

**MILLENNIUM CHALLENGE ACCOUNT – NIGER (MCA-NIGER)**

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**MANAGEMENT LETTER**

**FINANCIAL AUDIT OF THE MILLENNIUM CHALLENGE CORPORATION (MCC)  
RESOURCES MANAGED BY THE MILLENNIUM CHALLENGE ACCOUNT - NIGER  
(MCA-NIGER) UNDER THE COMPACT AGREEMENT BETWEEN MCC AND THE  
GOVERNMENT OF NIGER**

**Audit Period: Optional Periods #1 and #2**

(Final)

*March 2020*

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To

**Mr. OUHOUMODOU Mahamadou**  
**Minister Director of the Cabinet of the President of the Republic**  
**Chairman, MCA-Niger Board**

**RE:** Financial Audit of the MCC Resources Managed by MCA-Niger Under the Compact Agreement Between MCC and the Government of Niger

**Period of the audit: Audit period: Optional Periods #1 and #2**  
**From October 1, 2018 to September 30, 2019**

## MANAGEMENT LETTER ON INTERNAL CONTROLS

Dear Sir:

We have completed our audit of the financial statements of MCA-Niger for the periods mentioned above.

Except as discussed in the following paragraphs i. and ii., we conducted our audit of the Fund Accountability Statements in accordance with U.S. Government Auditing Standards issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the fund accountability statements are free of material misstatement.

- i. We do not have a continuing education program that fully satisfies the requirement set forth in Chapter 3, paragraph 3.76 of U.S. Government Auditing Standards. However, our current program provides for at least 48 hours of continuing education and training every year. We are taking appropriate steps to implement a continuing education program that fully satisfies the requirement;
- ii. We do not have an external quality control review by an unaffiliated audit organization as required by Chapter 3, paragraph 3.96 of *U.S. Government Auditing Standards* since the external quality control program of OECCA Niger (the Institute of Chartered Accountants of Niger) is not operational. We believe that the effect of this departure from *U.S. Government Auditing Standards* is not material because the whole audit process and all audit and other reports are reviewed by a partner of the firm on a regular basis. Furthermore, we have agreement with some chartered accountants of OECCA-Niger for the external quality review.

The primary purpose of our audit was to enable us to form an opinion on the fund accountability statements. Accordingly, we reviewed and evaluated the system of internal accounting control and compliance to the extent we considered necessary, in order to establish a basis for reliance thereon in determining the nature, timing and extent of auditing procedures that were necessary for expressing an opinion on the fund accountability statements.

Operational procedures

Our audit of the fund accountability statements of the organization for the period under review would not necessarily disclose all deficiencies in the system because it is based on selective tests of accounting records. However, the attached report summarizes certain matters which we identified during the course of our audit and our recommendations relating thereto.

We wish to record our appreciation of the assistance given to us by management and staff during the course of the audit.

Sincerely,

COFIMA Sarl

A handwritten signature in black ink that reads "Cofirma Sarl". The signature is written in a cursive, flowing style.

Cotonou, Benin  
March 9, 2020

## 1. Follow Up Audit: Status of Prior Recommendations

During the optional period all the recommendations made previously have been fully implemented except for the following matters:

### 1.1 Program Governance

N°	Recommendations	Implementation			Auditor's Comments	MCA-Niger Management Comments
		Yes	No	Partially		
<b>1.1.1 Failure of the Audit and Conformity Manager to Report Back Assignments to the Chairman of the Board of Directors</b>						
1	<p><b><u>Condition</u></b></p> <p>The Audit and Compliance Manager depends on the Managing Director and does not report on its work to the Board of Directors, which, among other responsibilities, is involved in overseeing the implementation of an effective system of internal control.</p> <p><b><u>Recommendation</u></b></p> <p>The Audit and Compliance Manager has to report on its assignments to the Board of Directors. In that way, this role strengthens his independence.</p>		X		<p><b>Recommendation not implemented: the audit and compliance work performed internally should have been submitted to the Board members during the last two sessions held in June and September 2019.</b></p>	<p><i>We have taken note of the recommendation and the Audit and Conformity Manager's report is on the agenda of the Board meeting of the 23<sup>rd</sup> March 2020.</i></p>

N°	Recommendations	Implementation			Auditor's Comments	MCA-Niger Management Comments
		Yes	No	Partially		
<b>1.1.2 Disbursement Requests Approved by the Managing Director are not submitted for Consideration to MCA Niger's Board of Directors</b>						
2	<p><b><u>Condition</u></b></p> <p>By resolution N°7 dated April 28, 2018, the Board of Directors authorized the Coordinator of the UC-PMC and the Director General of MCA Niger once hired to approve and sign the disbursement requests.</p> <p><b><u>Recommendation</u></b></p> <p>The Director General shall submit to confirmation of the members of the Board of Directors, all disbursement requests approved and signed by him after the non-objection of MCC.</p>			X	<p><b>Recommendation partially implemented:</b> In fact, a notification letter is sent individually to each Board member informing them that the disbursement request is approved and that the documents are available at MCA-Niger for consultation. In doing so, the information objective is not achieved.</p>	<p><i>Our notification letter aims to let the Board members know that in accordance with the authorization given by Resolution N°7 of the Board, the disbursement request had been approved.</i></p> <p><i>They are also informed that due to sensitive nature of the document, it is available at MCA-Niger headquarter for consultation purpose. Thus, they are sometime inquired for explanation on points they estimated essential for them.</i></p>
<b>1.1.3 Appointment of Members of the Government Sitting on the Board of Directors not in Accordance with the Planned Provisions</b>						
3	<p><b><u>Condition</u></b></p> <p>The empowering document of Board's members is not signed by the President of the Republic or the Prime Minister. Indeed, it is by the letter n ° 00775 / DIRCAB / PM of March 31, 2017 signed by the Prime Minister's Chief of Office of Niger that he communicated to the Deputy Director of the Office of the President of the Republic, the list of Government representatives appointed to sit on MCA-Niger's Board of Directors.</p>		X		<p><b>Recommendation not implemented:</b> The Director of Legal Affairs says he is waiting for the opinion of his MCC counterparts</p>	<p><i>We have taken note of this recommendation and this point is on the agenda of the next Board meeting on 23<sup>rd</sup> March 2020. It will be discussed and regularized accordingly.</i></p>

	<b><u>Recommendation</u></b>  It is imperative that MCA-Niger respects the provisions of the Bylaw regarding the appointment of the members of the Program's bodies.					
<b>1.1.4 Minutes of Board of Directors Meetings are not Translated into English and Published on MCA-Niger Website</b>						
4	<b><u>Condition</u></b>  The minutes are not translated into English and published on the MCA Niger website within two weeks of the meeting of the Board of Directors.  <b><u>Recommendation</u></b> The Management will have to ensure that all the minutes of the sessions are translated into at least English and published in French and English on MCA-Niger website within two weeks of the Board meeting.		X		<b>Recommendation not implemented: No publication of the Minutes of the Board of Directors was made during the two audit periods. The publication was only made after the audit team had visited the DAJ.</b>	<i>We have taken note of this recommendation. The minutes are currently translated and published. The situation will be updated soon</i>
<b>1.1.5 Non-Compliance with the Provisions of the Compact and the Bylaws</b>						
5	<b><u>Condition</u></b>  The Stakeholder Committees are not set up to enable them to play their role of informing the various groups on the implementation of the program and to provide advice and input to MCA-Niger.  <b><u>Recommendation</u></b> The Management will have to set up the Stakeholder Committees as stipulated in the Compact and the Bylaws.		X		<b>Recommendation not implemented: The Chief Executive Officer informed the audit mission that a National Stakeholder Consultative Committee had been retained after consultation with MCC and the establishment of the Stakeholder Consultative Committee would not be long in coming.</b>	<i>The recommendation had been taken into account and the discussions about form and number of members of the committee took place during the board meeting and with MCC. The Committee will be available soon.</i>

## 1.2 Monitoring and Evaluation

N°	Recommendation	Implementation			Auditor's Comments	MCA-Niger Management Comments
		Yes	No	Partially		
<b>1.2.1 Lack of Benchmarks and Targets for each project</b>						
6	<p><b><u>Condition</u></b></p> <p>The benchmarks and targets for each project are not determined.</p> <p><b><u>Recommendation</u></b></p> <p>The Management will have to ensure that the ex- ante economic profitability analysis is carried out as soon as possible.</p>		X		<p>Recommendation not implemented: The Director of Monitoring &amp; Evaluation explained that the development of the Economic Business Case Watch Table is conditional on preliminary studies that have not yet been completed.</p>	<p><i>We take note of the recommendation.</i></p>

### 1.3 Payroll

N°	Recommendation	Implementation			Auditor's Comments	MCA-Niger Management Comments
		Yes	No	Partially		
<b>1.3.1 Failure to Update the Employer's Register</b>						
6	<p><b><u>Condition 1</u></b></p> <p>The employer's register kept by the Human Resources Department is not listed and initialed by the court. In addition, it is not updated. Only leaflet #1 is filled in. Leaflet 2 does not contain any information.</p> <p><b><u>Recommendation</u></b></p> <p>The settlement of the pending issue with the Labor Department is essential. MCA-Niger should comply with the provisions of the Labor Code</p>			X	<p><b>Recommendation partially implemented: the employer's register is listed and initialed. The leaflet #1 is not up to date.</b></p> <p><b>The previous recommendation is reiterated.</b></p>	<p><i>We take note of the recommendation.</i></p>

**1.3.2 Staff Records are not Updated**

7	<p><b><u>Condition 1</u></b></p> <p>The review of personnel files revealed that some files are not updated. The analysis of a sample of 10 personnel files revealed that documents such as a photo, letter of engagement, medical certificate, etc., are not included in the records. Furthermore, the conflict of interest policy form is not fully completed by some employees.</p> <p><b><u>Recommendation</u></b></p> <p>The review of personnel files revealed that some files are not updated. The analysis of a sample of 10 personnel files revealed that documents such as a photo, letter of engagement, medical certificate, etc., are not included in the records. Furthermore, the conflict of interest policy form is not fully completed by some employees.</p>			X	<p><b>Recommendation implemented:</b></p>	<p><b>partially</b></p> <p><i>We take note of the recommendation.</i></p>
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## 1.4 Information Technology System and Security

N°	Recommendation	Implementation			Auditor's Comments	MCA-Niger Management Comments
		Yes	No	Partially		
<b>1.4.1 Lack of Insurance Contract covering the Information System Feature</b>						
8	<p><b><u>Condition 1</u></b></p> <p>The Project's production servers and other sensitive equipment are not covered by insurance contract. In case of a computer incident that disables these servers, the Project might experience financial difficulties in replacing them.</p> <p><b><u>Recommendation</u></b></p> <p>Accelerate the process of undertaking an insurance policy.</p>			X	<p><b>Recommendation partially implemented:</b> The terms of reference for an insurance company's call for tenders are being finalized.</p> <p><b>The previous recommendation is reiterated.</b></p>	<p><i>We take note of the recommendation.</i></p>

## 1.5 Procurement

N°	Recommendation	Implementation			Auditor's Comments	MCA-Niger II Management Comments
		Yes	No	Partially		
<b>1.5.1 Staff Mobility regarding the Procurement Management</b>						
9	<p><b><u>Condition</u></b></p> <p>The project experienced turnover issue that includes staff mobility at the level of the Procurement Management.</p> <p><b><u>Recommendation</u></b></p> <p>Interview staff; review the salary grid; provide training and / or exchange of experiences with counterparts in other MCC programs.</p>		X		<p><b>Recommendation not implemented: The staffing at the Procurement Management is insufficient. The auditor recommends that the staff of the Procurement Management be strengthened by the recruitment of at least two new procurement specialists or a part-time consultant to assist the Procurement Management in its tasks. The previous recommendation is reiterated.</b></p>	<p><i>The DPM's workforce has been increased by the mobilization of an additional Manager who is in its probationary phase and an Individual Contracting Consultant who has just been mobilized on 23.03.2020. In addition to the DPM, there will be 2 Managers and a C.I. + 01 Assistant.</i></p> <p><i>On the PA side, 2 Seniors will be mobilized in addition to the existing workforce to support the implementation of the work contracts. And the vacancies of Junior positions have been stabilized.</i></p>

1.5.2 Problem of archiving documents						
9	<p><b><u>Condition</u></b></p> <p>Documents are not well archived.</p> <p><b><u>Recommendation</u></b></p> <p>At the level of the MPA, an extra effort should be made to reconstitute documents</p>		X		<p><b>Recommendation partially implemented: Difficulty to easily retrieve procurement documents, including proposals from unsuccessful bidders/consultants at the end of the process .</b></p>	<p><i>We take note of the recommendation.</i></p>
1.5.3 Failure in Collateral Management						
9	<p><b><u>Condition</u></b></p> <p>The management of the guarantees is not well done .</p> <p><b><u>Recommendation</u></b></p> <p>Acquire a safe for the Legal Department to keep the guarantees.</p>			X	<p><b>Recommendation not implemented: There is no safe that has been purchased for the preservation of guarantees .</b></p> <p><b>The previous recommendation is reiterated.</b></p>	<p><i>Guarantees are always given by the PA to the DAJ by Sending Border via the DPM.</i></p> <p><i>(since the UPDATE of the POM which gives the DAJ the responsibility to keep these guarantees).</i></p>
1.5.4 Compliance with Procedures						
10	<p><b><u>Condition</u></b></p> <p>The management does not comply with the procedures manual.</p> <p><b><u>Recommendation</u></b></p>			X	<p><b>Recommendation partially implemented: we noted the absence of evidence of the Legal Department's participation in the bid opening sessions. However, the guarantees are forwarded to</b></p>	<p><i>Even if the legal service does not participate in the opening of proposals/proposals, documents such as statutes, act of grouping, deed of</i></p>

	<p>Plan to involve an assistant of the Legal Department in the opening of bids sessions and who will be responsible for collecting the required guarantees and making copies to assign them to the needed departments in accordance with the provisions of the manual of procurement procedures.</p> <p><u>At the MPA level</u></p> <p>Systematically transmit to the legal Department the guarantees contained in the proposals and those provided after the award of the contract.</p>				<p><b>the Legal Department for conservation and verification..</b></p>	<p><i>delagation, guarantees, are submitted to it for legal advice.</i></p>
<b>1.5.5 Findings Related to 609(g) Grant Agreement</b>						
11	<p><b><u>Condition</u></b></p> <p>Among the six contracts awarded during the audited period, we examined three. The findings are summarized as follows:</p> <ul style="list-style-type: none"> <li>- Non-performance of retained firm leading to the termination of his contract;</li> <li>- Contestation of results;</li> <li>- Recruitment of the Procurement Agency (RFP/UC-MC/NIGER/QCBS/01);</li> <li>- Selection of a design office for the finalization of the APS and ESIA studies, the realization of the ODA Studies with option for the supervision of the works of hydro-agricultural developments of the Sia-Kouanza zone (IRRI/QCBS/2018/16).</li> </ul> <p>Principally, on the 609 (g) funding that compliance with procedures is unsatisfactory.</p>			<b>X</b>	<p><b>Recommendation partially implemented: Recommendations #1 and #2 have been implemented.</b></p> <p><b>However, regarding the recommendationn #2 poorly prepared evaluation reports were noted during the period under review.</b></p> <p><b>The previous recommendation is reiterated.</b></p>	<p><i>Periode of CROWN AGENT</i></p> <p><i>We take note of the recommendation.</i></p>

	<p><b><u>Recommendation</u></b></p> <ul style="list-style-type: none"> <li>- Include in the request for proposals the weighting of the sub-criteria,</li> <li>- Ensure the panelists' experiences in evaluating proposals and their impartiality, and</li> <li>- Assist as required with bid evaluations (DPM) as an observer.</li> </ul>					
<b>1.5.6 Findings Related to CDF</b>						
12	<p><b><u>Condition</u></b></p> <p>Among the ten contracts awarded during the audited period, we examined four. The findings are detailed as follows:</p> <p style="padding-left: 40px;">Non-compliant process,</p> <p style="padding-left: 40px;">Unfair process to exclude other bidders.</p> <p>Overall, about CDF, compliance with procedures is moderately satisfactory.</p> <p><b><u>Recommendation</u></b></p> <ul style="list-style-type: none"> <li>- Provide in quotation requests, objective criteria consistent with each type of contract;</li> <li>- Ensure the panelists' experiences in evaluating proposals and their impartiality;</li> <li>- Assist as required with bid evaluations (APM).</li> </ul>			<b>X</b>	<p><b>Recommendation partially implemented: Recommendations #1 and #2 have been implemented.</b></p> <p><b>However, regarding the recommendation #2 poorly prepared evaluation reports were noted during the period under review.</b></p> <p><b>The previous recommendation is reiterated.</b></p>	<p><i>Periode of CROWN AGENT.</i></p> <p><i>We take note of the recommendation.</i></p>

## 2. Internal Control Points Identified During the Audit

### 2.1. Fixed Assets Identification

Condition	Criterion	Cause	Consequence	Recommendation	MCA-Niger Management comment	Auditor's Response
Some fixed assets (Chairs, projector, tables, etc...) of MCA-Niger are not coded as indicated and specified in the Fiscal Accountability Plan (FAP). Other fixed assets (Printer, laptops, etc...) still have the old coding	Each fixed asset is identified by a specific number (Fixed Asset Code) given by the DAF at the time of receipt and reproduced on an adhesive label affixed to the relevant property. Fixed Asset Code, defined by the "Fixed Asset Encoding Handbook" established by MCA-Niger, consists of 15 characters divided into six groups, which mean: <ul style="list-style-type: none"> <li>- the geographical location,</li> <li>- the assignment location,</li> <li>- the nature of the asset,</li> <li>- the year of acquisition,</li> <li>- a sequence number,</li> <li>- the source of funding.</li> </ul>	Misunderstanding of the importance of coding all MCA-Niger fixed assets.	<ul style="list-style-type: none"> <li>- Theft of MCA-Niger assets,</li> <li>- Misuse of MCA-Niger assets,</li> <li>- Difficulty in exhaustively identifying MCA-Niger assets.</li> </ul>	MCA-Niger needs to comply with the fixed asset identification and coding procedure as described in the Fund Accountability Plan (FAP).	<i>We take note of the recommendation.</i>	No additional comment.

Condition	Criterion	Cause	Consequence	Recommendation	MCA-Niger Management comment	Auditor's Response
Our controls revealed that MCA-Niger staff does not have asset card listing all the assets made available to them in the framework of the tasks and activities to be performed for MCA-Niger.	When a fixed asset (office furniture, computer, telephone ...) is assigned to a staff member of MCA-Niger in particular, a sheet called "assignment, transfer or asset card" bearing the unique identification number of the property, date of purchase, value and its description is prepared. The DAF is responsible for having it signed by the employee who assumes the responsibility for the property. A copy of the signed card is issued by MCA-Niger (the DAF) to the Fiscal Agent that keeps record of it in a special folder.	Administrative slowness.	Non-compliance with the Fiscal Accountability Plan guidelines regarding fixed asset management).	We recommend that MCA-Niger conduct an inventory of the fixed assets allocated to each staff member and prepare a fixed asset card to be signed by the staff concerned.	<i>We take note of the recommendation.</i>	No additional comment.

## 2.2 Non-Compliance on Reporting

Condition	Criterion	Cause	Consequence	Recommendation	MCA-Niger Management comment	Auditor's Response
MCA-Niger did not prepare and provide to MCC the Annual Supplemental Report as at October 31 of each year.	According to the Program Implementation Agreement (PIA), page 8-section 2.8(b), on October 31 of each year	Unawareness of the requirement.	Non-compliance to the PIA regarding reporting requirements.	We recommend MCA-Niger to comply with the requirements set forth in the PIA, page 8 section 2.8(b).	<i>We take note of the recommendation.</i>	No additional comment.

Condition	Criterion	Cause	Consequence	Recommendation	MCA-Niger Management comment	Auditor's Response
	<p>of the Compact Term (or within thirty (30) days of any written request by MCC), MCA-Niger will provide to MCC an annual supplemental report, in form and substance satisfactory to MCC, containing the following information:</p> <ul style="list-style-type: none"> <li>- The progress made by the Government toward achieving the Compact Goal, Program Objective and Project Objectives.</li> <li>- Additional information on accomplishments not presented in the Periodic Reports.</li> </ul> <p>Developments in Compact implementation related to the consultative process, donor coordination, and lessons learned; and</p> <ul style="list-style-type: none"> <li>- Any report or document required to be delivered to MCC in connection with the Program</li> </ul>					

Condition	Criterion	Cause	Consequence	Recommendation	MCA-Niger Management comment	Auditor's Response
	under the MCC Environmental Guidelines (including the IFC Performance Standards that are incorporated by reference therein) any Audit Plan, or any Implementation Plan Document.					

### 2.3. Information Technology System and Security

Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's Response
Failure to monitor the presence and activities performed by the IT team in the server room.	ISO 27001	No surveillance camera is installed in the server room	Risk of no traceability of individual activity in the server room. This does not allow to determine the responsibilities in case of problem.	Install cameras to put the server room under surveillance 24/7.  <b>Level of priority: High</b>	<i>We take note of the recommendation.</i>	No additional comment.
Anyone can afford to have access to the facilities of the information system premises.	ISO 27001	There is no sign on the server room door stating " <b>Access prohibited to unauthorized person</b> ".	An uninformed and unauthorized person could attempt to access the server room in the absence of the IT team.	Display on the server room door with visible characters a notice forbidding access to unauthorized persons.  <b>Level of priority: High</b>	<i>We take note of the recommendation.</i>	

Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's Response
Threat to the security of the information system related to the human factor.	COBIT5 principle 6	Information system users are not regularly trained on computer security awareness.	Risk of exposure to viruses, data hacking or protection against theft, identity theft...	Make a plan to regularly train and sensitize all staff on IT security.  <b>Level of priority: Medium</b>	<i>We take note of the recommendation.</i>	No additional comment.
Vulnerability of some access points.	MCA-Niger IT infrastructure procedure manual	Some access points do not comply with the password complexity requirement according to the IT infrastructure procedure manual and the password is rarely updated. Example the wifi M_Guest.	Risk of network intrusion; Risk of password disclosure.	Comply with the password complexity requirement on all MCA-Niger access points. Regularly change all passwords within a defined period of time.  <b>Level of priority: High</b>	<i>We take note of the recommendation.</i>	No additional comment.
No traceability related to backup recovery test activities; No documented reports on incident management at user workstations.	Best practices	There are no reports on tests for restoring backed-up data to allow capitalization.	Risk of repeating the same mistakes already encountered.	Document all activities related to backup data recovery testing.  <b>Level of priority: Medium</b>	<i>We take note of the recommendation.</i>	No additional comment.

Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's Response
Lack of provisions enabling IS users to understand their roles and the behaviors to adopt;	ISO/CEI 27005	There is no IT charter.	Risk of non-mastery of management rules and behaviors to be adopted that can avoid endangering the security of the IS.	Set up the IT charter in order to: allow all MCA-Niger staff to understand the conduct and the behaviors that must be respected;  ensure the conditions for a correct and secure use of the information system.  <b>Level of priority: High</b>	<i>We take note of the recommendation.</i>	
Unequal distribution of tasks within the IT team.	Job descriptions of IT Specialist and Senior System Administrator	Too many unscheduled workloads.	Risk of not performing important tasks properly.	It is advisable to review the job descriptions and create a helpdesk position.  <b>Level of priority: Medium</b>	<i>We take note of the recommendation.</i>	No additional comment.
Frequent use of removable media (USB flash drives, external hard drive).	Best practices	Removable media (USB flash drives, external drives) are not prohibited, or subject to an authorization and monitoring procedure.	Risk of leakage and disclosure of confidential information.	Normalize the use of removable media for internal MCA activities and avoid file sharing by USB flash drives and privilege the file sharing server for document exchanges.  <b>Level of priority: Medium</b>	<i>We take note of the recommendation.</i>	No additional comment.
Difficulties in communicating between offices when there are network problems.	Best practices	No intercom for communication between the different offices.	Risk of delays in the rapid feedback of information in the event of IT incident or	Install intercom in all offices to facilitate communication or finalize	<i>We take note of the recommendation.</i>	No additional comment.

Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's Response
			incident of any other nature.	the IP telephony implementation project.  <b>Level of priority: Medium</b>		
The server room is vulnerable in the event of a fire-related incident.	Best practices	No fire extinguisher installed before the server room.	Risk of non-mastery of the start of the fire in the server room in the event of a fire-related incident that could damage the IT systems.	Install fire extinguishers before the server room to allow rapid fire control.  <b>Level of priority: High</b>	<i>We take note of the recommendation.</i>	
Access problem related to surveillance camera recordings when security personnel are unavailable.	Best practices	Only the security manager has administrator access to the video recordings from the surveillance cameras.	Risk of accidental or intentional deletion of recordings or access difficulties in case of forgotten password or unavailability of the security manager.	Define an authorization matrix in order to have other users with administrator access who can also control the activities performed and access the records.  <b>Level of priority: High</b>	<i>We take note of the recommendation.</i>	No additional comment.
Poor management of elevator safety.  In addition, there is no emergency telephone number in the elevator cabin.	Best practices	The control box of the elevator remained open for a long time and accessible to everyone. The use of the elevator represents a danger for its users in the event of a technical breakdown.	Risk of sabotage.  Risk of passengers being trapped in the elevator cabin in the event of a technical breakdown.	Ensure continuous monitoring of the elevator facilities. Display an emergency telephone number in the elevator cabin allowing users to call for immediate evacuation in the event of a technical failure that occurs to block the elevator.  <b>Level of priority: Medium</b>	<i>We take note of the recommendation.</i>	No additional comment.

Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's Response
MCA-Niger's IT infrastructure could be completely wiped out in the event of a disaster.	ISO 22301:2019 : Security and resilience	There is no business continuity plan or disaster recovery plan.	Risk of total shutdown of the information system in the event of a disaster leading to the paralysis of MCA-Niger.	Set up a business continuity plan or disaster recovery plan specifying : <ul style="list-style-type: none"> <li>- the recovery strategy;</li> <li>- the resources to be prioritized for reactivation</li> <li>- the acceptable downtime of the information system's activities;</li> <li>- the acceptable data loss;</li> <li>- the crisis unit with the responsibility of each member;</li> <li>- the test period of the plan.</li> </ul> <p><b>Level of priority: High</b></p>	<i>We take note of the recommendation.</i>	
The administration of the website is done without reference in the execution of maintenance and backup tasks.	Best practices	<ul style="list-style-type: none"> <li>- Lack of website update and maintenance procedure;</li> <li>- Lack of backup report;</li> <li>- Lack of online site restoration tests.</li> </ul>	<ul style="list-style-type: none"> <li>- Risk of incorrect updates and unsuitable maintenance;</li> <li>- Risk linked to the proper execution of backup and traceability;</li> <li>- Risk of site shutdown in the event of a crash or hacking during</li> </ul>	<ul style="list-style-type: none"> <li>- Set up a clear update procedure by specifying the steps to follow and it is necessary to define the period of preventive maintenance of the site;</li> <li>- Set up a clear backup procedure with well-planned schedule and have an up-to-date</li> </ul>	<i>We take note of the recommendation.</i>	No additional comment.

Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's Response
			a restoration action.	<p>reporting log that tracks activities;</p> <ul style="list-style-type: none"> <li>- Plan and perform backup restoration tests to avoid any problem related to backup malfunction.</li> </ul> <p><b>Level of priority: Medium</b></p>		
Lack of updating of technical knowledge	Best practices	No training plan for the IT team.	Risk of obsolescence of skills and knowledge.	<p>It is desirable that there is a training planning for the IT team. Training according to the IT needs of MCA-Niger.</p> <p><b>Level of priority: Medium</b></p>	<i>We take note of the recommendation.</i>	No additional comment.

## 2.4. Procurement

Optional period #1 : October 1, 2018 to March 31, 2019

	Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's response
<b>2.4.1 Body in Charge of Procurement (PA)</b>							
	No significant findings were noted						
<b>2.4.2 Body in charge of Controlling the Procurement</b>							
<b>Staff of the procurement Management</b>	The staff of the procurement Management is insufficient for the workload	Good governance	Lack of projection of building capacity of procurement Management	Delays in processing files (tender documents)	The auditor recommends that the staff of the procurement Management be strengthened by the recruitment of at least two new procurement specialists or a part-time Consultant to assist the procurement Management in its tasks.  <b>Level of priority: High</b>	<i>The DPM's workforce has been increased by the mobilization of an additional Manager who is in its probationary phase and an Individual Contracting Consultant who has just been mobilized on 23.03.2020. In addition to the DPM, there will be 2 Managers and a C.I. + 01 Assistant.</i>  <i>On the PA side, 2 Seniors will be mobilized in addition to the existing workforce to support the implementation of the work contracts. And the vacancies of Junior positions have been stabilized.</i>	No additional comment.

	Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's response
<b>2.4.3 Compliance and Respect for Procurement Procedures</b>							
<b>Quality of Consultation Documents</b>	About the requests for proposals, we note the absence of criteria for evaluating the financial capacity of the applicants.  The Tech 2 - A form incorporated in the RFP does not contain these criteria but rather information on the consultants' financial statements.	All criteria for the evaluation of consultant proposals must be indicated in the request for proposals.	Failure to include these criteria in MCC's standard consultation documents	Lack of transparency in the procedure.	Insert in the Requests for Proposals, the criteria for assessing financial capacity based on the MCC Guidelines.  <b>Level of priority: High</b>	<i>We take note of the recommendation.</i>	No additional comment.
	In the tender documents No. PRAPS/MCA/Niger-CB/2018/03b, we noted the lack of precision on the average turnover requirements in relation to the bid amount for the post-qualification.	All tender evaluation criteria must be clearly and explicitly stated in the tender documents.	Lack of forecast of requirements on average turnover.	Lack of transparency in the procedure.  Incorrect award of contract.	Insert in the Tender Documents the post-qualification criteria, the criterion for the evaluation of financial capacity (average turnover in relation to the amount of the tender).  <b>Level of priority: High</b>	<i>Post qualification not performed; in fact, in view of the DAO that was developed and approved before Cardno, none of the post-qualification criteria are applicable (see Section 3 Qualification and Evaluation Criteria (pages 31 to 38)).</i>	No additional comment.
<b>Quality of the minutes of the opening of tenders</b>	For all the contracts audited, we noted the absence of formal minutes. The information resulting from the opening of tenders is traced on a loose sheet of paper.  In addition, we noted for certain contracts, the presence of opening sheets bearing the	The minutes of the opening of the bids must be drawn up and signed by all the members present.	Non-compliance with procurement rules	Lack of transparency in the procedure.	Draw up minutes of the opening of tenders without mentioning the terms "Supplied in conformity" and "Supplied not in conformity" but rather the terms "Supplied" and "not supplied".	<i>We take note of the recommendation.</i>	No additional comment.

	Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's response
	words: "Supplied in conformity" and "Supplied not in conformity", whereas when tenders are opened, only observations are made and not assessments.	The opening minutes are a statement of facts and not an assessment of the quality of the tender documents.			<b>Level of priority: High</b>		
<b>Quality of the technical proposal evaluation report</b>	As part of the selection procedures of consulting firms: the evaluation of the financial capacity of consultants is made on the basis of criteria not foreseen in the RFPs but rather in the Guidelines.	The evaluation of consultants' proposals must be based solely on the criteria set out in the RFPs.	Failure to include these criteria in MCC's standard consultation documents.	Lack of transparency in the procedure.	Insert in the Requests for Proposals the criteria for assessing financial capacity based on the MCC Guidelines.  <b>Level of priority: High</b>	<i>We take note of the recommendation.</i>	No additional comment.
<b>Quality of the tender evaluation report</b>	<ul style="list-style-type: none"> <li>▪ <b>Some bid evaluation reports are not well prepared. This is the case, for example, of the evaluation report on the tender documents # PRAPS/MCA/Niger/CB/20 18/03b, where we noted the following observations:</b></li> <li>▪ Page 6: The column "Tender template" mentions the expression "FC" for the tenderer EAGLE SCIENTIFIC whereas it appears from the tenderer's proposal that the documents were signed by Mr. AMY</li> </ul>	<p>The evaluation of proposals must be based on the criteria required by the tender documents.</p> <p>A bid guarantee produced for a shorter period of time will result in non-</p>	Panelists are not familiar with procurement procedures.	<p>Litigation in public procurement.</p> <p>Non-compliant procurement</p> <p>Incorrect award of contract</p> <p>Ineligibility of expenditure</p>	<p>The panelists recruited by the MCA-Niger must be familiar with the procurement procedures, including the evaluation of bids.</p> <p>The evaluation committee must ensure the strict application of the criteria contained in the tender documents both for the preliminary examination of bids and for the post-qualification. The panelists should be aware that a non-</p>	<p><i>Post qualification not performed; in fact, in view of the DAO that was developed and approved before Cardno, none of the post-qualification criteria are applicable (see Section 3 Qualification Criteria and evaluation (pages 31 to 38)).</i></p> <p><i>The awarding of this contract was carried out in the strict compliance with the provisions of the DAO. The provision of the guarantee of good performance</i></p>	The auditor attests and confirms that the non-conformity of this contract is due to the non-conformity of the tender guarantee of the tenderer declared to have been awarded (EAGLE SCIENTIFIC). Indeed, the offer guarantee contained in the offer of this tenderer expires at a date earlier than

	Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's response
	<p>TAYLOR, Project Engineer. Indeed, the signatory's authority attached in the proposal is not signed by the Managing Director but rather by the Financial Director who is Mr. Vijay Mehar.</p> <ul style="list-style-type: none"> <li>Page 6: in the column "Tender guarantee" the expression "FC" is mentioned for the tenderer EAGLE SCIENTIFIC, whereas it appears from that tenderer's proposal that the guarantee provided expires on 11/01/2019 instead of 19/01/2019. Therefore, this column should be "FNC" or "Provided and not conforming with". In fact, the bid expires 120 days after the deadline for submission of bids and the guarantee expires 28 days after the expiration of the proposal. As a result, given that the opening of the proposal was made on 24/08/2018, the countdown of the expiry date gives for the expiry of the bid on 22/12/2018 and the expiry date of the bid guarantee on 19/01/2019.</li> </ul>	<p>compliance of the bid.</p> <p>The enabling power of the signatory to bind the bidder must be signed by the Managing Director of the company. Post-qualification criteria must be met and must be verified by the panelists before any award of contract.</p>			<p>compliant bid guarantee leads to non-compliance of the bid. The same rule applies to the signatory's authority to bind the bidder</p> <p><b>Level of priority: High</b></p>	<p><i>comes well after the award of the contract. The contract was signed on January 3, 2019, and the Guarantee was filed on January 18, a gap of fifteen (15) days.</i></p> <p><i>In conclusion, can the delay in the provision of the Good Performance Guarantee, which occurs after the award of the contract, be sufficient reason to say that the contract is poorly awarded and non-compliant.</i></p> <p><i>The Good Performance Guarantee will be released no later than 28 Days after the end of the supplier's obligations under the contract, including any guarantee obligations. So, the guarantee of a good end after the provisional receipt is not provided in the contract. IS 15.4.</i></p>	<p>the required date. Consequently, the offer should be rejected for non-conformity of the guarantee as provided for in the tender documents. In view of the above, the award of this contract was not made in strict compliance with the provisions of the tender documents. Furthermore, it should be noted that the auditor did not rely in any way on the performance guarantee to declare the contract non-compliant but rather the offer guarantee which is non-compliant. In conclusion, this contract was wrongly awarded, and the procedure is considered non-compliant.</p>

	Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's response
	<p>Based on the above, the EAGLE SCIENTIFIC guarantee is not in conformity because the expiry date is shorter than the required period. The bid should be rejected for non-compliance of the bid guarantee. In conclusion, the contract was wrongly awarded to EAGLE SCIENTIFIC and the procedure is therefore qualified as non-compliant.</p> <ul style="list-style-type: none"> <li>▪ Page 9: it is mentioned "compliant" for both tenderers for the items proposed. The technical data sheets contained in EAGLE SCIENTIFIC LTD's proposal are all in English while the language of the proposal is French. Moreover, it is provided in clause 11 of the IAS that the documents must be translated into French.</li> <li>▪ The evaluation report did not consider the post-qualification criteria set out in clause 38 of the IAS and those mentioned in section 3 of the tender documents, in particular the criteria in clause 4.1 (points a and b)</li> </ul>						

	Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's response
	<p>to award the contract. In conclusion, the contract is incorrectly awarded, and the procedure deemed non-compliant.</p> <ul style="list-style-type: none"> <li>▪ The report was silent on the authorizations of manufacturers of PIRBRIGHT and PRO-LAB which are in English whereas the proposal is required to be in French.</li> <li>▪ Absence of the evaluation report date (see Signature page).</li> </ul> <p><b>For the purchase order n°ADM/Shop/2018/02 for Purchase of printers and photocopiers for MCA-NIGER (Lot 2) signed with ESPACE COPIEURS, we noted the following in the evaluation report:</b></p> <ul style="list-style-type: none"> <li>▪ Page 6: it is mentioned in the column "Proof of performance of two contracts in the last two years" for the tenderer ESPACE COPIEURS, the expression "FC" whereas it appears from the information contained in its tender that</li> </ul>					<p><i>In the contract bidder's offer, there are four (4) certificates of service made (GIZ, SEEN, Catholic Mission and BOA) that attest to equipment acquisition contracts over the past two years: (Year 2018 cited in the three references below):</i></p> <ul style="list-style-type: none"> <li>- GIZ Niger: From 2012 to 2018 (45 reprinting materials)</li> <li>- SEEN: From 2002 to 2018 (45 reprinting equipment)</li> <li>- Catholic Mission Archdiocese of Niamey:</li> </ul>	<p>The auditor reiterates that it appears from the information contained in the tenderer's offer "ESPACE COPIEURS" that the certificates of service issued relate to contracts performed between 1994, 2002 and 2012, i.e. not within the scope of the last two years. As a matter of fact,</p>

	Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's response
	<p>the service certificates issued relate to contracts performed between 1994, 2002 and 2012, i.e. not within the scope of the last two years. Consequently, the tenderer does not meet this post-qualification criterion. Its proposal should be rejected.</p> <ul style="list-style-type: none"> <li>Page 14 – Table 5: the errors in all the proposals have been corrected, whereas according to the table of technical specifications, there are two compliant proposals, namely those of DIGI MEDIA SARL and ESPACE COPIEURS. In principle, the two other proposals qualified as non-compliant should not be examined in detail.</li> </ul> <p><b>The evaluation report on the bids for contract No. ADM/Shop/2018/01 relating to the supply and installation of office equipment at MCA-NIGER's headquarters gives rise to the following comments:</b></p>					<p><i>from 1994 to 2018 (32 reprinting materials)</i>  <i>- BOA Niamey: From 1994 to 2018 (33 reprinting materials).</i></p>	<p>supplies cannot be delivered over a period from 2012 to 2018 or from 2002 to 2018 or from 1994 to 2018 as indicated by the attestations contained in the tender. The auditor requests the MCA-Niger to call upon the different structures having issued the aforesaid certificates in order to produce the contracts resulting from these attestations together with the proofs of receipt to justify the dates indicated in the certificates; in which case, the auditor's position is maintained.</p>

	Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's response
	<ul style="list-style-type: none"> <li>▪ Page 4: it is mentioned as the initial cut-off time "0 hours" whereas it is mentioned in the request for quotation as "10 hours".</li> <li>▪ Page 5: it is mentioned that the tenderer ELEGANCE MEUBLES provided the Trade and Personal Property Credit Register whereas it appears from the tenderer's proposal, the absence of this document.</li> <li>▪ The panelists were silent on the technical specifications of ELEGANCE MEUBLES as the bidder copied and pasted the technical specifications contained in the request for quotation for most of the items proposed. As proof, the refrigerators, the microwave and the water cooler proposed are unbranded.</li> <li>▪ The certificates of performance contained in the ELEGANCE MEUBLES proposal contain the same error "fournisseur agree" instead of "fournisseur agréé".</li> </ul>					<i>Period of Crown Agent</i>	

	Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's response
	<ul style="list-style-type: none"> <li>Cover page: date of submission of the report on 04/07/2018 while the report is signed on 20/07/2018 by the panelists.</li> </ul>						
<b>Quality of contracts</b>	<p>The review of the contract No. ADM/Shop/2018/0 relating to the supply and installation of office equipment at the headquarters of MCA-NIGER leads to the following comments:</p> <ul style="list-style-type: none"> <li>The execution period is 90 days from the signature of the contract, whereas the request for quotation mentions a period of 30 calendar days following receipt of the order.</li> <li>Article 5: the title is not in line with the content of the article. The validity of the supplier's tender cannot be referred to at this level, since this validity expires on notification of the award of the contract.</li> <li>Lack of late penalty clause.</li> </ul>	The contract to be signed must be identical to the one contained in the consultation file.	Inconsistency between the provisions of the request for quotation and the contract.	<p>Litigation in public procurement.</p> <p>Late delivery due to failure to meet the delivery deadline.</p> <p>Receipt of items not in conformity with those selected in the tender evaluation report.</p>	<p>Draw up contracts in accordance with the model initially contained in the consultation file on one hand and, on the other hand, provide for penalties for delay and insert in the contracts a copy of the technical specifications contained in the tender of the successful tenderer.</p> <p><b>Level of priority: High</b></p>	<i>We noted the recommendation for the contract.</i>	No additional comment.

	Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's response
	<ul style="list-style-type: none"> <li>Absence of technical specifications.</li> </ul>						
<b>Management of contract</b>	<p>We noted that the performance guarantee is not provided by some contractors within the required timeframe.</p> <p>Example: <b>Contract No. CR/PRAPS/1/G.0002/19 for the supply of laboratory equipment (Lot 2). The performance guarantee was provided after the signature of the contract. The contract was signed on 03/01/2019 and the guarantee was dated 18/01/2019, i.e. after the signature of the contract, contrary to the provisions of clause 43.1 of the IAS and clause 15.1 of the CCAG.</b></p>	The performance guarantee must be provided within 14 days of receipt of the notification of award.	Lack of consistency between the provisions of the manual and the tender's documents.	Provision of performance guarantee within non-regulatory deadlines	<p>Ensure compliance with the deadlines for the submission of performance guarantees mentioned in the tender documents.</p> <p><b>Level of priority: High</b></p>	<i>We take note of the recommendation.</i>	No additional comment.
<b>Absence of proof of transmission of the addendum to the consultants</b>	<p>We noted the lack of evidence of transmission of the addendum to the consultants. This is the case for the following contracts:</p> <ul style="list-style-type: none"> <li>Contrat n° IR/IPD/4/F.0003/19</li> <li>Contrat n° IR/IPD/4/F.0005/19</li> </ul>	All consultation documentation must be filed in the contract file	Non-compliance with archiving principles	Challenge to the procedure.	<p>File in the contract files any documentation relating to the procurement procedure.</p> <p><b>Level of priority: Medium</b></p>	<i>Period of Crown Agent.</i>	No additional comment.
<b>Lack of communication of the total technical score obtained to each</b>	All consultant contracts audited using the SFQC methodology	Communicate to the Consultants the overall technical score obtained	Non-compliance with the provisions of the RFP.	<p>Challenges to the procedure.</p> <p>Litigation in public procurement.</p>	Comply with the provisions of the RFP by communicating to the Consultants in the required manner, the overall technical score obtained.	<i>Crown Agent Period The consultants are informed of the result, but their notes have not been communicated. The Clause quoted makes it clear that this relates only</i>	The auditor maintains his observation and the recommendation. The Request for Proposals clearly

	Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's response
<b>consultant (see IC 24.6 of the RFP)</b>				Cancellation of the procedure.	<b>Level of priority: Medium</b>	<i>to the following selection methods: the SQC, the SBF and the SMC, whereas here it is the SBQC method (see PPG 01.B.2.13).</i>	specified in clause 24.6 the following: "only for the SFQC, the SBF and the SMC:" After the evaluation of the technical proposals, and after receipt of a "non-objection" from the MCC (if applicable), the MCA Entity is required to communicate to each tenderer consultant the technical score (total score only) that he obtained ...". It is not the PPG that should be opposed to the Consultants because the document binding the MCA to the Consultants is the Request for Proposals.
<b>Absence of signature of endorsements by all members of</b>	We noted that the four amendments to contract no. IR/IPD/4/F.0005/19 were signed by a single member of the consortium.	All members of the consortium must sign the contract and	Non-compliance with public procurement principles.	Litigation in public procurement	Have the amendments signed by all the members of the consortium in the same	<i>In this case, it is a solidarity grouping, so in our opinion and in agreement with the legal services, the signature of the member</i>	The auditor maintains his recommendation. Indeed, the basic contract having

	Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's response
the consortium		any amendments thereto.			manner as the basic contract.  <b>Level of priority: High</b>	<i>legally representing the grouping is regular.</i>	been signed by the two members of the grouping, it should be the same for the four (04) endorsements.
<b>Absence of evidence of insurance policies in the contract file</b>	We noted the absence of the required insurance policies in contract No. IR/IPD/1/F.0004/19	The insurance policies required in the contracts must be submitted by the consultants	Mismanagement of the contract	Litigation in public procurement	Require insurance policies before the start of any mission.  <b>Level of priority: Medium</b>	<i>Arrangements will be made to insert this document into the contract.</i>	No additional comment.
<b>Failure to provide bidders with the minutes of the opening of tenders</b>	We noted that the bid opening minutes were not given to the bidders under the tender documents No. PRAPS/MCA/Niger/CB/2018/03 b.	A copy of the opening minutes will be given to all bidders who have submitted a bid.	Non-application of the provisions of the tender documents and point 9.1.2 activity 16 of the POM and P1.A.258 of the PPG	Litigation in public procurement  Cancellation of the procedure	Provide bidders with the minutes of the opening of bids.  <b>Level of priority: Medium</b>	<i>We take note of the recommendation.</i>	No additional comment.
<b>Lack of application of late fees</b>	We noted the absence of late penalties in contracts: <ul style="list-style-type: none"> <li>• Purchase order No. ADM.It/41/G.0008/19 of 05/02/2019</li> <li>• Contract No. CR/PRAPS/1/G.0002/19 - Lot 2</li> </ul>	The contract provides for the application of penalties in case of late delivery.	Non-compliance with contractual provisions	Mismanagement of the contract	The Fiscal Agent, in conjunction with the direction in charge of contract management, must calculate late payment penalties and deduct them before any payment is made.	<i>For Purchase Order No ADM.It/41/G.0008/19 of 05/02/2019: There are no instructions in the contract related to application of late fees about delivery. (The absence of instructions on late penalties is a matter for the Procurement skills),</i>	The auditor maintains his recommendation because the contractual provisions must be applied. Otherwise the MCA should take an

	Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's response
					<b>Level of priority: High</b>	<i>since there is absence of penalties clauses in the contract, FA cannot refuse payment. For CR/PRAPS/1/G.0002/19 – Lot 2. Regarding the delay observed in the delivery of certain items the supplier has justified them with a case of “force Majeur” MCA Niger has accepted these justifications and instructed FA to pay without applying penalties.</i>	amendment for the non-application of late penalties.
<b>Absence of signature of the bid evaluation report by a panelist</b>	We noted that Mr KAOZEN Agalheir did not sign the tender evaluation report relating to purchase order No ADM.IT/41/G039/19 of 20/02/2019	The bid evaluation report must be signed by all panelists.	Lack of transparency of the procedure	Questioning the award of the contract.	The evaluation report must be signed by all panelists.  <b>Level of priority: Medium</b>	<i>To regularize; Mr. Kaocen was the DAF and left for another country; but he will be asked to proceed with the signing of the document (electronically).</i>	Regularization in public contracts is not allowed. Consequently, MCA-Niger should not ask the party concerned to sign a document when he is no longer in office at the time of the finding made by the auditor. MCA-Niger should take note of this finding and the necessary arrangements to avoid such cases in the future.

	Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's response
<b>Non-compliance with payment deadlines</b>	We noted that certain payment deadlines were not respected by the Fiscal Agent. This situation results in default interest to be paid by the MCA-Niger. This is the case, for example, of Contract No. IR/IPD/4/F.0003/19 where the date of receipt of the invoice is September 11, 2019 and the date of payment is October 25, 2019, i.e. a payment period of 45 days instead of the 30 days required, which results in 15 days' interest on arrears.	The contract provides for default interest to be paid by the MCA-Niger in the event of late payment.	Lack of monitoring of the contract management.	Payment of interest on arrears.	The Fiscal Agent must take steps to respect the payment deadlines in order to avoid the payment of interest on arrears to the MCA-Niger.  <b>Level of priority: Medium</b>	<i>The case raised refers to an invoice presented for payment for the first time but was rejected by the FA for lack of supporting document (contract). The Manager and procurement corrected, completed and represented the invoice as it is, and the FA had paid. So, the 30 days deadline for payment applies upon receipt of a valid invoice with supporting documents. Please see supporting documents with the PAF that has been forwarded to you.</i>	The auditor maintains his observation because the difference between the date on the document and the payment date is the one that is mentioned.

Optional period #2 : April 1, 2019 to September 30, 2019

	Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's Response
<b>2.4.4 Body in Charge of Procurement</b>							
	No significant findings were noted						
<b>2.4.5 Body in Charge of Controlling the Award of Contracts</b>							
<b>Staff of the Management of Procurement</b>	The staff of the procurement Management is insufficient for the workload	Good governance	Lack of projection of building capacity of procurement Management	Delays in processing files (tender documents)	The auditor recommends that the staff of the procurement Management be strengthened by the recruitment of at least two new procurement specialists or a part-time Consultant to assist the procurement Management in its tasks.  <b>Level of priority: High</b>	<i>The DPM's workforce has been increased by the mobilization of an additional Manager who is in its probationary phase and an Individual Contracting Consultant who has just been mobilized on 23.03.2020. In addition to the DPM, there will be 2 Managers and a C.I. + 01 Assistant.</i>  <i>On the PA side, 2 Seniors will be mobilized in addition to the existing workforce to support the implementation of the work contracts. And the junior vacancies have been stabilized.</i>	No additional comment.

	Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's Response
<b>2.4.6 Compliance and Respect for Procurement Procedures</b>							
<b>Quality of Consultation Documents</b>	<p>About the requests for proposals, we note the absence of criteria for evaluating the financial capacity of the applicants.</p> <p>The Tech 2 - A form incorporated in the RFP does not contain these criteria but rather information on the consultants' financial statements.</p>	All criteria for the evaluation of consultant proposals must be indicated in the request for proposals.	Failure to include these criteria in MCC's standard consultation documents	Lack of transparency in the procedure.	<p>Insert in the Requests for Proposals, the criteria for assessing financial capacity based on the MCC Guidelines.</p> <p><b>Level of priority: High</b></p>	<i>We take note of the recommendation.</i>	No additional comment.
	<p>Concerning the requests for proposals, we note: the absence of criteria for assessing the financial capacity of applicants.</p> <p>The Tech 2 - A form included in the RFP does not contain these criteria but rather information on the financial statements of the consultants.</p>	All tender evaluation criteria must be clearly and explicitly stated in the requests for proposal.	Failure to include these criteria in MCC's standard consultation documents	Lack of transparency in the procedure	<p>Insert in the Requests for Proposals the criteria for assessing financial capacity based on the MCC Guidelines.</p> <p><b>Level of priority: High</b></p>	<i>We take note of the recommendation.</i>	No additional comment.
	<p>The RFP for contract No. CR/PRAPS/2/F.00051/19 requires the following comments: Most of the clauses of the data sheet are not in conformity with the instructions to Consultants. For example, the clause at the IAC level relating to the deadline for submission of proposals is</p>	All consultation files of the invitation to tender must be developed in accordance with the model document. The information in	Poorly managed development of consultation files	<p>Lack of transparency in the procedure.</p> <p>Incorrect award of contract.</p> <p>Non-compliant procurement</p>	<p>Properly prepare the consultation file of the invitation to tender, ensuring that the information in the bid data sheet is harmonized with those included in the instructions to bidders/consultants.</p>	<i>Crown Agent Period (14 August 2018)</i>	No additional comment.

	Conditions	Criterion	Causes	Consequences	Recommendations	MCA-Niger Management Comments	Auditor's Response
	Clause 29, while on the data sheet it is Clause 18.1.	the bid data sheet must be consistent with the instructions to bidders. /instructions to consultants			<b>Level of priority: High</b>		
	<p>The Request for Quotation relating to Purchase Order No. CR/CRA/4/W.0064/19 gives rise to the following comments:</p> <ul style="list-style-type: none"> <li>Page 4, see point (c): it states: "the bidder shall provide a list of his present and past clients to whom he has already supplied equipment similar to those required in this request for quotation...", whereas in this case it is a contract for rehabilitation works, i.e. construction works with no relation to equipment.</li> <li>The same applies to the information mentioned in point (d), which stipulates: "adequate technical documentation or any relevant information relating to the proposed supplies".</li> <li>On page 5, see point 12: it is mentioned that bidders must</li> </ul>	Request for Quotation procedures.	Failure to control the preparation of work quotation request files	Failure to master the preparation of work quotation request files.	Properly prepare files for the quotation of works by ensuring that information related to works contract is inserted in the file instead of information related to supply contract.	<i>Well-noted: the quality control system for documents will be reviewed accordingly.</i>	No additional comment.

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	<p>clearly indicate the conditions for replacing defective equipment (time and procedure for replacement) while we are in a works procedure and not a supply procedure.</p> <ul style="list-style-type: none"> <li>Page 5, see point 14: last line: it is mentioned: "Any proposal with a lead time of more than 30 days will be rejected" whereas referring to points 1 and 10 of pages 3 and 4, it is mentioned as the lead time 45 days from the signature of the purchase order.</li> </ul>						
<b>Quality of the minutes of the opening of tenders</b>	<p>For all the contracts audited, we noted the absence of formal minutes. The information resulting from the opening of tenders is traced on a loose sheet of paper.</p> <p>In addition, we noted for certain contracts, the presence of opening sheets bearing the words: "<i>Supplied in conformity</i>" and "<i>Supplied not in conformity</i>", whereas when tenders are opened, only observations are made and not assessments.</p>	<p>The minutes of the opening of the bids must be drawn up and signed by all the members present.</p> <p>The opening minutes are a statement of facts and not an assessment of the quality of the tender documents.</p>	Non-compliance with procurement rules.	Lack of transparency in the procedure.	<p>Draw up minutes of the opening of tenders without mentioning the terms "<i>Supplied in conformity</i>" and "<i>Supplied not in conformity</i>" but rather the terms "<i>Supplied</i>" and "<i>not supplied</i>".</p> <p><b>Level of priority: High</b></p>	<i>We take note of the recommendation.</i>	No additional comment.

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<b>Quality of the technical proposal evaluation report</b>	<p>As part of the selection procedures of consulting firms: the evaluation of the financial capacity of consultants is made based on criteria not foreseen in the RFPs but rather in the Guidelines.</p> <p>The evaluation report on the technical proposals for contract No. CR/PRAPS/4/F.00065/19 contains some misprints:</p> <ul style="list-style-type: none"> <li>Page 5: it is mentioned that the initial date for the submission of proposals was 21 January 2018, whereas it is 21 January 2019.</li> <li>Page 8: the clause 5.5 of the IAC referred to disqualify the consultant AFRICAN WILDLYFE FOUNDATION is rather the clause 5.6.</li> </ul>	The evaluation of consultants' proposals must be based solely on the criteria set out in the RFPs.	Failure to include these criteria in MCC's standard consultation documents.	Lack of transparency in the procedure.	<p>Insert in the Requests for Proposals the criteria for assessing financial capacity based on the MCC Guidelines.</p> <p>Ensure the information to be included in the evaluation reports.</p> <p><b>Level of priority: High</b></p>	<i>We take note of the recommendation.</i>	No additional comment.
<b>Quality of the tender evaluation report</b>	<p>Some bid evaluation reports are not well prepared. This is the case, for example, of the tender evaluation report for Purchase Order No. ADM/41/G0072/19, which requires a few observations on our part:</p> <ul style="list-style-type: none"> <li>Lack of pagination of the report</li> <li>- Page 3 - Table 3: it is mentioned in the column "Tender letter" of the tenderer GROUPE</li> </ul>	<p>The evaluation of proposals must be based on the criteria required by the tender documents.</p> <p>The enabling power of the signatory to bind the bidder must be</p>	Panelists are not familiar with procurement procedures.	<p>Litigation in public procurement.</p> <p>Non-compliant procurement.</p> <p>Incorrect award of contract.</p>	<p>The panelists recruited by the MCA-Niger must be familiar with the procurement procedures, including the evaluation of bids.</p> <p><b>Level of priority: High</b></p>	<i>The PAPERIERIE CADEAUX Group is not the market attribute.</i>	The auditor maintains his recommendation. The MCA-Niger namely the panelists, must make the evaluations correctly and use the information contained in the proposals to

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	PAPETERIE CADEAUX, "FC" whereas it appears from the tenderer's proposal that the tender letter is signed by the Commercial Director without mentioning the identity of the signatory. It is the price schedule which bears the identity of the signatory (Mr. MOUNKAILA GARBA ISSA). In fact, no power of attorney is attached to the tender whereas it appears from the Trade and Personal Property Credit Register that it is Mr. TAHIROU AMADOU Mahamadou Nassirou. In principle, the proposal of this tenderer should not be admissible at this stage of the procedure.	signed by the Managing Director of the company.		Ineligibility of expenditure			prepare the evaluation reports.
<b>Quality of contracts/ purchase orders</b>	Some contracts and purchase orders lead us to make the following remarks: <ul style="list-style-type: none"> <li>Lack of identity of signatories.</li> <li>Absence of the signature of the second member of the consortium.</li> </ul>	The order form must bear under the signature, the name and surname of the signatories.  Contracts signed with consortiums must be	Lack of completion of contracts/ purchase orders.	Litigation in public procurement.	Have the names and surnames of the signatories put under the signatures of the purchase orders.  Have all members of the consortium sign contracts with the consortiums.	<i>We take note of the recommendation.</i>  <i>See Answers above.</i>	No additional comment.

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	<ul style="list-style-type: none"> <li>Bank account in the name of the leader instead of the consortium.</li> </ul>	<p>signed by all the members of the consortium.</p> <p>The bank accounts of the consortium must be in the name of the consortium and not in the name of a member of the consortium, even if the latter is the leader.</p>			<p>Make sure to ask the recipients of the contracts at the time of the notification of award, to produce the banking references (RIB) which must be in the name of all the members of the consortium.</p> <p>The Fiscal Agent should ensure that bank references are checked before contracts are finalized.</p> <p><b>Level of priority: High</b></p>	<i>We take note of recommendation.</i>	
<b>Lack of communication of the total technical score obtained to each consultant (see IC 24.6 of the RFP)</b>	All consultant contracts audited using the SFQC methodology	Communicate to the Consultants the overall technical score obtained	Non-compliance with the provisions of the RFP.	<p>Challenges to the procedure.</p> <p>Litigation in public procurement.</p> <p>Cancellation of the procedure.</p>	<p>Comply with the provisions of the RFP by communicating to the Consultants in the required manner, the overall technical score obtained.</p> <p><b>Level of priority: Medium</b></p>	<i>We take note of the recommendation.</i>	<i>No additional comment</i>
<b>Absence of evidence of insurance policies in the contract file</b>	We noted the absence of the required insurance policies in the following contracts: # CR/PRAPS/4/F.00065/19 and # CR/PRAPS/1/F.0067/19	The insurance policies required in the contracts must be submitted by the consultants.	Mismanagement of the contract.	Litigation in public procurement.	<p>Require insurance policies before the start of any mission.</p> <p><b>Level of priority: Medium</b></p>	<i>Arrangements will be made to insert this document into the contract.</i>	<i>No additional comment.</i>

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<b>Lack of application of late fees</b>	We noted the absence of late penalties for the purchase order # IR/MSM/1/DC/0077/19. <b>The delivery time mentioned on the order form is 7 days. The purchase order is signed on September 30, 2019. Consequently, the delivery should have taken place on October 07, 2019. But the delivery took place on November 22, 2019, so there is a delay of 46 days.</b>	The contract provides for the application of penalties in case of late delivery.	Non-compliance with contractual provisions	Mismanagement of the contract	The Fiscal Agent, in conjunction with the direction in charge of contract management, must calculate late payment penalties and deduct them before any payment is made.  <b>Level of priority: High</b>	FA have paid the supplier based on the first certificate of receipt issued on October 03, 2019. Please see supporting documents with the PAF that has been forwarded to you.	No additional comment
<b>Negotiation and award of the contract outside the validity period of the proposals</b>	We noted that contract # CR/PRAPS/2/F.00051/19 was negotiated and awarded outside the validity period of the proposals.	Negotiation and award of the contract shall be made prior to the end of the proposal validity period in accordance with the provisions of section P1.A.2.13 of the PPG.	Lack of monitoring of the procedure.	Non-compliant procurement.	Ensure that the negotiations and the award of the contract are carried out within the period of validity of the proposals and, if not, request an extension of the validity of the proposals before the negotiations.  <b>Level of priority: High</b>	We take note of the recommendation.	No additional comment.
<b>Procurement method used contrary to that contained in the validated PPM</b>	We noted that the procedure used for purchase order # ADM/41/G0072/19 of 20/09/2019 and purchase order # ADM/41/G0074/19 is contrary to that contained in the MPP. In fact, in the PPM that received the Donor's no-objection, the procedure is the invitation to Tender, but the non-competitive	Contracts must be awarded in accordance with the methods contained in the PPM validated by the Donor.	Non-compliance with procurement rules.	Non-compliant procurement.  Ineligibility of expenditure.	Use the methods used in the PPM that received the Donor's no-objection to award the contract and if not, get the Donor's no-objection on the revised PPM before awarding the contract.	The procurement Method, which is mentioned in the PPM, namely the CB, has not been established in accordance with the PPG which states that for Goods, the method to be used is Shopping for amounts ranging from 0 to 200,000USD included.	The auditor maintains his observation and his recommendation.

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	method of consulting suppliers was used.				<b><i>Level of priority: High</i></b>	Therefore, the method that should be included in the PPM is Shopping. In addition, the details of the costs of the activity are \$80,000.	