**Assessment of Agency’s Procurement Capacity**

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| **A1 - GENERAL FEATURES** |
| 1. What is the legal corporate status of this agency? …….. (i.e. a government department, a state corporation, a parastatal enterprise? Who are the owners? ………. Do the national laws and regulations apply to this agency? ………………………… |
| 2. If not, does the agency have its own regulations? Describe. ……………………………………….. |
| 3. Is the system clear, comprehensive and consistent? …..Does it cover all essential aspects with no unduly complicated, unnecessary, conflicting or outdated regulations and are rules found in various distinct sources or within a well-coordinated legal framework? …… |
| 4. Is the hierarchy of the sources of procurement rules well established?.................................................... |
| 5. Does the system allow/facilitate the introduction of new and innovative techniques and contracting practices without compromising basic principles?........................................... |
| 6. Are there rules/procedures regarding bidder suspension and debarment? …………………………………. |
| 7. Are there primary/secondary boycotts? (Specify)……………………………………………………….. |
| 8. Are there procedures for the settlement of contractual disputes? Describe…………………………………………………… |
| **A2 - BASIS OF TRANSPARENCY** |
| 1. Is there a legal or regulatory requirement for public disclosure of procurement legal texts? ….. |
| 2. Are there mandatory requirements for maintaining written records of procurement? ……..Are they available to the general public? …….. |
| 3. Are requirements for advertisement of contracting opportunities adequate? ………Is the country's national gazette published in a timely fashion? …..Is it available to the general public? ………………………………. |
| 4. Are requirements regarding public bid opening, if any, appropriate? …………………………… |
| 5. Are negotiations after bid opening or award selection generally forbidden? ………………………… |
| 6. Do rules on negotiated procurement, if any, provide the basis for a fair and transparent process? Detail. …………………………………………….. |
| 7. Are conditions for use of various procurement methods clearly established and is there an explicit requirement that open competitive bidding is the preferred or default method? ……………………………………….. |
| 8. Is there a requirement for public notice of contract awards? …………………………. |
| 9. Are requirements for bid and contract securities clear and appropriate? …………….. Are they required of all bidders? ………. |
| 10. Are qualification requirements for bidders, if any, fair and appropriate for the purpose of the contract? ….. |
| 11. Do requirements for bid examination and evaluation provide the basis for a rational and fair process? ……. |
| 12. Are summaries of information about public procurement published (e.g. number of bids received, number of contracts awarded, name of successful bidders)? …. If so, describe scope and frequency. …………………………. |
| 13. Does agency hold regular meetings with the business community to discuss procurement issues? …… |
| 14. Is there a conflict of interest policy in effect? (If so, describe its essential features) ………………….. |
| 15. Are there the laws on bribery of officials enforced?......Do government bidding documents and contracts contain anti-bribery and anti-corruption conditions ………………………..  |
| 16. What opportunities are there for discretionary decisions by government officials in the procurement process and preparation of documents? …………………………………………………………….. |
| **A3 - BASIS OF ACCOUNTABILITY OF PROCUREMENT OFFICIALS** |
| 1. Are agency employees expected to follow a published code of ethics?.....If so, describe its basic features? …………………………. |
| 2. How easy is it for bidders to report bribes by others and solicitation/extortion of bribes by procurement officials? …………….. How to submit the complaint and report whistle blower? …………………….  |
| 3. Do bidders have adequate access to administrative or judicial review/appeal? ………………………….  |
| 4. Are there measures/initiatives to curb/control corruption, e.g. anti-corruption statutes and/or bodies, whistle- blower statutes, comprehensive reforms of the civil service/judiciary, regional initiatives, provisions in the criminal law, anti-bribery provisions, etc.? (If so, describe)……..  |

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| **B - Procurement Cycle Management** |
| **B1 - PROCUREMENT PLANNING** |
| 1. Are procurement plans prepared ahead of time as a norm? ….Which structure organization prepare the procurement plan? Budget Division under Finance ………………….How frequent and update? ……….. |
| 2. Are these plans detailed enough and realistic compared with past history? ….. Comprise of what? ……………..Include information on the past contract? ….Who maintain the procurement plan?.......................... |
| 4. Does the agency have specialized staff for procurement planning and scheduling? ….. |
| 5. Are project implementation units adequately staffed with trained procurement, planning, scheduling, expediting and cost estimating personnel? …. |
| 6. Is overall planning for complex goods, works and other contracts done in sufficient detail to produce realistic project definition, achievable completion schedules and accurate cost estimates? …. |
| 7. Is the early technical and financial planning well-coordinated so that projects are fully funded when work needs to begin, based on accurate cost estimates? …. |
| 8. Are appropriate methodologies used to plan multiple inter-related procurement activities on large projects (e.g. the critical path method)? …………… |
| 9. Are project components appropriately packaged for procurement purposes? ……………  |
| 10. Are completion schedules generally met for goods, works and consultant services contracts? …. If not, what is the major cause for slippage? …………..Is sufficient time generally allowed for external reviews/clearances? …………. |
| 11. Do procurement units regularly conduct market surveys to update their knowledge of prevailing prices for goods, works and services? …………………  |
| 12. Are procedures and methodologies for planning procurement of recurrent items (i.e. inventory control, forecasting of future requirements, classification, coding, accounting/financial management, spare parts management, and delivery systems) adequate? .**……………………….** |
| 13. In the case of MDB’s-financed projects, is the agreed procurement plan generally adhered to? ………….. |
| **B2 - PROCUREMENT CYCLE** |
| 1. Is the duration of different phases acceptable? …………………. |
| 2. Who has to intervene and approve different steps and what is the value added by each intervention? ……………………Are there any opportunities for simplification, collapsing or eliminating steps? ………...Establish a typical procurement cycle from bid advertisement to award.……………………… |
| **B3 - BIDDING DOCUMENTS** |
| 1. Does the agency have capable staff for preparation of bidding documents? ……………………..  |
| 2. Is it familiar with Bank procurement policies and Guidelines and with the SBDs to be used in this project? ………………….  |
| 3. What is the general quality of documentation produced by the agency? ………………Identify improvements needed.  |
| 4. General quality of technical specifications and drawings, clarity, neutrality, accuracy (including schedules of requirements) and availability or access to qualified staff or professional services in this area. ………………… |
| 5. Do standard documents exist for goods, works and consultants contract? …………………..Are other international contract formats used? …………If so, identify ……….. |
| 6. Are these documents, if any, readily adaptable to specific contract situations (i.e. by modifications made through a Bid Data Sheet, Special Conditions of Contract or similar)? …………….  |
| 7. Are there separate documents for international and national competitive bidding not financed by the any MDBs? ……………………..  |
| 8. Do Instructions to Bidders (ITBs) contain all information necessary to prepare responsive bids and clearly understand evaluation criteria and their method of application? ………………….  |
| 9. Do they contain other necessary information, such as eligibility requirements, basis of bid, language and currency of bids, common currency for purposes of evaluation, source and date of the exchange rate, etc.? . ………. Are sample forms and other appropriate sections of the documents provided? …………… |
| 10. Are bidders required to provide bid security in an appropriate amount as a condition of responsiveness of their bid? ………….. |
| 11. Is pre- or post-qualification provided for? ………………………. |
| 12. Are qualification criteria appropriate and clearly described? ………….  |
| 13. Are conditions of contract generally equitable? ………. Do they provide adequate coverage for most important commercial and legal issues (for the method of procurement, size, nature and type of contract used) and provide adequate protection to the Government, without putting undue risk on bidders? …………… |
| 14. Can appropriate provisions for price adjustment be introduced, if needed, and is an adequate system available for indexing the prices of basic contractual inputs (labor, materials, and equipment usage)? ………………….  |
| 15. Are standard purchase orders used for shopping? …………………….  |
| **B4 - PRE-QUALIFICATION** |
| 1. Is pre-qualification carried out when appropriate? ………What types of contracts is it used for? Works? Goods? Consultants? Other. ………………...  |
| 2. Is the pre-qualification process fair and transparent? …Are decisions made promptly? ….Are foreign firms allowed to apply? ……………….  |
| 3. Do pre-qualification documents clearly and completely describe all requisites for submitting responsive applications and the qualification requirements? ….Is financial information required and critically analyzed to assess financial capabilities to perform contracts? ………… |
| 4. Do procuring entities verify prior to contract award if a successful bidder continues to meet pre-qualification requirements? …………………..  |
| 5. Are suppliers required to have a local agent in order to qualify to bid for goods or services? …………...  |
| 6. Do procuring entities maintain updated lists of qualified suppliers, contractors and consultants, and updated market information on commonly procured goods, including spares and consumables? …………… Is supplier, contractor and consultant performance routinely evaluated? ……….Can newcomers readily apply and be qualified? ……………..  |
| **B5 - ADVERTISEMENT** |
| 1. Are contracts to be awarded by competitive bidding publicly advertised? ……………….  |
| 2. Is sufficient time allowed to obtain documents and prepare bids? ………………………..  |
| 3. What is the track record of the agency on publishing/updating General Procurement and Specific Procurement Notices? ………………….  |
| **B6 - COMMUNICATIONS BETWEEN BIDDERS AND THE PROCURING AGENCY** |
| 1. Are requests for clarifications answered promptly and completely in a written form? ………… |
| 2. Are clarifications, minutes of the pre-bid conference, if any, and modifications of the documents promptly communicated to all prospective bidders? ……… |
| 3. Are bidders afforded sufficient time to revise their bids following a modification of the documents? …………… |
| 4. Do procuring entities maintain accurate records of all communications with the bidders (before and after the deadline for submission)? ……….. |
| 5. Are there communications between the procuring entities and the bidders, other than appropriate requests for clarification of a bid made by the evaluating committee? …………. |
| **B7 - RECEIPT OF BIDS AND OPENING** |
| 1. Are bids received prior to the deadline securely stored? …….. Where? ……… Who has access? …………………. |
| 2. Are public bid openings conducted? …………… |
| 3. If so, are they conducted at a specified place closely following the deadline for submission? ……….. Generally how long after are they scheduled? ……….Who is invited to attend?............ |
| 4. Do bid opening procedures generally follow those specified in the Guidelines?.....What information is read out at the opening ceremony? …………… Are minutes kept? ……….. |
| 5. Do bid opening procedures differ for goods, works or consultants contracts? ….. If so, how? Procurement of goods/works have several method: ……………………  |
| **B8 - BID EXAMINATION AND EVALUATION** |
| 1. Are evaluations conducted by qualified evaluating committees? …………. |
| 2. Are evaluating committees appointed ad hoc for each evaluation? ………………………  |
| 3. Is responsiveness determined on the basis of the documentary requirements described in the documents or according to other established practices? ………..If the latter, describe. |
| 4. Are bid evaluations carried out thoroughly and on the basis of the criteria specified in the documents? ………….. |
| 5. Is the successful bidder's qualification to perform the contract determined solely on the basis of the criteria stated in the documents? (See above) …………If not, what other criteria are considered?  |
| 6. Are evaluations normally completed within the original bid validity period? …………. |
| 7. Are bid evaluation reports prepared containing all essential information (i.e. a clear and complete description of the evaluation process, including the reasons for rejecting any bid as non-responsive, how the stated evaluation criteria were applied, and how the successful bidder's qualifications were verified)? …………. |
| 8. Describe any significant differences between goods, works and consultants evaluations relating to the above **……………………….** |
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| **B9 - CONTRACT AWARD AND EFFECTIVENESS** |
| 1. Are contracts required to be awarded to the lowest evaluated responsive bidder who has been determined to be qualified to perform the contract satisfactorily? ………………….. |
| 2. Are negotiations conducted with bidders, before or after selection? ……………….. |
| 3. Are additional Government approvals required before contracts can be made effective?............... |
| 4. Is performance security required in an appropriate amount and in an appropriate format? ………… |
| 5. Describe any differences between goods, works and consultants relating to the above ……………….  |
| **B10 - CONTRACT ADMINISTRATION** |
| 1. Are there manual or computerized procurement and/or contract monitoring systems in use? ………..Review sample report/output.  |
| 2. Are suppliers and contractors generally paid on time? ………… What is the normal time lapse from invoice submission to final payment? ……………….. |
| 3. Are there appropriate procedures to monitor delivery of goods and services to verify quantity, quality and timeliness? …………Are stores well-kept and managed including inventory control of goods? ………………..  |
| 4. Are contract changes or variations handled promptly in accordance with the contract conditions and established practice (i.e. change/variation orders are given and/or confirmed in writing, constructive change orders are avoided, unit rates in the contract are honored but the supplier or contractor is allowed to agree to any new unit rates introduced and the completion schedule for each change or variation, etc.)? ……………… |
| 5. Do procuring entities normally make a good faith attempt to resolve disagreements through informal negotiations? (Amicable Settlement). ……………….. |
| 6. If this fails, are the resulting disputes handled in accordance with the contract conditions? …………….. |
| 7. Are supplier, contractor and consultant claims handled fairly based on a clear recognition of both parties' obligations under the contract? …………. |
| 8. Are works contracts supervised independent Engineers?..................... Does an employee of Employer act as Engineer or Project Manager in some cases? …………….. |
| 9. Are contract managers/administrators skilled in resolving problems in a timely manner and dealing with unforeseen circumstances arising during the life of the contract? …………Do they adequately document all actions of contractual import taken by the purchase/employer during implementation? ……………… |
| 10. Are contractual remedies utilized only when appropriate and in accordance with the contract conditions? ………………. |
| 11. Are contracts generally completed on schedule and within the originally approved contract price? …………Or are cost and time overruns frequent? ………………………. If so, in which sectors and for which particular kinds of contracts? ………………………. Are fair final acceptance procedures used and certificates issued in a timely fashion? …………..How frequently are contracts extended or amended? ……………… |
| 12. Are contracts generally administered in a fair and equitable manner (e.g. the purchaser/employer/client grants extensions of time when delays are attributable to its untimely action, fair compensation is provided to offset additional costs caused by its mistakes, etc.) ……………. |
| 13. Are under-inspection, over-inspection and/or improper rejection of goods, materials or methods of carrying out the works a common problem? …………………………  |
| 14. Are disruptions of the supplier's, contractor's or consultant's orderly performance common, i.e., does the purchaser, employer or client supply all the goods, materials and labor and data it agreed to supply under the contract and carry out all inspections in a timely fashion? ……………….  |
| 15. Can any of the improper contract administrative practices identified above, be attributable to a problem identified in the local procurement environment? Specify ………….. |
| 16. Are procurement evaluations/audits conducted? ……. If so, describe scope, frequency, who carries them out, etc. is there any specific procurement audit or only general audit carried out by internal and external auditors…………………..  |
| 17. Are final payments and contract final closure efficiently handled? …………….. |

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| **C. Organization and Functions** |
| 1. Describe general organization of procurement unit …………………………… |
| 2. Are key functions assigned and duly staffed? - Planning - Preparation of Bidding Documents - Bidding Process Management (Advertising, Printing and Publication, Responses to Questions/Clarifications, Pre-bid Conference) - Bid Opening - Bid Evaluation - Contract Preparation - Contract Management - Quality Control and Inspection - Transport, Insurance - Custom Clearances and Expediting, etc. …………………….. |
| 3. Are there procedural manuals and clear instructions for staff to follow? ………………. |
| 4. Is appropriate information on procurement adequately disseminated (i.e. procurement staff are aware of updated rules and thresholds, and other issues relevant to their assigned responsibilities)? ………………………..  |
| 5. Are the procurement and supply management functions clearly distinguished? ……………….. |
| 6. Is contracting authority reasonably delegated (i.e. there are no unnecessary levels of approvals or cumbersome procedures)? …………………..  |
| 7. Are thresholds for contracting powers regularly updated? ……………. |
| 8. Are procurement agents used? … Under what circumstances? …………... How are they selected? ……………Describe normal basis for compensation and contract duration. ……………  |

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| **D. Support and Control Systems** |
| 1. Are there auditing arrangements in place and suitably established? ………………….. |
| 2. What is the general quality and scope of the auditing arrangements? ……………. |
| 3. Is the audit independent? … Are its recommendations implemented? ……….. |
| 4. Are internal technical and administrative controls clear for reviews, clearances and decision-making? .. |
| 5. Does the unit have access to quality legal advice and input? .. |

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| **E. Record Keeping** |
| 1. For contracts to be awarded on the basis of competitive bidding, does the procuring unit maintain a complete record of the process? ……This would include e.g. copies of all public advertisements, pre-qualification documents (if used), the pre-qualification evaluation report documenting any decisions not to pre-qualify certain potential bidders, the bidding documents and any addenda, a record of any pre-bid meetings, the bid opening minutes, the final bid evaluation report (including a detailed record of the reasons used to accept or reject each bid, copies of bids, appeals against procedures or award recommendations, a signed copy of the final contract and any performance and advance payment securities issued, etc. Are cross-references to pertinent files adequate and clear? ……….. |
| 2. Are adequate contract administration records maintained?............. (These would include contractual notices issued by the supplier, contractor, purchaser or employer; a detailed record of all change or variation orders issued affecting the scope, quantities, timing or price of the contract; records of invoices and payments; progress reports; certificates of inspection, acceptance and completion; records of claims and disputes and their outcome; etc.) |
| 3. For small contracts or purchase orders for goods procured using shopping procedures, is a database maintained showing the current market price for commonly needed items? ………….  |
| 4. Are periodic reports prepared on overall procurement activities? ………. By and for whom? …………………… |
| 5. Is a record of contract prices maintained? ………..How is it used? ………………. To establish national price indices? …………………….  |

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| **F. Staffing** |
| 1. Is there a job description for the staff, including qualifications required? …………… |
| 2. Do staff skills generally match requirements and numbers?................. Are there any staffing gaps? ……………….  |
| 3. Are staff selected competitively or by direct appointment? …………….. |
| 4. Are procurement staff experienced in international procurement? ……………… |
| 5. Is career advancement primarily based on job-related accomplishments and factors? ………..  |
| 6. Do adequate formal and on-the-job training programs exist for entry- and higher-level procurement staff that contribute to proper professional career development? ……….. |
| 7. Are there additional training resources in the country which are currently utilized or that could be utilized to complement Government/donor-administered programs (e.g. universities and private institutions)? ………………  |
| 8. Did previous training programs lead to an obvious improvement in the quality/productivity of procurement work? ………… |
| 9. Do procurement staff have adequate project/contract management capabilities? ………… |