within the framework of times, spaces and procedures previously established for these hearings, although a hearing's effects or results are mostly non-binding. It is, therefore, a structured and formal context in which to promote such dialogue, deliberation and exchange of ideas, requests, and needs, but which also promotes processes of control and accountability.

These mechanisms are not exclusive to public procurement processes, but if used in this area, could be directed to the development, monitoring and control of local community projects where public procurement processes are involved. Thus, when public hearings are associated with the monitoring, control and management of a budget, (Gestion Local, 2001) they are a mechanism for community participation in the formulation and control of the execution of the municipal budget. Every neighbour has the opportunity to make their needs known and to influence how best to spend public money. This mechanism allows for the proposal and selection of improvements that involve the purchase of goods and services, and those considered to have the most favorable impact are approved, put into practice, and are monitored and controlled.



Source: Author's elaboration

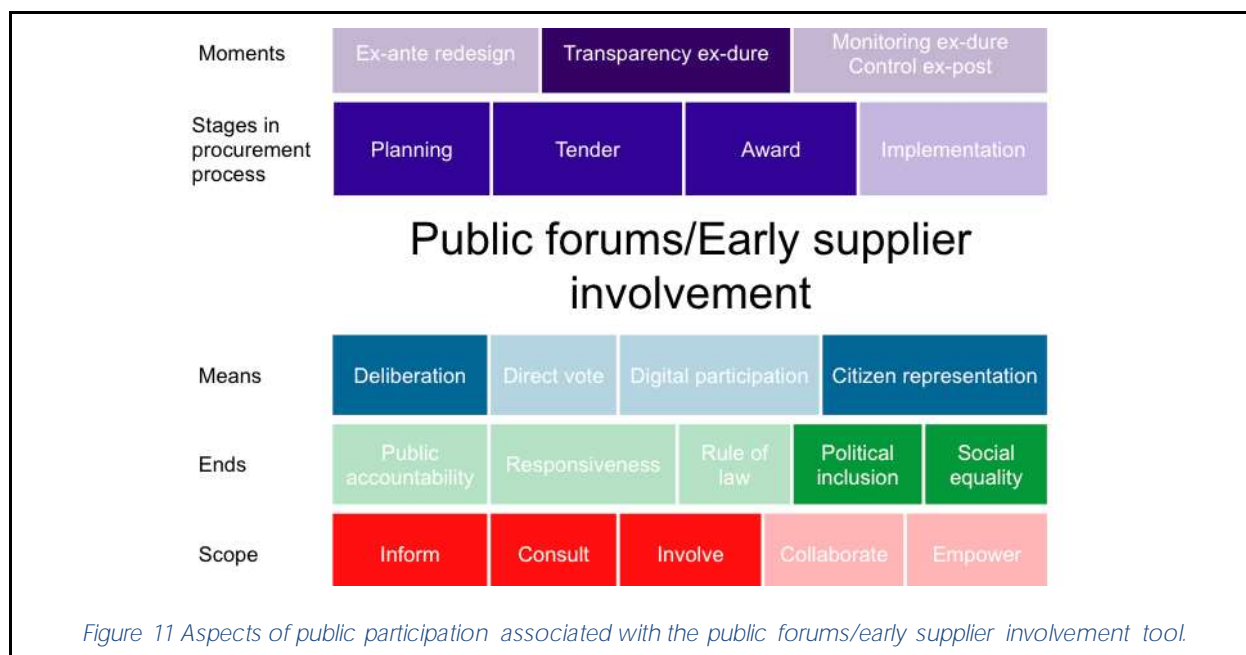
Case example: Audiencias Públicas Municipales (Paraguay).

#### j. Public forums /Early supplier involvement

Public forums are meant to improve the information conditions of participants in public procurement processes. According to OECD, a correct understanding of the markets should be ensured in order to develop more realistic and effective tender specifications. To this end, in addition to conducting regular market research and the identification and collection of information on all potential suppliers, products and prices, it is useful to implement “(early) supplier involvement mechanisms” such as systems for receiving and responding to requests for information (RFI), individual consultations with suppliers, holding trade fairs or industry/supplier days, competitive dialogue, etc.

In short, governments can establish spaces for the exchange of information and public forums aimed at the participants in the procurement process, so that the available information can be improved early in the process, the situation of the participants can be improved, participation can be encouraged and specific uncertainties can be resolved. These forums can also address specific processes associated with the awarding of contracts.





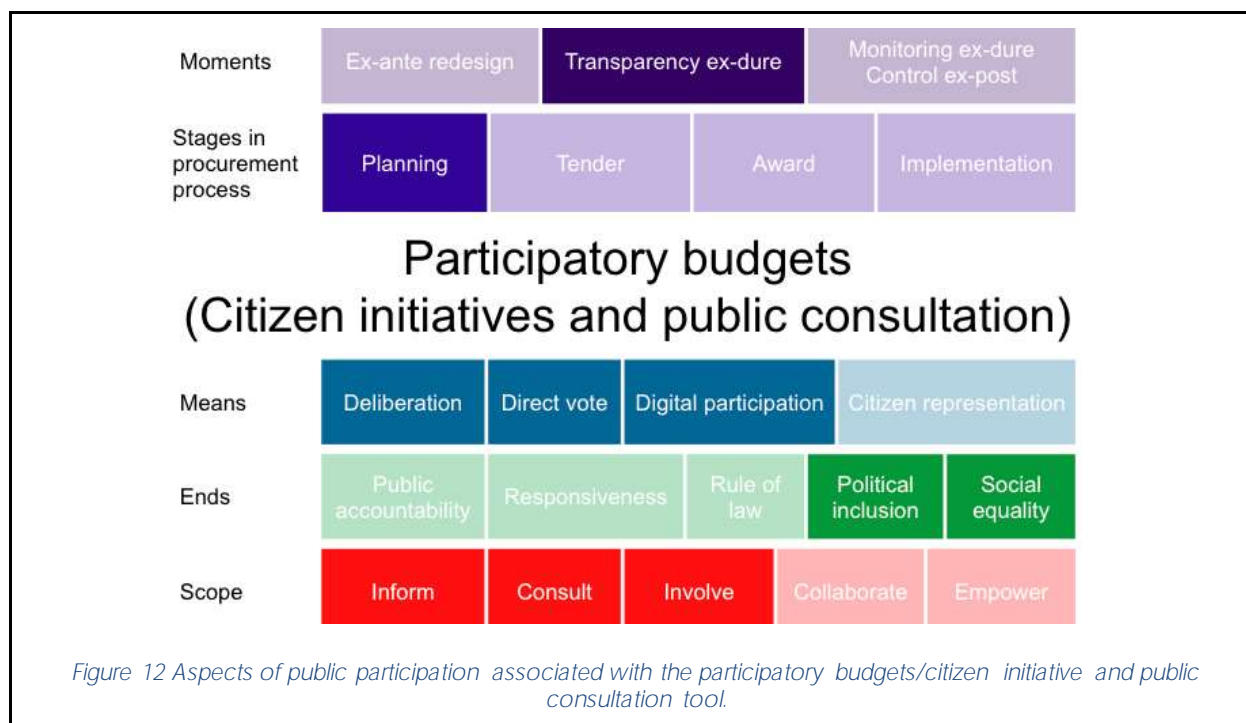
Source: Author's elaboration

Case example: Ferias Metropolitanas Inclusivas Quito (Ecuador)

#### k. Participatory budgets/Citizen initiative and public consultation

A methodology of public budget management, based on multi-channeling and public participation in different stages and modalities, has become an innovative practice for rejuvenating democracy and improving the quality of public expenditure, allowing citizens to influence or make decisions regarding public budgets, both at the local and state level. It is a process of consultation and dialogue between the community and the authorities regarding local investment priorities. There exist many varieties of participatory budgets, which makes it difficult to analyze and understand them as a unitary object or tool (Pineda Nebot & Pires, 2012).

The use of participatory budgets is, in fact, a set of techniques and methods that involve many layers of participation and public management, the particularities of which give an idea of the possibilities for action based on this strategy. In the area of public procurement, the systems or web platforms that include this participation strategy allow the public to have a say and decision-making capacity in the allocation of public resources to specific actions or projects. As such, it does not enter fully into the procurement process, but the use of these participatory mechanisms allows expenditure to be allocated in a participatory manner, promoting bottom-up decision-making processes and prioritization of needs in the areas of procurement, contracting and public works infrastructure.



**Source:** Author's elaboration.

Case example: BA Elige Buenos Aires (Argentina, see Box 4).

## Case analysis summary table

The following tables integrate the cases and classify them based on the four dimensions described above. A later section will provide summary information on the nine cases, with symbols linked to the success factors and achievements, which have resulted from the analysis of each case, the review of documentation and the interviews carried out in this research.

*Table 8 Categorization of identified cases.*





Case (Country)	Moments (OECD)	Stages in procurement process (OCP)	Types of tools (CIVICUS)	Means (Latinno)	Ends (Latinno)	Scope (IAP2)
Testigo Social (Mexico) (National) extra-governmental initiative	Transparency and communication ex-dure Monitoring ex-dure and control ex-post	Tender Award Implementation	Integrity pacts	Citizen representation	Public accountability Rule of law	Involve
Comisiones de compra. Qali Warma - Programa Nacional de Alimentación Escolar (Peru) (National-subnational) governmental initiative	Transparency and communication ex-dure Monitoring ex-dure and control ex-post	Tender Award Implementation	Community-led procurement (CLP)	Deliberation Citizen representation	Public accountability Rule of law Political inclusion	Empower
Gasto Público Bahiense * (Argentina) (Subnational) extra-governmental initiative	Monitoring ex-dure and control ex-post	Implementation	(Platforms for) Monitoring public expenditure	Digital participation	Public accountability Responsiveness	Collaborate
Cuidando do Meu Bairro São Paulo (Brazil) (Subnational) extra-governmental initiative	Monitoring ex-dure and control ex-post	Implementation	(Platforms for) Monitoring public expenditure	Deliberation Digital participation	Public accountability Responsiveness Rule of law	Inform Involve
BA Obras (Argentina) (Subnational) governmental initiative	Transparency and communication ex-dure Monitoring ex-dure and control ex-post	Implementation	(Platforms for) Monitoring public expenditure Public hearings	Deliberation Digital participation	Public accountability Responsiveness Political inclusion	Collaborate

Tianguis Digital - Ecobici (Mexico) (Subnational) governmental initiative	Transparency and communication ex-dure	Planning	Multi-Stakeholder dialogue (MSD)	Deliberation	Responsiveness Political inclusion	Consult Involve
Audiencias Públicas - Dirección General de Contrataciones Públicas (Paraguay) (National) governmental initiative	Transparency and communication ex-dure Monitoring ex-dure and control ex-post	Planning Tender Award Implementation	Public hearings	Deliberation	Responsiveness Political inclusion	Consult Involve
Comisiones de Veeduría Ciudadana (Dominican Republic) (National) governmental initiative	Transparency and communication ex-dure Monitoring ex-dure and control ex-post	Planning Tender Award Implementation	(Platforms for) Monitoring public expenditure	Deliberation Citizen representation	Responsiveness Rule of law	Involve
Ferias Metropolitanas Inclusivas Quito (Ecuador) (Subnational) governmental initiative	Transparency and communication ex-dure	Planning Tender Award	Public forums (Early supplier involvement)	Deliberation	Political inclusion Social equality	Involve

Source: Author's elaboration.

The following table summarizes the evaluation of each initiative with respect to the proposed dimensions of success.

*Table 9 Performance of cases with respect to the proposed dimensions of success.*

Case (Country)	Effectiveness associated with relevant goals and values	Openness to participation in key processes	Changes in behavior	Citizenship interest and social acceptance	Replication of the initiative	Identifiable Success Factors
Testigo Social (Mexico)	✓	✓	✓	✓		
Comisiones de compra. Qali Warma (Peru)	✓	✓	✓	✓ With controversies associated to media cases		

Gasto Público Bahiense * (Argentina)	✓	✓ Given the origin of the initiative	✓	✓	🔍	
Cuidando do Meu Bairro São Paulo (Brazil)	✓	✓	✓	✓	✗	
BA Obras (Argentina)	✓	✓	✓	✓	✓	
Tianguis Digital - Ecobici (Mexico)	✓	✓	✓	✓	⌚	
Audiencias Públicas (Paraguay)	✓	✓	🔍	✓	🔍	
Comisiones de Veeduría Ciudadana (Dominican Republic)	🔍 The effectiveness and continuation of the CVCs has varied in each department.	✓ Access to the process is restricted to prominent members of society.	✓ The process has not been able to consolidate the involvement of CSOs	✓ Subject to criticism by CSOs	🔍	
Ferias Metropolitanas Inclusivas Quito (Ecuador)	✓ Undermined by the introduction of a new inclusive procurement system	✓	✓	✓	✓ The model is national in scope, the experience has been developed throughout the country, based on specific local regulations.	

Source: Author's elaboration.

Symbology: ✓ Accomplished ✗ Not accomplished 🔍 Missing information or analysis ⌚ To be determined

## 4. Findings and areas for improvement

Based on research and interviews with key informants, three sets of findings have been identified, along with several recommendations for improvement.

Three findings can be grouped into the following categories:

- a. Emergence and implementation of the initiatives;
- b. Requirements associated with institutional designs and their use;
- c. Success factors concerning level of maturity of the management team and the level of institutionalization and external interaction.

### a. Emergence and implementation of the initiatives

These findings help define the contexts in which it is important to understand the emergence of strategies and their implementation. A strategy at the local level is not the same as one at the national level.

It is easier for initiatives or strategies to emerge from the government than from groups of CSOs or even from individuals in their personal capacity. The former do not have the same challenges and problems associated with access to data, resources, infrastructure, etc. Additionally, this group of findings concern the challenges of implementation and of maintaining the continuity of the initiatives over time.

- In 5 of the 20 Latin American countries, a strategy for citizen participation in public procurement was identified at the national level (Mexico, Argentina, Paraguay, Peru, and Dominican Republic).
- In five of the nine cases included in this research, references are made to experiences in sub-national contexts (state or local/municipal). Subnational or local settings are generally more conducive to experimenting with public participation innovations, and it seems easier to design and successfully implement participatory approaches to public procurement in such settings, not only because sub-national and local governments have greater proximity to citizens, but also because the degree of technical complexity, inter-institutional coordination and interoperability required and linked to these processes is greater at the national level.
- Three out of the nine strategies analyzed emerged and have been implemented through the initiative and direct advocacy of CSOs, specific groups or individuals (Gasto Público Bahiense, Cuidando do meu Bairro Sao Paulo and Testigo Social). Their progress and institutionalization has depended to a great extent on the effort, dedication and continuous and/or selfless work of the original creators or

promoters of these initiatives, who, over time, obtained the necessary support from government agencies for their implementation, adoption or formalization.

- Some of the initiatives or strategies have emerged strongly and have been implemented with strong advocacy from CSOs and have even been consolidated through legislative changes or in the benchmark regulations (Testigo Social, Cuidando de Meu Barrio).
- Two of the strategies (Gasto Público Bahiense and the strategy of incorporating citizen participation in public contracting processes in the Dominican Republic, indicated in Citizen Oversight Committees) depended heavily on the leadership and advocacy of the innovators and developers to see them through and despite producing hopeful results at the beginning and being sustainable (as in the case of GPB), they have ceased to function (due to a change of government, the disappearance or drastic reduction of their leaderships, or in the face of the lack of financing or institutional support).
- Those strategies that underwent processes of institutionalization have maintained their operation with relative success over the years, regardless of the political ups and downs or quality of personal leadership.
- Three initiatives were identified where the level of ambition regarding the participatory process could be considered low. We designate as “low intensity processes” those where participation is constrained to specific issues (public hearings) and where the implementation may have little effect as a means to transform business as usual, where rules restrict access to key processes (Citizen Watch Committees) or where they articulate their work in a more limited or timid way in terms of participation, because the tool is not a participatory technology per se (Gasto Público Bahiense). These institutional designs could have pursued more ambitious participatory strategies in public procurement, or could have explored alternatives.
- Four of the nine initiatives (BA Obras, Gasto Público Bahiense, Cuidando Meu Bairro Sao Paulo, Tianguis Digital) have based their main structure on interactive web platforms that use and leverage open data. This type of technological design is thus a major platform on which many strategies and innovations of citizen participation in public procurement rely. In the case of Tianguis Digital, however, the experience was not linked to a technological platform, but, rather, to early involvement of suppliers, which was successfully accomplished in the absence of any technological innovations.
- As research has shown, technological platforms to support open government, such as BA Obras, can even be used as administrative management software for internal use, even without enabling participatory processes or greater public transparency (as in the case of BA Obras in Bogotá).



- Two of the nine initiatives identified (BA Obras and Testigo Social) are concrete methodologies that have been successfully replicated in other countries, as part of projects led by civil society organizations and platforms at the international level. In the case of the Testigo Social initiative, it was developed and adapted from the Integrity Pacts, a methodology developed by Transparency International to advance oversight and control processes in public procurement processes. Testigo Social, therefore, should be understood as an adaptation and replication. What is not known in this case is whether the existence or progress of Testigo Social has generated replication processes in other countries or contexts, or has improved on the original design of Integrity Pacts.
- The processes of dissemination or more widespread propagation of citizen participation initiatives associated with public procurement have been rather incipient. They are hardly perceptible, despite the work by some knowledge and best practices exchange networks on the subject, such as the INGP (Inter-American Network on Government Procurement, to which 17 of the 20 Latin American countries belong) or the OCP (Open Contracting Partnership, an initiative whose standards are observed in 7 of the 20 Latin American countries). In any case, it should be noted that these networks have their main focus on improving procurement and contracting processes. It is clear that promoting citizen participation is by no means the only way (or the main method) on which these regional collaboration platforms have based their strategies. Nevertheless, it is important to highlight that the OCP includes among its global principles "Participation, Monitoring, and Oversight," pointing out that governments that support the philosophy and use of standards linked to open contracting have a duty to promote participation by recognizing the right to participate, and by pursuing relevant legislation, greater transparency, collaboration among diverse actors and the achievement of sustainable financing systems. They should also focus on individual contracts that are especially relevant due to their impact, promoting and guaranteeing participatory spaces for monitoring and oversight in the public procurement process.<sup>10</sup>

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<sup>10</sup> Textual citation: "Governments shall recognize the right of the public to participate in the oversight of the formation, award, execution, performance, and completion of public contracts. Governments shall foster an enabling environment, which may include legislation, that recognizes, promotes, protects, and creates opportunities for public consultation and monitoring of public contracting, from the planning stage to the completion of contractual obligations. Governments shall work together with the private sector, donors, and civil society to build the capacities of all relevant stakeholders to understand, monitor and improve public contracting and to create sustainable funding mechanisms to support participatory public contracting. Governments have a duty to ensure oversight authorities, including parliaments, audit institutions, and implementing agencies, to access and utilize disclosed information, acknowledge and act upon citizen feedback, and encourage dialogue and consultations between contracting parties and civil society organizations in order to improve the quality of contracting outcomes. With regard to individual

## b. Requirements associated with institutional designs and weaknesses in the institutionalization processes

Incorporating citizen participation in public procurement processes is difficult to implement and achieve, as in many cases it requires:

- Accessible, structured and quality information about the procurement process, which is available to all parties involved and can be shared;
- Medium- to high-level of knowledge in the field on the part of participants. In many cases, this means that participation is, in fact, limited, and that the individuals involved must first undergo a training process that requires significant time and intellectual effort, which many interested parties may not be willing (or able) to take on in the short or medium term. Institutional designs must be sensitive to this reality;
- Advances in interoperability, open data, and the use of interactive web platforms and data visualization interfaces, as catalysts or infrastructure preconditions that allow for sustainable and quality processes of citizen participation in public procurement.

Incorporating citizen participation in public procurement processes requires institutional designs that allow access to this type of information and open data and interfaces that enable dialogue and supervision of individuals in these processes, as well as formal and informal instances and spaces that promote learning about the public procurement process and basic training in the forms and strategies through which it can be followed up. Additionally, open data policies based, for example, on the Open Data Charter standards (2019) should incorporate these priorities of a participatory governance, which should be key to institutionalization (Zuleta, 2019) in the medium and long term.

The implementation of open data in the public procurement system helps to create spaces for citizens and the private sector to participate in the system's decision and, promotes competition, equal treatment of private actors in the system, public access to the system's data for accountability and oversight purposes, and encourages the use of data to manage knowledge and establish mechanisms for continuous improvement (Zuleta, 2019).

In addition to these reasons related to participatory approaches to public procurement, there are also significant difficulties associated with the processes of institutionalizing strategies in the medium and long term. The lack of success or the discontinuation of many initiatives is attributable to fragile or non-existent institutionalization.

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contracts of significant impact, contracting parties should craft strategies for citizen consultation and engagement in the management of the contract.”

The nine cases referred to show varying levels of consolidation and institutionalization, even within each case. In other words, the initiatives have varied in their success, depending on elements associated with political momentum or the type of initiative.

As a result, the incorporation of citizen participation strategies in public procurement in Latin America has in many cases not generated:

- Institutionalization processes that are strong enough to consolidate and give continuity to the initiatives over time (see the experience of the Dominican Republic in incorporating participatory models in public procurement and contracting);
- Legal changes that support and give judicial force to participatory initiatives, promoting mandatory compliance in their implementation by the public administration and citizens in general, such as *Cuidando do Meu Bairro* in Sao Paulo;
- Sufficient synergies in the ecosystems of relevant innovation actors and institutions or in the offices responsible for public procurement involved to document and analyze these experiences, in order to foster processes of targeted learning, socialization and dissemination of these experiences;
- Collaboration between companies and innovative actors (both inside and outside government, responsible public officials and donors) in exploratory processes of analysis, design and replication of successful experiences, in order to publicize the initiative, spread knowledge linked to successful cases and their implementation, and seek to export these concepts to other policy areas, jurisdictions and/or countries.

#### **c. Success factors concerning level of maturity of the management team and level of institutionalization and external interaction**



##### **Work teams with the appropriate talent and skills**

In seven of the nine cases studied, this aspect was found to be fundamental. In *Gasto Público Bahiense*, this issue was not considered because it was a personal initiative. With respect to Public Hearings, this issue could not be determined, although the need for leadership to implement these initiatives through the DNCP was highlighted.



### Planning for realistic implementation

Complex innovation projects require thought processes that associate goals with resources in a realistic yet ambitious way. This success factor was identified in six of the nine cases reviewed. This is basically due to the lack of information in the Inclusive Fairs and Public Hearings cases.



### Government attention at the highest level and senior management support

The findings show the importance to success of political support at the highest level as it was observed in all cases.



### Defined costs and benefits for the actors involved

This success factor could be identified in seven of the nine cases. In the case of the Citizen Watch Commissions, and the Dominican experience with seeking participatory strategies in public procurement in general, it seems that the Social Observatory finds it difficult to identify and resolve the burdens and benefits associated with the planned opening processes. In the end, a restricted model of citizen participation has been more effective and has even proven its worth in health emergency situations.



### Effective change management by the team

With the exception of Gasto Público Bahiense (lack of equipment) and Audiencias Públicas (Paraguay, due to lack of information) all other cases showed an ability to manage change and to be resilient in the face of adversity or new challenges.



### Continuous and committed interaction between CSOs and government to advance the initiative

All cases except Qali Warma (Peru) and Public Hearings provided evidence of continued interaction with CSOs and the government. It is evident that, depending on the origin of

the initiatives and the background of the leadership team, the way in which these interactions can occur varies as well. A key issue that greatly improves such interactions is when public officials or leaders responsible for the initiative or its coordination have been part of CSOs, or vice versa. Generally, more productive interactions are achieved when the problems and challenges that are established by both the government and the CSOs are known, and when the interaction conditions move away from confrontational models.



### **Institutionalization and legal changes that give juridical strength to the initiatives**

Six out of nine cases reported clear processes of institutionalization. Perhaps the most notable is Testigo Social in Mexico. Two more are directly associated with public policies (Qali Warma and Inclusive Metropolitan Fairs). Sometimes the initiatives gave way to legal changes (such as in Testigo Social) while in other cases it was the laws that structured the development of participatory strategies in public procurement (such as the Citizen Oversight Committees). Juridical strength continues to be a significant political-administrative component that determines the institutionalization processes, but it can also mean that legal structures are inoperative or irrelevant. In some cases, soft-law instruments such as standards or the adoption of international agreements have been a roadmap for innovation (for example, the adoption of OCP standards) in BA Obras, Tianguis Digital, or in the Dominican Republic's DGCP.



### **Institutionalization and external interaction. Involvement of the leadership team with other public innovation ecosystems**

This factor was identified in five of the nine institutional designs studied, coinciding with the "analogical" experiences as opposed to those based on open data technology foundations. The processes of innovation and distribution of policies through interaction with these ecosystems are therefore reflected in the level of technological development proposed in them and the role that the teams behind the innovations take to advance their projects. This was particularly important in Cuidando de Meu Barrio, as well as in Gasto Público Bahiense, in BA Obras, and in Tianguis Digital.

Table 10 Narrative summary of success factors



Case	Maturity level of the management team	Institutionalization and external interaction
Testigo Social (México)	The initial development team managed not only to incorporate the design into the procurement regulations, but also to adapt and condition it to the Mexican reality at that time, demonstrating that they had a team with sufficient skills and dexterity, a team that also demonstrated adequate change management throughout its implementation.	The Ministry of Public Administration's acceptance of this dimension gave the necessary impetus to make it possible to institutionalize it in more than 40 Mexican laws, which is undoubtedly a key factor in its success.
Comité de Compras del PAE Qali Warma (Perú)	Over the years, the responsible teams at MIDIS have worked methodically to strengthen, improve and consolidate the initiative, demonstrating a high level of maturity of the core team, with clear objectives and realistic planning processes. This program has enjoyed great political support at the highest level, and has sought to use the experience of previous Peruvian co-management models as a source of knowledge to promote this type of institutional design.	There is no evidence that this program has had support from or continued interaction with other CSOs or international organizations, although the community participation associated with it has been crucial and has been there since its inception. The strength of the law that gave it judicial authority from the beginning meant that this program had strong institutional backing at all levels. The institutional presence associated with the social oversight processes was strengthened, which acts as an important component in this strategy and demonstrates the resilience of the strategy in order to adapt to the needs of inclusion and participation.
Gasto Público Bahiense (Argentina)	As this is an initiative by an individual, it is difficult to speak of successful processes associated with the level of maturity of the team responsible for it. Instead, we can say that, thanks to this individual initiative, effective collaborative spaces were articulated in the search for open government solutions based on the use of open data, confirming that there were groups of collaborators with appropriate talent and skills for the development of new initiatives and projects, which were welcomed within the government of Bahia Blanca. There was strong support at the highest level, which, during the period 2012-2016, allowed this initiative to be maintained and integrated into the open government ecosystem that was being promoted.	GPB was showcased and hosted by the NGOs that promote open data, transparency and citizen innovation in the country, and generated positive synergies to contribute to the emerging regional ecosystem of open data and technology promoters. There is no evidence that this innovation had deeper institutionalization processes linked to changes in the regulations that gave it judicial strength or a greater centrality to the city council, beyond that which occurred with the orientation towards transparency and open government.
Cuidando de meu Bairro Sao Paulo (Brasil)	The team worked intensively and continuously to develop the platform. Once it was shared and recognized, a new space was opened for	The main problem with its replication potential is that, because it was originally an academic

	<p>interaction with one of the most important civil society organizations in Sao Paulo, in order to promote its use at the neighborhood level as a tool for public oversight. The members of this team have been collaborating intensely with other international networks. The project has been promoted and developed in collaboration with important donors and regional organizations. Over the past few years, this CMB initiative has been nominated and has won several awards for public innovation.</p>	<p>initiative, there is no business component that systematically seeks the growth of the initiative in other local governments in the manner of a start-up. It currently only operates in Sao Paulo.</p>
BA Obras (Buenos Aires Argentina)	<p>It was possible to identify a high level of maturity with respect to the team behind the project. It is a small work team that has extensive technical skills and is very aware of the open government project, which has clear guidelines for work, responsibility and action and actions are coordinated within the greater environment of the "Open Government Ecosystem." The BA Obras development process has been planned based on the identification, analysis and release of data in structured formats, which allowed the initial development of the web platform, as well as the promotion of the tool and the formation of participatory initiatives for participatory feedback, allowing citizen oversight and promoting continuous improvement. It has enjoyed ongoing and determined political support, at the highest level.</p>	<p>Thanks to its web development and standardization, progress has been made in replicating the initiative in the region. The BA Obras Platform is an open-source web platform, which is offered free of charge on its website. Any government can use this code. Additionally, as part of the work to support the replication of this initiative, the team designed a booklet on the application of the code and maintains contact with the various platforms (regional and international) that exist to promote these initiatives.</p>
Tianguis Digital Caso Ecobici (Ciudad de México)	<p>The multidisciplinary team has high technical capabilities and motivation to promote change. Leadership has been crucial at times when there have been tensions with other areas within the government. Tianguis Digital's modular design has enabled clear strategic planning. A noteworthy issue is related to the political leadership and the quality of the technical teams.</p>	<p>The recognition of the very important support and collaboration from the vibrant international community, which has operated at different—mainly technical—levels. The pro-transparency and open data CSOs community has supported these processes and has assumed the role of data journalists, offering their support and feedback.</p>
Audiencias Públicas (Paraguay)	<p>Public hearings have demonstrated their effectiveness as a means to open up citizen participation in public procurement and contracting processes in a simple and basic way. This is a consolidated, but not generalized, institutional design that has been operating in Paraguay for several years now. These designs allow for openness at the consultative and propositional level, of a non-binding nature, and are complemented by the use of other systems and platforms for access to information and transparency.</p>	<p>The dimension of the level of institutionalization was the most important. The legal force linked to the promotion of the hearings from the DNCP is what has allowed progress in this participatory approach. The DNCP team has sought to implement an agenda of openness based not only on greater transparency, even though the participatory mechanisms are considered to be less ambitious.</p>
Comisión de Veeduría Ciudadana (República Dominicana)	<p>Motivated work teams with talent for advancing innovations, development of tasks based on realistic planning processes, and attention and</p>	<p>The CVCs show a high level of responsiveness from the members of the institutions invited to</p>



	<p>support from the government at the highest level have been a constant in the work carried out by the leadership teams of the DGCP and the Presidency, also demonstrating a capacity for resilience and a proactive attitude towards change, in order to maintain and persevere, through continuous work, the ongoing initiatives. However, some weaknesses exist in this process regarding the issue of distribution of burdens and benefits among government and non-government actors, and specifically the issue of financing and management of expectations among the participants.</p>	<p>participate as observers, even though this process is restricted, and it is currently up to the presidential administration to decide who will be part of these committees. There have also been effective strategies of focused transparency that, combined with the work of the CVCs, have allowed for the achievement of noteworthy results in the face of emergency health situations, as for example, in the case of the COVID-19 CVC. It is evident that the DGCP's leadership team works closely with other international organizations, networks and platforms specialized in public procurement.</p>
<p>Ferias Metropolitanas inclusivas (Quito, Ecuador)</p>	<p>Regarding success factors, the role of institutions is emphasized, as well as their responsiveness. Albuja indicates that CONQUITO has committed itself to making innovations to improve the public procurement process, to make them a means to increase people's well-being, to save money and to promote EPS. Opportunities are generated and many people take advantage of them, but not everyone does. By sharing the processes, opportunities are available so that everyone can take advantage of this knowledge. This makes EPS more dynamic. Therefore, CONQUITO understands that training is key, and that is why they have also invested in a very active and ambitious training program for EPS entrepreneurs. Regarding the importance of political support, Albuja said that the law reform was a crucial element for the Inclusive Fairs, which is why the initial push was strongly focused at the highest level. He also pointed out that the political and technical processes need to be balanced in order to provide positive results. If you only consider the political variable, it is easy to make a mistake. If you focus only on the technical aspect, it can also lead to imbalances. An example is the negotiation between elected officials and CONQUITO to incrementally reach 10% of the Annual Recruitment Plan for EPS, increasing by at least one percentage point per year until achieving that goal.</p>	

#### d. Areas or actions for improvement

- Provide the greatest possible transparency regarding the mechanisms for participation in public procurement, including generating and publishing information on actions carried out, the progress of achievements and obstacles faced, as well as reporting on the effectiveness and relevance of participatory tools and the work and efforts of citizens aimed at improving internal public procurement processes and carrying out oversight processes. Participatory processes linked to public procurement should not be a new source of opacity;
- Extend the scope of successful initiatives to more phases of the procurement process. In this way, the work carried out is not started from scratch, but rather new uses of the participatory tools already in place are explored. This would require visioning processes and deep reflection that should be open and agreed upon with the main actors involved ;
- Reconvert or complement successful analog initiatives using high-tech projects. Many of the recommendations linked to Social Witness, for example, focus on developing mechanisms to take advantage of the use of new technologies. This will facilitate the identification of new types of participatory institutional designs that can be applied to public procurement;
- Work on promoting tools and strategies that are successful in their replication potential, especially those that, based on open data technology, make it possible to strengthen public oversight and monitoring processes. In this specific research case, BA Obras and Cuidando Meu Barrio are perhaps the most promising. Cuidando Meu Barrio has had many requests for implementation, but there is a problem of scaling up the initiative in the manner of a business model, which the promoters do not know how to address correctly, and which should be revisited;
- Document participatory experiences and transform them into good practice references, which can then be shared in regional archives or on digital platforms, such as the INGP, OCP, CLAD, RIGA;
- Expand the capacity of successful experiences using mixtures or combinations of participatory tools. Some cases analyzed here show that policy mixtures can be a great opportunity to enhance the use of participatory tools in the different phases of the public procurement process;
- The experience of managing COVID-19 shows that it is viable and effective to offer participatory responses to crises that require targeted transparency strategies, as a rapid response or as an institutional reaction. Participation

linked to strategies of focused transparency can enhance the legitimacy and credibility of the use of open data and technologies.

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