

DR ERIC PATRICK KY

2014



Law school of the University of Poitiers (France)

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Gsm : (+226) 70 40 63 01, (+226) 75 97 14 17

E-mail: dr.eric.ky@outlook.fr / skype : ky.eric

- ✦ Burkinabe and French nationality
- ✦ July the 19th 1970
- ✦ Married, 1 child

COMPETENCES

DOMAIN: BUSINESS OF PUBLIC LAW

PROFIL:

✦ **DOCTOR IN LAW**

✦ **LAWYER**

✦ **INTERNATIONAL CONSULTANT, EXPERT IN PUBLIC PROCUREMENT & PPP**

SPECIALIZATION: (PROCUREMENT)

- **World Bank (WB) Consultant [UPI n°262911]**
- **African Development Bank (AfDB) consultant [N°DACON: 84780]**
- **UNDP consultant in administrative reform and governance**
- **International Development Law Organization (IDLO) Consultant (Trainer in public procurement)**
- **Member of African Expert Network of Public Procurement (AfPPN) of the AfDB www.afppn.org**
- **Sciences-Po Paris member of Legal Globalization of Public Contract network (LGPC) www.contrats-publics.net**

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- **Member of Council committee on Sustainable Public Procurement Initiative of United Nation environment Program (UNEP)**

GOOD KNOWLEDGE OF THE INTERNATIONAL STANDARD OF PUBLIC PROCUREMENT SUCH AS:

- World Trade Organization agreement on procurement ;
- OECD/CAD's Benchmarking of baseline Indicators System for assessment the national public procurement system and the performance of public bodies in procurement;
- European Directives on public procurement and the jurisprudence of the European Court of Justice in this matter ;
- Outline law of the UNICITRAL on public procurement ;
- Guideline of the UNICITRAL on *Private Finances Initiative* (PFI);
- Directives on public procurement of WAEMU (West Africa Economic and Monetary Union) ;
- African Capacity Building Foundation (ACBF) procurement guideline
- World Bank's public procurement Directives ;
- African Development Bank's Directives on public procurement ;
- Common guidelines for procurement in the UN system
- Good knowledge of African countries public procurement code such as Cameroon, Congo, Côte d'Ivoire, Mali, Benin, Niger, Democratic Republic of Congo, Senegal, Burkina Faso, Burundi, Guinée Bissau, Togo, Central Africa.
- Good knowledge of European countries procurement Code such as France, Switzerland, Belgium.
- Best practices Guidelines of procurement of European Commission.

Good knowledge of Anglo-saxons agreement of public and private partnership such as:

- PPP (*Public-Private Partnership*)
- BOT (*Build-Operate-Transfer*) and his variants BOOT / BOOTS
- PFI (*Private-Finance-Initiative*)
- DBFI (*Design-Build-Finance-Investment*)
- DBFO (*Design-Build-Finance-Operate*)

RELATED DOMAIN OF COMPETENCES

- | | |
|---|--|
| <input checked="" type="checkbox"/> Public finance law | <input checked="" type="checkbox"/> Environment law |
| <input checked="" type="checkbox"/> Integration law | <input checked="" type="checkbox"/> Human rights |
| <input checked="" type="checkbox"/> international Public law | <input checked="" type="checkbox"/> Constitutional law |
| <input checked="" type="checkbox"/> Private international law | <input checked="" type="checkbox"/> Administrative law |
| <input checked="" type="checkbox"/> International agreement law | <input checked="" type="checkbox"/> incoterms |
| <input checked="" type="checkbox"/> Competition laws | <input checked="" type="checkbox"/> Labour law |
| <input checked="" type="checkbox"/> OHADA laws (<i>Uniforms Acts of business</i>) | <input checked="" type="checkbox"/> Civil servants law |

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- International trade law
- Economic policy

- International relation
- Corporate law

STUDIES & QUALIFICATIONS

2004:

Oct. 2004 to sept 2005 :

- **Law school of the university of Poitiers (France): Certificate of Aptitude at the Lawyer's Profession (CALP).**

Mar. 2001 to Jul. 2004:

- **Doctorate in law (PhD) (Law school of the university of Poitiers - France)**
- **Thesis of doctorate *"The reform of public procurement rules in the west Africa economic and monetary Union (WAEMU)"***

Mention: very honourable

2001:

Oct. 2000 to Jul. 2001:

- **Master II research diploma in law : Thorough studies diploma in public law**
- **Law school of the university of Poitiers (France)**

2000 :

Oct. 1999 to Jul. 2000:

- **Master II professional diploma specialized in public procurement contracts: Law school of the university of Poitiers (France)**

1996 :

Oct. 1995 to Jul. 1996:

- **Master in law and political sciences**
- **Law school of the university of Ouagadougou (Burkina Faso)**



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1995:

- Licence in law: law of international agreement. Law school of The university of Ouagadougou

CERTIFICATS

2013 : Certificate in « **Sustainable Development and social Responsibility** »
National Administration School of Québec (CANADA)

2009 : Certificate in « **Sustainable Public Procurement** ». Training organized by
United Nation Environment Program in Tunes (TUNIS)

PROFESSIONAL EXPERIENCE

2012 : (Currently & since 2008):

- Public Procurement Reform Division (PPRD) of WAEMU

JURIST & CAPACITY BUILDING EXPERT IN PUBLIC PROCUREMENT for the Public Procurement Enhancing Project in West Africa Economic and Monetary Union (WAEMU) (8 countries: Benin, Burkina Faso, Côte d'Ivoire, Guinea Bissau, Niger, Mali, Senegal et Togo).

- Duties: technical assistance to the implementation of the Public Procurement Project in WAEMU

Achievements:

Attributions 1: Development and promoting the regional legal cadre of public procurement

- transposition of the WAEMU's public procurement directives into the national procurement code of the members states;
- elaboration of the regional standards biddings documents for the procurement of works, goods, consultants and services in WAEMU ;
- definition of the regional thresholds of the obligation of advertising of procurement contract in open tender ;
- Technical assistance for the implementation of a green phone number in the matter of fighting corruption in each members states ;
- Definition of a non-jurisdictional mechanism of appeal of evicted bidders;
- Implementation of a media campaign for fighting against corruption and practices of fraud in public procurement;

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- Definition of the incrimination and deontology code in order to ameliorate the climate of public business in the members states;
- Initiation of second generation reform of public procurement such as the sustainable Public Procurement (SPP) ;
- Procurement management.

Attributions 2: institutional and human capacity building

- Writing the rules of the Regional Observatory of Public Procurement (ROPP) ;
- Technical assistance for the launching of the regional gateway of public procurement ;
- Technical assistance for modernization the integrated information system of public procurement of Côte d'Ivoire, Burkina Faso, Senegal and Mali ;
- Definition of the Regional Document of Capacity Building in procurement (Syllabus of Master Specialized in Public Procurement (MSPP), human resources professionalization, and trainings) ;
- Constitution of regional consultant data of procurement ;
- Writing didactic tool such as the Memento for small enterprises and bidders in public procurement and the guideline of public bodies in procurement in WAEMU.
- Management of training agreement financed by ACBF (Foundation of Capacity Building in Africa) which permits to give training to 5500 persons coming from public and para public sector, from private sector and civil society in WAEMU.

2010:

- INTERNATIONAL CONSULTANT:** writing the Capacity Building Strategy Document in public procurement of Central Africa.

2009:

- TRAINER:** public procurement workshop organized by the International Development Law Organization (Italia) for civil servants of six (06) African countries (Burkina Faso, Mali, Cabo Verde, Togo, Senegal, Côte d'Ivoire).
- **INTERNATIONAL CONSULTANT:** Technical assistance in procurement for the Sanitary and Health Development Program in Burkina Faso (Policy and strategy, managing operation and staff-training in public procurement)
- INTERNATIONAL CONSULTANT:** Country Procurement Issues Paper (CPIP) of Republic of Benin in partnership with the National steering committee of public procurement reform (today ARMP-BENIN), placed under the responsibility of Presidency of the Republic, and the national department of public procurement under the responsibility of the Ministry of finance and budget. The assessment of the national procurement system was done according to the baselines and performances indicators of the benchmarking indicators system elaborated by OCDE/DAC and World Bank.

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During this assignment, I have also make the assessment (audit) of the performance and the transparency in public procurement of 3 Beninese ministries according to the indicators of performance elaborated by OCDE-DAC and World Bank group: Beninese ministry of health - Beninese ministry of infrastructure and works - Beninese ministry of superior teaching and scientific research.

- INTERNATIONAL CONSULTANT:** government of Burkina Faso for the redaction of the new public procurement code of this country according to the outline law of public procurement elaborated by The West African Economic and Monetary Union (WAEMU). This outline law was mainly inspired from the World Bank and African development Bank directives on procurement. For this activity I have writ the analysis objectives cadre of WAEMU'S Directives and the corresponding table between the national code and the WAEMU's Directives.
- CONSULTANT:** I have to take part at the round table for the discussions and adoption of the WAEMU's outline law on public procurement with the Institution Financial International's Experts;

INTERNATIONAL CONSULTANT: writing the new public procurement code of the Republic of Central Africa, the standards biding documents in the matter of procurement of works, goods, services and consultants, and the rules of institutional legal framework of the national public procurement system such as the rules of National, Central Office of Procurement (NCOP), The National Procurement Regulation Authority (NPRA) and the procurement entities and public bodies;

- INTERNATIONAL CONSULTANT:** Senegalese Country Procurement Assessment Review. I have to make the Country procurement issues paper (CPIP) of the Senegalese public procurement system according to the baselines and performances indicators of the benchmarking indicators system elaborated by OCDE/DAC and World Bank;

During this assignment, I have also to make the assessment (audit) of the performance and transparency in public procurement of 3 ministries according to the indicator of performance elaborated by OCDE-DAC and World Bank group (Ministry of health - Ministry of basic teaching - Ministry of finance);

2007:

- CONSULTANT:** for the enhancing the news structures and institutions created by public procurement reform process in Burkina Faso such as National Regulation Authority of Public Procurement (NRAPP), Office of Public Procurement Control and Monitoring (OPPCM) and Person Responsible of Procurement (PRP);



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- ☑ **TRAINER:** staff-training to the civil servants of the Ministry of trade of the Burkina Faso in public procurement rules of WAEMU comparatively to the World Bank and African Development Bank directives in this matter;

2006:

- ☑ **WORLD BANK GROUP CONSULTANT (STC – UPI N°262911):** Technical assistance to the government of Central Africa Republic in public procurement reform. Duties: I have to make the Country procurement issues paper (CPIP) of Central African Administration (Go CAR) in partnership with the National committee of the Ministry of finance and budget of this country according to the baselines and performances indicators of the benchmark elaborated by OCDE/DAC and World Bank;

During this assignment, I have also make the assessment of the performance and the transparency in public procurement of 3 central African ministries according to the indicator of performance elaborated by OCDE-DAC and World Bank group: Central African health ministry - Central African infrastructure and works Ministry - Central African finance and budget ministry.

I have also elaborated the Central African law of public procurement and BOT contracts and purpose a new institutional legal framework of public procurement. I have been inspired by the French public procurement rules and the Directives of the European Commission elaborated in this matter.

My assessment on the national system of public procurement for this Country procurement issues paper (CPIP) permits to get a national action plan for three years which is able to give solutions to the problems of public procurement system, satisfying the international standard of public rules of procurement and the baselines and performances indicators benchmarking elaborate by OCDE/DAC and World Bank.

2005:

- ☑ **INTERNATIONAL CONSULTANT:** Technical assistance to the Ministry of finance and budget of Burkina Faso in the reform of public procurement system. Duties: I have to make the Country procurement assessment review (CPAR) of Burkina Faso according to the guidelines of World Bank and African development Bank. This kind of assessment witch is carried up each five years by World bank's borrowers is an economic sector works. It comes within the framework of poor reduction strategy paper (PRSP) in Burkina Faso financed by the international financial institutions (IFI).

- ☑ **TRAINER:** technique of pleading to the civil servants of the state's litigation of Burkina Faso (Financed by European Union).



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2004:

- ☑ **TRAINER:** workshop in Procurement, PPP and BOT to the student of the Master in Business Law (MBL) of the school law of the university of Burkina Faso

2003:

- ☑ **PROCUREMENT MANAGER** (operations). Regional economic committee of construction of Poitiers (France). Duties: I have to elaborate the procurement plan and follow up the procurement contracts implementations of public bodies and control their regularity according to the rules. During this mission I have usually gave advices to the officials to help them in their analysis to choose the best bids under international competitive bidding. Thereby this job required a good knowledge in public accounting in which I have a good knowledge.

2001:

- ☑ **LEGAL ADVISER IN PROCUREMENT** (operations). Local center for civil servants (Region of Deux-Sèvres France). Duties: Putting in competition the bidders of works, goods or services complying with the french public procurement rules, I have to organize the committee of procurement contract and give legal advices on the validity of implementation, operation of procurement and control the regularity of threshold according to the law.

2000:

- ☑ **TRAINING OF SPECIALIZATION IN PUBLIC PROCUREMENT:** High School of Business and Management (ESCEM) Tours - Poitiers (France).

1997:

- ☑ **JURIST:** specialized in administration's litigations at the Ministry of the state's reform and administration modernization of Burkina Faso.

NOTICES & PUBLICATIONS

2011:

- ☑ *"Capacity Building Document Strategy in public procurement of West African Economic and Monetary Union". 2011. Financed by ACBF.*
- ☑ *"Capacity Building Document Strategy in public procurement of Republic of Congo Brazzaville". 2011. Financed by World Bank.*

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2008:

- ☑ *“Capacity Building Document Strategy in public procurement of Central Africa».* 2008. Financed by world Bank.
- ☑ *“The bet of the process of public procurement reform in WAEMU”* Recueil PENANT n°859, avril - juin 2007
- ☑ *“Country procurement issues paper of Republic of Senegal”* (CPIP). January 2008. Financed by African Development Bank (AfDB)

2006:

- ☑ *“Country procurement issues paper of Central Africa”* (CPIP), Financed by The World Bank. Feb. 2006.
- ☑ *“Country procurement issues paper of the Republic of Benin”*, November 2006. Financed by African development Bank.

2005:

- ☑ *“Country procurement assessment review (CPAR) of Burkina Faso”*, World Bank and African development Bank document. Jul. 2005.

2004:

- ☑ *“The reform of public procurement contracts in the economic and monetary Union of west Africa”*. Thesis of doctorate, law school of the University of Poitiers. Jul. 2004.
- ☑ *“The BOT and PFI contracts in France”*, Published by the Regional economic committee of construction of Poitiers (France)



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CONFERENCES & MEETINGS

2013:

- Conference of Paris for launching the Advisory Committee of Sustainable Public Procurement initiative (SPPI) of United Nation Environment Program (UNEP);

2012:

- Mombasa's (KENYA) workshop on « *Harmonization of public procurement legislation in order to promote trade and regional integration in Africa: drafting a pan African project hosted by African Union* ». June 2012: Initiative World Bank ».

2011:

- Addis Abeba's (ETHIOPIA) conference on « *Harmonization of public procurement legislation in order to promote trade and regional integration in Africa* ». Juin 2011: World Bank's initiative.
- Nairobi's (KENYA) conference of the general Assembly for launching the African Expert Network in Public Procurement. July 2011 : AfDB initiative

2010:

- Paris « *conference on Sustainable Public Procurement* ». Feb. 2010 : United Nation Environment Program (UNEP) initiative.
- Tunis workshop on « *Sustainable Public Procurement* ». November 2010 : UNEP initiative.
- Douala's workshop on « *social public procurement: public procurement with high manpower intensity* ». September 2011: International Bureau of Labour.

2009:

- Tunis forum on « *harmonization of public procurement system in the aim to reduce the poverty in Africa and increase the efficiency of the Aid of development* ». November 2009: AfDB initiative.



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COMPUTER

Good skill of computer:

- Word
- Excel
- Power point.

DIVERSE

WORK LANGUAGE	READ	WRIT	SPEAK
FRENCH	Excellent	Excellent	Excellent
ENGLISH	Good	Good	Good
RUSSIAN	FAIR	FAIR	FAIR

REFERENTS

N	NAME	QUALITY	CONTACT
1	M. Bernard ABEILLE	FORMER WORLD BANK'S REGIONAL PROCUREMENT ADVISER FOR AFRICA WORLD BANK'S CONSULTANT AND INTER-AMERICAN BANK	WORLD BANK 1818 H NW Street Washington DC 20433 USA, tél. : (+1) 202 473 48 29 babeille@worldbank.org babeille@hotmail.com bernard.abeille@hotmail.com
2	Pr Stéphane BRACONNIER	PROFESSOR IN PUBLIC LAW / FORMER DIRECTOR OF THE MASTER OF PUBLIC PROCUREMENT OF THE UNIVERSITY OF POITIERS / CURRENT DIRECTOR OF THE MASTER OF PUBLIC LAW OF UNIVERSITY OF PARIS II PANTHEON-ASSASS	UNIVERSITE PARIS II PANTHEON-ASSAS FRANCE. TEL : (+33) (0)680721769 stephanebraconnier@orange.fr stephane.braconnier@u-paris2.fr
3	Me Philippe DEWAST	LAWYER AT THE PARIS AND LONDON BAR	(+33) 613302170 philippe.dewast@gmail.com