



MAPS

Methodology for Assessing
Procurement Systems

Lebanon

Assessment of the public procurement system Volume I - Main report

Executive Summary

Final revised draft report, 23 July 2020, ver. 4

The World Bank Group



Agence Française de Développement



Government of Lebanon



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Executive Summary

Country context and public procurement challenges

Lebanon faces a confluence of challenges, including an influx of refugees, an outflow of high-skilled workers, increasing internal and external debt, and a lack of capacity within public institutions. It finds itself in a protracted crisis characterized by deep and long growth stagnation. Existing pressures on public finances were further exacerbated in 2018 by the continuous repercussions of the Syrian refugee crisis, the protracted domestic political crisis and the adoption of a new salary scale bill for the public sector in 2017, as well as by increased geopolitical tensions. The Lebanese lira is depreciating fast in a context of depleting foreign reserves and tight banking capital controls, driving the country into a hyperinflation spiral. The budget deficit is projected to widen sharply as revenue collection is collapsing and businesses are shutting down. The poverty level is expected to reach 52% in 2020. Austerity measures, failed public services and widespread corruption, have triggered countrywide unrest in Lebanon as of October 17, 2019. Citizens are asking for the recovery of misused public funds, for more transparency in the management of public money and for the immediate implementation of financial governance reforms to address paramount financial, economic and social challenges.

Public procurement is one of the main cross-sectoral reforms that the Government of Lebanon committed to at the “Conférence économique pour le développement, par les réformes et avec les entreprises” (CEDRE) held in Paris in April 2018, in order to improve fiscal governance and the quality of public services, encourage investment inflows, and strengthen accountability and transparency. Public procurement accounts for an average of 20% of central government expenditure and 6.5% of the Gross Domestic Product (thus, around USD 3.4 billion in 2019) at the central level. A coherent and clear public procurement system in line with international standards and based on sound legal and institutional foundations is thought to improve competitiveness of the economy, attract quality service providers, strengthen accountability and transparency and achieve savings on yearly basis, allowing for more fiscal space to finance public investments and for enhancing service delivery to citizens. As a result, it would considerably contribute to helping resolve the current economic and financial crisis and create the basis for the implementation of the Government’s vision for economic recovery and sustainable development.

Lebanon has an outdated and fragmented public procurement system with considerable capacity and technology gaps, resulting in inefficiencies and high risks of corruption. The legal framework is old (1959/1963), fragmented (various laws, decrees, decisions), and does not conform with international standards and guidelines. The institutional framework is weak with overlapping mandates and gaps in stakeholders’ roles. The policy and regulatory functions of the system are inexistent, and the complaints review mechanism is weak and inefficient. Consequently, the quality of the procurement system is below average (48/100) compared to the rest of the world and to a number of MENA countries. Several national efforts to reform public procurement were attempted in the past fifteen years, but failed to achieve desired results due to the absence of national leadership. In July 2018, the Minister of Finance formed a Task Force of experts from the public and private sectors to follow up on the implementation of the CEDRE recommendations.

MAPS assessment

In this context, the Ministry of Finance solicited the support of the World Bank in conducting a full assessment of Lebanon's public procurement system using the Methodology for Assessing Procurement Systems (MAPSII). The current version of the MAPS analytical framework is constituted by four pillars with the following contents:

- (i) Legal, Regulatory and Policy Framework
- (ii) Institutional Framework and Management Capacity
- (iii) Procurement Operations and Market Practices, and
- (iv) Accountability, Integrity and Transparency.

The pillars contain a total number of 14 main indicators and 55 sub-indicators covering the full range of public procurement principles, policies and practices, in turn subdivided into sub-indicators, each one composed by a number of assessment criteria which represent internationally accepted principles and practices of good public procurement. The assessment has reviewed the actual situation, compared it with the assessment criteria and described it accordingly, identified gaps, examined the underlying reasons for them and, on that basis, prepared recommendations for the further improvement of the public procurement system.

The main objective of the MAPS assessment has been to support the Government of Lebanon in its efforts to improve the quality and performance of the public procurement system and provide policy and decision makers with evidence –based findings and recommendations towards well founded reforms. In turn, a good public procurement system contributes to raising the effectiveness of public expenditure, ensuring timely and quality delivery of public services, encouraging the participation of the private sector to public bids, and enhancing trust of investors and the international community.

With the support of the World Bank and the Agence Française de Développement (AFD) in the Framework of the Global Procurement Partnership – Multi-Donor Trust Fund (GPP-MDTF), this MAPS assessment has been carried out by an assessment team, composed of a lead international consultant and a senior local consultant, supported by a national coordination team of leading staff members of the Institute of Finance (in its capacity as the National Focal Point), and working in close cooperation with specialists in the Beirut offices of the World Bank and the AFD. The assessment team has been supported with premises and administrative assistance at the Institute of Finance. The assessment's field work started in July 2019. It was suspended between October and November 2019 due to large civil protests as of October 17, 2019, and then again late February 2020 because of the COVID-19 pandemic outbreak, which also delayed the remaining assessment activities. They were nevertheless successfully concluded by June 2020. After the finalization of the initial draft report, internal quality control and corresponding revisions have been followed by a validation phase involving key stakeholders in Lebanon as well as external reviewers.

A main challenge encountered in the process has been the lack of effective access to complete and accurate data for describing and analyzing the actual practices and outcomes in the public procurement system. For this reason, it has not been possible, in particular, to systematically identify, retrieve, sample and review procurement plans, tender documents, tender opening reports, evaluation reports, contracts concluded, contract amendments, complaints and their resolutions in the way normally required by the methodology. Nevertheless, inputs from review of regulations and other records, stakeholder workshops, interviews with the competent authorities and an enterprise survey provided sufficient data to inform the assessment and support drafting of the preliminary report during the period February – July 2020.

Main findings and recommendations

Tabular overview of compliance with evaluation criteria

A first overview of findings of the MAPS assessment is given in the tables below. The tables present a comparison between the public procurement situation in Lebanon and the evaluation criteria under the indicators and sub-indicators in the MAPS assessment.

Assessment Result Summary: number of assessment criteria met, by pillar

Color Codes:

Criterion Substantially Met – Green

Criterion Partially Met – Yellow

Criterion Substantially Not Met – Red

Criterion Not Applicable - Grey

MAPS Pillar	Criteria Substantially Met	Criteria Partially Met	Criteria Substantially Not Met	Criteria Not Applicable	Total
Pillar I: Legal, Regulatory, and Policy Framework	9	27	30	1	67
Pillar II: Institutional Framework and Management Capacity	0	18	30	7	55
Pillar III: Public Procurement Operations and Market Practices	0	8	18	0	26
Pillar IV: Accountability, Integrity and Transparency of the Public Procurement System	2	18	42	0	62
Total	11	71	120	8	210
Percentage	5%	34%	57%	4%	100%

Assessment Result Summary: level of compliance with assessment criteria, by sub-indicator

Color code:

Criteria substantially not met	Criteria partially met	Criteria substantially met
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Please note that this table summarizes the situation for ease of reference. Consequently, a sub-indicator which is now indicated as being in partial compliance may contain one assessment criterion which is not at all met and another one that may be fully met. Appendix 12 presents further details of the level of compliance for each individual assessment criterion under each sub-indicator.

Pillar I		Pillar II		Pillar III		Pillar IV	
1. The public procurement legal framework achieves the agreed principles and complies with applicable obligations.	1(a) Scope of application and coverage of the legal and regulatory framework	4. The public procurement system is mainstreamed and well-integrated into the public financial management system.	4(a) Procurement planning and the budget cycle	9. Public procurement practices achieve stated objectives.	9(a) Planning	11. Transparency and civil society engagement foster integrity in public procurement.	11(a) Enabling environment for public consultation and monitoring
	1(b) Procurement methods		4(b) Financial procedures and the procurement cycle		9(b) Selection and contracting		11(b) Adequate and timely access to information by the public

Pillar I		Pillar II		Pillar III		Pillar IV	
	1(c) Advertising rules and time limits	5. The country has an institution in charge of the normative / regulatory function.	5(a) Status and legal basis of the normative / regulatory function		9(c) Contract management		11(c) Direct engagement of civil society
	1(d) Rules on participation		5(b) Responsibilities of the normative / regulatory function	10. The public procurement market is fully functional.	10(a) Dialogue and partnerships between public and private sector	12. The country has effective control and audit systems.	12(a) Legal framework, organisation and procedures of the control system
	1(e) Procurement documentation and technical specifications		5(c) Organisation, funding, staffing, and level of independence and authority		10(b) Private sector's organisation and access to the public procurement market		12(b) Coordination of controls and audits of public procurement
	1(f) Evaluation and award criteria		5(d) Avoiding conflict of interest		10(c) Key sectors and sector strategies		12(c) Enforcement and follow-up on findings and recommend
	1(g) Submission, receipt, and opening of tenders	6. Procuring entities and their mandates are clearly defined.	6(a) Definition, responsibilities and formal powers of procuring entities				12(d) Qualification and training to conduct procurement audits
	1(h) Right to challenge and appeal		6(b) ., 6(c) Centralized procurement body: not applicable			13. Procurement appeals mechanisms are effective and efficient.	13(a) Process for challenges and appeals
	1(i) Contract management	7. Public procurement is embedded in an effective information system.	7(a) Publication of procurement information supported by IT technology			13(b) Independence and capacity of the appeals body	
	1(j) Electronic Procurement		7(b) Use of e-Procurement			13(c) Decisions of the appeals body	
	1(k) Norms for safekeeping of records and electronic data.		7(c) Strategies to manage procurement data			14. The country has ethics and anticorruption measures in place.	14(a) Legal definition of prohibited practices etc.
	1(l) Public procurement principles in specialized legislation	8. The public procurement system has a strong capacity to develop and improve.	8(a) Training, advice and assistance	14(b) Provisions on prohibited practices in documents			
2. Implementing regulations and tools support the	2(a) Implementing regulations to define processes and procedures			8(b) Recognition of procurement as a profession			14(c) Effective sanctions and enforcement systems

	Pillar I	Pillar II	Pillar III	Pillar IV
legal framework.	2(b) Model procurement documents for goods, works, and services		8(c) Monitoring performance to improve the system	14(d) Anti-corruption framework and integrity training
	2(c) Standard contract conditions			14(e) Stakeholder support to strengthen integrity in procurement
	2(d) User's guide or manual for procuring entities			14(f) Secure mechanism for reporting prohibited practices or unethical behaviour
3. The legal framework reflects the country's secondary policy objectives and international obligations	3(a) Sustainable Public Procurement (SPP)			14(g) Codes of conduct / codes of ethics and financial disclosure rules
	3(b) Obligations deriving from international agreements			

The below narrative presents the main findings and recommendations, grouped under the four pillars of the methodology. The current situation for each of the sub-indicators used in the methodology are summarized, with the corresponding recommendations in *italics*. Chapter 3 provides a detailed analysis of the situation and the gaps and offers further recommendations for improvement.

Findings and recommendations for Pillar I - Legal, Regulatory and Policy Framework:

Pillar I assesses the existing legal, regulatory and policy framework for public procurement. It identifies the formal rules and procedures governing public procurement and evaluates how they compare to international standards.

The existing legal, regulatory and policy framework for public procurement in Lebanon is constituted by a patchwork of legal instruments, some of which are very general in character while others are detailed but often limited in scope, and specific to the point of being unduly restrictive. The applicable primary legislation is mainly constituted by the Public Accounting Law (PAL), issued in 1963 and the Tender Regulation, issued in 1959. It regulates a wide range of aspects of public financial management and includes a number of provisions of mostly general character applicable to public procurement. However, it is not universally applicable to all procuring entities and allows for a number of exceptions, some of them quite vaguely defined.

Scope of application and coverage of the legal and regulatory framework: There is no unified, coherent, clear and simple set of laws and regulations covering all essential aspects of public procurement and applicable to all contracting entities and to all types of public contracts for goods, works and services.

Prepare and adopt a comprehensive, modern public procurement law and complement it by a full, harmonized range of secondary legislation, applicable to all procuring entities.

Procurement methods: There is no other approach than open tendering for competitive award procedures, therefore contracting entities cannot optimize their procurement approach taking into consideration the size and complexity of the contract and the position of the supply market; existing laws and regulations do not provide clear and comprehensive guidance on key elements of the procurement procedures.

Introduce a comprehensive range of procurement procedures, proportionate to the nature and value of the contracts to be concluded. Formalize guidance for the use of the available procurement procedures.

Right to challenge and appeal: The existing regulations for handling public procurement complaints at the preparation and award stages do not ensure timeliness and quality of review and resolution.

Review and revise the approach to handling complaints, to ensure timely review and resolution by an independent institution.

Electronic procurement: There is no e-procurement system in place and access to public procurement information is limited;

Raise transparency, improve administrative efficiency and reduce costs by introducing e-procurement as well as clear and simple administrative routines for handling public procurement operations.

Implementing regulations to define processes and procedures; model procurement documents for goods, works, and services; standard contract conditions; user's guide or manual for procuring entities:

A number of laws require implementing regulations which are not always prepared on time or with sufficient detail. Officially endorsed regulations, materials relevant to secondary legislation, standard documents, guidance notes and other tools are incomplete. No governmental institution is officially and clearly assigned to lead the preparation, dissemination and updating of existing documents/materials. The use of existing standard documents is not compulsory, and it is not known to what extent, how and by whom they are used.

Standardize and formalize guidance for the preparation and use of notices, requirements and specifications, timelines, selection and award criteria and their use, forms of contract and contract management.

Sustainable public procurement: The legal and policy frameworks applicable to public procurement do not include or reflect sustainable development policies and do not support their application. Regulations and guidance materials contain limited provisions for incorporating social or environmental aspects in requirements, specifications and selection and award criteria.

Introduce key principles of sustainability in public procurement and implement measures to ensure its applicability in the public procurement legislation.

Develop, adopt and apply regulations and guidance material to incorporate social and environmental aspects in requirements, specifications and selection and award criteria, e.g. the use of environmental standards and life cycle costing.

Obligations deriving from international agreements: There is lack of clear alignment between the existing Lebanese legislation and the provisions related to public procurement in international agreements of which Lebanon is a member, such as the UN Convention Against Corruption.

Align the public procurement legislation for conformity with the relevant provisions of the UN Convention Against Corruption and of other international agreements ratified by Lebanon.

Findings and recommendations for Pillar II: Institutional Framework and Management Capacity

Pillar II assesses how the procurement system defined by the legal and regulatory framework in a country is operating in practice, through the institutions and the management systems of the public sector. It evaluates the effectiveness of the procurement system in discharging the obligations prescribed in the law, without gaps or overlaps.

The institutional framework for public procurement in Lebanon is formed by the procuring entities: ministries, autonomous public institutions, municipalities and unions of municipalities, and other public bodies, as well as by a number of Government institutions, most of them involved with control and oversight across the various stages of the public procurement process. This institutional framework is incomplete and incoherent. In particular, the current framework lacks a policy making and regulatory function, a review and complaints mechanism that adequately meets the need for speed and competence, and an enabling environment for e-procurement, in particular for ensuring that procurement related information and data are systematically generated and made freely accessible.

The links between public procurement and other aspects of public financial management are weak and ineffective. The financial regulations do not allow procurement to be carried out in a regular manner over the fiscal year. Procuring entities are not clearly defined as such and their roles, responsibilities and organization are not comprehensively regulated with respect to the particular requirements of public procurement. The public procurement system is limited in terms of its potential for development and improvement. Except for the provision of training, though with limited resources, there is a lack of strategies and programs to build the broader capacity of procuring entities. Procurement is not recognized as a profession, hence corresponding positions and job descriptions are lacking.

Procurement planning and the budget cycle; financial procedures and the procurement cycle: Procurement planning and preparation is not well regulated, and practices vary widely. Financial regulations do not anticipate an acceptable timeline to ensure a competitive procurement process is complete. Only weak monitoring mechanisms to evaluate procurement outcomes are put in place in order to correct financial planning and management.

Improve the integration of public procurement into public financial management in order to improve procurement management, reduce duplication, and deliver goods and services more efficiently, by developing medium term budgeting and amending financial regulations to ensure continuity of competitive procurement during the transition from one fiscal year to the next.

Improve monitoring of use of funds during contract implementation and raise the transparency of the process.

Complement external audit by introducing systematic own ex-post evaluation conducted by the contracting authority on its public procurement operations. The self-evaluation will focus on

procurement outcomes compared with objectives and on administrative performance, with feed-back into financial and procurement planning.

Status and legal basis of the normative/regulatory institution function; responsibilities of the normative/regulatory function; organization, funding, staffing, and level of independence and authority; avoiding conflict of interest: Key functions of public procurement policy management are not clearly defined, nor assigned to competent authorities in a comprehensive and coherent manner.

In the public procurement law, define clearly the various central functions (e.g., policy, regulation, advice, information, training; complaint resolution) in the public procurement system, allocate them to specific entities to avoid gaps and overlaps as well as conflicts of roles, and give these entities adequate resources for the purpose.

Definition, responsibilities and formal powers of procuring entities: There is no sufficient definition of procuring entities for determining and applying roles and responsibilities with respect to public procurement. The organizational set-up and the distribution of roles and responsibilities for public procurement within procuring entities is not clearly regulated, and many high-level entities do not have a procurement department.

Define procuring entities by law, in a way that helps determine which procurement regulations are applicable to them, and how. Institutionalize a general obligation for procuring entities to have a dedicated unit for public procurement within their organizational structure, with clearly defined functions and responsibilities, in addition to staffing and allocated resources adequate for the purpose.

Centralized procurement body: The legal framework for joint or centralized procurement is incomplete and vague, and there is no central purchasing body.

Regulate joint and centralized procurement in a clear, comprehensive and coherent manner and take steps for creating one or several central purchasing bodies as may be appropriate.

Publication of public procurement information supported by information technology: There is no unified, nationwide system for publishing procurement information by electronic means.

Set up a national electronic platform for mandatory publication of procurement notices of all procuring entities) and for facilitating access to public procurement information and tender documents.

Use of e-procurement: There are no national regulations, institutions or systems in place for carrying out any aspects of e-procurement.

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.

Strategies to manage procurement data: Public procurement data is not systematically collected, compiled, analyzed and disseminated as needed for ensuring transparency and supporting evidence-based policy making.

Define the needs and procedures for collection, management and analysis of data on public procurement, with due consideration of other public financial management needs and of the general need for transparency and accountability in the public sector; adopt corresponding regulations and assign roles, responsibilities and resources to the competent authorities, in line with other measures for public administration reform.

Training, advice and assistance: There is no official capacity building strategy, nor one for providing guidance in response to queries, and there are no obligations to use the public procurement training currently available.

Using existing analyses and reports, update the assessments of skills and training needs, determine appropriate measures for closing existing gaps, by developing, adopting and implementing a capacity building strategy, including means for providing ad-hoc advice (e.g. Help-Desk function). Establish and implement a policy rendering public procurement training mandatory for all concerned stakeholders across the public sector.

Recognition of procurement as a profession: Procurement is not recognized as a profession and there is no official job description or qualification requirements specific to public procurement.

Building on existing drafts, revise and adopt standard job description and qualification requirements for public procurement officials at different levels, and regulate and monitor their application; formally recognize the profession so defined in the Lebanese civil service.

Monitoring performance to improve the system: There are no mechanisms in place for evaluating public procurement performance or for using such information as a basis for strategy development and decision making. There is no formal, official strategy for the development of the public procurement system and no clearly assigned responsibility for preparing and maintaining one.

Systematize the collection and use of aggregated data on public procurement performance. Using the MAPS assessment report as a basis to develop, adopt, implement and monitor a national strategy for the development of the public procurement system, after clearly assigning responsibilities and allocating resources for this purpose.

Findings and recommendations for Pillar III: Procurement Operations and Market Practices

Pillar III focuses on how the procurement system in a country operates and performs in practice. It looks at the operational efficiency, transparency and effectiveness of the procurement system at the level of the implementing entity responsible for managing particular procurements (procuring entity). In addition, it looks at the supply market as one means for raising the quality and effectiveness of public procurement.

The public procurement operations and the market practices in Lebanon present a very fragmented and unclear picture. Available information shows shortcomings at all stages of the procurement cycle. Planning and preparation of procurement often fails to state the objectives in a way that would allow the outcomes of the operations to be evaluated. Procurement plans are not systematically prepared and published. Therefore, the market is not well informed about planned procurement at a sufficiently early stage.

The procurement methods are limited, with open and restricted tendering being the only fully competitive procedure foreseen in the legislation. Budgetary constraints often require delaying or accelerating procurement at the beginning and the end of the fiscal year. As a result, the most appropriate, competitive award procedures are not always used. Weak capacities in contract management and cumbersome administrative procedures mean that the receipt of goods and works and the payment of invoices often takes time.

The private sector faces a number of obstacles to participate in public procurement, leading to a lack of trust in the system and reduce the level of participation. As a result, procuring entities fail to get

the benefit of wide, active competition and relatively few enterprises are able to successfully use the opportunities in the public procurement market.

Planning; selection and contracting; contract management:

- Data on the performance of the public procurement system is missing. Existing information on public procurement is not thoroughly analyzed and the assignment of responsibilities for analysis is not clear.
- The effectiveness of public procurement in terms of the level to which original objectives are achieved is difficult to evaluate at all levels: contract level, procuring entity level, and the national level.
- There are no means in place for monitoring and managing public procurement performance.
- Public procurement practices show great variation and fragmented approaches, and errors and omissions frequently occur when public procurement is carried out.

Ensure data on all steps of the procurement cycle for public contracts is accessible free of charge on a unique website, a central electronic platform, in a format that facilitates data extraction and analysis.

Establish a facility for analyzing public procurement data and making it available to support evidence-based policy making.

Require objectives and intended results to be clearly formulated and recorded during planning and referred to during systematic, compulsory evaluation of contract execution and outcomes.

Develop and apply approaches for planning, preparation, execution and evaluation of public procurement operations from a performance point of view.

Issue guidelines and provide hands-on training for procuring entities on procurement planning, including needs analysis, market research, choice of approaches and procedures, preparation and publication of procurement plans, as well as on contract management, and make the use of standard forms and tools mandatory.

Dialogue and partnerships between public and private sector: There is a lack of trust between the demand and the supply sides of the public procurement market. There are no effective mechanisms for public-private sector dialogue and mutual information on public procurement related subjects.

Instill a paradigm shift towards a win-win situation between the public and the private sector.

Institute a standard and formal mechanism/process for regular consultations between the public and the private sector on issues related to procurement policy and practice.

Private sector's organization and access to the public procurement market: There are numerous practical barriers to the public procurement market, especially for SMEs and new entrants.

Identify the nature, origin and modalities of all the barriers facing enterprises, especially SMEs, for successfully participating in public procurement.

Key sectors and sector strategies: There is a lack of understanding of the role of public procurement in the economy and of the opportunities to incorporate it in development policies.

Carry out a comparative study of the demand and supply side of the public procurement market in Lebanon and use the findings to inform development policy.

Findings and recommendations for Pillar IV: Accountability, Integrity and Transparency of the Public Procurement System

Pillar IV includes four indicators that are considered necessary for a public procurement system to operate with integrity, to have appropriate controls that support the implementation of the system in accordance with the legal and regulatory framework, and to have appropriate measures in place to address the risk of corruption. It also covers the role of civil society as part of the control system.

A high degree of transparency and active engagement of civil society play an important role in promoting integrity in public procurement, as has been demonstrated in many countries. Data on public procurement performance in Lebanon is scarce and spread out in many different places. As a result, all interested parties, in particular civil society, find it difficult to access, compile and analyze comprehensive, pertinent and reliable information. In turn, this makes it more difficult, costly and time consuming to identify and point out problems and to identify opportunities for improvement.

The system for control and audit is composed of numerous institutions. They are supposed to carry out a wide range of interventions aimed at ensuring the probity of public procurement operations. However, there are significant gaps and overlaps in the system. In practice, the procedures applied often add considerably to the time and cost of carrying out procurement, in addition to corruption risks. They are also not effective and efficient in reducing the level of fraud and corruption and in ensuring that prohibited practices are punished.

Enabling environment for public consultation and monitoring; direct engagement of civil society: There are no policies, regulations and practices that enable and promote civil society participation.

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.

Adequate and timely access to information by the public: Information on what actually happens in public procurement is missing or very difficult to identify and access.

Increase the level of transparency by making all procurement related information comprehensive and easily accessible and free of charge through electronic platforms.

Legal framework, organization and procedures of the control system; coordination of controls and audits of public procurement: There are gaps and overlaps in the approaches. Procedures for ex-ante control significantly delay and complicate public procurement, while creating additional administrative costs. There is no internal audit system in place. Performance audits are not carried out.

Eliminate gaps and overlaps in regulations and conflicts of roles among oversight institutions and other entities involved in public procurement, eliminate redundant control steps, put relatively greater emphasis on procurement risk prevention rather than on correction actions.

Develop 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.

Shift the focus from formal compliance with procedures to the achievement of intended results in ways that improve value for money.

Enforcement and follow-up on findings and recommendations: There is no effective follow-up and enforcement of the findings and recommendations actually made by internal and external control and audit functions, neither in the individual nor in the general case. There is no proper data base of

publicly accessible recommendations and decisions by the Court of Accounts, nor does the Court of Accounts itself have a system for ensuring the coherence of its rulings. While the rulings of the State Council are binding, their observance is not systematically monitored, and they are not regularly and effectively enforced.

Develop simpler, efficient and effective means for follow-up and enforcement of findings and recommendations of oversight bodies, with vigorous measures to ensure that obligations are met and that appropriate sanctions are meted out when merited. Publication of those actions is to be observed.

Once they have been issued, immediately publish all decisions, recommendations and reports of the Court of Accounts on a website accessible free of charge, with a searchable data base of machine-readable documents that also would serve the case management needs of the Court of Accounts.

Process for complaints and appeals; independence and capacity of the review body; decisions of the review body:

- There is no review body specifically designated to resolve public procurement complaints, and the existing possibilities for access to justice do not meet basic requirements of speed and quality of reviews and decisions.
- There is no timeframe to review the complaints filed at the State Council, and rulings are often issued too late to have an impact on the procurement procedure and its outcome.
- There are conflicts of roles within the Court of Accounts (ex-ante control; examination of complaints; external audit) and the State Council (advisory vs. jurisdictional roles; investigation vs. adjudication), creating a lack of independence and impartiality of decisions taken.
- There is no common, searchable data base of the public procurement cases adjudicated by the various existing institutions currently handling complaints and related matters.

Establish an efficient complaints system to enhance early responsiveness, implement timely and effective corrective measures and allow adequate and timely reporting on the number and nature of complaints.

Legal definition of prohibited practices, conflict of interest, and associated responsibilities, accountabilities, and penalties; provisions on prohibited practices in procurement documents; secure mechanisms for reporting prohibited practices or unethical behavior; codes of conduct/codes of ethics and financial disclosure rules: There is a lack of regulatory and institutional measures for helping ensure integrity in public procurement and in public administration in general.

Complete the general regulatory and institutional anti-corruption framework by thoroughly revising or replacing the illicit enrichment law, with focus on effective asset declarations and prevention of conflicts of interest and elimination of abusive use of its provisions, and by establishing the National Anti-Corruption Commission at the earliest, with the necessary resources. Take measures for the effective and efficient implementation of the anti-corruption laws.

Stakeholder support to strengthen integrity in procurement; anti-corruption framework and integrity training: Civil society does not have the means to monitor the situation and to support decisive action for addressing any deficiencies identified, with particular focus on public procurement

Create an enabling and supportive environment for civil society to contribute to the monitoring and prevention of fraud and corruption, especially in public procurement.

Effective sanctions and enforcement systems: Because of a general lack of access to information, it is not possible to monitor the incidence of fraud and corruption and the measures taken to prevent and sanction it.

Ensure that data on accountability, integrity and transparency are generated, published, compiled and made accessible, and monitor its use for preventing, identifying and sanctioning prohibited practices.

Next steps

This draft final report will be subject to further peer review within the MAPS Global Team at the World Bank. The finalized draft report will also be submitted to the MAPS TAG (Technical Advisory Group, a team of international experts representing the multilateral development banks and development partners) for final quality review and endorsement.

At the national level, in order to keep the momentum and push forward the public procurement reform agenda, there is an urgent and important need to:

- put in place the necessary coordination mechanisms for public procurement policy development and implementation, in consultation with interested development partners;
- develop a national strategy and action plan for public procurement reform in Lebanon, building on the consultative process already in place during MAPS;
- officially adopt the national strategy by the Government of Lebanon;
- set up the political, financial and technical mechanisms to execute the strategy and monitor its proper implementation.