



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

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