



Republic of Liberia
Public Procurement and Concessions Commission (PPCC)
Monrovia, Liberia



**(Request for Expressions of Interest –Firm
Selection)**

NAME OF PROJECT: PUBLIC FINANCIAL MANAGEMENT REFORMS
FOR INSTITUTIONAL STRENGTHENING (PFMRIS) PROJECT

Assignment Title: Revision of the Public Procurement and Concession Act of Liberia
in Preparation for Electronic Procurement System

Financing Agreement reference: IDA-D5060

Project ID No.: P165000

Reference No. **LR-PPCC-172091-CS-QBS**

Issue Date: **July 9, 2020**

End Date: **August 7, 2020**

1. BACKGROUND

The Government of Liberia acting through the Public Procurement and Concessions Commission with financing facility from the World Bank (WB) under the Public Financial Management Reforms for Institutional Strengthening Project (PFMRISP) now seeks to contract the services of an experienced firm with expertise in drafting public procurement laws and regulations.

The Public Procurement Concession Act (PPCA) established the Public Procurement and Concessions Commission (PPCC), provides for institutional structures for public procurement and Concessions, and stipulates methods and procedures for public procurement and Concessions and for purposes related thereto. It mandates the Commission/PPCC to regulate all forms of public procurement and concessions in the process of maximizing economy and efficiency with a focus of obtaining best value for public expenditures and promote economic development of Liberia.

In summary, the object of PPCC is to ensure economic an efficient use of public funds in public procurement and to ensure that public procurement and concessions are conducted in a fair, transparent, and non-discriminatory manner. In furtherance of its object, the PPCC is mandated to perform the below functions: Monitor compliance with the PPCA by all parties and persons to whom the Act applies;

- ❖ Develop rules, instructions, regulations and related documentation on public procurement and concessions procedures;
- ❖ Review procurement and concessions documents and/or inspect records as and when necessary to prevent corruption of any intended process;

- ❖ Maintain and publish a list of suppliers, contractors, consultants and prospective bidders who have been debarred from public procurement and communicate the list to procurement entities on regular basis; and
- ❖ Conduct independent review of complaints and appeals related to the procurement and concessions process and make decisions thereon.

1.3 PROBLEMS TO BE ADDRESSED: The following problems are to be addressed, but not limited to:

- **Inclusion for the use of electronic means:** Under the PPCA, there appears to be no clause or provision that allows the use of electronic means to conduct public procurement.
- **Inclusion for e-procurement:** The PPCA shall be reviewed in its entirety to ensure other weaknesses are addressed in addition to the inclusion for e-procurement. The E-GP system shall be an enabler tool to automate procurement processes. The amended draft legal and regulatory framework shall make binding the E-procurement system as a conduit or enabler of public procurement in Liberia.

Inclusion of the BPR should focus on:

- E-Tendering
- E-Procurement Dashboard
- Procurement Planning
- Supplier Registration
- Public Procurement Notices
- Bids Evaluation Reporting
- Negotiations and Contracting
- Prior Approval for Contract Awards
- Publication of Awards Contracts
- Procurement Complaints
- Procurement Reports

In addition, but not limited to:

- **Inclusion of e-reverse auctions and e-forwarding:** the introduction of e-forward auction method for disposal of government assets and e-reverse auction method for national competitive bidding (goods) would also be considered for inclusion.
- **Inclusion of innovative procurement methods:** other procurement methods that are now good practice. The Act has not been amended since 2010, which is an indication that the country may not be leveraging the latest innovative best procurement practices that the global public procurement landscape has experienced over the last decade.
- The 2010 amendment of the Public Procurement Law of Liberia specifically Part VI did not wholesomely address the issue of conducting Public Private Partnership (PPP), thus the Commission may identify areas of reform regarding procedures that will address the timely conduct and implementation of infrastructure and service related PPP contractual arrangements.
- Any other pertinent revisions as identified by the Commission

1.4 Rationale for the Assignment and Expected Outcomes: The rationale for this assignment is for the Consulting Firm to undertake a holistic review of the PPCA and to produce a recommended Amended and Revised PPCA that requires the use of an electronic procurement

system for the conduct of procurement and concessions activities that have been carried out manually. The outcomes of this assignment will provide a guide in the development and deployment of an eProcurement System and other revisions that would play major roles in the attainment of the overall objectives of the PPCA.

2. OBJECTIVE OF THE ASSIGNMENT

The objective of the Assignment is to support the Government's efforts in establishing a modern and fit for purpose public procurement legal framework that will allow for the implementation of e-Procurement and other identified revisions deemed pertinent by the Commission(PPCC), all directed at achieving the objectives of the PPCA.

3. SCOPE OF THE ASSIGNMENT

The scope of the assignment is to address in the Amendment to the PPCA all "problems to be addressed", but not limited to, as herein defined under 1.3 and 1.4 above.

The assignment has the following minimum components:

- A diagnostic and holistic review of the amended and restated public procurement and concessions Act of 2010 and its accompanying regulations (Schedule of Threshold on Procurement (Regulation No.003) and Amended and Restated Public Procurement and Concessions Regulations of 2014) in quest of the objective of the assignment and other pertinent areas identified by the for improvement in light of the issues lifted in the background above;
- The formulation of amendments to the PPCA; For clarity and avoidance of doubt, the Consultancy shall deliver the proposed Amendment (s) to the PPCA. After enactment, accompanying regulations will be developed under another contracting arrangement; and,
- At least two (2) workshops of stakeholder consultation in country and, advocacy services to support enactment by Parliament.

In carrying out the assignment, the selected firm will be required to perform the following tasks:

a) Review the Amended and Restated Public Procurement and Concessions Act of 2010 and its accompanying regulations to ascertain whether and to what extent they:

- Permit the conduct of eProcurement;
- Leverage where applicable the latest innovative public procurement practices the public procurement landscape has experienced over the last decade;
- Permit revision and amendment of pertinent areas (ex. E-reverse auction, Public private partnership, ethical duties and responsibilities, protection of procurement practitioners, procurement methods, etc.) within the PPCA, as identified by the Commission

4. DELIVERABLES and REPORTS

In addition to the foregoing, the consultant shall deliver the following outputs for the assignment within the corresponding timeline:

Deliverables	Reports	Time Frame
Review of the Amended and Restated Public Procurement and Concessions Act (2010) and accompanying regulations	Inception Report	14 days
Identification of gaps and gray areas within the PPCA relevant to e-procurement roll-out and implementation and other identified gaps by the Commission.	Month Report 1: on e-procurement roll-out	14 days
Amended text to facilitate the implementation of e-procurement , other sustainable public procurement , and other pertinent areas identified by the Commission	Monthly Report 2: Proposed Drafted legislation on e-procurement	20 days
Review, incorporation and finalization of revised draft PPCA after comments by PPCC and comments by World Bank and final approval by the Commission	Draft Report on Revised Proposed Drafted legislation on e-procurement after comments	14 days
Advocacy Activities: Presentation of draft text to public procurement stakeholders (legislature, public procurement entities civil society groups and private sector entities)	Draft of Advocacy Materials on the Revised draft text to the public for discussion and concerns.	14 days
Finalization and submission of final version of the revised procurement text	Monthly Report 3: Submission of finalized revised procurement text after advocacy activities.	14 days
Advocacy Services to Parliament to support Enactment	Final Report: Report on Advocacy Activities delivered to Parliament.	One month within a

5. QUALIFICATIONS REQUIREMENTS FOR THE FIRM

Interested firms must meet the following Minimum Qualifications Requirements:

- i. At least 10 (Ten) years' experience in drafting public procurement laws on public procurement and/or concessions;
 - ii. At least two (2) experiences in e-procurement legal framework over the past Seven Years, and above, and also be knowledgeable on Public Procurement and World Bank Procurement Regulations;
 - iii. At least One (1) similar assignment on e-procurement in the Sub-Sahara region and also experience in other regions within the past five (5) years or more;
- IV. Must have the following key staff and expertise:

Procurement Reform Team Leader (PRTL)

The firm's **PRTL** for this assignment must be a licensed and practicing lawyer with experience (in similar role as team leader) in public procurement reforms-drafting and formulation of framework or legislation.

Level of Effort: *(3 Months) PLUS (1 Month within a year), total 4 Months;*

Senior Procurement Expert (SPE)

Level of Effort: 1 Month

e-Procurement Expert (e-P-E)

Level of Effort: 2 Months; and

Information Communication Technologist (ICT)

Level of Effort: 1 Month

7. EXPECTED DURATION OF THE ASSIGNMENT

The consultancy is expected to take up to 90 (ninety) days. In addition, the Team Leader of the Firm shall be willing to assist for at least one (1) month for the awareness activities and advocacy services leading to enactment of the revised and draft legislation; for example, participate in radio talk show or deliberations to the legislature on the relevance of the recommendations to revise the PPCA that will pave the way to modernization and upgrade of the current procurement system.

8. SELECTION METHOD

A firm will be selected in accordance with the Quality Based Selection (QBS) as contained in the World Bank Procurement Regulations of July 2016 Revised November 2017 and August 2018.

The detailed Terms of Reference (TOR) for the assignment can be obtained at the address given below.

The Project Coordination Unit (PMU) of the Public Procurement and Concessions Commission now invites eligible Firms to express interest in providing the services by submitting history of similar assignments performed and list of key experts, demonstrating experience in performing similar assignments with references and showing responsiveness to the qualification requirements outlined in this REOI.

Eligibility criteria and the selection procedure shall be in accordance with the World Bank “Procurement Regulations for IPF Borrowers” July, 2016, Revised November 2017 and August 2018 (“Procurement Regulations”)

Two sets (copy and original) of Expressions of interest must be delivered in a written (hard copies) form and also send copy by email to the address below on or before **August 7, 2020 @ 1600 hours (GMT)** and indicate in the Email subject line or on the outer envelope “Revision of the Public Procurement and Concession Act of Liberia in Preparation for Electronic Procurement System”

The Address referred above is:

The Project Management Unit

Public Procurement and Concessions Commission (PPCC)

Executive Mansion Grounds, Monrovia, Liberia

Phone: +231886603336/+231886649949

E-Mail: rnagbe@yahoo.com, and copied to ktroh@ppcc.gov.lr and trohkartee@yahoo.com

Terms of Reference

CONSULTANCY SERVICES BY A FIRM

Revision of The Public Procurement and Concession Act of Liberia for Electronic Procurement System

Project Name: Public Financial Management Reform for Institution Strengthening Project (PFMRISP)

Project Implementation Agency: Ministry of Finance and Development Planning (MFDP) and Public Procurement and Concessions Commission (PPCC)

Country: Republic of Liberia

Procurement Package Number: (LR-PPCC-172091-CS-QBS)

1. BACKGROUND

1.1 PPCA: The Public Procurement Concession Act (PPCA) established the Public Procurement and Concessions Commission (PPCC), provides for institutional structures for public procurement and Concessions, and stipulates methods and procedures for public procurement and Concessions and for purposes related thereto. It mandates the Commission/PPCC to regulate all forms of public procurement and concessions in the process of maximizing economy and efficiency with a focus of obtaining best value for public expenditures and promote economic development of Liberia.

The Act further mandates the Commission to promote competition and foster participation in procurement proceedings and Concession activities to ensure equal access is provided to all eligible and qualified bidders for goods, works and services without discrimination and equitable treatment of all bidders. The Act also requires that procurement be conducted under the principles of integrity, fairness, transparency, accountability and to ensure public confidence in the procurement process, among other things.

The PPCA regulates all forms of public procurement and Concessions, establishes the Public Procurement and Concessions Commission, provide for institutional structures for Public Procurement and Concessions, and stipulates methods and procedures for Public Procurement and Concessions. The first Public Procurement Law of Liberia was enacted in 2005 by the National Transitional Legislative Assembly (NTLA) and came into force in 2006. Following five (5) years of implementation, the Act was amended in 2010 thus giving birth to the Amended and Restated Public Procurement and Concessions Act of 2010.

1.2 PPCC: In summary, the object of PPCC is to ensure economic and efficient use of public funds in public procurement and to ensure that public procurement and concessions are conducted in a fair, transparent, and non-discriminatory manner. In furtherance of its object, the PPCC is mandated to perform the below functions:

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- iii. At least One (1) similar assignment on e-procurement in the Sub-Sahara region and also experience in other regions within the past five (5) years or more.

6. KEY EXPERTS QUALIFICATION REQUIREMENTS

Key Expert 1: Procurement Reform Team Leader (PRTL)

Level of Effort: (3 Months) PLUS (1 Month within a year), total 4 Months

Minimum Qualifications Requirements:

- i. **Education:** Master degree in law, public administration, business administration, economics, procurement or an equivalent university degree with minimum of 10 years of experience in managing government projects.
- ii. **General Experience:** At least Ten(10) years of experience in managing government projects with proven experience in developing public procurement framework and review for the adoption of E-GP system, public procurement reforms, understanding of ICT and e-GOV system administration and e-GP implementation issues.
- iii. **License:** For at least 8 years and above of being a practicing and licensed lawyer
- iv. **Skills:** shall demonstrate experience and skills for advocacy for enactment.
- v. **Language:** Fluency in English, spoken, read and writing.

Key Expert 2: Senior Procurement Expert (SPE)

Level of Effort: 1 Month

Minimum Qualifications Requirements:

- i. **Education:** Master degree in law, public administration, business administration, economics, procurement or any other related field;
- ii. **Specific Experience:** Atleast Eight years of experience in procurement reforms;
- iii. **Professional Certification:** shall be certified procurement professional (ex. CIPS, etc.);
- iv. **Skills:** demonstrated skills for drafting documents for legal framework;
- v. **Language:** Fluency in English, spoken, read and writing.

Key Expert 3: e-Procurement Expert (e-P-E)

Level of Effort: 2 Months

Minimum Qualifications Requirements:

- i. **Education:** Master's degree in Information Technology or an equivalent, master's degree in public administration, law, business administration, or economics.
- ii. **Specific Experience:** Minimum Seven years of experience in e-procurement;
- iii. **Knowledge:** Must have extensive experience and knowledge of e-procurement system functional and technical requirements and preparation of business process maps.
- iv. **Language:** Fluency in English, spoken, read and writing.

Key Expert 4: Information Communication Technologist (ICT)

Level of Effort: 1 Month

Minimum Qualifications Requirements:

- i. **Education:** Master's degree in Information Technology or an equivalent, master's degree in public administration, law, business administration, or economics.
- ii. **General Experience:** At least Eight years of experience in Information Technology;
- iii. **Similar Assignments:** At least two (2) similar assignment for designing and developing e-GP Guidelines, e-GP Regulations or legal procedures for the government or the private sector, and must have knowledge of international best practices on e-GP System.
- iv. **Language:** Fluency in English, spoken, reading and writing.

7. EXPECTED DURATION OF THE ASSIGNMENT

The consultancy is expected to take up to 90 (ninety) days. In addition, the Team Leader of the Firm shall be willing to assist for at least one (1) month for the awareness activities and advocacy services leading to enactment of the revised and draft legislation; for example, participate in radio talk show or deliberations to the legislature on the relevance of the recommendations to revise the PPCA that will pave the way to modernization and upgrade of the current procurement system.

Level of Efforts (LOE)per Month

#	Key Experts	LOE Months	Month 1	Month 2	Month 3	Month (within a Year) Advocacy For Enactment
1	PRTL	4				
2	SPE	1				
3	e-P-E	2				
4	ICT	1				
	TOTAL	8	1	4	3	1

8. SUPERVISION OF THE CONSULTING FIRM

The consultant shall report to and shall be supervised by the Chief Executive Officer/ Executive Director of the PPCC and should work in close collaboration with the PFMRISP Project Manager who will arrange consultation, where so needed, with the World Bank. All Experts of the Firm shall report to and be supervised by the PRTL.

9. DUTY STATION

All Experts will be stationed in Monrovia, Liberia. The assignment may require visits to other government entities that are considered key stakeholders in the procurement reform process for the purpose of gathering information that may inform the decision-making process of the consultant. Stakeholders to be consulted would be of a minimum of Five (5), to be determined at the inception phase of the consultancy.

10. SELECTION METHOD

A firm will be selected in accordance with the Quality Based Selection (QBS) as contained in the World Bank Procurement Regulations of July 2016 Revised November 2017 and August 2018.

11. CONFIDENTIALITY REQUIREMENTS

The Firm and the Experts will be subject to Confidentiality Requirements as stated on the World Bank Procurement Regulations for IPF Borrowers of July 2016, Revised November 2017 and August 2018.

12. FACILITIES TO BE PROVIDED BY PPCC

- 1) Office Accommodation, with WIFI Access, printer and ink cartridges, office supplies;
- 2) Assistance to find Lodging in Monrovia;
- 3) Local Transportation from / to airport;
- 4) Local Transportation from /to PPCC – Lodging site of Expert (s);
- 5) Local Transportation to locations within Liberia for gathering facts and data and for advocacy activities; and,
- 6) Access to procurement and concessions documents relevant to the Deliverables.

13. FACILITIES TO BE PROVIDED BY THE FIRM

- A. International Transportation, economy class;
- B. Transportation of Key Experts to Airport at point of departure and return;
- C. Vaccines, travel Insurance and Health/Repatriation Insurance;
- D. Lodging and Per Diem to cover Meals and Incidentals in Monrovia;
- E. Visa for Key Experts for the Republic of Liberia; and,
- F. Experts' Hardware and Software.