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ALIGNING PUBLIC PROCUREMENT RULES AND PRACTICES TO SUPPORT THE IMPLEMENTATION OF HOME-GROWN SCHOOL FEEDING (HGSF) INITIATIVES: The case of Senegal

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ALIGNING PUBLIC PROCUREMENT RULES AND PRACTICES TO SUPPORT THE IMPLEMENTATION OF HOME-GROWN SCHOOL FEEDING (HGSF) INITIATIVES: THE CASE OF SENEGAL¹

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INTRODUCTION

This report aims to inform about the alignment of public procurement rules and practices to support the implementation of government-led home-grown school feeding (HGSF) initiatives in Senegal. HGSF can be understood as a school feeding model that is designed to provide children in schools with safe, varied and nutritious food which is sourced locally from smallholders³ (FAO and WFP, 2018).

The report builds on the experiences of various countries and is based on a recognition that building a linkage between school feeding programmes and local and smallholder agricultural production requires adjustments and reforms at the institutional, policy and regulatory levels. These include the alignment of public procurement laws, regulations and related practices.

The report is part of the GCP/GLO/775/IT project on ‘Policy Support for Public Food Procurement for Government-led Home-Grown School Food Initiatives,’ which includes a similar study developed on Ethiopia (Swensson, 2019).

The report is organised in four main sections:

Section one provides an overview of the multiple potential benefits of linking school feeding programmes to local and smallholder agricultural production, and also of the series of conditions that this linkage requires. These include a conducive legal framework. Building on different country-context experiences, the section highlights the importance of a conducive public procurement regulatory framework and identifies the key challenges that standard public procurement rules and practices impose on the implementation of HGSF initiatives.

Section two focuses on the Senegal experience. It provides an assessment of Senegal’s standard public procurement rules and practices and its current HGSF initiatives. It analyses the key challenges that standard public procurement rules and practices may present when smallholder producers are linked to public food markets in this country context.

Section three discusses the various tools and instruments that can be used to align public procurement rules and practices and overcome the challenges identified. First, it presents best practices at the international level, exploring the various mechanisms adopted in selected

¹ The report is also available in French.

² The report has benefited greatly from contributions made by Florence Tartanac (ESN Senior Officer), Cristina Scarpocchi (GCP/GLO/775/ITA Project Coordinator) and Thiam Abdoulaye (FAOSN National Consultant).

³ Even if only a proportion of food is purchased locally from smallholder farmers, a school feeding programme can still be considered ‘home-grown’ provided that local purchases are designed to support and encourage local agriculture and food markets, and that these objectives are taken into consideration during the programme design and implementation and are institutionalised in the relevant policies and regulations (FAO and WFP 2018).

countries to support smallholder farmers and their organisations through school feeding initiatives at three different levels: preferential procurement schemes; other legal tools; and administrative adjustments. Second, it analyses the availability of similar instruments in Senegal, and the possibilities for their implementation in the school food context.

Building on these analyses, **Section four** provides specific recommendations for the alignment of public procurement rules and practices with the implementation of HGSF initiatives in Senegal.

The report uses data from both primary and secondary sources. It combines a desk review of the relevant literature, reports and case studies on the subject with primary data and expert opinions from the country experience. The opinions were mainly collected through semi-structured interviews conducted in Senegal in November 2018 and a discussion workshop with key stakeholders organised in Dakar in the same period.⁴

1. HOME GROWN SCHOOL FEEDING INITIATIVES: LINKING SCHOOL FEEDING TO LOCAL AND SMALLHOLDER AGRICULTURE

1.1. Why link school feeding programmes to local smallholder agriculture?

Linking school feeding programmes to local and smallholder agricultural production (i.e. the home-grown school feeding approach) constitutes an opportunity to multiply the benefits of regular school feeding programmes. As has been demonstrated in different country experiences, in addition to educational and food security benefits for schoolchildren this linkage has the potential to improve the livelihoods of smallholder farmers and local communities and to strengthen the nexus among nutrition, agriculture and social protection (FAO and WFP, 2018).

A key characteristic of HGSF is that it has the potential to influence both food consumption and food production patterns through choices of (i) the food to be purchased (such as local, varied, nutritious, healthy or culturally appropriate food); (ii) from whom (e.g. from local and smallholder farmers and/or small and micro local food enterprises, women, youths and/or other vulnerable groups) and (iii) from which type of production (e.g. from agricultural production that ensures environmental sustainability and biodiversity). It therefore has the potential to increase the benefits and beneficiaries of school feeding initiatives, including not only those who receive and consume the food but also those who produce it and the local community (FAO and WFP, 2018; Global Panel, 2015, 2016; Tartanac et al., 2019; UNSCN, 2017).

This approach has been recognised in Senegal's National Home-Grown School Feeding Policy (*Document de Politique des Cantines Scolaires au Sénégal liée à l'Alimentation Scolaire, l'Agriculture et l'Economie Local*, 2012). In this policy document HGSF is explicitly recognised as an opportunity to valorise and stimulate local production and as an instrument to fight poverty through the creation of market opportunities and increased incomes for smallholder food producers. Building the linkage between school meals and local and smallholder production is also among the recommendations of a SABER-Senegal (2014) report.

The approach is also aligned with the scope of international and regional policy frameworks, including a particular emphasis on it in African ones, which cover Senegal. These include the New Partnership for Africa's Development (NEPAD)'s Comprehensive Africa Agriculture Development Programme (CAADP), which recognises the linkage between school feeding

⁴ Atelier technique sur l'Alignement des règles et des pratiques de passation des marchés publics pour l'alimentation scolaire à travers l'offre des petits producteurs locaux: Strategies et bonnes pratiques. Dakar, 14-15 November 2018.

programmes and local smallholder production as a “win-win initiative – for both children and farmers” – able to promote food security and rural development. They also include the AU Malabo Declaration on “Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods,” in which HGSF is recognised as a key strategy to reach the overall objective of ending hunger in Africa by 2025 (Malabo Declaration, 2014). They also include the FAO framework on school food and nutrition (FAO, 2019).

The key benefits of the HGSF approach that are particularly relevant in the Senegal context include:

(i) Supporting local agriculture and smallholder farmers. Depending on the choice of from whom food is to be purchased, institutional food procurement programmes (IFPPs) – including HGSF – can become instruments to support local and smallholder agricultural production and stimulate community economic development. Several studies demonstrate that a regular and predictable demand for smallholder farmers’ products from schools and other public institutions can encourage farmers to increase and diversify their agricultural production and at the same time reduce the investment risks involved. This may contribute to increasing their incomes and their access to formal markets (Drake et al., 2016; FAO, 2014; FAO and WFP, 2018; Global Panel, 2015; IPC and WFP, 2013; Kelly and Swensson, 2017; Sumberg and Sabates-Wheeler, 2010; UNSCN, 2017). This is very relevant in the context of Senegal considering the high dependence of the country on imported foods, with around 70 percent of grain consumption coming from imports on the one hand and the high percentage of households involved in agriculture (around 65%) on the other (WFP, 2018; WFP and FAO, 2017). This potential of the HGSF approach is not only explicitly recognised in the school feeding policy but it is also aligned with the Emerging Senegal Plan (French acronym: PSE), which addresses challenges related to social and economic development of the country and elevates agriculture as a key sector to promote inclusive growth.

HGSF also has the potential to **(ii) generate benefits for a range of actors along the value chain.** HGSF can constitute an important **market opportunity for small traders, processors and micro, small and medium-sized food enterprises**, which may supply schools with nutritious processed food products such as bread, fruit jelly and fortified cereal mixes, as in the cases of Brazil and India (FAO and WFP, 2018; Global Panel, 2015). As women and/or young people often own these enterprises, HGSF can also contribute to increased youth empowerment and gender equity. Considering the strong contribution by women to food production in the country, the HGSF approach can be an important instrument to support these vulnerable actors (WFP and FAO, 2017). The benefits to local communities may also include local job creation in support of food delivery and the preparation of school meals (FAO and WFP, 2018).

HGSF can also **(iii) promote cooperatives and farmers’ associations**, which may enhance farmers’ ability to connect with markets. Data from pilot initiatives in Zambia, Brazil and Ethiopia, for instance, show that membership and cooperative capacity grow due to farmers’ organisations participating in HGSF and its positive impact on market access (Kelly and Swensson, 2017; WFP et al., 2016). Similar results have also been found in Senegal in the Purchase from Africans for Africa (PAA Africa) initiative (FAO, 2017).⁵ Box 3 below provides an overview of the implementation of the PAA Africa programme in Senegal. This potential benefit is particularly relevant in the Senegal country context considering the challenges involved in

⁵ According to the PAA Africa mid-term monitoring report, a “substantial improvement in the organisation structure of the participating farmer’s organisations, which demonstrated a more active organisational life” was observed in Senegal (FAO, 2017).

primary level organisation of farmers in the country and the great emphasis that the government has placed on promoting it, as will be discussed in Section 2.3.

HGSF also has the potential to **(iv) enhance food security and the nutrition of schoolchildren and also those of smallholder farmers and their communities**. By defining what food is to be purchased (such as safe, nutritious, varied and locally produced food), school feeding initiatives can become powerful instruments to enhance food security and the nutrition of children and also that of smallholder farmers and their communities through increased and diversified local food production, consumption and incomes. Diversified school feeding programmes can indeed have a direct effect on schoolchildren's food consumption, dietary diversity and nutrition status (FAO and WFP, 2018). Studies from countries like Brazil, Kenya and Ghana show that properly designed school feeding can lead to an increase in the variety and quantity of healthy foods served in schools and to improvements in the dietary diversity of schoolchildren (Niebylski et al., 2014; Sidaner et al., 2013; UNSCN, 2017).

Considering the weight of public sector contracts, a diversification of demand – especially when linked to purchasing from local and smallholder producers – has the potential to also stimulate production diversification by these actors.⁶ This may lead – according to the context – to an increase in smallholder farmers' consumption of local, diversified and nutritious food. (Biodiversity International, 2016; HLPE, 2017; IPES, 2016; Niebylski et al., 2014). Production diversification may also lead to an increase in the availability of local and diversified products in local markets, thus also contributing to the nutritional security of the non-farming population (Valencia et al., 2019). Therefore, depending on the choice of products to be purchased, HGSF has the potential to diversify the diets of children, farmers and local communities by promoting the production of, and access to, a wider variety of foods. This is very relevant in Senegal, considering the need to improve dietary diversity in the country and to reduce dependence on imported foods (USAID, 2018).⁷ As is recognised in the national HGSF policy (2012), school feeding may have a key role in promoting the national campaign for the production and consumption of local cereals, to the detriment of imported ones. This is particularly important considering the above-mentioned high dependence on imported food in Senegal, including the food served in schools.

HGSF can also target food that is produced in a specific way and therefore use its purchasing power to **(v) support and promote forms of agricultural production that ensure environmental sustainability** (Foodlinks, 2013). This includes, for instance, also using the school demand for food to support agroecology- and biodiversity-attuned practices (Valencia et al., 2019).⁸

⁶ In Ethiopia, for instance, an increase in the diversification of commodities being planted and offered locally was assessed as a result of the HGSF initiative in the country (WFP, PCD & Dubai Cares, 2016; WFP, 2018). A study on the HGSF Pilot Programme in the Southern Nations Nationalities and People's Region (SNNPR) demonstrates that this increase was led by a substantial demand from schools, which served as a guarantee for farmers who would otherwise be reluctant to plant new crop types (WFP, 2018).

⁷ According to the Rural Food Security and Nutrition Survey (ERASAN-2014), in Senegal 43.2% of households have a low dietary diversity score and 46.4% an average score. In the southern departments of Senegal more than 60% of households consume fewer than three food groups a week (Tine et al., 2018).

⁸ In Brazil, for instance, these products take precedence over conventional produce in its National School Feeding Programme (PNAE) purchasing, with the aim of promoting ecological and organic production. They can also command higher prices (up to 30% more) than conventional products.

Considering all these multiple benefits of HGSF, it is possible to affirm that HGSF programmes can provide a direct contribution to the implementation of various government policy goals, linked not only to the education sector but also to agriculture, health, labour and social affairs.

HGSF can therefore constitute an important instrument to support the implementation of the above-mentioned Emerging Senegal Plan – the Senegal framework for economic and social policies designed to accelerate the country’s progress towards emerging market status and putting agriculture at the centre of its strategy – and related sectoral policies. These include: the National Policy on Nutrition Development (PNDN, 2015-2025) and its Multisectoral Strategic Plan (PSMN, 2017-2021) aimed at improving the nutritional status of vulnerable populations; the National Food Security and Resilience Strategy (SNSAR, 2015-2035) and Senegal’s Programme for the Acceleration of Agricultural Growth (PRACAS). The PRACAS is the agricultural component of the PSE, and it aims to (i) enhance food security and reduce the trade deficit caused by high dependence on imported foods; (ii) develop competitive integrated value chains with high added value and (iii) preserve socio-economic equilibrium and boost the rural economy.

1.2. The importance of a conducive regulatory framework

Despite its great potential, building the linkage between school feeding programmes and local and smallholder agricultural production is not a simple process. It requires a series of conditions that must be coordinated and matched together. These conditions depend on – but go far beyond – government will and the availability of demand. They are linked to demand- and supply-side factors and also to the policy, legal and institutional enabling environment (Kelly and Swensson, 2017; Smith et al., 2016; Swensson and Klug, 2017). With particular relevance, they include a conducive regulatory framework (Swensson, 2018).

There are various laws and regulations that are relevant to the development and implementation of HGSF initiatives. Examples include trade and agriculture laws, education legislation, food safety legislation and standards, social protection laws, human rights legislation, nutrition standards and health legislation (FAO, 2020). They also include, and with particular relevance, the public procurement regulatory framework,⁹ which is the focus of this report. Indeed, one of the key characteristics of public food procurement initiatives (including HGSF ones) is that, just like any type of public purchase, they are operationalised and regulated by specific and detailed rules. These (public procurement) rules govern the entire procurement process, shaping and limiting the choices available to governments regarding (i) the food to purchase; (ii) how to purchase it; and (iii) from whom to purchase it. As a result, the objectives and implementation of any government-led HGSF initiative are intrinsically linked to and require an aligned public procurement regulatory framework (Swensson, 2018).

Various studies and country experiences demonstrate the challenges that standard and unaligned public procurement rules and practices may pose to the implementation of HGSF initiatives aimed at also using public food procurement as an instrument to support local and smallholder agricultural production (Schneider and Triches, 2012; Brooks et al., 2014; De Schutter, 2014, 2015; FAO, 2014, 2015; Kelly and Swensson, 2017; Swensson, 2018; Swensson and Klug, 2017). Examples from the African continent include the SNV project on Procurement Governance for Home-Grown School Feeding (PG-HGSF), which was implemented in Mali, Kenya and Ghana. According to the findings from this project, public procurement regulations and practices that did not factor in the situation of the region’s smallholder farmers constituted one

⁹ The term ‘regulatory framework’ used in this publication comprises all public procurement laws and regulations, legal texts of general application and administrative rulings made in connection with public procurement.

of the main reasons why these countries were not fully successful in sourcing produce obtained from local smallholders in their school feeding programmes (Brooks et al., 2014). Similar conclusions have also been found for Mozambique in a study on the impact of the policy, institutional and legal enabling environment on the implementation of decentralised (school) food procurement programmes developed within the Purchase from Africans for Africa Project (PAA) (Swensson and Klug, 2017).

The main obstacles identified which are linked to the public procurement regulatory framework include: (i) overly complex and burdensome bid procedures (i.e. methods); (ii) over-emphasis on price as the awarding criterion (to the detriment of quality and other socio-economic values); (iii) disproportionate and onerous participation requirements; (iv) incompatibility between contract size and the supply capacity of small-scale operators; (v) a lack of information (regarding tender opportunities and notices of contract awards); and (vi) long payment periods. Although some of these aspects of the process of public procurement may also affect large suppliers, it is widely recognised that they affect small-scale suppliers more acutely (Brooks et al., 2014; Trybus, 2014; World Bank Group, 2017).

As smallholder farming is generally constrained by financial capacity and other production factors, including the capacity to obtain information on market prices and public procurement opportunities, it is unlikely that small farmers and farmers' organisations will be able to participate in public procurement, or any other similarly stringent market, if some of the constraints are not addressed.

The relevance of a conducive regulatory framework and of the challenges related to an unaligned public procurement regulatory framework to linking school feeding initiatives to local and smallholder agricultural production can also be seen in Senegal. These will be analysed in Section two.

2. PUBLIC PROCUREMENT AND HGSF INITIATIVES IN SENEGAL: STANDARD RULES, PRACTICES AND CHALLENGES FACED

2.1. Public procurement rules and practices in Senegal

Public procurement is regulated in Senegal by a series of laws, decrees and ordinances developed under the guidance of the West African Economic and Monetary Union (WAEMU) Directives on Public Procurement.¹⁰ These directives provide guidance on how the public procurement sector should be organised at the institutional, legal and technical levels, reducing the autonomy of the national legislator. Key legal documents which transpose these directives at the national level include Decree N° 2014-2012 (Public Procurement Code), which governs the procurement process; Decrees N° 2007-546 and N° 2007- 547, which define the organisation, composition, functioning, roles, responsibilities and mandates of the Public Procurement Regulatory Authority (*Autorité de Régulation des Marchés Publics - ARMP*) and the Central Directorate for Public Procurement (*Direction centrale des Marchés Publics – DCMP*), and several resolutions which provide specific regulation of the implementation of the Public Procurement Code.

The ARMP, the DCMP and procuring entities (i.e. central government, local authorities etc.) are the key actors in Senegal's public procurement system. Their roles include regulating the procurement system (ARMP), overseeing procurement activities (DCMP) and conducting procurement (procuring entities).

¹⁰ Directive no. 04/2005/CM/UEMOA and no. 05/2005/CM/UEMOA.

This multiplicity of texts is compiled in a ‘Compendium of legal texts on public procurement’ published by the ARMP. The compendium also represents an effort to respond to criticisms regarding the complexity and difficulties – especially for small suppliers – in comprehending the system and its rules due to the multiplicity of legal documents. Other measures include translation of the legal texts into Wolof (the main Senegalese local language) and simplified documents and check-lists prepared by ARMP (CNUCED, 2013; Gateway International and Open Contract Partnership, 2017).

In line with WAEMU directives, and similarly to most public procurement systems in the world, public procurement regulation is designed based on a series of objectives and principles. These are: (i) economy and efficiency in the procurement process (i.e. to acquire goods, works or services on the best possible terms and that the process itself is carried out without unnecessary delays or wastage of resources); (ii) equal treatment for all suppliers (meaning no discrimination among candidates, except in accordance with the rules of preference provided in the regulatory framework); (iii) open competition (with public market opportunities open to any potential supplier and ensuring a real competition with as many candidates as possible); (v) transparency; and (vi) accountability. (Decree no. 2014-1212; WAEMU Directive no. 04/2005; ARMP presentation).

Senegal (as well as the WAEMU directives) does not explicitly recognise as one of the objectives of the procurement system the pursuit of social, economic and/or environmental outcomes (i.e. horizontal policy goals). Nevertheless, it does provide, as will be discussed in Section 3, instruments to achieve some of these aims. These includes provisions on promoting the participation of small and medium-sized enterprises (SMEs) in public markets and on promoting environmental sustainability.

In addition, it is interesting to note that in 2012 Senegal was the first country in the WAEMU to adopt a transparency code. According to the Ibrahim Index of African Governance (IIAG), Senegal is particularly well performing compared to the other WAEMU and African countries on indicators such as ‘Absence of Corruption in Government Branches’ (scoring 75.7/100, with significant + 23-point progress between 2012 and 2013 and ranking 7th among the 54 African countries) and ‘Transparency and accountability’ (scoring 57.2/100 and ranking 8th) (IIAG website).

2.1.1. Procurement methods and awarding criteria

Following the WAEMU directives and international practices (in particular the United Nations Commission on International Trade Law – UNCITRAL – Model Law on Government Procurement), Senegal’s public procurement regulatory framework recognises different types of procurement methods that procuring entities must use for the procurement of goods, work and services to achieve the stated procurement objectives. These methods are:

(i) Open bid (*L’Appel d’Offres ouvert*). This procurement method – also known as ‘competitive bidding’ or ‘open’ or ‘competitive’ tendering – is, as in most countries in the world, the default procurement method that public entities should use for the procurement of goods, work and services. Any other method can be used only when explicitly authorised by regulation.

The open bid method is generally characterised by a high level of competition, equal treatment of suppliers (meaning that any qualified person can have their bid considered) and transparency. It is also characterised, however, by a high level of formalities, complexity and costs. Box 1 provides an overview of the key characteristics of the open bid method.

Box 1. Key characteristics of the open bid method

- A public notice advertising the procurement;
- Use of a detailed specification that provides a common basis for bidding and for comparing all bids;
- A single tendering stage with fixed dates and times for the submission of tenders;
- A requirement for bids to be in writing, signed and in a sealed envelope, or in an electronic form that provides equivalent safeguards of confidentiality etc.;
- A public opening of the bids;
- A requirement to award the contract to the supplier submitting the best bid (often meaning the lowest price), with no possibility of negotiating bids with suppliers or of allowing amendments (except to correct certain errors that are not of a substantial nature).

Procuring entities may also conduct pre-qualification proceedings to limit the bids to ones from suppliers who meet the conditions for participating in the procurement.

Source: adapted from (Arrowsmith, 2011).

Following the WAEMU directives, Senegal's regulatory framework provides strict formalities for each phase of the open bid procurement process that are to be followed by the procuring entities in order to comply with the public procurement objectives and principles mentioned above.

According to these rules, procuring entities must prepare solicitation¹¹ and bid documents based on official samples and submit them for approval. After receiving a positive reply from the DCMP, in order to ensure the participation of as many bidders as possible, the procuring entity must advertise the invitation to bid on the public procurement website and in a newspaper that has nationwide circulation. Candidates must have at least 30 days (in the case of national bids) to prepare and submit proposals.

In order to participate, interested suppliers must obtain (for free or on payment) and use standard bidding documents (i.e. the *Dossier d'Appel d'Offres* – French acronym: DAO) to prepare a proposal. They must also comply with a long list of participation requirements (discussed in Section 2.1.3) and provide bid security aimed at protecting procuring entities against candidates giving up their offers during the selection process. In some cases, procuring entities may also conduct a pre-qualification phase to limit the bids to ones from suppliers who meet the conditions for participating in the procurement.

The opening of the bids is public and all candidates and/or their representatives can participate. The contract is awarded to the lowest-price proposal that meets all the requested requirements, including the qualification ones. Awarding criteria can also include, for instance, the delivery schedule, technical performance and environmental considerations, as is discussed below. Negotiation between the procuring entity and suppliers is strictly prohibited and the awarding criteria must be explicitly specified in the bid documents and be expressed in monetary terms or in the form of eliminatory criteria.

¹¹ A solicitation document is a document issued by the procuring entity that sets out the terms and conditions of the given procurement, including any amendments.

For high value procurement (i.e. above an established threshold defined by regulation), the DCMP is notified after the selection process and verifies whether the selected supplier is in conformity with tax and labour regulations. After positive feedback, a notification letter is sent to the successful bidder. Unsuccessful bidders are also notified.

A provisional award notice is then published on the public procurement website and in newspapers giving unsuccessful bidders a period of 10-15 days for appeals. With no appeals, a notice of the final award is published through the same channels. Lastly, the procuring entity and the selected supplier sign a contract. For high-value procurement, a copy is sent to the Ministry of Economy, Finance and Planning for matriculation. The duration of the entire process is therefore quite long. The call for bids must be advertised for at least 30 days, and the entire process may take months.

Despite its greater level of transparency and open competition, this method is often held to be too complex for the procurement of food from smallholder suppliers and their organisations (interviews).

(ii) Request for Quotation (*Procédure de Demande de Renseignements et de Prix*)

Although the open bid is the default procurement procedure, Senegal's public procurement legislation also recognises alternative procurement methods that are simpler. These include the Request for Quotation (French acronym: DRP) method. Adoption of this method is in line with international practices which recognise that, in certain circumstances (such as in low cost procurement) the time and costs of using the open bid method may outweigh the benefits (especially in terms of greater competition) it can bring to the system and/or would prejudice the government's ability to meet its needs (UNCITRAL, 2014).

Senegal's public procurement regulation recognises three different types of DRP procedures which can be adopted by procuring entities (Arrêté no. 00107/2015). As mentioned above, the use of these methods – and of any other method alternative to the open bid – is limited to certain circumstances. In the case of DRPs, these circumstances include, in particular, low cost procurement, i.e. the acquisition of goods, work and services with the estimated value of the contract falling below an established threshold.

It is interesting to note that, unlike some countries (such as Ethiopia), these procurement thresholds are not very low,¹² allowing the adoption of these alternative and simpler procedures for procurement up to around USD 5,000, 25,000 or even 85,000¹³ in the case of goods and therefore in a high number of cases.

Nevertheless, adoption of these alternative procedures is not mandatory. They are instead instruments provided by the regulatory framework that can be used – or not – by procuring entities. The issue is that – as key stakeholders reported in the interviews – in the school feeding context, procuring entities are not always fully aware of all the available possibilities. This may be linked to the complexity and multiplicity of the legal texts and to procuring entities' lack of capacity, especially in decentralised implementation models (Gateway International and Open Contract Partnership, 2017; interviews). Indeed, as the ARMP reports, among the key challenges

¹² Thresholds for the use of alternative procurement methods may vary significantly among countries. In the case of Ethiopia, for instance, around USD 7,000 is set for the adoption of the Request for Quotation method, while in the USA it is around USD 150,000.

¹³ Exchange rate on 24 June 2019: one West African CFA Franc (XOF) = USD 0.0017.

identified in public procurement systems is a lack of appropriateness of the various procedures and instruments used by the stakeholders involved (ARMP presentation).

The level of simplicity changes significantly among the three different DRP options, especially in terms of the formalities imposed in the procurement process, the advertisement requirements and the possibility of targeting certain categories of suppliers (such as local smallholder farmer organisations).

DRP Simple. This is the simplest of the DRP procedures. It can be used for low-cost procurement of up to 3 million West African CFA Francs (XOF) in the case of goods or up to 5 million in the case of work or intellectual services. When using this procurement method, procuring entities identify potential suppliers (no less than 3) and request quotations. The regulation does not impose specific formalities for selecting and approaching potential suppliers. Requests can be made even in non-written forms and quotations can also be sent informally, by mail or fax etc. There is no need for procuring entities to formally advertise the market opportunity, to prepare formal solicitations or to use standard bid documents. Once the procuring entity receives the quotations, it compares the proposals and selects the one with the lowest price. Procuring entities need to prepare a record with a summary of the procurement process. There is no need to sign a formal contract. Payment is made against presentation of a simple bill and can be even made in cash.

DRP Restrict. This is method can be used for the procurement of goods up to 15 million XOF. Although it is still much simpler than the open bid method, DRP restrict requires an increased level of formality compared to DRP simple. This includes a need to: (i) advertise the procuring opportunity (choosing, however, the type of publicity that the procuring entity retains the most appropriate according to the value and characteristics of the purchase); (ii) identify at least five potential suppliers; (ii) simultaneously send written requests for quotations to all of them; (iv) sign a written contract; (v) publish an award notice on the public procurement website; and (vi) communicate the award to the body responsible for ex-post control (i.e. the DCMP).

Although when using this procedure procuring authorities are authorised to approach certain suppliers, the regulation requires that they must ensure real competition among them in compliance with the principle of open competition. As in DRP simple, the contract is awarded to the candidate with the lowest price offer that meets all the requested requirements.

Although this procurement method presents some more formalities, it is still much simpler than the open bid method. For instance, there is no need (for either the procuring entity or potential suppliers) to use standard tender documents or for specific formalities in advertising the procurement opportunity. In addition, procuring entities are still able to target and approach selected categories of suppliers. The entire process may also be much shorter.

These derogations – which may contrast with some of the principles and objectives of the public procurement system, such as open competition (see Swensson, 2018) – are justified by the small value of the purchase and by a recognition that in certain circumstances the time and costs of using the open bid method may outweigh its benefits and/or would prejudice the government's ability to meet its needs (UNCITRAL, 2014). Indeed, these alternative procurement methods represent important instruments to facilitate access by smallholder producers to public food markets.

DRP with Open Competition. This is the most complex of the three DRP procedures. In the case of goods, it can be used for procurements from 15 to 50 million XOF. Similarly to the open bid

method, and considering the higher value of procurement, this method requires an invitation to participate in the procurement procedure to be advertised and any interested supplier can participate. In addition, the use of standard tender documents and the preparation of a formal solicitation document (which sets out the terms and conditions of the procurement) are mandatory.

Nevertheless, this method still has some important simplicity. For instance, the procedure is much shorter (the minimum time to respond to the call for offers is 15 days instead of 30). The standard documents that procuring entities must use have only 12 pages (against the 111 pages of the standard open bid ones). As in the other methods, no negotiation is allowed. The contract is awarded to the offer that complies with the criteria established in the solicitation document and has the lowest price.

(iii) Direct Procurement (*Marché par Entende Directe*). This procurement method, also known as ‘single-source procurement’ is the simplest of all the methods. The procuring entity can approach a single or multiple suppliers, negotiate the conditions of the contract with them without much formality and award the contract to the selected candidate without competition (art. 38, WAEMU Directive 04/2005; art. 76-77, PP Code).

On the one hand, this procedure is very simple and takes less time. There is no need for specific publicity, no minimum number of potential suppliers to be approached, no standard document to use and no public opening of offers etc. On the other hand, there are important limitations to the principles of competition, equal treatment of suppliers and transparency. In order to manage these trade-offs, best international practice is that the procedure should only be used in specific cases (UNCITRAL, 2014). In the case of Senegal, these include urgent situations in which delay would harm public interests; when the goods can only be supplied by one candidate; and secret defence-related purchases. In addition, the DCMP can authorise by derogation the use of this method on request by the procuring entity (ARMP interviews). Furthermore, the adoption of this method must always be approved beforehand by the DCMP.

In order to enhance transparency and accountability, except for secret purchases, the use of this method is always subject to specific controls. These include drawing up a detailed report describing the process and the award of the contract. The report is to be sent to the First Minister and to the body responsible for controls (i.e. the DCMP).

Other procurement methods (which are less relevant to the topic of this report) include variants of the standard bidding method for more complex or particular types of procurement; i.e. (i) **bidding with pre-qualification**; (ii) **restricted bidding** (which mainly includes changes to the procedures related to the invitation to bid); **two-stage bidding**; (iii) **bidding with contest** (for projects that for technical, esthetical or financial reasons justify special research); and other procedures listed under ‘specific procedures.’ Among these are ‘Special provisions for procurement by certain municipalities’ (*Dispositions spécifiques aux marchés passés par certaines communes*). These provisions establish simplified procedures that can be used by municipalities with an annual budget below 300 million XOF. They can be used as an important tool to support linkages between school feeding initiatives and local and smallholder agricultural production. They will be discussed in Section 3.

Awarding criteria. The selection of suppliers is based on the cheapest compliant offer. Awarding criteria can also include, for instance, the delivery schedule, technical performance, after sales services or environmental considerations. The criteria must be listed in the tender documents and must be expressed in monetary terms or in the form of eliminatory criteria. Although the

lowest price is the main awarding criterion, it is interesting to note that in the case of Senegal other criteria – such as environmental ones – are also recognised in the regulatory framework. As the ARMP states, taking into consideration environmental criteria in public procurement procedures is key to promoting sustainable procurement and reducing the impact of public purchases on the environment (ARMP, 2018). This is in line with best international practices, which recognise the possibility for governments to take into consideration socio-economic policies (i.e. environmental, social, economic and other policies) in the procurement process (Quinot, 2013; UNCITRAL, 2011).

Over-emphasis on price as the awarding criterion (to the detriment of quality and other socio-economic values) has been assessed as one of the key obstacles – linked to public procurement regulations and practices – against participation by small-scale suppliers in public markets (De Schutter, 2015; Morgan and Sonnino, 2008; Swensson, 2018). However, Senegal’s regulatory framework does not explicitly provide the possibility of also taking into consideration social criteria related to supporting local and smallholder agricultural production.

2.1.2. Contract size

Large and complex contracts (for instance, requiring a large volume or a large variety of products) may be incompatible with the capacity of smallholder suppliers and become important barriers against their access to public food markets. This is particularly true in the case of centralised procurement models in which purchases are managed at the national or regional level.

One instrument available in some countries – including Senegal – to overcome this is contract lotting. Contract lotting is a mechanism that allows procuring entities to divide a large contract into smaller lots to suit the capacity of smaller actors, thereby facilitating their access to the public market. Although it is mainly intended for small and medium-sized enterprises and ‘complex’ projects, contract lotting can also be a very useful tool to support smallholder farmers through public food procurement, particularly in more centralised procurement systems characterised by larger demand (see Swensson, 2018).

As we will see, in the current context of school feeding initiatives in Senegal based on a very decentralised implementation model, contract size does not represent a particular issue. On the contrary, the small quantities required by each individual school have been reported to be an issue for farmer organisations (see Section 2.4). Nevertheless, this may be an issue to be taken into consideration in other public food procurement initiatives (such as in the case of the Food Security Committee – *Commissariat à la Sécurité Alimentaire* – CSA, hospitals, military services, etc.) and in the case that a more centralised procurement modality for the school feeding programme is adopted in the future.

2.1.3. Participation requirements

In order for a candidate to participate in public procurement it must comply with a series of requirements. These requirements are designed to ensure that suppliers have the capacity to perform contracts. Nevertheless, when the requirements are out of proportion and involve high levels of bureaucracy and cost they can represent an important barrier against access to public markets by smallholder suppliers. This is particularly the case for smallholder farmers and their organisations.

In Senegal, interested suppliers must demonstrate that they meet all the following conditions in order to be able to participate in the public procurement process: (i) they are not insolvent, in receivership, bankrupt or being wound-up, their business activities have not been suspended,

and they are not subject to legal proceedings for any of these purposes; (ii) they have not been convicted of crimes or breaches of public peace, including, in particular, corrupt practices; (iii) they have not been suspended or debarred from participating in public procurement and; (iv) they have complied with their social security and tax obligations.

In addition, the Code (art. 44) presents a long list of documents and certificates that must be produced by potential suppliers in order to prove they have they have the necessary legal, technical, financial and environmental requirements to perform the contract. The requirements also include, in the case of the standard open bid process, providing bid security (from 1% to 3% of the total estimated contract price) and performance security. Potential suppliers must, in some cases, also purchase the standard bid documents. Complying with all these requirements may represent a significant cost, especially for small scale suppliers (ARMP, 2015).

2.1.4. Access to information

Facilitating access to information about tendering opportunities is key to guaranteeing access by the target beneficiaries, including local smallholder farmers, to public markets. Traditional advertisement methods (such as official bulletins) are generally little accessed by smallholder actors and can constitute an important barrier against their participation in these markets. The language used in official documents and advertisements can also constitute a barrier in certain country contexts in which various local languages coexist and not all the population (and especially the most vulnerable) are fully conversant with the official language.

In Senegal the advertisement method differs according to the procurement procedure adopted. As mentioned above, in the case of an open bid the invitation to tender must be published on the official public procurement site and in a national newspaper that has wide circulation. Procuring entities are also allowed to publish it online on other websites as an additional instrument (art. 56 Code).

In the case of DRP and direct procurement methods, instead, procuring entities may contact potential suppliers directly, thus avoiding publicly advertising the invitation to tender. In the case of DRP with competition, an advertisement is mandatory, but the Code allows for simplified and adapted methods to be defined by procuring entities according to the value and nature of the purchase, therefore giving greater flexibility. In these cases, a tailored advertisement (such as a simple public display in the community or dissemination through technical assistance institutions) can be a useful instrument to target and enhance participation by local farmers and their organisations.

It is important to note that according to the regulatory framework, unsuccessful bidders are to be individually notified of tender results and can obtain feedback on the reasons they have not been selected (World Bank Group, 2017). This is a good practice which can contribute to access by smallholder suppliers to public markets (Brooks et al., 2014). Criticisms regarding its effective implementation in Senegal, however, do exist (CNUCED, 2013).

2.1.5. Payment timeframe

It is widely recognised that long payment timeframes hinder participation in the public procurement process, especially for small-scale suppliers that struggle with limited cash flow (World Bank Group, 2017). Furthermore, if payments are delayed, trust in the buyer will be lost, not only that of the farmer, cooperative or enterprise concerned but also more widely among other potential suppliers through word of mouth (Kelly and Swensson, 2017). Instruments to shorten payment timeframes are considered to be of key importance in supporting the implementation of public food procurement initiatives targeting smallholder farmers.

In Senegal, payments are required to be processed within 30 days. Nevertheless, in practice the time for a supplier to actually receive payment may be significantly longer, ranging between 30 and 90 days (World Bank Group, 2017). This is particularly true when payments are managed at the central level (interviews). Interest and/or penalties may be payable in the case of payment delays.

2.2. Home-Grown School Feeding initiatives in Senegal

As already mentioned, HGSF has been recognised at the policy level in Senegal since 2012. According to the government HGSF policy, besides educational outcomes, school feeding is recognised as an opportunity to valorise local production and an instrument to combat poverty (HGSF Policy, 2012).

Nevertheless, despite this strong recognition of the potential benefits of the HGSF approach, Senegal does not yet have a national structured school feeding programme. As representatives of the Ministry of Education report, the policy was not immediately followed with appropriate instruments to allow its full implementation. These instruments would include appropriate funding and other technical and regulatory tools. A national programme is therefore still under construction, with different procurement modalities still being tested and evaluated. Although the government has a budget for school feeding, it is only able to cover around a fifth of the current need (interviews).

Despite the lack of a national structured programme, there are currently various HGSF initiatives being implemented that to different degrees share the objective of linking schools' demand for food with local and smallholder agricultural production. These include initiatives implemented by (i) the state; (ii) the World Food Programme (WFP); and (iii) other international partners.

2.2.1. The government HGSF initiative

The government intervention is implemented by the School Canteens Division (Division des Cantines Scolaires – DCaS), which was created in 2009 with the tasks of promoting the development of school canteens and ensuring the planning, coordination and evaluation of school feeding programmes and their operations (Arrêté Ministeriel n. 1383/2015).

Until 2013, the implementation model adopted by this initiative was based on transferring resources from the central government to the Academic Inspectorate (Inspections d'Académie) at the regional level and to the Inspectorate for Education and Training (Inspections de l'Éducation et de la Formation - IEF) at the municipality level. The Academic Inspectorate was the structure in charge of procuring and distributing food to middle and high schools and the IEF was responsible for procuring and distributing food to elementary schools. No specific regulation or guidelines were provided, however, regarding the products to be purchased, from whom (i.e. local smallholder producers) or regarding specific procurement modalities to be used. The requirement was that the money should be used to purchase food for schools. Procurements were made following the general rules for public procurement and, despite the HGSF policy, they were mainly of imported products, i.e. rice (interviews).

Following a national law on the decentralisation of public administration (Law no. 96/1996), a reform introduced in 2014 changed the implementation model to a more decentralised one and increased the role of local communities in the management of school canteens. Currently, resources are directly transferred from the central state to schools. The resources are managed by Schools Management Committees (French acronym: CGEs) which are composed of representatives of the local community (of the municipality or village leaders), school principals,

teachers, parents and municipal councillors. The CGE is responsible for administrating the resources and coordinating all the activities of the school canteen, including procuring, storing and preparing school food. Once schools receive the funds, the Committees draw up a menu and the procurement plan and proceed with the purchases.

It is important to note that the adoption of such a decentralised model will have important implications in terms of the procuring modalities used and the possibilities available to link with local smallholder production. Box 2 provides an overview of the key benefits and trade-offs of centralised and decentralised implementation models.

Box 2. Centralised versus decentralised implementation models

Decentralisation – i.e. the transfer of authority and responsibility for public functions from the central government to intermediate and local government or quasi-independent government organisations (World Bank Group website) – can be particularly appropriate with the HGSF aim of linking smallholder farmers to institutional markets. Decentralised systems generally entail more opportunities for local-to-local linkages that can benefit smallholder producers supplying food and end-users such as schools, with spillover effects for the rest of the local community (OECD, 2000; Thai, 2008). As the information interface is more immediate delays can be avoided and expenses for transportation and storage reduced. Furthermore, a decentralised system generally facilitates the supply of fresh food and improves the quality and variety of food and its compatibility with local habits and tastes (Belik and Chaim, 2009; Real and Schneider, 2011).

It must be acknowledged, however, that decentralisation may also mean a decrease in the potential advantages of bulk buying and economies of scale. In addition, more centralised processes can also ensure greater standardisation of procedures, facilitating monitoring and control. Weak administrative or technical capacity at the local level may also result in services being delivered less efficiently and effectively in some areas of the country (World Bank Group website).

It is important to note that even in a decentralised system there are a number of possible procurement strategies that can be adopted. Decentralisation, in fact, can occur at different levels (provincial, district or school). It can also include some elements of centralisation, forming mixed models which combine some of the advantages of a more centralised approach, such as economies of scale, greater purchasing power and lower cost of developing human and institutional capacity, as those responsible for the procurement process are fewer in number and centrally located (Belik and Chaim, 2009; OECD, 2000).

Pilot initiatives provide great opportunities to test and choose among different procurement models. They may reveal the advantages and challenges involved in implementing different models in practice, allowing a better and more realistic choice when scaling up the programme to the national level based on the country's specific context.

Source: Adapted from Swensson and Klug, 2018

Considering the small value of each individual school's procurement, such procurements may fall below the threshold for the use of the DRP Simple procurement procedure. This means that – if the procurement is below 3 million XOF – the Committee can go to the local market, approach potential suppliers without specific formalities and purchase from those offering the

best price. As mentioned above, there is no need to formally advertise the procurement opportunity, to prepare a formal solicitation, to use standard tender documents or to approach a large number of potential suppliers.

Nevertheless, although it may facilitate procurement, adoption of this more flexible procedure does not necessarily entail that schools will purchase food directly from local producers and their organisations. Indeed, one important point to be highlighted is that there are no specific rules or guidelines to formally require or to guide procuring entities to procure local food from smallholder producers. At the legislative level there is also no specific instrument (i.e. a reservation scheme) that guarantees that part of the school food market shall be reserved for local and smallholder producers (see Section 3.1).

Despite the existence of guidelines covering other aspects of the school feeding programme (such as the School Canteens Guide developed in partnership with WFP¹⁴ in collaboration with the Non-Governmental Organisation (NGO) Counterpart International and the Guidance on menu development prepared with the support of the FAO for the Sédhiou region¹⁵), instructions on the procurement of food and on how to operationalise linkages between school meals and local and smallholder agriculture production (i.e. the HGSF approach) are still lacking.

In addition, although procurement may mostly be done at the local level (i.e. at local markets and through local traders) this does not necessarily mean that the food is produced locally (i.e. that it is not imported) and that the purchase effectively benefits local and smallholder producers as it would do through structured direct purchases from smallholder farmers and their organisations.

Lastly, it is worth mentioning that the possibility of adopting other implementation models is under discussion. As representatives of the Ministry of Education report, taking into consideration some of the benefits of more centralised implementation modalities, they are considering the possibility of testing an alternative implementation model based on group purchases for several schools located in the same area. This possibility is also being considered by the NGO *Grdr Migration Développement programme* under its HGSF initiative, which will be discussed in Section 2.2.3. This possibility highlights the importance of considering not only the current implementation model but also others which – due to a higher value of procurement – may not allow the adoption of the DRP Simple procurement procedure.

2.2.2. The World Food Programme initiative

The World Food Programme (WFP) has been working in Senegal on school feeding programmes since 1970 and it remains a key player in the school feeding area together with the government. Currently WFP initiatives cover 820 schools and benefit around 160 thousand students in the most vulnerable areas of the country (WFP interviews).

Although initially WFP interventions were mainly based on directly supplying imported food, around 2012/2013 the WFP changed its implementation model and started to purchase and promote local food products. This change occurred mainly through the implementation of the Purchase from Africans for Africa (PAA Africa) programme. PAA Africa was a joint initiative of the FAO, the WFP the Brazilian government and the United Kingdom's Department for International Development (DFID) which aimed to support and promote local food purchasing

¹⁴ This provides guidance on how to set up and administer a school canteen and recommendations on nutrition, drawing up menus and other related topics.

¹⁵ TCP/SEN/3602: Approche intégrée de filets sociaux productifs, d'alimentation scolaire et de nutrition au Sénégal.

initiatives in five African countries. Box 3 provides an overview of the PAA Africa programme in Senegal.

Currently, the main implementation modality of WFP's school feeding interventions in Senegal is through vouchers (80%). Among the objectives of this are to: improve the quality of school meals with local nutritious products; contribute to local economic development; and facilitate the transfer of WFP activities to the Government (WFP, 2018).

Box 3. The Purchase from Africans for Africa initiative in Senegal

PAA Africa aims to contribute to the realisation of the human right to adequate food in Senegal, in particular by:

- Providing agricultural inputs;
- Training farmers in improved production systems and post-harvesting handling, and in rice production, storage and conservation;
- Promoting local purchases through farmers' unions and strengthening their organisational capacities;
- Reinforcing school feeding programmes in Senegal's Kédougou region.

Phase I (*phase pilot*) started in 2012, when the project was launched to support 1,000 smallholder farmers and 22,800 students in 155 schools participating in the WFP's school feeding programme in Kédougou. Phase II (*phase de consolidation*, from September 2013 to February 2015) aimed to reach 1,000 farmers and 180 schools by providing productive support to smallholder farmers while promoting market access for their surplus production. The rice supplied is then used to prepare meals for schools in the region, strengthening the school feeding initiative implemented through the WFP.

Source: WFP, 2017

In this modality, WFP provides vouchers to be delivered to schools by the Ministry of Education (Inspection of Education and Formation – French acronym: IEF). Once the schools receive the vouchers, in line with the government initiative, the CGE is the entity responsible for the management of the purchasing process. Based on instructions and a food basket established by the WFP (i.e. cereals, pulses, oil and salt) the CGE exchanges the vouchers for food products with selected retailers.¹⁶ The retailers provide the products and exchange the vouchers at selected financial institutions that have signed agreements with the WFP. For other products (such as vegetables and meat, etc.) the community contributes by complementing the staple foods provided by the WFP. The community is also responsible for preparing the food.

On the one hand, according to interviews with the WFP, this model facilitates diversification of the menu and linkages with local production. For instance, as the WFP reports, the general reference to "cereals" and "pulses" in the food basket gives the possibility for the CGEs to procure various types of cereals and pulses, including local ones. This allows the menu to be adapted to local habits and tastes and ultimately for local production to be promoted (WFP interviews). Furthermore, the modality provides a market opportunity not only for local farmers

¹⁶ The retailers are selected with the support of the Ministry of Commerce based on their capacity to supply the products foreseen in the food basket and their legal status (WFP interviews).

but also for local retailers.¹⁷ The WFP reports that the modality is also more efficient, especially in terms of storage and transport, than the previous WFP system of directly delivering the food (WFP interviews; ARMP, 2015). In addition, this modality is in line with and supports the decentralised implementation model adopted by the government initiative, which is based on the administration of school canteens and their resources by schools and local communities through the CGEs (WFP, 2018).

On the other hand, however, although there is great potential for local procurement, like the government initiative, specific rules or guidelines to require or to encourage retailers to purchase local products and to formally operationalise linkages with local agriculture production are lacking. There is no instrument to ensure and/or to monitor that the products sold are produced locally and benefit local and smallholder producers. Similar instruments are present in other country initiatives, as is discussed in Section 3. A recent evaluation of the programme has also shown that, despite the possibility of diversification, schools still focus mainly on the procurement of rice (WFP, 2018). Local products are purchased along with imported ones and the percentages of each may vary from region to region and are not monitored.

In addition, it is important to highlight that as the financial resources come from the WFP (and not directly from the national government) procuring entities are not obliged to follow the national rules on public procurement. This allows, for instance, the WFP to freely choose retailers and stipulate that the acquisition of the food using the vouchers can only be done through them. In the case of public money, instead, public procurement rules would apply. The adoption of a similar model, therefore, may require specific regulation and/or the adoption of a standard selection procedure in order to ensure compliance with the public procurement principles of equal treatment of suppliers, competition and transparency.

2.2.3. Other initiatives

Besides the state and WFP initiatives, there are other school feeding initiatives in Senegal that share, at least in part, the objectives of linking the school meals programme with local and smallholder agricultural production.

One example is an initiative implemented by the NGO Counterpart International and funded by the United States Department of Agriculture (USDA) Food for Education programme (Counterpart International website). Its activities in the St. Louis region of Senegal include establishing community farms for the local production and supply of food (rice, peanuts, fruit and vegetables) to schools. Another example is the French NGO GRDR Migration Développement programme on 'A Sustainable Food System and Fight against malnutrition in the Dakar area' (French acronym: SADMAD). Although on a much smaller scale, this initiative implements the HGSF approach in five schools in the Dakar region linking the school canteens with local production (by farmers' groups, in particular women's ones and small food processors), combined with activities aimed at supporting and valorising local products and sustainable production. Box 4 provides an overview of the GRDR programme and its key activities.

¹⁷ According to a survey conducted by the WFP, many retailers are reported to have significantly increased their sales and as a consequence to have increased the size of their shops and improved the quality of their lives (WFP interviews).

Box 4. The GRDR Sustainable Food System and Fight against Malnutrition in the Dakar area programme

Established in 2016 for a period of 3 years, the ‘Sustainable Food System and Fight against Malnutrition in the Dakar area’ programme aims to strengthen the ability of the population to face food crises in the surroundings of Dakar by creating sustainable food systems and promoting local food products with high nutritional value.

The programme has various objectives, such as:

- to improve the nutrition of children and their families living in underprivileged districts;
- to secure family farming production in the Dakar area;
- to improve access to local processed food products by urban consumers;
- to reinforce the supply chains of local products with high nutritional value in order to give them access to the urban market of Dakar.

Alongside the programme’s objectives, other activities have also been set up, namely:

- supplying four school canteens with local products from producer and processor organisations;
- educating pupils, teachers and members of the APE (Association of Pupils’ Parents) about peri-urban agriculture, local consumerism and nutrition;
- supporting the processing and sale of local products with high nutritional value;
- collecting data regarding the situation of family farmers in the Dakar area and advocating for greater acknowledgement of them and providing them with help;
- supporting local actors in the Rufisque department/area in establishing a territorial food plan.

According to the GRDR, the results of the programme have shown that producer organisations are able to supply schools with local products and that schools can represent an important market for their products. They also show that the need to deliver products to several schools (dealing with several interlocutors) and the distance between the schools can have a negative impact on the revenues of producers and represent a limitation of the programme.

Source: Adapted from the GRDR website and interviews

2.3. Challenges faced in the implementation of Senegal HGSF initiatives linked to public procurement rules and practices

As was discussed above, Senegal does not yet have a fully structured HGSF programme. Although the HGSF approach is supported at the policy level, funds are still low and direct linkages with local and smallholder agricultural production are not fully operationalised yet. This analysis of the implementation challenges will therefore refer not only to the existing government intervention but also to the interventions of the WFP and the GRDR programme. It will also include the food procurement experience of the Senegal Food Security Committee (*Commissariat de Sécurité Alimentaire – CSA*). Although this institution is not linked to school feeding initiatives, it shares the objective of (and potential for) using government food procurement as an instrument to support local and smallholder agricultural production. Box 5 provides an overview of CSA activities.

Box 5. The Senegal Food Security Committee (Commissariat de Sécurité Alimentaire - CSA)

The CSA was established in 1984 with several objectives. These included to observe the evolution of the demand for and the sale of grain, to follow the meaning of market prices, to identify food insecure groups and zones in urban and rural areas, and to follow undertakings

operating in the grain market managing food aid coming from foreign countries and international, governmental or non-governmental organisations. It is also tasked with securing and reinforcing national food security stocks (CSA website). Among its activities are purchasing large quantities of rice to be distributed to the food insecure population, in particular at religious events (there are about 735 religious events annually, during which the CSA is required to provide rice support). The government encourages the use of locally produced rice.

Source: adapted from the CSA website and Hathie, 2019

An analysis of the challenges faced by these various initiatives may inform the development and implementation of the government HGSF initiative. This is particularly relevant considering that the government programme is still under development and a definitive implementation model has not yet been established. It may also inform other public food procurement initiatives, including by hospitals, universities, the military and the CSA itself.

One distinguishing characteristic of Senegal is that, while in many countries the standard bid procedures are reported to be among the most common bottlenecks in linking smallholder farmers to public food markets (Swensson, 2018), this is not the case of the current HGSF implementation model adopted in Senegal by the government initiative. The combination of a very decentralised implementation model (at the school level) and the existence of alternative procurement methods with relatively high thresholds allows procuring entities to adopt very simple procurement procedures. These include, in particular, the DRP simple procedure, which provides procuring entities with great flexibility to approach and select suppliers and imposes very few formalities in the procurement of goods of up to 3 million XOF.

Nevertheless, although this implementation modality allows for the adoption of simple alternative procurement procedures, it also faces some challenges. These are related, in particular, to the capacity of implementers. Indeed, as has been recognised in different contexts, the more centralised a system is, the greater is the number of people that will need to have the proper capacity and instruments to perform the task and deliver the public service (World Bank Group website). In the case of food procurement, the challenges include procuring entities lacking knowledge and experience of contractual issues. The complexity and multiplicity of legal texts reported above also contribute to this challenge.

As the GRDR reports, its initiatives include the establishment of 6-month contracts with farmers' organisations combined with direct purchases of certain items in local markets. Longer contracts provide farmers with the possibility to plan and invest in production to meet a stable and predictable demand. This is argued to be one of the key benefits of institutional food procurement initiatives (Mitchel, 2011). The GRDR reports that although prices are negotiated between the school committees and the farmers' organisations for the entire year with the support of the NGO, it has happened more than once that at a certain point the school committees have argued that the price in a certain moment is higher than the market price and have said that they do not wish to comply with the contractual agreement.

The same, however, has been reported also by the supplier side. While longer contracts provide stability and facilitate producer organisation with a predictable market, setting the price can be an issue. As a Niayes women's farmers group (*Collège des femmes de la Fédération des producteurs de la zone des Niayes*) report, the price of vegetables greatly varies during the year. As a result, having a fixed price for 6 months often creates situations in which in certain periods

the contract price is much lower than the market price. It is interesting to note that regarding the quantity of products there is some (appreciated) flexibility. It is possible to change one product for another while respecting the quantity in the case of a lack of production. This possibility is similar to an approach adopted in the Brazilian school feeding programme (See, among others, Swensson, 2015). Payment is made in cash, which is also appreciated by the producers.

The same challenge has also been reported regarding the PAA Africa initiative for the supply of rice. According to the project monitoring and evaluation report, *“The price-setting mechanism under the PAA can result in a situation where beneficiary farmers receive a price which is below the ‘spot market price’ for rice at a particular point in time, as prices are fixed in the year before the harvest (market price + 10 CAF)”* (FAO, 2017). Among its recommendations is to consider adopting a more dynamic price-setting mechanism where the prices paid are tied to the current rather than the past market price of rice (FAO, 2017).

In addition, the GRDR reports the importance of working with the school committees to enhance control of the food procurement process in order to best comply with public procurement principles (such as transparency and accountability) and the objective of linking the school feeding initiative to local production. As was discussed in Section 2.1, the DRP simple procurement modality does not impose many formalities in the procurement process. In the case of the GRDR project, the NGO required the committee to open a specific bank account to manage the money for food procurement (in this specific case, it was provided by the GRDR and the community) which required the signature of three members. It has also established with the committee the attribution of specific responsibilities to specific members (e.g. for managing procurement and keeping the accounts) and established specific procedures to be followed for the procurement of food. According to the GRDR, it was also important and necessary to enhance the understanding of product traceability among the school committee members and the other school actors.

These challenges are in line with information provided by the ARMP which among the challenges involved in sustainable school food procurement identifies professionalisation of the actors responsible for procuring activities, the appropriateness of the procedures and instruments used by the various stakeholders and a need to build and strengthen a culture of accountability (ARMP workshop presentation).

It is important to note that, while in the case of the GRDR project specific guidelines and procedures were developed to operationalise the linkages between schools and local agricultural production, this is not the case for all the schools participating in the government initiative. As mentioned before, the possibility of only approaching and selecting local suppliers that the DRP modality provides does not guarantee that this will effectively happen. Indeed, there are no instruments to guide or require school committees to purchase from or give preference to local producers. In addition, it is important to also note that procuring in local markets through spot contracts may not necessarily mean that the products are produced in the country and the procurement actually supports local producers and production. This is, for instance, a challenge also reported regarding the WFP initiative discussed below.

Although the **procurement method** does not present a particular challenge in the current HGSP implementation modality, it may represent an important challenge in other public food procurement initiatives based on more centralised procurement systems. This is the case, for instance, of the CSA. As this institution reports, complexity of the procurement procedure – together with the **payment conditions** and **awarding criteria** – represent key bottlenecks in

linking government purchases of food products (i.e. rice) and the local production. These challenges have also been reported in a recent study funded by the European commission on the role of food reserves in enhancing food security in Senegal (Hathie, 2019).

As described above in Box 5, the CSA, Senegal's food security committee, is in charge of purchasing large quantities of rice to distribute to the food insecure population. As a public institution and due to the high value of its purchases (around 2 billion XOF a year), the CSA adopts the standard bidding procedure (*l'appel d'offre*) which is open to all kinds of suppliers, including small ones. Suppliers (in general two) are selected for a period of three years, but the quantity and the total value of the orders are not fixed (i.e. *marché de clientèle*). Although the value can vary, it is reported to have been around 2 billion XOF a year in the period 2018-2020 (interviews).

As was reported in the interviews, there has been a government effort to open this market opportunity to local and smallholder producers and processors. Nevertheless, this effort has not been very successful. Among the causes is the public procurement regulatory framework (CSA interviews; also see Halthie, 2019).

According to the CSA, the standard public procurement procedure is not suitable for the purchase of agricultural products, and in particular for small producers, which represent the prevalent reality in Senegal. These producers have certain particularities which, according to the CSA, are often incompatible with the complexity of the standard open bid procedure. For instance, the standard bid documents that must be used by procuring entities and suppliers have around 111 pages (while those for alternative procurement methods have only 12). As has also been recognised in other contexts, small suppliers, including SMEs, often do not have the skills or the necessary means to understand and comply with the complexity of the standard procedures (Gateway International; ARMP). This is particularly true in the case of smallholder farmers, who are among the most vulnerable people in society. The need to simplify the bid procedure has also been recognised by the ARMP as a key challenge in supporting access by small suppliers to public markets (ARMP presentation).

One particular challenge reported by the CSA regards payment conditions. Rice is prevalently a cash market in Senegal. The standard payment conditions imposed in the public procurement regulation – with the exception of DRP Simple – do not allow that. This is an important bottleneck for small producers, but also for large ones. Nevertheless, large producers and intermediaries are often in a better position both to wait longer for payments and also to access the bank system to overcome this constraint. As the CSA reports, practically all the suppliers selected have access to private finance. In contrast, small producers generally do not have access to banks and so are often kept out of the market. As the WFP assessed recently, only 10% of the population (6% in rural areas) have a bank account (WFP, 2018).

Linked to payment conditions are payment delays. Although not linked directly with the experience of the CSA, this has been reported by representatives of farmers' organisations as an important bottleneck and is recognised by the ARMP as a reality in public purchases in Senegal. As representatives of farmers' organisations reported, *"They ask you to wait 2 months, 3 months for the payment. The smallholder producers cannot wait for that. This hinders the participation of small producers in this type of market."* The importance (and challenges) of long payment time lags has also been recognised in the case of the PAA Africa experience, although in this case it was related to WFP payment procedures. Recommendations to overcome this issue that could also be valuable for government initiatives include: (i) involvement of the Caisse de crédit agricole, which can provide loans to smallholder farmers and help bridge the gap

between rice delivery and the receipt of payments; (ii) involvement of an intermediate buyer, which would be in a position to buy products from smallholder farmers and reimburse them instantaneously. This buyer could then sell the rice to the WFP and receive payment after the quality assurance process is completed; (iii) development of purchasing procedures in the WFP which address the needs and particularities of smallholder farmers more effectively (FAO, 2017).

Another key constraint reported by the CSA regards the awarding criteria, which overemphasise the lowest price. According to this institution, a competition based on the lowest price – especially considering the high quantity and great prevalence of rice imports in the country – represents an important constraint on participation by local and smallholder farmers. The lowest price proposed by big importers and intermediaries may not be enough to cover local production costs. As the CSA reported, although the government fixes a reference price for rice each year, it cannot be used in its procurement. Using this reference – based on national production – could, according to the CSA, facilitate the linkages between local and smallholder farmers and the organisation. Nevertheless, according to current public procurement rules and practices, this is not possible. Potential suppliers are free to propose any price, and those who propose the lowest will win the bid. As discussed above, awarding criteria based on the lowest price or on a narrow interpretation of ‘best value for money’ – without considering other social values – represents one of the key bottlenecks in sustainable food procurement in most countries (Morgan and Sonnino, 2008; De Schuter, 2015; Swensson, 2018).

As the CSA reported, despite its efforts and even a tour in 2014 to visit and inform national producers (including small producers and processors) about the opportunities in such public markets, this type of suppliers did not respond to the procurement call.

Although they are available in the Code, the CSA does not apply and is not fully aware of the possibility of applying preferencing schemes. This instrument provided in the Senegal public procurement regulatory framework – which will be discussed in Section 3 – allows for procuring entities to offer a competitive advantage to a selected category of suppliers. In the case of Senegal, this includes a 15% price preference for producers’ organisations in national bidding processes (art. 50 PP Code). Nevertheless, as other stakeholders report, this instrument is rarely used. This supports understanding of the need to strengthen the awareness of procuring entities of the different instruments available in the public procurement system (ARMP presentation).

This could be an instrument to take into consideration, especially to overcome the price issue. Nevertheless, as was highlighted during discussions with the CSA, it is important to note that 15% is not a high percentage in the context of rice supply in Senegal (where there is a prevalence of imported products with lower costs) and that this instrument alone is also limited as it does not address the challenges that deter producers from participating in the tender process.

Linked also to more centralised procurement mechanisms, another challenge reported by farmers’ organisations regarding their (lack of) participation in institutional food procurement programmes – such as by hospitals – regards **participation requirements**.

While in DRP simple this may not be an issue, in other procurement modalities it is. As representatives of The National Council for Rural Cooperation (French acronym: CNCR) reported, although they have tried to access some institutional markets – such as hospitals – they have been constrained by the participation requirements. In the interviews they reported *“The conditions are very difficult. They require a caution, warranties, a lot of administrative requirements that are very complicated for us. What we can guarantee is quality and safe production. But there are others that are able to comply with the administrative conditions but*

have no warrantee regarding quality, safety ... they go to the market and buy anything" (CNR interviews).

It is interesting to note that this challenge is recognised by the ARMP in its submission guidelines, which state that the submission of a proposal in standard public procurement procedures "requires the engagement of substantial financial means" and which highlight the importance of the candidates ensuring that they meet the conditions (in terms of human, financial and material resources and the necessary experience) required by the call before deciding to participate and starting to prepare their submissions (ARMP, 2015).

It is important to highlight, however, that the regulatory framework does provide different instruments (as will be discussed in Section 3.2.2) aimed at rationalising participation requirements. Nevertheless, they are often not well known or used by procuring entities. This is in line with the key challenges reported by ARMP in the public procurement system, which include the promotion of adhesion by key stakeholders and the appropriateness of procedures and instruments. This may also be linked to the complexity of the multiplicity of rules and the challenges related to the capacity of implementers mentioned above. In a discussion workshop organised with key stakeholders during the development of this report this challenge was highlighted and reconfirmed. There is a need for guidelines, capacity building and awareness raising.

Challenges have also been reported regarding **contract size**. It is interesting to note that although contract size (i.e. large contracts) is often reported as an issue in centralised procurement models, it can also represent an issue in the case of very decentralised procurement models. In this case, the small size of demand may also represent a constraint. As a women farmers' group (*Collège des femmes de la Fédération des producteurs de la zone des Niayes*) reported, the volume required by individual schools (in the GRDR programme) is very small considering their capacity. Only a few producers in the group can therefore participate. In addition, such a small demand also has implications regarding transport, which, together with the small volume, is one of the main challenges in supplying school institutional markets through the GRDR project. The group is responsible for collecting the production from the producers and delivering to schools. According to the interviewees, if the demand were greater, they would be able to organise themselves better and, for instance, even purchase a refrigerated car. Currently, with the transport costs, the producers affirmed that they do not get much economic benefit from supplying schools. Nevertheless, they recognise the social benefits and have the willingness to support schools. The group also appreciated that the schools recognise the quality of their products and also the sustainable production practices they use.

In addition, a key challenge that must be mentioned – although it is not directly related to the procurement rules – regards the organisation of producers in Senegal. Although farmers are represented and organised at the national level through umbrella organisations such as the ASPRODEB (*Association des producteurs pour le développement à la base*) and the CNCR, organisation of farmers on the ground is still lacking. This was recognised by representatives both of the Ministry of Agriculture and of the ASPROBE as one of the most important challenges in access by local producers to public food markets (interviews; also see Hathie, 2019). The key challenges are not only related to production but instead the organisation of farmers.

According to the interviewees, the dispersion of producers in Senegal and a lack of aggregation of production have a negative impact on their capacity to respond to the market. According to the ASPRODEB, with the lack of farmers' organisations able to aggregate production, one solution could be to use the CNCR as an intermediary to interface with the institutional market and organise supplies. The interviewees reported that in a previous project in partnership with

GRDR for the production of bread with local cereals, contracts were signed with the federation, which was responsible for identifying producers in the area able to respond to the demand, re-group them and aggregate their production. The federation also provided training and quality and safety control and sub-contracted the supply from the farmers.

The organisation of farmers is also among the government's priorities, and various initiatives are currently in place under the Programme for the Acceleration of Agricultural Growth in Senegal (PRACAS). As representatives of the Ministry of Agriculture reported, the organisation and formalisation of farmers' groups are key to supporting access by farmers to finance, and ultimately to strengthening their capacity to access the market.¹⁸ Also in the case of the PAA initiative, the need to strengthen farmer organisation was reported as a priority among the project's recommendations. According to these recommendations, in particular this should include training in administration and financial management (FAO, 2017).

From a legal perspective, Senegal's regulatory framework recognises different forms of organisation, including cooperatives (in line with the *Organisation pour l'Harmonisation en Afrique du Droit de Affaires* – OHADA) and others such as GIEs (*Groupements d'intérêt économique*) and GPFs (*groups de promotion féminine*).

3. ALIGNING PUBLIC PROCUREMENT RULES AND PRACTICES FOR THE IMPLEMENTATION OF HGSF INITIATIVES

3.1. Best practices at the international level

The need to align public procurement rules and practices for the implementation of HGSF initiatives and their aim to link school demand for food to local and/or smallholder agricultural production has been recognised in various countries. Examples include Brazil, Paraguay, Bolivia and also France and the USA (Swensson, 2018).

Recognising (i) the multiple benefits that HGSF has the potential to offer and (ii) the barriers that standard public procurement rules can impose against its implementation, these countries, among others, have developed various mechanisms to align public procurement rules and practices according to the country context and programme objectives. Their experiences demonstrate not only the challenges that standard public procurement rules and practices can impose but also that alignments and adaptations are feasible.

These mechanisms are based on the idea that public procurement (such as school food procurement) can go beyond the immediate scope of simply responding to the state's procurement needs and that it can be used as a policy instrument to meet additional social, environmental or economic objectives.

Different international frameworks support this understanding, including the 2014 UNCITRAL Model Law on public procurement, which expressly recognises the pursuit of social, economic and environmental policy objectives through public procurement and provides a range of mechanisms that countries can adopt to achieve them. The idea is also endorsed in the United Nations (UN) Sustainable Development Goals (SDGs), Target 12.7 of which aims to “promote public procurement practices that are sustainable [i.e. which include environmental, economic and social aspects], in accordance with national policies and priorities.”

¹⁸ As reported in the interviews “*The banks, the financial institutions, they do not trust single producers. With organisations well structured, recognised legally, the bank can work with them. With access to finance, the producers will have more instruments to strengthen their capacity and also access the market*” (interview).

In the African context, the idea that public procurement can be used as an instrument to achieve broader social, environmental or economic goals was also recognised in the 2017 Johannesburg resolution on public procurement. In this resolution, representatives of African countries agreed to “take urgent strategic and tactical actions” in order to “elevate public procurement to a strategic function to enable it to contribute to realising countries’ sustainable and socio-economic aspirations.” These include adopting various regulatory instruments coupled with adequate safeguard measures to curtail abuse.

There are various types of instruments that governments can adopt to adapt public procurement rules and practices to facilitate the inclusion of smallholder farmers and their organisations in public food markets and support the implementation of HGSF initiatives. They can be divided into three main groups at three different levels of intervention: (i) preferential procurement schemes; (ii) other legal tools; and (iii) administrative adjustments.

3.1.1. Preferential procurement schemes

Preferential procurement schemes are legal mechanisms which allow procuring entities to reserve contractual opportunities or to adapt the selection process and related rules to give a competitive advantage to targeted suppliers (such as smallholder farmers, micro, small and medium-sized food producers and their organisations) or to a contractor who commits to supply from them.

These mechanisms are of key importance if the achievement of socio-economic policy objectives is to be incorporated in public procurement rules (Quinot, 2013). They create an exception to the general principle of equal treatment of suppliers and can be used to support different types of supplier (the target beneficiaries) according to government priorities. These mechanisms cannot be created through policy interventions and necessarily require a legal underpinning (UNCITRAL, 2014; WTO, n.d.).

It is important to note that the adoption of these instruments does not mean an overlap of socio-economic objectives (such as support for local and smallholder agricultural production) with the traditional objectives and principles of public procurement. They are developed on the basis of specific legal conditions and safeguards in order to manage the required trade-offs and curtail abuses (see Swensson, 2018).

Table 1 provides a description of preferential procurement schemes and examples of their adoption at the country level to favour the linkage between school feeding programmes and local and smallholder agricultural production and to support the implementation of HGSF and its multiple potential benefits.

Table 1: Preferential procurement schemes to facilitate access by smallholder farmers and their organisations to school food markets.

Instrument	Country	Description	Related programme and/or regulatory framework

<p>Reservation, or 'setting-aside'</p> <p>Contracts, or portions of them, can be reserved for contractors who satisfy certain prescribed criteria (e.g. being classified as smallholder or family farmers).</p>	Brazil	<p>School feeding procuring entities must reserve at least 30 per cent of the federal budget allocated for the purchase of food for contracts with local smallholder food producers and their organisations (i.e. family farmers and family rural entrepreneurs).</p> <p>Competition will occur, but only among these target beneficiaries, thereby guaranteeing – or at least facilitating – their access to school food markets.</p>	Law No. 11.947: PNAE (National School Feeding Programme)
<p>Preferencing</p> <p>Although all contractors who are qualified to undertake the contract are eligible to bid, competitive advantages can be granted to contractors which satisfy prescribed criteria or which undertake to reach specific goals in the performance of the contract.</p>	Bolivia	<p>Procuring entities give an established price-margin preference in the procurement of goods and services to: (i) micro and small enterprises; urban and rural smallholder producer associations; and farmer cooperatives (20% price margin in the case of open tenders and 'national support to production and employment' procurement procedures); and (ii) products produced in the country.</p> <p>This preference scheme allows school feeding procuring entities to offer a competitive advantage to a selected category of suppliers (i.e. local smallholder farmers and food producers), which, although they compete with other non-preferred suppliers, enjoy better chances of being awarded the contract.</p>	Supreme Decree 0181/2009
<p>Indirect</p> <p>Although public institutions do not procure directly from target beneficiaries, procurement requirements can be used to promote policy objectives by obliging contractors to reach specific goals in the performance of the contract</p>	Paraguay	<p>School feeding procuring entities can award contracts to caterers to buy food, prepare it and serve it to schools, and require as a contractual condition that a percentage of the food used in the preparation is to be purchased from smallholder farmers. Procuring entities are free to choose the minimum percentage (above a minimum of 10%) to which the contractor will have to commit in order to be eligible to participate in the selection process.</p> <p>The indirect scheme adopted in Paraguay's school feeding programme allows the government to build a linkage with local and smallholder agricultural</p>	Decree no. 9270/2018; Paraguay National School Feeding Programme

(e.g. requiring contractors to source at least a percentage of their products from target beneficiaries).		production even if the procurement and food preparation activities are not performed in-house, but rather by a contracted third party.	
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3.1.2. Other legal instruments

Besides preferential procurement schemes, there are other types of legal instruments that can be adopted to support the alignment of public procurement rules and practices for the implementation of HGSF programmes. Indeed, despite the importance of preferential procurement schemes, these types of instrument may not be enough to overcome all the challenges faced by smallholder farmers in accessing public food markets mentioned above. Examples include the development of adapted procurement procedures (or the possibility of adopting alternative ones), tailoring participation requirements and adapting the size of contracts to the capacity of smallholder suppliers. These instruments can be adopted either together with preferential procurement schemes or individually.

Table 2 presents some of the instruments adopted in different countries to support access by smallholder farmers to public food procurement initiatives.

Table 2: Other legal instruments to facilitate access by smallholder farmers and their organisations to school and other public food markets

Adapted procurement procedures	<p>In Brazil, the reservation scheme adopted by PNAE is also accompanied by an alternative competitive procurement method (i.e. the ‘public call’ [<i>chamada pública</i>]) tailored to the needs of smallholders. Recognising that the standard open-tender procedure – due to its often high level of complexity, formality and cost – may pose important challenges to smallholder suppliers, the law allows for the waiving of this default procedure and provides for an <i>ad hoc</i> competitive procedure adapted to suit the characteristics and capacities of family farming producers and their organisations. A similar procedure is also provided for in the Paraguay regulatory framework for the direct procurement of food from family farmers.</p> <p>In the USA and France, the regulatory framework does not provide for an <i>ad hoc</i> procedure for the procurement of food for the school feeding programmes but allows the use of alternative methods already recognised in the regulatory framework. These methods – such as the DRP in Senegal – are simpler and, although not specifically</p>
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	tailored to smallholder suppliers, are more easily adaptable to this type of supplier and to the school food procurement context. ¹⁹
Rationalising requirements	<p>In Brazil, participation requirements for public food procurement initiatives are tailored to suit the characteristics and capacities of smallholder farmers and their organisations. Instead of requiring producers to prove their legal, technical, economic and financial status and their compliance with tax and labour obligations by means of a series of documents (as required in the standard open tendering process), individual producers are only required to present their fiscal and personal documents and a PRONAF Eligibility Declaration (DAP).</p> <p>The DAP is a document which certifies that a producer complies with all the criteria established by law to be classified as a family farmer or family rural entrepreneur. This document is issued for a family unit (individual DAP) or for a formal organisation (DAP legal person) and is essential to participate in all Brazilian programmes related to family farming, including ones for food procurement, such as the National School Feeding Programme (PNAE) and the Food Purchase Programme (PAA).</p>
Adapting contract size	In France, the public procurement regulatory framework allows (and encourages) procuring entities – including school feeding ones – to divide single contracts into separate and smaller lots (i.e. contract lotting) to (i) facilitate access by small and/or specialised suppliers (including small and medium-sized enterprises and farmer organisations) to public contracts; (ii) create real competition between suppliers, regardless of their size; and (iii) support the use of quality or environmental or social awarding criteria in the selection of suppliers (MAAF, 2014). This instrument can be used even if the division of the contract into smaller lots leads to the adoption of alternative procurement procedures due to their lower value.
Reducing the payment timeframe	Recognising the importance of short payment periods for access by smallholder farmers to public food markets, the regulation on the Food Purchase Programme (PAA) in Brazil imposes a reduction in the timeframe for processing payment from 30 to 10 days. In an additional attempt to improve payment delays, a specialised bank card, or PAA card, was introduced in 2013. This card enables smallholders to receive payments owed by PAA directly from the federal government (without passing through the municipality administration), thereby speeding up the payment process.

3.1.3. Administrative adjustments

Administrative adjustments are interventions at the administrative level that are aimed at adapting the practices of procuring entities to address operational issues in the procurement process that generally constitute a barrier for smallholder farmers. Examples include: measures to improve the communication of contract opportunities; aligning the terms and conditions of

¹⁹ In the US case, the use of alternative procurement methods is directly supported by the Child Nutrition ‘Resource Manual,’ which aims to provide guidance to procuring entities for the pursuit of broader development goals through food procurement in the school feeding context (ICN, 2015).

payment; increasing the time available to respond to calls for tenders; and adapting the size of contracts (Brooks et al. 2014; ITC 2014). These adjustments may not require a specific legal underpinning. Soft law instruments (i.e. non-binding instruments such as guidelines) can play an important role in guiding procuring authorities to adapt their procurement practices within the boundaries of the existing regulations.

Table 3 presents some administrative adjustments adopted in different country contexts to support access by local and smallholder farmers to public food procurement in their school feeding initiatives.

Table 3: Administrative instruments to facilitate access by smallholder farmers and their organisations to school and other public food markets

Improving access to information	Legislation generally requires that contract opportunities should be communicated through official instruments, such as official journals (which are difficult for smallholder farmers to access), but this may not prevent procuring entities from also advertising such opportunities through more smallholder-friendly channels. Recognising the importance of improving access to information to facilitate access by smallholder farmers to HGFSF initiatives, in Ghana adapted means of communications were tested and adopted within the SNV project on Procurement Governance for Home-Grown School Feeding (PG-HGFSF). These included using local radio to disseminate tender notices and translating the call for tenders into local languages (Aboah et al., 2016).
Adapting contract size	Although procuring authorities in the USA are not allowed to divide contracts into smaller lots (i.e. contract lotting) to push the contract value below the threshold for the standard bid method, they can still adapt contracts (both in terms of the volume and number of products required) to support access by local and smallholder farmers to HGFSF initiatives. In the Fayetteville and San Diego school feeding programmes, for instance, the call for tenders is made in such a way that suppliers can bid separately for each item on the list provided. Each lot of products represents an award opportunity and producers do not need to bid for every product to be considered for the bid (USDA, 2015).

3.2. Instruments in place in Senegal

While these instruments have been used to support smallholder farmers and their organisations in school feeding contexts in various countries, in Senegal the same types of instruments are already in place, although they do not directly target this type of beneficiaries. Most of these instruments are developed based on the needs of SMEs (ARMP, 2015) but could also be used to support access by smallholder farmers and their organisations to public markets. It is interesting to note that most of these instruments are not mandatory, and their adoption may be dependent on procuring entities' awareness and willingness to apply them.

3.2.1. Preferential procurement schemes

Preference

Anchored in the international frameworks mentioned above (i.e. the UNIDROIT Model Law on Public Procurement, the UN SDGs and the WAEMU), the Senegal procurement regulatory framework recognises a preferencing scheme to facilitate access by, among others, local

products, producers and producer organisations (cooperatives) to public markets. This scheme represents an exception to the principle of equal treatment of suppliers and is justified by the recognition that public procurement should go beyond the immediate scope of simply responding to the state's procurement needs and may be used to address additional social, environment or economic goals. As mentioned above, a preference scheme can be an important instrument to mitigate, in particular, barriers imposed by the lowest-price award criterion (Swensson, 2018).

According to the Public Procurement Code (arts. 50-51) in the case of international bids, a price preferential margin of 15% is to be given to national and regional producers or products when competing with international suppliers. In the case of national bids, this preferential margin can also be given to producer cooperatives when the quality is equivalent and the delivery schedule comparable. In such cases, if a non-preferred supplier submits an offer of 10 million XOF, with an increase of 15 per cent the non-preferred offer will be evaluated as if it was 11.5 million XOF. Therefore, an offer by a cooperative (of 11.5 million XOF) becomes the one with the lowest price. This allows a competitive advantage to be given to this type of suppliers in a competitive procurement process without compromising on quality and with the objective of supporting their access to public markets and the national economy.

It is interesting to note that in the case of Senegal application of the preference scheme is not automatic. First, procuring entities are free to adopt it or not. Second, in order to be able to benefit from it, potential suppliers must draw up a formal request (art. 50, PP Code). Adoption of this instrument, therefore, is dependent not only on a decision by procuring entities but also on an initiative by suppliers. This highlights the importance of various stakeholders (including both procuring entities and suppliers) being aware of this type of instrument in order to be able to use it.

Reservation and third-party schemes

The current public procurement regulatory framework does not provide for reservation (set-aside) or third-party schemes specifically targeting small-scale suppliers or local farmers. An exception to the principle of open competition is, however, provided in art. 52 PP Code, which reserves participation in competitive bids and direct procurement procedures for the supply of good and services funded by the budget of the procuring entity (i.e. the state, local collectives and national companies or companies predominately relying on public funding budgets) exclusively to national and WAEMU community enterprises. However, this norm may not apply when the goods and services cannot be supplied by local enterprises, or when weak local competition is not able to guarantee transparent competition or economic and diligent exploitation of the market (art. 52 PP Code). This scheme is recognised by the ARMP as an instrument to restrict international competition and support access by local SMEs to public market opportunities (ARMP, 2015).

It is important to note that the possibility of adopting a reservation scheme for SMEs is currently under discussion in Senegal (ARMP interviews). Taking into consideration the characteristics of smallholder farming and trading and their strategic economic importance for the country, in the case of adoption of a reservation scheme for SMEs it would be important to consider the possibility of adopting it also for local smallholder farmer organisations in the case of public food procurement initiatives.

3.2.2. Other legal instruments

Besides preferential procurement schemes, the Senegal regulatory framework provides for other types of legal instruments that – although they are not specifically designed with this aim – can support access by smallholder farmers and their organisations to public food markets.

Among these instruments are **adapted procurement procedures**. As was discussed in Section 2, recognising that in certain circumstance the time and costs of using the standard open bid method may outweigh the benefits it can bring to the system, the Senegal public procurement regulatory framework recognises the possibility of adopting various alternative procurement methods. Considering the value of the thresholds and especially when combined with decentralised operational models, these adapted procurement procedures represent important instruments to support access by small-scale producers to public markets and overcome the elevated costs, length and complexity of the standard bid method.

There are also several measures in place which aim to **rationalise participation requirements**. For instance, there are two specific resolutions (Arrêté n. 860/2015 and Arrêté n. 866/2015) which exempt candidates from having to provide bid security for purchases of goods with an estimated value below 80 million XOF and performance security in the case of purchases of goods below 70 million XOF. As the ARMP recognises, these instruments help to overcome the difficulties that small scale suppliers generally face in mobilising the resources needed to provide bid and performance security (ARMP, 2015). In addition, producer cooperatives are also exempt from having to provide bid security for contracts estimated below 50 million XOF.

Among the legal instruments provided in the Senegal public procurement regulatory framework that may support access by small-scale suppliers – including smallholder farmers and their organisations – to the public food market, there is also contract-lotting. As was discussed in Section 2, contract lotting is an instrument aimed at **adapting the contract size** of public demand in order to, among other things, support access by small-scale producers. In Senegal, procuring entities are allowed to divide larger and/or complex contracts into smaller lots to suit the capacity of smaller actors (ARMP, 2015; Republique du Senegal, n.d.). Like the other instruments mentioned, contract lotting is not mandatory and it is up to procuring entities to adopt it or not. Although this instrument may not be so useful with the current implementation model of school feeding initiatives, it can be used in other public food procurement initiatives with a more centralised implementation modality.

Another similar instrument is a **group proposal** (art. 47 PP Code). This instrument allows producers to group together with the specific objective of responding to a bid with a joint proposal. Each participant in the group can be responsible for the entire supply or for a pre-established quota. As the Manual of Procedures of the Public Procurement Code (which provides detailed information on this instrument) states, among the advantages of using this is support for SME access to public market opportunities. It could also be a powerful instrument for smallholder farmer producers in the case of a lack of existing organisations and as a first step towards formalisation.

3.2.3. Resolution no. 863/2015: Special procedures for municipalities with an annual budget of up to 300 million XOF

In addition to the instruments mentioned above, the Senegal public procurement regulatory framework has a specific resolution which provides additional instruments to unburden the procurement process in the case of municipalities with an initial annual budget below 300 million XOF (art. 79 PP Code, Arrêté n. 863/2015). The provisions include adapted advertisement procedures and participation requirements and the possibility of using simplified tender documents.

According to the resolution, in the case of procurement of goods with an estimated value below 25 million XOF, procuring entities are allowed to bypass the standard **advertisement requirements** (i.e. to communicate contract opportunities on the official government website and in a national newspaper with a wide circulation). Contract opportunities (and awarding

notices) can be disseminated locally through a simple public display at the town hall or related local offices. As the ARMP reports, this mode of advertising can be an important instrument to target local producers. Although any type of supplier can participate, with a physical display of procurement opportunities at the local level it is very difficult for producers from other regions to have access to the information and so to want to participate (ARMP interviews). Furthermore, the resolution specifies that advertisements can be made also using other complementary means, such as local radio, public procurement websites and public displays at other local and regional institutions, such as chambers of agriculture. These additional instruments can be very useful to enhance access to information by local farmers and their organisations.

Another instrument provided by the resolution is a possibility for procuring entities to not request some of the certificates mentioned in art. 44 PP Code as **participation requirements**. For contracts up to 25 million XOF, candidates can be exempt from having to provide at the moment they submit their proposals certificates that attest their compliance with tax, labour and social security obligations. As mentioned above, producing a large number of certificates can represent an important cost for small-scale suppliers and become an obstacle against their participation. Instruments such as this can be of great help.

The resolution also provides for some simplification related to the **procurement procedure**. In the case of DRP restrict, it allows procuring entities to approach and request written quotations from a reduced number of potential suppliers (i.e. 3 instead of 5). Lastly, the resolution also authorises procuring entities to use official **simplified procurement documents**.

Considering that many towns in Senegal have annual budgets below 300 million XOF, this resolution represents an important instrument to favour linkages between local and smallholder agricultural production and public food procurement, including for school feeding. Nevertheless, like most of the instruments provided in the Senegal regulatory framework, procuring entities are free to adopt these instruments or not.

3.2.4. Administrative adjustments

The Senegal regulatory framework also allows for administrative adjustments that can support access by small scale producers to public markets.

In the cases not covered by Resolution no. 863/2015, for instance, procuring entities can – without prejudice to the requirement to publish the invitation to bid in a national newspaper that has a nationwide circulation – still adopt additional advertising instruments that are more easily accessed by local and small-scale suppliers. In the case of DRP restrict, for instance, the choice of the mode of advertising retained the most appropriate according to the value and characteristics of the purchase is up to the procuring entity, giving great flexibility to also tailor it to the objective of linking school food demand to local and smallholder agricultural production.

Administrative adjustments can also be important instruments to adapt the practices of procuring entities – within the existing regulatory framework – to improve the terms and conditions of payment and adapt the size of contracts.

4. RECOMMENDATIONS AND CONCLUDING REMARKS

The above analysis of Senegal public procurement rules and practices linked to inclusive procurement of food for school feeding initiatives demonstrates that – especially in the case of the current decentralised implementation model adopted – procuring entities have great

flexibility and a variety of instruments available that may allow them to implement the linkage between school food procurement and local and smallholder agricultural production.

Nevertheless, this experience also shows that having the possibility of purchasing from local and smallholder producers does not necessarily mean that procuring entities will effectively do it and use public food procurement as an instrument to support local agriculture and economic development. In addition, procuring locally (from local markets and traders) does not necessarily entail procuring local products and benefiting local and smallholder producers. These are important distinctions that need to be taken into consideration.

Indeed, despite the government's will to use public food procurement as an instrument to support local development and agricultural production (recognised, among other documents, in the HGSF policy document) and the existence of many legal instruments which may support – even if indirectly – this possibility, the linkage between school (and other public) food procurement initiatives and local and smallholder agricultural production is not fully operationalised yet.

As this study has reported, many challenges still remain. These may vary according to the different food procurement initiatives and implementation models and they can be of different natures, linked to both the demand and the supply side. This report has focused on challenges related to the procurement rules and practices and to the school feeding context.

The analysis conducted in this study demonstrates that in the case of Senegal the challenges are not predominantly linked to a lack of legal instruments but instead to the difficulties of implementers (and potential suppliers) in understanding and applying the existing instruments and procedures available. They are also linked to the need to build capacity and awareness raising – especially in decentralised implementation contexts – of the policy objectives and potential benefits attached to public institution procurement power and activities.

Based on the analysis in this report and on discussions at the technical workshop on *l'Alignement des règles et des pratiques de passation des marchés publics pour l'alimentation scolaire à travers l'offre des petits producteurs locaux: Strategies et bonnes pratiques*, the following recommendations are proposed:

Recommendations

1) **To develop guidelines to aid and encourage procuring entities to operationalise the linkages between school feeding programmes and local and smallholder agricultural production**

In the school food procurement context specific rules or guidelines to orient procuring entities and to encourage purchases of local products from smallholder farmers and their organisations are still lacking. Guidelines – such as those established in Brazil, the US and France – can play an important role in guiding procuring entities on how to use the instruments available and how to tailor them to policy objectives in the context of school food procurement. They can play a crucial role, especially when the legal mechanisms were not created with the specific purpose of supporting smallholder farmers (but they can also be used for this purpose), when their implementation is not mandatory or when – due to high complexity and/or a multiplicity of legal texts and/or a low capacity of implementers – procuring entities are not fully aware of these instruments or how they could be used.

It is therefore recommended that guidelines be developed tailored to the school feeding and local agricultural production contexts which (i) explain the multiple potential objectives of school food procurement as recognised in Senegal policy frameworks and (ii) provide simplified and tailor-made information on the instruments available in the public procurement systems and how they could and should be used by procuring entities to operationalise linkages between school feeding programmes and local and smallholder agricultural production while still complying with the principles and objectives of the public procurement system. These guidelines could be developed by the ARMP using its existing instruments with the support of the FAO and other development partners.

2) To develop training to enhance capacity and sensitise procuring entities and local suppliers

Directly linked to the important role of guidelines is the issue of training. Both procuring entities and local suppliers require training in order to sensitise them about the potential benefits and policy objectives linked to school (and other public) food procurement initiatives and for them to understand and be capable of applying – and complying with – the existing legal instruments and procedures.

It is therefore recommended that the preparation of guidelines be complemented by awareness raising and capacity building training tailored to the needs of school food procuring entities and local smallholder producers and their organisations. This training could be developed in collaboration with the ARMP and be based on the existing de-centralised training services it provides.

3) To consider the development of additional legal instruments to support linkages between school feeding programmes and local and smallholder agricultural production

The Senegal public food procurement regulatory framework does not recognise any reservation or third-party schemes related to public food procurement and local farmers. Although they are not indispensable and would require legislative reform, these instruments can play an important role in incorporating policy objectives in public procurement rules and fostering their achievement. It is therefore recommended that these instruments be taken into consideration, especially when discussing a legislative reform and their adoption for other types of beneficiaries, such as SMEs. Considering the characteristics of smallholder farming and trading – operating with risks and high transaction costs and having similar strategic economic importance for the country to that of SMEs – it would be important to discuss the possibility of also including these actors in a reservation scheme targeting small-scale suppliers. This type of instrument would be particularly useful in the case of more centralised food procurement initiatives, such as the CSA one, allowing, for instance, this institution to reserve a percentage of its contracts exclusively for local producer organisations.

Another legal instrument that may be taken into consideration in a legislative reform is a third-party scheme. As was shown in Section 3.1 with the example of Paraguay, this scheme allows procuring entities to require – as a contractual condition – that a percentage of the food supplied by intermediaries (i.e. school caterers, but also traders, retailers etc.) be purchased from local smallholder farmers. It can be particularly useful in the case of other implementation modalities, such as the one currently implemented by the WFP. In the case that public funds are used, adoption of a third-party scheme would allow, for instance, procuring entities to formally require of retailers that at least a percentage of products supplied to schools are purchased from local smallholder farmers and their organisations. It would also allow the adoption of a specific mechanism to check that such purchases are effectively made in the required

percentage and in an inclusive way (i.e. benefitting farmers in terms of timely and fair payment, fair access, etc.) and to impose penalties in the case of non-compliance (see Swensson, 2018).

This scheme could also be a useful tool for other public food procuring initiatives, such as that of the CSA, allowing institutions to require of traders that a percentage of the products supplied are produced locally in the case of a lack of direct supply by local farmer organisations.

It is important to highlight that the adoption of such schemes must be accompanied by clear conditions and safeguards in order to guarantee the trade-off with the public procurement principles and objectives and avoid misuses and abuses (Quinot, 2013; Johannesburg resolution on public procurement, 2017; Swensson, 2018).

In addition, it would be advisable to also consider the adoption of specific legal instruments aimed at reducing payment time-lags and further adjusting participation requirements to the characteristics and capacities of local farmers and their organisations. The instruments provided by the Brazilian experience mentioned in this report could be a good source of inspiration.

4) To address other bottlenecks in smallholder market access to public food procurement initiatives not directly linked to public procurement rules and practices

Although the focus of this report has been on public procurement rules and practices, many of the challenges related to access by smallholder farmers to public procurement opportunities go far beyond them. Section 2.3 provided an overview of some of these challenges. It is important and recommended that public procurement rules and policies aimed at linking school food procurement and local agricultural production be accompanied by other types of provisions (i.e. supply-side measures) aimed at supporting smallholder producers in overcoming barriers in competing for tenders and participating in procurement processes in the supply chain. Examples of such possible provisions include support for obtaining access to financial instruments to deal with long payment periods and strengthening the organisation of farmers in the country, including capacity building to enhance production and organisational and marketing skills.

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