



PUBLIC PROCUREMENT CASE STUDY SCORECARD



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**PUBLIC PROCUREMENT
CASE STUDY SCORECARD**

Literature review and Desk Based Research: *(March 2023)*

Mohammad Almoghabat
Founder & Director at SKI for Research & Consulting

Update of the Score Card and the Key Informant Interview (KII): *(March 2024)*

Iskandar Boustany
Public Financial Management (PFM) Expert

Reviewed by:

Julien Courson
Executive Director at Transparency International - Lebanon - No Corruption

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Policy scorecards can be an efficient tool in oversight, as it provides clear and concise methods to measure policy performance and progress in different areas. They are usually used to evaluate and monitor the progress of government policies over time and aim at periodically assisting national policymakers identify priorities and highlight the areas that need attention and resources. Policy scorecards can be used by CSOs to track progress made toward specific policy objectives, identify areas of improvement, and hold policymakers accountable.

Typically, scorecards entail a set of key performance indicators (KPIs) that are relevant to the policy in question, and each KPI is assigned a target value and range.

Scorecards are different from indices in that the latter evaluates the quality of the policy while the former monitors the progress of implementation of the policy in question which allows for CSOs to direct their advocacy efforts, for example, towards the public entity that is falling behind in the implementation of the policy. If, after applying the scorecard periodically, a CSO finds that progress in a specific area and/or action is not moving forward, this requires that the policy action itself be evaluated, and reformulated in accordance with the evaluation results.

WHAT DOES THE PUBLIC PROCUREMENT SCORECARD MEASURE?

The Public Procurement (PP) scorecards measure the level of implementation of the Public Procurement Reform Strategy (PPR) including the progress of actions to achieve its objectives. The scorecards follow the same sections provided under the PPR Strategy.

A total of 31 success indicators were chosen to assess the level of progress on the set objectives. The Scorecard thus measures the PPR Strategy implementation process, institutional support, implementation, and participation aspects of the 2022-2024 Agenda.

The PPR Strategy has a set of four strategic objectives to guide and advance procurement reform in Lebanon:

- I. Bring the regulatory and policy framework in line with good international practices.
- II. Create an institutional framework for successful procurement management and build corresponding capacity.
- III. Economy and efficiency in procurement operations and practices.
- IV. Promote accountability, integrity and transparency in PP.

Due to the fact that the first strategic objective has already been fulfilled by adopting the new public procurement law, this strategy and a number of circulars by the PPA, and the fact that the third strategic objective requires economists to assess the economic feasibility public procurement processes and bids which in turn requires academic and professional expertise we do not possess; only strategic objectives (II) and (IV), which falls under the governance aspect of public procurement, will be assessed through the below scorecard.

The two strategic objectives include operational objectives that will be subject to the scorecard in accordance with the success indicators outlined within the PPR Strategy itself as follows:

II. Create an Institutional Framework for Successful Procurement Management and Build Corresponding Capacity (19 indicators)

- II.1. Ensure that the key central functions of the PP system are well handled; namely the Public Procurement Authority (PPA) and Complaints Authority (CA)*
- II.2. Recognize procuring entities and build their capacity*
- II.3. Set up the framework for professionalization of the PP function*
- II.4. Develop, where appropriate, arrangements for centralized purchasing*
- II.5. Set up the central electronic platform and prepare for e-procurement implementation*

IV. Promote Accountability, Integrity and Transparency in PP (12 indicators)

- IV.1. Institute systematic policy consultations with the business community and civil society and raise transparency of public procurement*
- IV.2. Simplify and clarify principles of integrity and accountability and support their application*
- IV.3. Eliminate gaps and overlaps in the roles of oversight bodies and raise the level of transparency of their work, with focus on the achievement of good PP outcomes and the prevention of bad practices*
- IV.4. Ensure that actual cases of fraud and corruption are identified, properly investigated and effectively sanctioned.*

HOW TO USE PUBLIC PROCUREMENT SCORECARDS

A Scorecard is intended to provide a practical tool to assess and track the extent to which government policies – related to PP in this case – are adopted, budgeted for, and implemented. It is intended to be given as an example of how this tool may be utilized by CSOs, it allows monitoring CSOs and other stakeholders to assess the public policy – related to PP in this case – objectives to understand where there is positive progress and where there are gaps and room for improvement after periodic implementation of the scorecard.

A scorecard can be distributed – as shown below – over four columns to identify the Activity that is being monitored, the Success Indicator that allows measuring the progress made by public bodies to conclude the activity, the Timeline that the activity should be implemented within, and the Score given based on the level of progress.

This is followed by the Success Indicator(s) Score which is then converted to Percentage that shows the level of progress, to be able to provide a grade in accordance with the Grading Scale. The remaining two-sections of the scorecard are Finding and Explanation that allows the monitoring CSO to provide a justification to the score provided, then followed by a Sources(s) section that supports the justification.

Activity	Success Indicator	Timeline	Score
<i>Success Indicator Progress Score</i>			/
<i>Percentage</i>			% -
Findings and Explanation			
Source(s)			

After applying the scorecard on all the public policy activities by the monitoring CSO, a summary table of the scores is provided that includes the total scores, percentages and grades of the activities being monitored, then an average total score, percentage and grade is provided as follows:

Activity I	
Activity I Score	.../...
Percentage	%
Grade	
Activity II	
Activity I Score	.../...
Percentage	%
Grade	
Overall Score	
Total Score	.../...
Percentage	%
Grade	

SCORING

For each success indicator there is one of three scores:

1. If the activity under the indicator is concluded it receives a score of 1 meaning the set objective has been fully implemented.
2. If the activity under the indicator is partially concluded it receives a score of 0.5 meaning the set objective has been partially implemented.
3. If the activity under the indicator is fully not concluded or not initiated, it receives a score of 0 meaning the set objective has been fully not implemented or not initiated.

Note that, as this PPR Strategy has a timeline set from 2022-2024 to implement the set-out objectives, some of the indicators – due to having a timeline set until 2024 – have little to no information on its progress or they have not been initiated yet. Therefore, scoring is limited to assessing the publicly available information on the PPR Strategy progress including indicators that cover activities that have been concluded or initiated. It does not assess information that hasn't been published or is being withheld by public bodies.

GRADING SCALE

After scores are provided, they are then converted to percentages which allows for providing a grade for the progress of each success indicator in accordance with the below Grading Scale.

Percentage Range	Grade
Scores between 81% and 100%	Very Strong
Scores between 61% and 80%	Strong
Scores between 41% and 60%	Average
Scores between 21% and 40%	Weak
Scores between 0% and 20%	Very Weak

PUBLIC PROCUREMENT SCORECARD

II. Create an institutional framework for successful procurement management and build corresponding capacity

1.1. Ensure that the key central functions of the public procurement system are well handled; namely the Public Procurement Authority (PPA) and the Complaints Authority (CA).

Activity	Success Indicator	Timeline	Score
1- Ensure that a sufficient budget is available for the PPA and the CA	a- PPA and CA budgets available within the State budget	30.06.2022	0.5
2- Recruit and appoint PPA and CA staff	b- PPA and CA staff appointed	30.06.2022	0.5
3- Train PPA and CA members and staff	c- Members and staff trained	31.12.2023	0.5
4- Provide the PPA and the CA with adequate facilities, including ICT equipment and administrative systems	d- PPA and the CA are operational	30.06.2022	0.5
Success Indicator Progress Score			2/4
Percentage			50% - average

Findings and Explanation

a) There is an allocated budget for the PPA within the 2024 budget law, yet the budget allocation is not sufficient to allow the PPA to expand its operations to its optimal level. Additionally, and since the secondary legislations related to the staff organization and structure of the PPA were not issued, the PPA cannot officially spend except if the ministry of finance temporary allocates an accountant and a finance officer to support the budget execution process inside the authority. There is no budget allocation for the CA as the latter is still not assigned.

b) Pursuant to the PPL No. 244/2021, Article (74) states that “an independent administrative body referred to as the “Public Procurement Authority” shall be created by virtue of this Law that will exercise the powers and duties set forth in accordance with this law”.

Additionally, Article (75) mentions that “the PPA shall consist of a president and four members appointed by a decree issued by the COM upon the proposal of the Prime Minister”.

Thereof, the PPA president has been appointed by default in accordance with Article (88) which states “The Tender Board shall be dissolved, and the staff and officers shall be transferred to the PPA ... The Director General of the Tender Board shall be President of the PPA”. This was the case of appointing the president of the PPA, the other four members are yet to be appointed. However, the PPA still needs to increase its capacity by around 50 technical experts to be able to effectively oversee around 1,500 procurers.

The Complaints Authority (CA) - as stated on the official website of the PPA - is absent from the system and yet to be established by a decree adopted by the COM based on the provisions of the PP Law. Knowing that its role is crucial for the PP system to ensure fair treatment and equal opportunities for all bidders.

Findings and Explanation

Even though, five decrees (nominations + staff organization + administrative procedures + financial procedures + Modus operandi) for the formation of the CA were in progress (50% complete) according to the latest Progress Note of May 2023 – December 2023 issued by the IOF.

Additionally, according to the latest Progress Note October 2022-April 2023, no preparatory work progress was recorded in view of institutionalizing these two new authorities, this includes their regulations, initiating the process of recruiting their members, designating a location for the CA and ensuring its operationalization and staffing.

c) [It should be noted that as per the timeline, this success indicator has until the end of 2023 to be fully fulfilled]

The PPA president has informed during the Key Informant Interview (KII) that PPA staff undertook and still undertaking necessary training sessions. The CA was not nominated, meaning consequently that there is no staff to train.

Beyond the scope of this question, and when it comes to all public employees (across the civil service, the military corps, municipalities, and other public sector classified entities) carrying out public procurement tasks, Article 72 of the PPL stipulates that all members and staff carrying out public procurement tasks, should undergo obligatory specialized training.

The latest 'Progress Note of May 2023 – December 2023' stated that one full-fledged introductory course on the PPL with a graded exam has been completed (1430 out of 2921 participants who sat through the graded exam have passed). Two new specialized and technical training contents are in progress (60% complete). 205 expert-trainers have been trained and accredited and 10 additional trainers are being prepared (70% complete). 2921 out of 5,000 participants attended the introductory training on the PPL among which 667 are from local authorities (59% complete). 20 awareness raising sessions are on-going, mostly addressed to the public sector employees and CSOs across Lebanon (50% complete).

Yet, no progress has been made concerning an on-line training platform (0%), nor has there been progress on competency-based training framework and 6 specialized curricula (0%)

d) The PPA central office is located in Beirut, as mandated by article (74) Section 1 of the PPL.

The PPA offices are those of the Tenders Department that it replaced. According to the PPA president, some of the ICT equipment and administrative systems have been installed, while the remaining needed equipment will be secured through EU funding.

Pursuant to the latest 'Progress Note May-December 2023, no progress preparatory work was done in view of institutionalizing the CA, this includes related secondary legislation, initiating the process of recruiting the members, designating a location for the CA, and ensuring the operationalization and staffing.

Source(s)

a) Annual General Budget Law 2024, published in the Official Gazette, Section One, Issue (7), February 2024, 15. <http://www.pcm.gov.lb/archive/j2024/j7m/wfn/n324.htm>
In addition to KII with the PPA president

b) Public Procurement Authority official website: <https://www.ppa.gov.lb/>
Public Procurement Reform in Lebanon, Progress Report, May-December 2023
<http://www.institutdesfinances.gov.lb/publication/progress-report-public-procurement-reform-in-lebanon-january-2024/>
In addition to KII with the PPA president

Source(s)

c) Public Procurement Reform in Lebanon, Progress Report, May-December 2023
<http://www.institutdesfinances.gov.lb/publication/progress-report-public-procurement-reform-in-lebanon-january-2024/>
 In addition to KII with the PPA president

d) Public Procurement Reform in Lebanon, Progress Report, May-December 2023
<http://www.institutdesfinances.gov.lb/publication/progress-report-public-procurement-reform-in-lebanon-january-2024/>
 Circular No. 22/2022: <http://pcm.gov.lb/arabic/subpg.aspx?pageid=21928>

II.2. Recognize procuring entities and build their capacity.

Activity	Success Indicator	Timeline	Score
1- Prepare and make available guidance for applying the general obligation in the PPL for procuring entities to have a dedicated unit for public procurement within their organizational structure, with clearly defined functions and responsibilities	a- Guidance materials issued to procuring entities and their supervisory bodies and freely accessible on the central electronic platform.	31.12.2022	1
2- As applicable, revise relevant regulations, including any specific statutes, that govern the internal organization and activities of procuring entities in order to bring them in line with the provisions in the PPL	b- Applicable regulations etc. amended to align with the PPL.	31.12.2022	0
3- Unless and until internal audits are generalized, prepare and make available guidance on systematic ex-post evaluation by procuring entities of their public procurement operations, with focus on procurement outcomes compared with objectives and on administrative performance, for feedback into financial and procurement planning	c- Guidance on ex-post evaluation on public procurement approaches and procedures issued to procuring entities, and freely accessible on the central electronic platform.	31.12.2022	0
4- Ensure that procuring entities are equipped with qualified staff and appropriate tools and systems for handling public procurement operations	d- Monitoring mechanism in place; level of effectiveness published.	31.12.2023	0.5
Success Indicator Progress Score			1.5/4
Percentage			37.5% - weak

Findings and Explanation

a) The PPA issued and made available on its electronic platform guidance materials for procuring entities and their supervisory bodies, specifically on applying the general obligation in the PPL to have a dedicated unit for PP within their organizational structure, with clearly defined functions and responsibilities.

This was confirmed by the MoET DG during the KII; He stated that the ministry received extensive guidance materials.

b) No information, neither in the literature review, nor in the KIIs, that a comprehensive legal revision of specific statutes that govern the internal organization and activities of procuring entities, has been made to bring them in line with the provisions of the PPL.

In fact, for instance, the parliament originally adopted the PPL in isolation from needed amendments of some provisions of the Municipal law, despite that some preparatory work to amend the provisions of the municipal law and prevent potential conflicts between the two laws, was on the table, in parallel to the parliamentary committees that studies the PPL at the time.

According to the progress note of September 2022, it was noticed, that in order to continue assisting procuring entities, prevent conflicts and track challenges faced in implementing the PPL, there is a need to mobilize resources to maintain operations, this task can be achieved through the assistance of a task force equipped with experts from diverse backgrounds and digitized tools for monitoring and evaluation.

c) No publicly available information on the progress of this success indicator. According to the PPA president, systematic ex-post evaluations are part of internal audit function, the PPA is currently working to issue relevant guidance.

d) According to the progress note of May-December 2023, 59% of the targeted beneficiaries have been trained (2,921 participants out of 5000 targets), with the PPL's entry into force, and based on the Prime Minister's circular No. 22/2022, which requires that all employees involved in procurement be subject to mandatory training courses. As a matter of fact, not all procuring entities are equipped with qualified staff.

When it comes to appropriate tools and systems, there isn't available official information on the status of procuring entities. According to MoET DG, the ministry did not have the needed tools or equipment to pursue normal procurement operations and mentioned that this was mainly due to two major external factors: first the monetary crisis that reduced the ministry budget to the minimum, and second the Beirut Port blast that damaged most of the ministry's offices.

Source(s)

a) The PPA website:

- <https://www.ppa.gov.lb/memos>
- <https://www.ppa.gov.lb/decisions/president>

KII with the PPA president

KII with the MoET

b) Public Procurement Authority official website: <https://www.ppa.gov.lb/>

KII with IoF president

Public Procurement Reform in Lebanon, Progress Report, September – December 2022.

<https://institutdesfinances.gov.lb/wp-content/uploads/04/2023/Progress-report-Lebanon-PP-reform-AR-Jan2023.pdf>

c) KII with PPA president

d) Public Procurement Reform in Lebanon, Progress Report, May-December 2023

<http://www.institutdesfinances.gov.lb/publication/progress-report-public-procurement-reform-in-lebanon-january-2024/>

KII with MoET DG

II.3. Set up the framework for the professionalization of the public procurement function

Activity	Success Indicator	Timeline	Score
<p>1- Set up competency frameworks, standard job descriptions and qualification requirements for public procurement officials at different levels, and across procuring entities</p>	<p>a- Competency frameworks set up, standard job descriptions, etc. available and published.</p>	<p>31.12.2022</p>	<p>0</p>
<p>2- Prepare and adopt secondary legislation in view of recognizing public procurement as a profession and give public procurement officials corresponding, specific status in the civil service</p>	<p>b- Public procurement is officially recognized as a profession; officials are given the corresponding status.</p>	<p>31.12.2022</p>	<p>0.5</p>
Success Indicator Progress Score			0.5/2
Percentage			25% - weak
Findings and Explanation			
<p>a- The researcher could not find any published documentation containing competency frameworks, standard job descriptions and qualification requirements for public procurement officials.</p> <p>According to IoF president, the only attempt to develop job descriptions for procurement positions within a competency framework dates to 2013 and was limited to a competency framework, standard job profile for decision makers and model Job Descriptions (JDs) for senior and junior procurement staff in Lebanon. Yet today, there is no official competency framework or job descriptions that are reflective of the PPL requirements.</p> <p>Finally, and as per to the “progress Note of May-December 2023”, the progress level on the development of a competency-based training framework & 6 specialized curricula is 0%; and this can be explained by the lack of a competency-based framework for procurement jobs.</p> <p>b) Prior to 2020 (adoption of the new PPL), the Lebanese civil service did not recognize PP as a profession, meaning there were no specific job profiles and descriptions, definitions of responsibilities or qualifications, competencies frameworks, and training, available for this position that would eventually allow for efficient human resources management.</p> <p>Amidst drafting the PPL and in accordance with its Article (73), Section 1, that states “Public Procurement shall be included as a specific profession within the Lebanese public service organizational structure. Secondary legislation shall define the qualifications frameworks, skills, professional experience, conduct, job description, recruitment, and promotion conditions of the procurement personnel, as defined by the Public Procurement Authority in coordination with the Civil Service Board, in addition to providing motivational and competitive career options based on merit”.</p> <p>Technically, Public procurement was officially recognized by the PP law as a profession, yet the secondary legislations that were supposed to organize the profession as stated in the previous paragraph, were not issued.</p>			

Source(s)

a) Public Procurement Reform in Lebanon, Progress Report, May-December 2023
<http://www.institutdesfinances.gov.lb/publication/progress-report-public-procurement-reform-in-lebanon-january-2024>

Priorities of Public Procurement Reform Implementation for 2023:

<https://institutdesfinances.gov.lb/wp-content/uploads/04/2023/Priorities-of-Public-Procurement-Reform-Feb2023.pdf>

Professionalizing Public Procurement in Lebanon: Diagnostic Review and a Vision Forward:

<http://www.institutdesfinances.gov.lb/publication/professionalizing-public-procurement-in-lebanon-diagnostic-review-and-a-vision-forward/>

KII with the IoF president

b) Public Procurement Reform in Lebanon Road Map 2020 – Institute Basil Fuleihan.

<http://www.institutdesfinances.gov.lb/publication/public-procurement-reform-in-lebanon-road-map/>

KII with the IoF president

II.4. Develop, where appropriate, arrangements for centralized purchasing

Activity	Success Indicator	Timeline	Score
1- Analyze the potential for increased use of joint or centralized procurement	a- Analytical report issued on the potential for increased use of joint or centralized procurement	31.12.2023	0
2- Develop a few typical scenarios for the use of joint or centralized procurement, as well as corresponding guidance materials	b- Scenarios and guidance notes published	31.03.2024	1
3- Run one or several pilot operations for testing and refining possible practical approaches to centralized procurement	c- At least one pilot operation running; outcomes reviewed	31.12.2024	1
4- Complementing the provisions of the PPL and reflecting the outcomes of the pilot operations, draft model statutes for centralized procurement and support its creation, development, and adoption	d- Model statutes adopted and further guidance materials issued	31.12.2024	N/A
Success Indicator Progress Score			1/3
Percentage			33.3% - average
Findings and Explanation			
<p>a) No available information on an issued analytical report on the potential for increased use of joint or centralized procurement, nor there's information on the initiation of drafting such report. Knowing that the competent authorities have until the end of 2023 to issue the respective report.</p> <p>b) There is no available information on such scenarios, as the secondary legislations regarding central purchasing were not issued yet.</p> <p>c) According to PPA president, there is an ongoing pilot operation for testing centralized procurement with the ministry of public health regarding the purchasing medicines.</p> <p>d) It is still not initiated due to delays in issuing secondary legislations concerning central purchasing.</p>			
Source(s)			
<p>a) No available sources.</p> <p>b) No available sources.</p> <p>c) KII with PPA president.</p> <p>d) No available sources.</p>			

II.5. Set up the central electronic platform and prepare for e-procurement implementation

Activity	Success Indicator	Timeline	Score
1- Set up a central electronic platform for mandatory publication of procurement notices of all procuring entities and for facilitating access to public procurement data, information, and tender documents, along with a database based on Open Contracting Data Standards (OCDS)	a- Central electronic platform with a database dedicated to public procurement operational and fully functional	30.06.2023	0.5
2- Define policies and procedures for collection, management and analysis of detailed data on public procurement, including appropriate performance indicators, with due consideration of the tools to be available on the central electronic platform	b- Policies and procedures published and applied, and procurement data available in Open Contracting Data Standards (OCDS) format	30.06.2023	0
3- Develop a comprehensive concept for introduction and management of e-procurement in all its various aspects and stages; consult widely and take decisions; and set aside resources for implementation	c- E-procurement strategy presented; adopted with funding made available three months after adoption	31.03.2023	0.5
4- Implement the measures agreed under the e-procurement strategy	d- Successive timing and performance milestones of the strategy met during system development, testing carried out and system readied for roll-out	31.12.2024	0
5- Prepare and adopt adequate secondary legislation for e-procurement implementation, including appropriate performance indicators, with due consideration of the tools to be available in the e-procurement system, of other public financial management needs, and of the general need for transparency and accountability in the public sector; and assign roles, responsibilities and resources to the competent authorities, in line with other measures for public administration reform	e- E-procurement implementation enters into force	31.12.2024	0
Success Indicator Progress Score			1/5
Percentage			20% - very weak

Findings and Explanation

a) In accordance with article (76) of PPL, establishing an e-platform is a critical component for effective PPL implementation. Currently, there is a website for the PPA, where mandatory publications of procurement notices are set out for the immediate term. It facilitates the access of procuring entities to PP information and tender documents.

According to the latest 'Progress Note of May – December 2023' there is little progress (5%) on establishing a fully-functional central electronic platform for PP; As per the same report, the PPA still uses the current PPA website for publication and announcements for the immediate term.

b) The website doesn't define policies and procedures for the collection, management, and analysis of detailed data on PP, including appropriate performance indicators, and tools for procuring entities.

The website is limited to including an overview of the PPA, its mission, decisions and circulars from its president or the authority itself, general publications, relevant laws, bids, news, and events.

c) As set out in the PPR Strategy, work on a specific strategy for the development of an e-procurement platform, has been carried out by an international consultant commissioned by the World Bank.

Yet, according to PPA president, the e-procurement strategy needs to be updated because procurement methods will change once the transition to e-procurement is set to motion.

d) According to the PPA president gradual implementation will start as soon as the strategy is revisited, and the re-assessment of the DELTA platform is completed.

e) This objective was not met.

Source(s)

a) PPA official website: <https://www.ppa.gov.lb/>

Public Procurement Reform in Lebanon, Progress Report, May-December 2023
<http://www.institutdesfinances.gov.lb/publication/progress-report-public-procurement-reform-in-lebanon-january-2024b>

b) PPA official website: <https://www.ppa.gov.lb/>

c) Public Procurement Reform in Lebanon, Progress Report, May-December 2023
<http://www.institutdesfinances.gov.lb/publication/progress-report-public-procurement-reform-in-lebanon-january-2024>
KII with PPA president

d) KII with PPA president

e) No available sources.

IV. Promote accountability, integrity, and transparency in public procurement

IV.1 Institute systematic policy consultations with the business community and civil society and raise the transparency of public procurement

Activity	Success Indicator	Timeline	Score
1- Develop and institutionalize mechanisms for enhanced consultation with civil society, both when policies are developed or amended and in the case of specific procurement projects or operations	a- Consultation mechanisms in place; initial use successful	31.12.2022	0.5
2- Enforce the use of the central electronic platform by all procuring entities in view of making all procurement related information comprehensive and easily accessible, free of charge	b- Successive steps are taken to widen the range, detail, and comprehensiveness of public procurement data	31.12.2022	0.5
3- Carry out awareness raising, information and training activities for CSOs to better monitor public procurement through the retrieval and analysis of data	c- Awareness raising and training activities successfully carried out; follow-up prepared	31.12.2023	0.5
Success Indicator Progress Score			1.5/3
Percentage			50% - average
Findings and Explanation			
<p>a) During the period of 2021-2020 a total of 45 sessions were completed providing discussions of the draft PPL by the special parliamentary committee, the latter dedicated +115 hours of discussions where consultations with various stakeholders took place, including CSOs.</p> <p>Preceding that, and prior to the PPL's entry into force, the IOF included the CSOs (7 organizations) in the consultation meetings feeding in the MAPS assessment. Later and during the first phase of the PPL's entry into force, the IoF committed to provide consultations through conducting coaching and clarifications online concerning the PPL through six weekly expert meetings to consult on requests for clarifications took place.</p> <p>Yet, no available information is provided on the development and institutionalized mechanisms for enhanced consultation such as how concerns were answered and/or integrated into the law, if any. According to Co-founder and Executive director of Gherbal NGO, today there is no formal or systematic arrangement to actively consult or engage the CSOs on the PPR priority actions and policies. He mentioned that Gherbal was randomly invited, for instance by OMSAR to comment on the Beta version of the e-procurement platform.</p>			

Findings and Explanation

b) Under the PPL, there are requirements for a central electronic platform as a key implementation tool, that provides an analysis of a collection of information and data, as well as free and systematic access to the latter. The PPA website is available in English/Arabic, yet the English option is mostly available only for titles and page names and not for actual PP information which narrows down the audience (example: foreign contractors).

According to Gherbal Executive Director, not all information on procurement bids is centralized. He referenced the compilation work undertaken by Gherbal initiative MONAQASA, a platform that collects scattered procurement information and data from the PPA website, line ministries' website, official gazette, printed papers on the front door of municipalities, and other informal sources.

c) According to Gherbal Executive Director, the NGO conducted, in collaboration with the IOF, around 16 training sessions targeting 450 participants from the public sector and civil society organizations.

Source(s)

a) Reforming PP in Lebanon, progress report, July 2021.
<http://institutdesfinances.gov.lb/wp-content/uploads/07/2021/Progress-report-Lebanon-Public-Procurement-Reform-July2021-ENG.pdf>

Assessment of Lebanon's Public Procurement Systems. 2021.
<http://institutdesfinances.gov.lb/wp-content/uploads/03/2022/MAPS-Lebanon-final-W-Maps-Seal.pdf>

PP Reform in Lebanon: A Nationally Led Reform at Risk – Progress Note Sept. 2022.
<http://institutdesfinances.gov.lb/wp-content/uploads/11/2022/Progress-report-Lebanon-PP-reform-at-risk-Sept22-Final.pdf>

KII with Gherbal Executive Director

b) PPA website: <https://www.ppa.gov.lb>
Gherbal Initiative MONAQASSA. https://monaqasa.org/about_monaqasa

c) KII with Gherbal Executive Director

IV.2 Simplify and clarify principles of integrity and accountability and support their application

Activity	Success Indicator	Timeline	Score
1- Develop and issue a code of conduct for public procurement that is binding for all procuring entities	a- Code of conduct published	30.09.2022	0.5
2- Conduct a legal review on applicable laws and regulations, including the laws related to anti-corruption, to make sure whether notions of integrity and accountability are clearly defined and made applicable to public procurement, and suggest recommendations as appropriate	b- Legal review and recommendations made available	31.12.2024	0.5
3- Take measures for the effective and efficient implementation of the anti-corruption laws, including by ensuring that the National Anti-Corruption Authority (NACA) is fully operational	c- National Anti-Corruption Authority ¹ (NACA) operational; laws effective	30.06.2023	0.5
Success Indicator Progress Score			1.5/3
Percentage			50%-average
Findings and Explanation			
<p>a) The action plan of the PPR Strategy provides that the PPA, in accordance with Article (10) of the PPL, adopted by virtue of a regulatory decision, a code of conduct, that includes, standards related to integrity, transparency and prevention of conflict of interest, in addition to rules of good governance, impartiality, fairness, knowledge, and competence, in addition to other measures.</p> <p>According to the PPA president a code of conduct is being developed the 1st part is completed while the 2nd part is still being drafted. The code of conduct will be officially published once all of its chapters are completed.</p> <p>b) One of the Priorities of PPR Strategy implementation for 2023 relating to the legal and policy framework, states as one of the priorities is aligning other decrees and bylaws related to oversight and control bodies with the PPL and the national reform strategy (Pillar IV), for example, the Court of Accounts bylaws, decrees governing the cycle of pre-approvals of municipalities procurement, etc.</p> <p>It was reiterated in the progress report covering May-December 2023 as a priority to action that needs to be addressed.</p>			

¹ It should be noted that the Action Plan provides this name for the National Anti-Corruption Commission.

Yet, implementation of this priority hasn't been made available, but since this operational objective isn't due yet, further progress surrounding it may appear.

c) The COM appointed the members of the NACC; the latter drafted its bylaws and a mandatory code of conduct in accordance with the NACC Law and submitted them to the State Council (Shura Council) on April 2022 ,7, for approval. The bylaws were endorsed after a delayed period of almost 18 months (against the set target), which significantly slowed down the full operationalization of the authority.

Source(s)

a) PP law 244

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b) Priorities of Public Procurement Reform Implementation for 2023, IOF.
<https://institutdesfinances.gov.lb/wp-content/uploads/04/2023/Priorities-of-Public-Procurement-Reform-Feb2023.pdf>

Public Procurement Reform in Lebanon, Progress Report, May-December 2023
<http://www.institutdesfinances.gov.lb/publication/progress-report-public-procurement-reform-in-lebanon-january-2024>

KII with IoF president

c) The NACC website: <https://nacc.gov.lb/>

IV.3. Eliminate gaps and overlaps in the roles of oversight bodies and raise the level of transparency of their work, with a focus on the achievement of good public procurement outcomes and the prevention of bad practices

Activity	Success Indicator	Timeline	Score
<p>1- Examine existing regulatory and institutional framework applicable to public procurement oversight, identify gaps and overlaps; determine oversight objectives and principles; eliminate redundant control steps; put relatively greater emphasis on procurement risk prevention rather than on correction actions.</p>	<p>a- Policies harmonized; regulatory and institutional gaps closed, overlaps eliminated; approaches reviewed and updated.</p>	<p>31.12.2023</p>	<p>0</p>
<p>2- Prepare and adopt a policy for internal audit as well as a properly resourced plan for its successive introduction in all procuring entities at central and local levels of government; harmonize it with development of internal audit in general and other PFM improvements.</p>	<p>b- Internal audit framework in place; first auditors appointed and trained; initial successes achieved</p>	<p>30.06.2023</p>	<p>0.5</p>
<p>3- Shift the focus of the work of oversight bodies from formal compliance with procedures to the achievement of intended results in ways that improve value for money while meeting criteria of fairness, impartiality and due process; in particular, ensure that the Court of Accounts puts much more emphasis on performance audits.</p>	<p>c- Policies and practices revised, auditors, etc. retrained; results monitored and published</p>	<p>31.12.2024</p>	<p>0</p>
<p>4- Once they have been issued, immediately publish all findings, recommendations and reports of the various oversight bodies on the central electronic platform free of charge</p>	<p>d- Oversight bodies' reports freely available on the central electronic platform as well as the website of each body</p>	<p>31.12.2024</p>	<p>0</p>
Success Indicator Progress Score			0.5/4
Percentage			12.5% - very weak

Findings and Explanation

a) No available information on examining existing and institutional framework applicable to public procurement oversight to identify gaps and overlaps; determine oversight objectives and principles; eliminate redundant control step putting relatively greater emphasis on procurement risk prevention rather than on correction actions. The court of Accounts still perform its ex-ante control role.

b) In the latest 'Progress Note of May -December 2023' it is stated that a decision on Internal Audit is completed (100% complete), Yet the PPA president mentioned that a related circular is being prepared and will be circulated in due time.

c) As this objective has a timeline set until 2024, there is a possibility it is going to be initiated soon, or under process, yet there is no available information on its progress.

d) As this objective has a timeline set until 2024, there is a possibility it is going to be initiated soon, or under process, yet there is no available information on its progress.

Source(s)

a) No available sources.

b) Public Procurement Reform in Lebanon, Progress Report, May-December 2023
<http://www.institutdesfinances.gov.lb/publication/progress-report-public-procurement-reform-in-lebanon-january-2024>
KII with PPA president

c) No available sources.

d) No available sources.

IV.4. Ensure that actual cases of fraud and corruption are identified, properly investigated, and effectively sanctioned

Activity	Success Indicator	Timeline	Score
<p>1- Ensure that data on public procurement related to accountability, integrity and transparency is generated, published, compiled and made freely accessible on the central electronic platform.</p>	<p>a- Information mentioned is freely available and ready to be acted on</p>	<p>30.06.2023</p>	<p>0.5</p>
<p>2- Complementing the PPL provisions, develop simple, efficient and effective means for follow-up and enforcement of decisions and recommendations of oversight bodies and concerned stakeholders, with vigorous measures to ensure that obligations are met and that appropriate sanctions are meted out when merited</p>	<p>b- Mechanisms in place to ensure enforcement of PPL and oversight decisions</p>	<p>31.12.2024</p>	<p>0</p>
<p>Success Indicator Progress Score</p>			<p>0.5/2</p>
<p>Percentage</p>			<p>25% - weak</p>
<p>Findings and Explanation</p>			
<p>a) Data available on the PPA official central website is made available freely to the public. Yet, the information has been made limited, as there is English/Arabic options, but only the Arabic one is functional as for the English option it is mostly only for titles and names of website pages which narrows down the audience. Also, the information found on the website in comparison to the information that is required to be found is considered limited.</p> <p>According to PPA president the data published on the website is not systematically generated and treated, but rather manually.</p> <p>b) As this objective has a timeline set until 2024, there is a possibility it is going to be initiated soon, or under process, yet there is no available information on its progress.</p>			
<p>Source(s)</p>			
<p>a) PPA official website: https://www.ppa.gov.lb/ KII with PPA president</p> <p>b) No available sources.</p>			

FINAL SCORING

II. Create an institutional framework for successful procurement management and build corresponding capacity.	
Score	6/18
Percentage	33.3%
Grade	Weak
IV. Promote accountability, integrity, and transparency in public procurement	
Score	4/12
Percentage	33.3%
Grade	Weak
Overall Scorecard	
Score	10/30
Percentage	33.3%
Grade	Weak

