

WEBINAR

Efficient public procurement complaints mechanism and the role of an independent review body:

International good practices and roadmap for Lebanon

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Insights in Lebanon's current practices: findings and recommendations from the MAPS assessment

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In partnership with:



Regulatory framework

Shortcomings I:

- Handling of public procurement complaints is not regulated in a way that ensures its timeliness and quality
- No independent body specifically designated to review public procurement complaints
- Currently available mechanisms do not meet basic requirements of speed and quality of reviews and decisions

Recommendations I:

- Review and revise the approach to handling complaints to be resolved in a timely, competent manner
- Establish an independent review body in line with international good practice, with the required authority and resources

Current institutions and practices

Shortcomings II:

- The State Council has no defined time limits for taking a decision on complaints
- State Council decisions are often issued too late to have any impact on the procurement procedure and its outcome

Recommendations II:

- Set clear and short timelines for handling complaints, and ensure that enough resources and required skills are allocated to issue well founded decisions within the set deadline. (Timelines must have some flexibility to reflect the complexity of the cases)

Current institutions and practices

Shortcomings III:

- Conflicts of roles within the Court of Accounts (ex-ante control; examination of complaints; external audit) and within the State Council (advisory vs. jurisdictional roles; investigation vs. adjudication) create a lack of independence and impartiality of decisions taken

Recommendations III:

- Eliminate the conflicts of roles within the Court of Accounts and the State Council as appropriate for preventing both the reality and the appearance of a lack of impartiality and independence of the rulings made

Current institutions and practices

Shortcomings IV:

- Decisions of the State Council are binding, but enforcement is not observed
- The State Council is now both the first and the last instance for procurement complaints, without possibility to appeal its decisions

Recommendations IV:

- Establish transparent monitoring of the implementation of State Council decisions, including on procurement complaints, and give the State Council necessary authority to enforce its decisions and prevent administrative silence
- Reinforce the capacity of the State Council to rapidly take well founded decisions on public procurement complaints

Current institutions and practices

Shortcomings V:

- If a complaint is made to the State Council but no decision is rendered before the contract is signed, the case is dropped
- Although possible in principle, no measures are usually taken for suspending the procurement process and contract signature before the complaint is resolved

Recommendations V:

- Ensure that all valid complaints are addressed and resolved on time
- Introduce the possibility to briefly suspend the procurement process when a complaint is made and introduce a standstill period to prevent a contract from being concluded before a decision is taken on a complaint against the award decision