



# Lebanon

## Public Procurement Reform Strategy

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# Abbreviations

AFD	Agence Française de Développement
CA	Complaints Authority
CIB	Central Inspection Board
COA	Court of Accounts
COM	Council of Ministers
CSB	Civil Service Board
GDP	Gross Domestic Product
GPP	Global Procurement Partnership
ICT	Information and Communications Technology
IoF	Institut des Finances Basil Fuleihan
IMC	Inter-Ministerial Committee
MAPS	Methodology for Assessing Procurement Systems
MENA	Middle East and North Africa
MoF	Ministry of Finance
MoIM	Ministry of Interior and Municipalities
NTC	National Technical Committee
OECD	Organization for Economic Cooperation and Development
PAL	Public Accounting Law
PFM	Public Financial Management
PP	Public Procurement
PPA	Public Procurement Authority
PPL	Public Procurement Law
SIGMA	Support for Improvement in Governance and Management
SME	Small and Medium Enterprise
TSU	Technical Support Unit
WB	World Bank
WG	Working group

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# Executive summary

Lebanon faces a confluence of challenges, including high pressure on public services due to the refugee crisis since 2011, an outflow of high-skilled workers caused by economic stagnation and high unemployment, increasing public debt (170% of GDP<sup>1</sup>), a lack of capacity and high corruption within public sector institutions, as well as the consequences of the economic and financial crisis that aggravated since 2019, and the economic and damages and losses after the Port of Beirut explosion on August 4, 2020.

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, and in successive governments’ declarations<sup>2</sup>, in order to improve fiscal governance and the quality of public services, encourage investment inflows, and strengthen accountability and transparency.

Public procurement in Lebanon 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 would considerably contribute to helping resolve the current economic and financial crisis, create the basis for the implementation of the Government’s vision for economic recovery and sustainable development, and help restore citizens’, investors’, and the donor community’s trust.

Against this background, the vision behind procurement reform in Lebanon is that of public procurement which:

- serves the need of the whole population to **access high quality public services**, in a sustainable manner;
- secures **value for money** by ensuring best use of limited public funds and supporting responsible public financial management;
- encourages **competition in the procurement market** and allow new competitors to access opportunities, while ensuring to them equal chances and fair treatment;
- is carried out with **fairness and transparency** in ways that enhance integrity and accountability;
- promotes **sustainable development** in its three aspects: economic, social and environmental.

<sup>1</sup> Lebanese Ministry of Finance estimations, 2020

<sup>2</sup> A commitment concretized in the respective Ministerial declarations of Hariri (2019), Diab (2020) and Mikati (2021) governments

Reform efforts aimed at turning this vision into reality are being undertaken since 2019, notably in the form of a comprehensive assessment of the public procurement system in Lebanon using the MAPS<sup>3</sup> approach and through the preparation of a new public procurement law. The Institut des Finances Basil Fuleihan (IoF)<sup>4</sup> has been mandated by the Lebanese Minister of Finance<sup>5</sup> to continue coordinating these national efforts, as reform lead. Like the MAPS assessment, this procurement reform process is comprehensive, in that it addresses each of the key components of the public procurement system – including the policy/legal framework, the procedural framework, the institutional framework and the human resources, the technological components, including the various aspects of e-procurement, and the accountability mechanisms and the measures for ensuring transparency and integrity.

Based on the findings of the MAPS assessment, the new public procurement law was drafted, reviewed by international experts, and discussed in Parliament. After being voted by the Parliament on June 30, 2021, the Public Procurement Law no. 244/2021 dated 19 July 2021 was published in the Official Gazette<sup>6</sup>; a period of 12 months after official publication is given in the law for its provisions to enter into force.

Given the shortcomings at hand and the limited resources available to implement the various recommendations of the MAPS assessment, this reform strategy has set 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 public procurement

Based on the strategic objectives, the strategy has set the priorities for turning the reform vision into reality. Focus shall be put on the following in the **short term** (until the entry into force of the new public procurement law (PPL), but no later than by 29 July 2022), after setting up mechanisms and allocating resources for the management of the public procurement reform process, bringing to bear appropriate means for the engagement of the various stakeholders, including civil society:

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<sup>3</sup> Methodology for Assessing Procurement Systems (MAPS II), 2018

<sup>4</sup> The Institute is an autonomous public institution working under the tutelage of the Minister of Finance

<sup>5</sup> Minister of Finance's decisions no. 109/1 dated March 4, 2019, no. 199/1 dated June 9, 2020, no. 620/1 dated November 2, 2021

<sup>6</sup> The law was published in Lebanon's Official Gazette issue no. 30 of July 29, 2021

- prepare for the entry into force of the Public Procurement Law (PPL) and related secondary legislations;
- set up the proposed procurement policy management and complaints review mechanisms and bodies;
- issue guidance materials and standard documents for the new procurement approaches and procedures;
- launch awareness raising and capacity building for all stakeholders concerned in preparation for PPL implementation, and follow through with professionalization of the public procurement workforce; and
- set up a national website / platform for notices and procurement documents and start developing other elements of e-procurement.

In the **medium term** (until 31 December 2024), further work and additional resources are needed in order to:

- bring the application of the regulatory and policy framework in line with good international practice;
- create an institutional framework for successful procurement management and build corresponding capacity;
- ensure economy and efficiency in procurement operations and practices; and
- promote accountability, integrity, and transparency in public procurement.

Further details are provided in Sections IV, V and X. Those short- and medium-term efforts will then have to be continued in the longer term to create a stable, supportive legal and institutional environment while at the same time ensuring that the public procurement system can develop in response to any new challenges that may arise.

At present, the institutional resources are largely limited to the MoF/loF's contribution to the reform process. The knowledge, skills and experience required for public procurement reform among Lebanese experts need to be expanded and organized to serve the implementation of reform components. With national budgets shrinking, in the reform national coordinator has no financial resources available at present for the implementation of this public procurement reform strategy. External donors, namely the World Bank and the Agence Française de Développement (AFD) and, have synchronized efforts in 2020-2021 to address the existing technical assistance gaps to implement the MAPS assessment, draft and enact the new law and start draft reform strategy documents. However, for the short, medium and long term, the bulk of financial resources is required for the implementation of the various reform components identified to adequately prepare for the law entry into force, i.e secondary legislations, standard bidding documents, guidelines, forms and templates, capacity building, awareness and communication, and the introduction of the central electronic portal.

As past efforts to reform public procurement have shown, various institutional impediments are likely to create considerable risks for the success of the public procurement reform strategy. Apart from the risks related to the scarcity of resources, a major challenge will be to sustain the political commitment to public procurement reform and to address other, related institutional impediments. Also, many external factors affect public procurement reform, although most of them have an influence that is much broader and must be addressed in a correspondingly wider context.

For the implementation of the reform strategy, the Government of Lebanon shall form an Inter-Ministerial Committee (IMC) supported by a National Technical Committee (NTC) of stakeholder representatives; a consultative and inclusive approach similar to the one set for the implementation of the MAPS assessment (2019-20) that gained trust of all actors. The NTC shall be coordinated by reform lead since 2019, the MoF/loF, to capitalize on previous efforts, ensure synchronization among all stakeholders, smooth reform implementation, ensure adequate internal engagement with national stakeholders and external communication. A resourced technical support unit, composed of multidisciplinary experts, shall be formed to support the mandate of the National Coordinator.



# Reform strategy and action plan

## I. Introduction

The present public procurement reform strategy for Lebanon recalls the reform needs in public procurement, states the objectives to be achieved in this respect, and sets out a schedule of measures to be taken for this purpose. It is based on the outcomes of the MAPS assessment completed in 2020 and the provisions of the new and comprehensive Public Procurement Law (PPL) no. 244/2021. This national reform strategy is complemented by two separate, specific strategies for e-procurement and for professionalization of public procurement.

The national strategy reflects the commitment of the Government at the “Conférence économique pour le développement, par les réformes et avec les entreprises” (CEDRE) held in Paris in April 2018 to improve fiscal governance and the quality of public services, encourage investment inflows, and strengthen accountability and transparency. These broad commitments have subsequently been reconfirmed and developed with respect to public procurement in the Ministerial declarations of successive governments (Hariri, 2019 Diab, 2020 and Mikati, 2021), based on the understanding that a coherent, modern public procurement system in line with international standards and based on sound legal and institutional foundations will improve the competitiveness of the economy, attract quality service providers, strengthen accountability and transparency, and achieve savings of public funds, allowing for more fiscal space to finance public investments and for enhancing service delivery to citizens. It would thus 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.

As a result, the Government launched in 2019 the preparation of a new public procurement law and an assessment of the public procurement system using the MAPS approach that was carried out in 2019-2020. With the support of the World Bank and the Agence Française de Développement (in the framework of the Global Procurement Partnership - GPP), the MAPS assessment was led by the Institut des Finances Basil Fuleihan (IoF) mandated as national focal point by the Minister of Finance, to coordinate these efforts, in consultation with the public sector, the private sector and civil society stakeholders.

The contents of the present strategy have been worked out in line with the internationally recognized procurement criteria in the MAPS methodology and the findings and recommendations in the MAPS assessment report<sup>7</sup>. During the preparation of the strategy, the priorities and responsibilities suggested in the draft action plan of the MAPS report have been revalidated and the timelines have been updated in view of the latest developments in the country and the progress of the various components of the procurement reform. The priorities, timelines, responsibilities, and success indicators set out in the strategy have been elaborated based on consultations with the reform lead, the MoF/loF, that maintained close consultation and dialogue on reform priorities with key national stakeholders in the framework of the parliamentary discussions of the PPL, and with the World Bank supporting this effort.

As mandated by the Minister of Finance, the public procurement reform, including the development of this strategy, has been led by the MoF/loF, with a technical support commissioned by the World Bank. During the drafting, consultations on the future of reform implementation have been held with procuring entities, oversight bodies, other authorities, the business community, civil society organizations, and the donor community, on the occasion of Parliament sessions dedicated to discussing the PPL, through awareness raising sessions, webinars, and one-to-one meetings.

The drafting of the national reform strategy has been carried out during the period December 2020 – September 2021. The COVID-19 pandemic situation and the corresponding restrictions have made it difficult or impossible to hold face-to-face meetings. Drafting work and almost all external consultations have therefore been done by correspondence or, to some extent, in the form of videoconferences, and the delays and other drawbacks inherent in these approaches have somewhat put a brake on progress with the development of the strategy. The national strategy was substantially reviewed by the loF and by World Bank experts in June - July 2021, to ensure reform priorities are in line with the promulgated PPL. This process is subject to continuous dialogue and communication in the framework of the preparations for the entry into force of the new PPL.

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<sup>7</sup> MAPS Assessment Report: [http://www.institutdesfinances.gov.lb/wp-content/uploads/2021/03/Lebanon-MAPS-Report-final-revised-Jan2021\\_comp\\_compressed.pdf](http://www.institutdesfinances.gov.lb/wp-content/uploads/2021/03/Lebanon-MAPS-Report-final-revised-Jan2021_comp_compressed.pdf)  
MAPS Report's Executive Summary: [http://www.institutdesfinances.gov.lb/wp-content/uploads/2021/05/MAPS-Executive-Summary-En-May2021\\_compressed.pdf](http://www.institutdesfinances.gov.lb/wp-content/uploads/2021/05/MAPS-Executive-Summary-En-May2021_compressed.pdf)

## II. Current situation and developments

Lebanon faces a confluence of challenges, including high pressure on public services due to the refugee crisis since 2011, an outflow of high-skilled workers caused by economic stagnation and high unemployment, increasing public debt (170% of GDP<sup>8</sup>), and a lack of capacity within public sector institutions. Existing pressures on public finances were further exacerbated 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 country defaulted on its sovereign debt obligations in March 2020. The budget deficit is projected to widen sharply as revenue collection is collapsing and businesses are shutting down due to the economic and financial crisis. The poverty level is expected to reach 66% in 2021. 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. Following the Port of Beirut explosion on August 4, 2020, economic losses are estimated at US\$3.5 billion and the financing gap at US\$10 billion. Public sector needs vary between US\$1.7 and 2.2 billion for 2020-21, mainly for infrastructure, social and cross-cutting sectors.<sup>9</sup>

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 GDP (thus, around US\$ 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

<sup>8</sup> Lebanese Ministry of Finance estimations, 2020

<sup>9</sup> World Bank (2020), Beirut Rapid Damage and Needs Assessment, URL:

<http://documents1.worldbank.org/curated/en/650091598854062180/Beirut-Rapid-Damage-and-Needs-Assessment.pdf>

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.

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. Following the organization of a national consultative forum in June 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 Forum's recommendations to advance the reform portfolio, in line with CEDRE recommendations. This revealed the Ministry commitment to lead on this exercise, with the IoF being mandated to lead this effort at the national level. A public procurement reform vision was set, founded on:

- An evidence-based diagnostic using the MAPS II instrument (Methodology for Assessing Procurement Systems, developed by OECD and the development banks).
- A participatory, consultative, and inclusive process engaging concerned stakeholders from public sector, business community, civil society and involving high-quality local expertise and international technical and policy advise.
- A multi-layered reform, touching operations of government institutions, roles and prerogatives of oversight and control agencies, local and international suppliers, and society at large.
- Enhanced coordination between the government and donor community, to ensure alignment with international standards and complementarity with government commitments.

As found during the MAPS assessment, 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 resulting in high corruption risks and inefficiencies. 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 MENA countries.

In the light of evidence collected from the MAPS assessment (2019-20) and the institutional mapping exercise (2020) conducted to study the interactions of procurement stakeholders and detect overlapping mandates and roles, the need for profound procurement reform has been further highlighted by a number of recent events and developments, among which one may mention:

- the Port of Beirut explosion on August 4, 2020 and the associated losses, evidenced, among other ways, by the Beirut Rapid Damage and Needs Assessment done by the WB after the explosion;
- the “3RF” framework for reform, reconstruction and recovery launched by the UN, the EU and the WB, that includes a reform and reconstruction track focusing on critical reforms to address governance and recovery challenges in Lebanon as well as investments that focus on the reconstruction of critical assets, services, and infrastructure, among which is public procurement reform.
- other current challenges facing Lebanon:
  - ✓ economic and financial crisis
  - ✓ periods of long political deadlocks
  - ✓ increasing social vulnerabilities and difficulties to ensure basic needs
  - ✓ COVID-19 impact on businesses and jobs
  - ✓ severe consequences of the economic downturn, in the form of business closures and unemployment and increased brain drain.

Following the Port of Beirut explosion, and on the occasion of the successive International Conferences on Assistance and Support to Beirut and the Lebanese People since then, the international community recalled the urgent need to reform public procurement, among key structural reforms, to address the deepening crisis, strengthening governance and accountability, and restoring confidence in State institutions. It was also stressed in the French roadmap as one of the most urgent economic and financial reforms that Lebanon is called to advance on.

### III. Short term reform “quick win” actions in progress

Work on preparing a new, comprehensive Public Procurement Law (PPL) has been on-going since the beginning of 2019. The initial findings and recommendations of the MAPS assessment provided substantive inputs for the PPL. A complete draft was finalized for further consultations at the beginning of 2020, after successive revisions of earlier versions by national and international experts. This full draft has then been submitted to the Lebanese Parliament in February 2020, then discussed in a special parliamentary committee, starting in June 2020. The full draft was reviewed and further enhanced in 45 regular working meetings of the parliamentary committee, and 2 meetings of the joint committees, with participation of the IoF experts' team, and in consultation with external experts and with national stakeholders and international entities concerned. The new PPL, no. 244/2021, dated July 19, 2021 is fully aligned with the outputs and recommendations of the MAPS assessment. Among its significant, new features one may mention a wider range of more clearly defined procedures; improved definition of its scope and of the entities covered, in particular the status and roles of contracting authorities; and provisions for the set-up and the work of a new public procurement authority and of a dedicated, first instance complaints authority, in addition to clear and detailed provisions related to transparency and accountability

Work on a complementary strategy, a specific strategy for the development of e-procurement has been carried out by an international consultant commissioned by the World Bank. Its objective is to propose a strategic vision with scenarios and requirements for the development and operationalization of the public procurement central electronic platform as stipulated in the PPL. The work on the strategy also entails in-depth diagnosis of electronic platforms developed / tested in Lebanon to determine the ability and capacity of the systems and organizations to undertake the implementation and support of a countrywide central electronic platform for public procurement and, potentially in the future, an e-procurement system. It is also based on benchmarks of international good practices related to the development and implementation of efficient central electronic platforms with open data dedicated to public procurement. The work on the e-procurement development strategy has largely been completed in the third quarter of 2021, laying the ground for the development of the central electronic platform; a key tool for enabling an appropriate entry into force of the new PPL.

On another hand, the IoF, mandated by the PPL to provide continuous training on public procurement and to synchronize efforts with other national entities and stakeholders, worked on a strategy for professionalization, with

the technical support of the World Bank. The objective is to elaborate a clear and coherent professionalization and capacity building strategy in a participatory and inclusive approach involving all stakeholders, to draw the strategic objectives and actions aiming at equipping concerned stakeholders across the public sector, and others in the private sector and civil society, with knowledge and skills so that they could be agents of change and contributors to the sound implementation of the new law. Stakeholder consultations and evidence constitute the foundation for the work on the professionalization and capacity building strategy.

Secondary legislation to further regulate the work of the Public Procurement Authority (PPA) and the Complaints Authority (CA), both established in the PPL, is being drafted with the technical support of the World Bank. The support also covered the drafting of standard contracts for goods, works and consulting services.

In light of the findings of the MAPS assessment, and with the Government's commitment to pursue procurement reform, other key components need to be promptly launched, namely:

- **Explanatory guidelines on the PPL** to facilitate its implementation by the stakeholders concerned.
- **Institutionalized means for stakeholders' consultation**, throughout the reform process as well as a permanent feature of the public procurement system.
- **Complementary secondary legislation** as key regulatory instruments enabling an efficient entry-into-force of the new law.
- **User-friendly and customized explanatory handbooks and manuals** to ensure an efficient and transparent implementation of the new public procurement law and related procedures.
- **Standard forms and tools** to standardize procurement procedures, coupled with training on their mandatory use.
- **Central e-procurement platform** as the main implementation tool, allowing for the publication of information and the collection and analysis of data, as well as the free and systematic access to data.
- **Capacity building and certification programs** addressed to all stakeholders concerned for effective implementation for the new law, coupled with modern learning tools catering to the needs of various target groups and harmonized with other measures for procurement professionalization, namely the establishment of the new procurement profession across the Lebanese civil service and the creation of dedicated procurement unit/department at the level of all procuring entities.
- **Risk management strategy and tools** to efficiently identify and mitigate procurement risks.

## IV. Procurement reform objectives and priorities

The vision behind procurement reform in Lebanon is the recognition of the potential of public procurement that:

- serves the needs of the whole population to access **high quality public services**, in a sustainable manner;
- secures **value for money** by ensuring best use of limited public funds and supporting responsible public financial management;
- encourages **competition in the procurement market** and allow new competitors to access opportunities, while ensuring to them equal chances and fair treatment;
- is carried out with **fairness and transparency** in ways that enhance integrity and accountability;
- promotes **sustainable development** in its three aspects: economic, social and environmental.

The ultimate objective of the present national reform strategy is then to achieve these strategic policy objectives by mobilizing and marshalling the resources necessary for the purpose in an orderly manner, within a reasonable time frame, and with national ownership and broad engagement of all parties concerned.

The **short term** priorities should be put on the following, in broad outline.

First of all, to the extent not yet in place, mechanisms have to be set up and resources allocated for the management of the procurement reform process. Following these initial steps, there is a need to:

- prepare for the entry into force of the PPL, adopt related secondary legislation;
- set up the proposed procurement regulatory and complaints review mechanisms and bodies;
- issue guidance materials and standard documents for the new or revised procurement approaches and procedures, and train officials and tenderers on the implementation of the new PPL, as the first phase in a longer-term capacity building programme;
- set up a national website / platform for notices and procurement documents covering all procurement operations, and start developing other elements of e-procurement.

The reason is that once the new PPL enters into force, a number of steps must have been taken to ensure that:

- all parties concerned have been informed about the PPL and the new approaches to public procurement and have gained the necessary knowledge and skills to apply them properly;



- the institutional framework is in place, in particular the establishment of the Public Procurement Authority (PPA) and the Complaints Authority (CA), with knowledgeable and skilled management and staff;
- secondary legislation, standard documents and guidance materials have been issued and officials have been trained in their use, and
- a single, user-friendly, and state-owned national electronic platform is in place to ensure that all relevant information (notices, tender documents, other procurement related operations and materials) can be freely and easily accessed to all concerned stakeholders.

This prioritization reflects the potential for rapid, tangible results, the limited reform resources available in the short term, and the findings of the MAPS assessment regarding the risks associated with the various current shortcomings and any failure to address them.

The length of the “short term” is thus determined, in principle, by the date of entry into force of the new PPL. The strategy presumes that it will come into force one year after its adoption, that is, no later than 29 July 2022. However, should the entry into force be delayed, the measures mentioned above should nevertheless have been taken by that date.

## V. Medium- and long-term objectives and measures

With reference to the findings and recommendations of the MAPS assessment and considering the latest developments of the situation and the needs, the reform process will have to focus on the following strategic and operational objectives to be reached:

### **V. Bring the regulatory and policy framework in line with good international practices:**

- 1) implement the new, public procurement law by all procuring entities;
- 2) widen the range of award procedures to make it easier to pick the one best suited to the value, nature and complexity of the contract and to the conditions on the supply market;
- 3) ensure that responsibilities for key functions mainly policy making, regulatory development, and review of complaints, are clearly assigned;
- 4) develop and implement a sustainable procurement policy that empowers the public procurement system to play its role in promoting the country's development policies and objectives.

### **VI. Create an institutional framework for successful procurement management and build corresponding capacity:**

- 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);
- 2) reorganize procuring entities and build their capacities;
- 3) set up the framework for professionalization of the public procurement function;
- 4) develop, where appropriate, arrangements for centralized purchasing;
- 5) set up the central electronic platform and prepare for e-procurement implementation

### **VII. Economy and efficiency in procurement operations and practices:**

- 1) raise the skills of procurement officials and all directly concerned stakeholders in planning and preparation, tender evaluation and contract award, and in contract management;
- 2) develop the use of framework agreements;
- 3) Promote wider enterprise participation and greater competition, by setting fair and reasonable requirements and award criteria and applying them in a consistent and transparent manner, and making information easily accessible.

### VIII. Promote accountability, integrity and transparency in public procurement:

- 1) institute systematic policy consultations with the business community and civil society and raise transparency of public procurement;
- 2) simplify and clarify principles and policies of integrity and accountability, e.g. through a public procurement code of conduct in line with the general principles set out in the PPL, and support their application;
- 3) eliminate gaps and overlaps in the roles of oversight bodies, modernize their approaches and raise the level of transparency of their work, with focus on the achievement of good public procurement outcomes and the prevention of bad practices;
- 4) ensure that actual cases of fraud and corruption are identified, properly investigated and effectively sanctioned.

The strategy foresees a stepwise implementation of the measures required for meeting the above objectives in the short and medium terms, according to the timing indicated in the action plan in Section X.

In the **medium term**, fresh resources will have to be mobilized in addition to those available already in the short term, particularly for capacity building, for the development and introduction of a more comprehensive e-procurement system, and for new initiatives like the introduction of centralized purchasing and the widening use of sustainability criteria in public procurement (see further Section VII below). These measures will also take some time to implement, so even if preparatory steps have to be taken in the short term, especially for the adoption of legal instruments and establishment of organizational arrangements, it is only in the medium term that significant, lasting results in terms of reform outcomes and procurement performance can reasonably be expected to be achieved. The medium term will end with the final implementation of the measures foreseen in the present public procurement reform strategy, presumed to be achieved by 31 December 2024.

Details of the steps to be taken in the priority areas mentioned above as well as of the measures to be taken in the medium term and their sequencing are set out in the separate, comprehensive action plan in Section X. In the long term, from 1 January 2025, the present public procurement reform strategy has to be followed up by a new, longer-term strategy, reflecting the different needs of the well-established, stable public procurement system that the reforms now proposed will have achieved. Nevertheless, most of the medium-term reform measures will require continued efforts also in the long term, so there has to be corresponding continuity in their financing and in the institutional set-up.

## VI. Current situation and main gaps in public procurement, and actions needed to close them

### *Current situation and main gaps*

The current situation of public procurement in Lebanon and its main shortcomings can be summarized as follows. The present strategy addresses them all in a coordinated, comprehensive manner, since it is difficult for the procurement system as a whole to work better than what its weakest element allows. At the same time, some of the opportunities for improvement are more urgent and important and have the potential to achieve favorable outcomes already in the short term. Further details on the situation and the corresponding recommendations, as well as on their importance and urgency, are presented in Annex I.

**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.

**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.

**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 reducing the level of participation. As a result, procuring entities fail to get the benefit of wide, active competition and relatively few small and medium enterprises are able to successfully use the opportunities in the public procurement market. The problem is compounded by the frequent occurrence of elite capture, when a small group of people with common political and commercial interests monopolize the use of public resources, to the detriment of other enterprises and the general public.

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. To the extent that it is carried out at all, the focus of control and audit is almost exclusively on the formal compliance with procedural requirements, with little attention to performance in the wider sense. The procedures applied are therefore not effective and efficient in reducing the level of fraud and corruption and in ensuring that prohibited practices are punished, nor do they contribute to obtaining greater value for money and better meeting actual, functional needs.

### *Actions needed to close the gaps*

In order to close the current gaps in public procurement, carry out the measures outlined in Sections IV and V, and thereby meet the objectives for the reform of public procurement in Lebanon, a number of coordinated actions have to be taken by the various parties concerned. These should be well suited for the purpose in terms of knowledge, experience and resources, and have the necessary authority to lead the work. In broad terms, these actions cover the following aspects, with further details set out in Section IX, X and Annex I:

- reform management, including mitigation of risks;
- regulatory development;
- institutional development;
- process development and e-procurement;
- standardization of procedures and tools, and provision of guidance and training materials;
- capacity building for central public procurement institutions, procuring entities, and prospective tenderers; and
- information and outreach, including institutionalized stakeholder consultations.

In all cases mentioned, there are short term actions that need to be taken by the entities currently involved, mainly by using the means at hand but also by mobilizing external partners as may be possible in some cases. The need will remain for continuing this work in the medium and long terms, with more development partners to become engaged in supporting procurement reform. In this context, “short term” refers to what can be done using currently available resources within a time frame of around one year; “medium term” refers to the following period, until the end of the first action plan under this strategy, using also those resources that can be added in the meantime, and

“long term” refers to the continued development of public procurement in the future, in the course of the regular work of the entities in charge. Nevertheless, both the medium term and the long-term actions will require a certain degree of preparation also in the short term, during the first phase of the strategy implementation.

**Reform management** is a long-term activity that will need to be carried out both during the implementation of the public procurement strategy and in subsequent years. The short- and medium-term measures under the strategy should be carried out within a defined, limited time frame but their continued application and all later updates of the strategy and its successive action plans will require long term attention. To nurture a common vision and maintain political momentum for the reform, the Government shall form an Inter-Ministerial Committee responsible for steering reform implementation and supported by a National Technical Committee. This committee shall be constructed following the MAPS committee’s successful model. A team of experts shall be mobilized (Technical Support Unit) to provide needed support to the technical committee, namely public procurement knowledge and expertise and policy reform management.

The far-reaching and wide-ranging nature of the public procurement reform measures will require attention to change management issues, within each of the public entities concerned when implementing the reforms. These issues are thus reflected, in particular, in the professionalization and capacity building strategy and in the approaches to information and outreach (see further below).

**Regulatory development** is ongoing. The successful adoption of the new public procurement law is one of the major short term reform priorities. In the medium and long terms, there will be a need for continued regulatory development in order to make adjustments to the public procurement policies, procedures and practices in order to reflect lessons learned and coming needs and opportunities, align with international developments, and to give them the required legal status. These future responsibilities will fall under the new public procurement authority.

**Institutional development** in the short term will have as its main priority the establishment and development of the new public procurement authority (PPA) and of the new Complaints Authority (CA). This will require coordinated efforts of senior staff of (i) the entities involved, as soon as they have been designated, of (ii) the Institute of Finance as reform lead, and of (iii) the institutions currently in charge of the functions to be taken over by the two future, new entities. In the medium and long terms, each of the two entities will be in charge of its own development. At the same time, further institutional development of public procurement in the longer term will also

require attention to the organization and workings of procuring entities, as set out in the corresponding recommendations, and their due harmonization with other measures for the general development of the public administration in Lebanon. In this wider context, the aspects specific to public procurement would normally fall under the remit of the new public procurement authority.

**Process development and e-procurement** is a high priority item that must be given immediate, full attention in the short term, already at the stage of finalizing the separate e-procurement strategy. The PPL sets out the principles, policies and steps to be followed when carrying out public procurement, but the success of their implementation in practice will depend on adequate administrative processes and on their correspondence in the functions of the e-procurement system.

The key elements of the development and implementation of e-procurement will cover aspects like:

- Scoping: what and whom should e-procurement cover; who should have ownership and management responsibilities; how should development and operation be financed
- Identifying and articulating functional requirements and process steps throughout the procurement cycle as well as non-functional requirements (system availability, data integrity, performance requirements)
- Establishing development and implementation methodology, plan and team
- Designing the system: data model, functionalities, components, interfaces
- Development process: development environment and tools; core functionalities and prerequisites: development and implementation of system modules
- Testing and acceptance
- User training
- Roll-out

The separate e-procurement strategy sets out the corresponding actions and responsibilities. In the short and medium terms, the new Public Procurement Authority (PPA) as manager of the central electronic platform (the foundation of e-procurement) will need to pay close attention to the harmonization of its implementation with the national reform strategy and its implementation. This need for harmonization will remain also in the medium and long terms with the development of procurement processes and their implementation through the e-procurement system.

**Standardization of procedures and tools and provision of guidance and training materials** as required for the proper application of the new PPL is a major short-term priority, to be ready as early as possible before the entry



into force of the new law. Without such materials, as experience shows, there is a strong risk of errors, omissions, and delays when public procurement is carried out, and a corresponding risk of complaints that cause further delays and raise the administrative costs. With a previous experience in developing and making available standard bidding documents for goods, works and services, the Institute of Finance (IoF) may be in charge of this activity in the short term, in close coordination with the PPA, while mobilizing other available resources as may be necessary in order to meet the deadlines. In the longer term, the responsibility for this would fall under the PPA: lessons learned, and emerging needs will require considerable attention and resources for updating and complementing the materials as a continuous task in the foreseeable future.

**Capacity building for central public procurement institutions, procuring entities and prospective tenderers** will greatly benefit from the availability of the materials mentioned above and is at the same time an important short-term priority by itself, in order to prepare a solid ground for the application of the new PPL. Future development of public procurement policies and practices as well as the normal turnover of staff in both the public and the private sector mean that the need for continued capacity building will remain a priority also in the medium and the long term. This is all the more so, since the current skill deficit is great in all but the largest and most diligent procuring entities and businesses, and overcoming it will require considerable efforts over a long period of time. In the short term, and as stipulated in the new PPL, the IoF will be leading the capacity building efforts at the national level and will be synchronizing efforts with other concerned entities. The IoF will be also working on raising awareness and training on the new law to all concerned stakeholders and conveying the necessary skills to new staff in the PPA and the CA and for training trainers, with steps to be taken to involve others as suitable for meeting the capacity development needs both in the shorter and in the longer term, in line with the professionalization strategy. The latter foresees the establishment of a specific professional category for public procurement officials; competency frameworks for the various positions and functions involved, including associated job descriptions; criteria and approaches for recruitment and management of public procurement staff; and arrangements for education, training and other means for capacity building as well as corresponding certification. As a complement, administrative procedures, systems, and tools for public procurement will be harmonized with those for public administration in general.

The medium to long term capacity building objectives will thus be to:

- have in place a national training policy that the PPA will be responsible for formulating;

- establish the new public procurement profession and its job profiles, position descriptions and competency framework;
- support the professionalization of public procurement, by way of improved education and training, including corresponding certification of procurement officials and procuring entities;
- create a national community of practice formed by the public procurement practitioners in Lebanon.

Capacity building and related subjects are covered more specifically and in greater detail in the separate strategy for professionalization. Also here, in its role as manager/lead of the public procurement reform and considering its continued responsibility for capacity building according to the PPL, the IoF will need to pay close attention to the harmonization of the professionalization and capacity building strategy and its implementation with the national reform strategy and its implementation, as needed. The efforts to professionalize public procurement will also have to be harmonized with other aspects of public financial management reform.

**Information and outreach** has as its first priority the creation of a single, national electronic platform for notices and procurement documents, where other materials and information covering the whole procurement operations would also be available. The central electronic platform for public procurement (its current absence is now the real “Achilles' heel” of the whole system) should be owned by the State, upgradable and adaptable from within. It should also be user friendly, simple, and straightforward, easy to manipulate and accessible to all procuring entities and procurement stakeholders for regular use, in the Arabic and English languages. The platform and the full range of capacity building measures accompanying it will together constitute the main reform tool that will enable a sound implementation of the new procurement law, given the high technicity and complexity of the law and the currently low capacity at the level of procurement stakeholders. It will serve to foster transparency in public procurement through compilation, analysis, and free access to information and data, allowing better monitoring and reporting and enhancing accountability. As a complement, the current work on reforming public procurement will need to be presented and promoted to as wide an audience as possible, raising awareness of the issues being addressed and helping create knowledge, understanding and acceptance of the measures taken, and thereby mobilizing support for the reform process and raising the level of trust in public procurement.

Finally, information and outreach activities will also continue to be required for ensuring that all parties involved in public procurement are suitably aware of, and understand and accept, the principles governing public procurement

and the policies, procedures and practices in place for ensuring the fair, transparent and consistent application of those principles.

While a wide involvement of media, NGOs and other resources will be necessary for the purpose, the information and outreach activities will need to be managed by the reform lead.

## VII. Resource issues

In the context of the actual economic and financial crisis, the Lebanese budgetary resources needed for implementing any elements of the reform strategy are scarce. Additional resources will have to be mobilized, in a timely manner, in order to ensure successful implementation of the measures foreseen.

In terms of human resources, the number of Lebanese experts with the knowledge, skills and experience required for public procurement reform is limited at present. In addition to the members of the working group at the IoF, there are a number of practitioners and specialists in the field working across public authorities and exposed to international good practice. They should be presumed to become heavily engaged in carrying out the short term reform measures namely the development and provision of training and guidance. However, their capacity to do so effectively will be limited by their numbers and the time available to them for this kind of work, hence the need to upgrade the knowledge and skills of other available human resources and to prepare new ones to sustain the reform implementation. Consequently, the training of trainers should be given due attention already in the initial reform stages, as correspondingly reflected in the professionalization and capacity building strategy.

In the short term, the scarcity of human resources will have to be mitigated by involving international experts with specialized knowledge and experience to provide needed technical assistance and policy advice. In parallel, as the initial steps of the professionalization of public procurement, capacity building efforts will have to be directed at improving the knowledge and skills of procurement practitioners and specialists at the central and local levels of government, and of the management and staff of the new central institutions to be set up, in the first place the PPA and the CA, and at training trainers for raising the skill levels in the other government institutions involved in public procurement, including senior management and high-level officials. In turn, these professionalization efforts call for developing and making available guidance tools and standard forms within the remaining period until entry into force of the PPL.

In times of scarce State budgets, no financial resources are available at present for the implementation of the public procurement reform strategy. Consequently, external donors will have to be invited to contribute to financing the management process of the reform to effectively implement all its components (see further Section IX below). At the same time, the continued government commitment and national ownership is key to advancing the procurement reform agenda and the well-planned and

managed reform process, with some short term “quick wins” and successful strategy implementation in the medium and long term, and to accessing external financing and creating multiplier effects for the generation and management of national resources, especially that this cross-sectoral reform is a key component of the country’s economic recovery.

The bulk of the financial resources will be required for the professionalization of public procurement. Funds for this purpose will have to be made available at the early stage of preparations to reform implementation, and be sustained on the medium term: capacity building for procuring entities will require a number of trainers, but these will first have to be engaged and trained, and many procuring entities will have limited absorption capacity in the short term. This situation highlights the importance of developing training and guidance materials to various stakeholders, standard documents and practitioners’ manuals to become available well before the entry into effect of the new Law – so as to avoid the practical difficulties and resistance that would ensue from entry into effect of the new Law without the proper understanding among practitioners. An implementation action plan for capacity building is detailed in the separate professionalization and capacity building strategy.

The introduction of e-procurement will also require considerable resources, first for system development, training and testing and then for roll-out. Development may be budgeted with some degree of confidence, but the roll-out will not only require considerable efforts, more difficult to budget, for information, training and support during the introduction phase, but also investment in ICT facilities at national and local levels, in order to allow procuring entities to connect to and to use the system and to interface their procurement operations with other administrative procedures. Corresponding estimates are given in a separate e-procurement strategy. In the short term, external financing will be required for preparing system development and for creating the central electronic platform for the publication of notices, tender documents and related information. Subject to successful system development, training and testing, roll-out will then follow in the medium term.

The financial gap, although the most urgent and important one, is for short term advice and support to help strategy implementation get off to a good start, and to build the capacity of the new, key public procurement institutions and human capital who will be essential for the success of the medium and long terms reform efforts.

## VIII. Risks and their mitigation

The implementation of the public procurement reform strategy will face a number of risks and mitigating them is essential in order to ensure reform success in the medium and long term. The main risks are related to the scarcity of resources, the institutional impediments, and external factors. Risks related to the scarcity of resources are addressed in Section VII above.

As past efforts to reform public procurement have shown, various institutional impediments are likely to create considerable risks for the success of the public procurement reform strategy. The major challenges are the availability of funds, the possibilities to engage and retain suitably qualified and experienced staff, the sustainability of the political commitment with the new Government, the timely issuance by the new Government of decrees for nominating the members of the PPA and the CA, of secondary legislation relative to the mandatory use of standard forms and templates, as well as the elaboration and adoption of job descriptions and competency frameworks for the new procurement profession across procuring entities. Institutional impediments could also be related to a potential resistance to change from top management; a risk that could be mitigated through timely awareness and advocacy to limit its probability and impact and through a range of other change management measures.

Many external factors affect public procurement reform, although most of them have an influence that is much broader. The main factors are related to the unstable political situation in the country, delays in addressing the severe economic and financial crisis by competent authorities with a comprehensive rescue plan and reform agenda that the Lebanese Government would commit to for the coming years, additional budget shortages and the need for resource mobilization from the donor community, the availability of human resources in the Lebanese public administration and at the level of municipalities, especially with the foreseen turnover due to brain drain, in addition to potential shifts in donors' priorities according to unforeseen emergencies in the medium to long term.

## IX. Reform management

The mechanisms for managing the implementation of the public procurement reform strategy serve two main purposes:

- to secure stable, long-term, high-level commitment to the public procurement reform efforts, including major decisions on national priorities, resource allocation and roles and responsibilities, and
- to provide transparent, effective monitoring and guidance of the different steps in the reform process and of the entities involved.

The first purpose, **high level commitment to the reform**, shall be met through a prompt action from the Government of Lebanon. To nurture a common vision, maintain political momentum, implement the reform strategy and prioritize actions, the Government shall form an **Inter-Ministerial Committee (IMC)**, chaired by the Minister of Finance, responsible for steering reform implementation on the short to medium term, supported by a National Technical Committee (NTC) composed of key stakeholders, and coordinated by the MoF/loF. This Committee shall be constructed following the MAPS committee's successful model. A team of experts shall be mobilized (Technical Support Unit - TSU) to provide needed support to the technical committee, namely public procurement knowledge and expertise and policy reform management. This set-up will allow unifying the reform vision, steering its implementation, and rallying support from foreign governments, aid agencies, international financial institutions and other similar agencies in order to secure needed resources and technical guidance.

The IMC would be responsible for the review and adoption of the public procurement reform strategy and of any subsequent amendments to it; the review and adoption of the corresponding action plans and of any adjustments to them; the facilitation of reform implementation and of resource mobilization; as well as the monitoring and the facilitation of the work of the National Technical Committee.

The second purpose, **reform process management**, will be met through the formation of a **National Technical Committee (NTC)** that ensures continued and timely coordination and monitoring of the various reform activities. Building on the successful coordination model set since the launch of procurement reform in Lebanon in 2019, namely the consultative and inclusive approach used for the MAPS assessment and the discussion of the procurement law in the parliamentary committee, a same set-up is advised to be maintained to ensure an efficient coordination mechanism, to consult on strategic orientations and validate the implementation action plan. The NTC shall be led by the MoF/loF and composed of representatives of the major stakeholder groups (government level authorities in charge of public

procurement related policy making and oversight; procuring entities comprising line ministries, utilities and other public bodies, regional and local authorities; the private sector; and civil society). This model helped ensuring needed ownership and stakeholder buy-in for the reform and has gained the trust of policy makers, senior officials, business community, civil society organizations and the donor community,

Supported by a Technical Support Unit (TSU), composed of multi-disciplinary experts, the Committee will be responsible of:

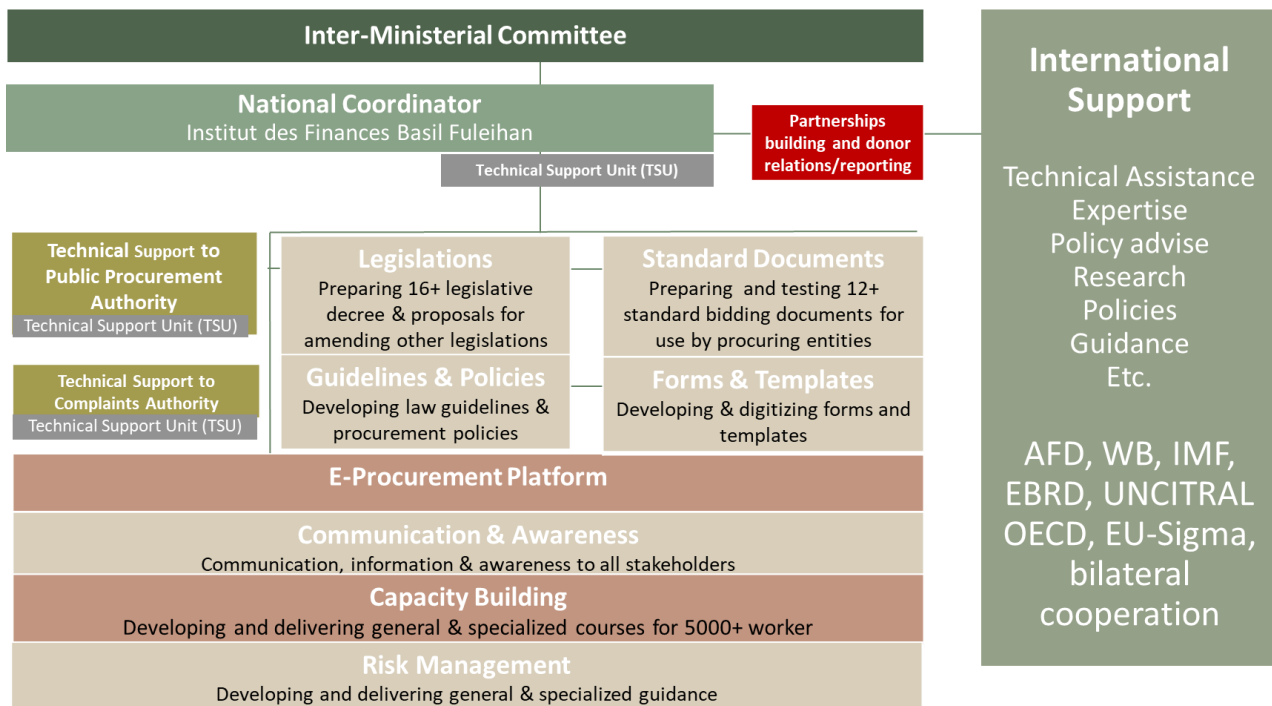
- ensuring that the national strategy and action plan is implemented;
- monitoring progress of the implementation of reform activities and of their results;
- reporting to the IMC on progress and provide corresponding technical input to the IMC to advance the reform as appropriate;
- facilitating technical support to the various components of the reform;
- reviewing, on a yearly basis, the possible need to amend the strategy, and proposing corresponding amendments;
- preparing and proposing yearly updates of the action plan, and any intermediate adjustments to it that may be needed;
- coordinating with stakeholders on any policy issues occurring during strategy implementation and concluding on ways to resolve them;
- coordinating the efforts of working groups that may be established within the reform implementation process;
- harmonizing the implementation of professionalization and of e-procurement with the public procurement reform strategy;
- facilitating international technical assistance for the implementation of the reform strategy.

An important complement to the reform steering mentioned above is the regular information to all stakeholders and to the general public about the actions taken and their outcomes, reflecting the elements (including the success indicators) set out in the strategy's action plan. To this end, the MoF/loF, in its capacity of Head of the National Technical Committee, will maintain a public procurement reform page on its website or, if resources are made available to this end, set up a separate website/webpage for the purpose, and use it for awareness raising and for publishing regular, frequent updates on the activities carried out as well as other information about the reform work.

Not only the regular dissemination of information to all stakeholders but also other aspects of the reform management will require regular measurement of what actually happens in public procurement and of the progress made in the implementation of the various steps of the public procurement reform. To this end, there would be a need to intensify the monitoring, collecting, compiling, and analyzing information from all available sources and making it accessible. The monitoring should enable the use of suitable indicators



related both to the progress and the outcomes of the reform process itself and allow regular reporting. It is of crucial importance for the international community to synchronize its action to mobilize resources for an effective implementation of the various components of the reform. In this perspective, three technical supports units (TSU), composed on multi-disciplinary expertise, shall be formed to directly support the National Coordinator (Institut des Finances Basil Fuleihan), the Public Procurement Authority (PPA), and the Complaints Authority (CA).



# X. Action plan 2022 - 2024

Strategic objective	Implementation			Monitoring	
Operational objective	Activity	Responsible	Timeline	Success indicator	Outcome
<b>I. Bring the regulatory and policy framework in line with good international practice</b>					
I.1 Implement the new, public procurement law by all procuring entities	1. Prepare and adopt secondary legislation and decisions as the PPL may require (related to the institutional set-up, procurement practices, e-procurement, and professionalization)	IoF; PPA, CoM	31.12.2022	Secondary legislation and decisions drafted and adopted	
	2. Prepare and implement an awareness raising and engagement campaign about the PPL and the complementary legal framework	IoF	31.12.2022	Knowledge and acceptance of PPL among all stakeholders	
I.2 Widen the range of award procedures to make it easier to pick the one best suited to the value, nature and complexity of the contract and to the conditions on the supply market	1. Prepare and adopt explanatory guidelines on the PPL	IoF; PPA; CoM	30.06.2022	Clear and comprehensive guidelines explaining the PPL materials issued and freely accessible on the central electronic platform	
	2. Prepare and issue guidance for notices, requirements and specifications, timelines, selection and award criteria and their use, forms of contract, and contract management	IoF; PPA	30.09.2022	Clear and comprehensive guidance issued and freely accessible on the central electronic platform	
	3. Prepare and issue standard forms for notices, tender documents, contracts, and reports, considering the need for them to be possible to use also in an e-procurement environment at a later stage	IoF; PPA	30.06.2022	Clear and comprehensive standard documents issued and freely accessible on the central electronic platform	
I.3 Ensure that responsibilities for key functions mainly policy making, regulatory	1. Nomination of the PPA President and members (selection process + nomination decree)	CSB, CIB, CoA, NACA, CoM	Shortly after entry into force of the PPL	PPA President and members nominated	

Strategic objective	Implementation			Monitoring	
Operational objective	Activity	Responsible	Timeline	Success indicator	Outcome
development, and review of complaints, are clearly assigned	2. Prepare and adopt a decree detailing PPA President and members' salaries and compensations	PPA; MoF; CoM	30.07.2022	Decree on salaries and compensations of PPA president and members drafted and adopted	
	3. Prepare and adopt PPA's internal regulations related to its administrative and financial bylaws, as well as staffing bylaws (including, among others, job descriptions, competency framework and recruitment criteria)	PPA; CSB; State Council; CoM	30.07.2022	Clear and comprehensive regulations in place for the PPA's work	
	4. Nomination of the CA President and members (selection process + nomination decree)	CSB; CIB; CoA; NACA; CoM	30.06.2022	CA President and members nominated	
	5. Prepare and adopt a decree detailing CA President and members' salaries and compensations	CA; MoF; CoM	30.07.2022	Decree on salaries and compensations of CA president and members drafted and adopted	
	6. Prepare and adopt CA's internal regulations related to its administrative and financial bylaws, as well as staffing bylaws	CA; CSB; State Council; CoM	30.06.2022	Clear and comprehensive regulations in place for the CA's work	
	I.4 Develop and implement a sustainable procurement policy that empowers the public procurement system to play its role in promoting the country's development policies and objectives and underpins its stability and perennity	1. Develop and issue principles and policies for sustainable procurement, harmonizing them with broader, national policies for sustainable development	PPA; CoM	31.12.2023	Policy document on sustainable procurement prepared, adopted and issued
2. Set up a mechanism for long term, strategic development of Lebanon's public procurement system; this may include the preparation, adoption and implementation of successive five-year strategies and corresponding action plans		PPA; CoM	31.12.2024	Mechanism for strategic development of public procurement in place; follow-up strategy adopted	
<b>II. Create an institutional framework for successful procurement management and build corresponding capacity</b>					
II.1 Ensure that the key central functions of the public procurement system are well handled; namely the Public Procurement Authority (PPA)	1. Ensure that a sufficient budget is available for the PPA and the CA	MoF; Parliament	30.06.2022	PPA and CA budgets available within the State budget	
	2. Recruit and appoint PPA and CA staff	PPA; CA; CSB	30.06.2022	PPA and CA staff appointed	
	3. Train PPA and CA members and staff	IoF	31.12.2023	Members and staff trained	

Strategic objective	Implementation			Monitoring	
Operational objective	Activity	Responsible	Timeline	Success indicator	Outcome
and the Complaints Authority (CA)	4. Provide the PPA and the CA with adequate facilities, including ICT equipment and administrative systems	CoM	30.06.2022	PPA and CA operational	
II.2 Reorganize procuring entities and build their capacity	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	IoF; PPA	31.12.2022	Guidance materials issued to procuring entities and their supervisory bodies and freely accessible on the central electronic platform	
	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	CoM; CSB; MoIM;	31.12.2022	Applicable regulations etc. amended to align with the PPL	
	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	PPA; Procuring entities	31.12.2022	Guidance on ex-post evaluation on public procurement approaches and procedures issued to procuring entities, and freely accessible on the central electronic platform	
	4. Ensure that procuring entities are equipped with qualified staff and appropriate tools and systems for handling public procurement operations	PPA; CoM; MoF; MoIM; Procuring entities	31.12.2023	Monitoring mechanism in place; level of effectiveness published	
II.3 Set up the framework for professionalization of the public procurement function	1. Set up competency frameworks, standard job descriptions and qualification requirements for public procurement officials at different levels, and across procuring entities	PPA; CSB; MoIM; Procuring entities; IoF	31.12.2022	Competency frameworks set up, standard job descriptions etc. available and published	
	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	PPA; CSB; CoM	31.12.2022	Public procurement officially recognized as a profession; officials given corresponding status	
	1. Analyze the potential for increased use of joint or centralized procurement	IoF; PPA	31.12.2023	Analytical report issued	

Strategic objective	Implementation			Monitoring	
Operational objective	Activity	Responsible	Timeline	Success indicator	Outcome
II.4 Develop, where appropriate, arrangements for centralized purchasing	2. Develop a few typical scenarios for the use of joint or centralized procurement, as well as corresponding guidance materials	IoF; PPA	31.03.2024	Scenarios and guidance notes published	
	3. Run one or several pilot operations for testing and refining possible practical approaches to centralized procurement	IoF; PPA; Procuring entities	31.12.2024	At least one pilot operation running; outcomes reviewed	
	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	PPA; CoM	31.12.2024	Model statutes adopted and further guidance materials issued	
II.5 Set up the central electronic platform and prepare for e-procurement implementation	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)	PPA	30.06.2022	Central electronic platform with database dedicated to public procurement operational and fully functional	
	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	PPA	30.06.2023	Policies and procedures published and applied, and procurement data available in OCDS format	
	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	PPA	31.03.2023	E-procurement strategy presented; adopted, with funding made available three months after adoption	
	4. Implement the measures agreed under the e-procurement strategy	PPA; Procuring entities; others	31.12.2024	Successive timing and performance milestones of the strategy met during system development; testing carried out and system readied for roll-out	

Strategic objective	Implementation			Monitoring	
Operational objective	Activity	Responsible	Timeline	Success indicator	Outcome
	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	PPA; CoM	31.12.2024	E-procurement implementation into force	
<b>III. Ensure economy and efficiency in procurement operations and practices</b>					
III.1 Raise the skills of procurement officials in planning and preparation, tender evaluation and contract award, and contract management as well as in the proper use of e-procurement	1. Conduct an assessment to identify current public procurement skills, resources and capacity building needs of procurement officials	IoF	31.12.2022	Capacity building needs assessment issued	
	2. Determine appropriate measures for closing existing capacity gaps, considering the new PPL provisions and the capacity building strategy; and harmonies with other measures for raising administrative capacity	IoF; other national training providers; PPA	31.12.2022	Professionalization and capacity building strategy; adopted, with funding made available, three months later	
	3. Identify, engage and train a first group of trainers in public procurement and engage other training resources that may be available initially, to be followed by additional recruitment and training of trainers and engagement of training institutions and other capacity building providers	IoF	31.12.2022	Trainers trained and ready to deploy at the national level	
	4. Develop and provide initial training on the new Public Procurement Law	IoF	30.06.2022	All procuring entities have access to at least one duly trained official	
	5. Take necessary measures for the development and implementation of e-learning as well as diversification of learning techniques	IoF	31.12.2022	Procurement training is delivered on an online learning platform; modern and customized techniques applied	

Strategic objective	Implementation			Monitoring	
Operational objective	Activity	Responsible	Timeline	Success indicator	Outcome
	6. Develop guidance materials of the various aspects of the PPL and make them available to all stakeholders concerned with PPL implementation	IoF; PPA	31.12.2022	All stakeholders have access to guidance material on PPL	
	7. Develop and provide further 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	IoF; PPA; other national training providers	31.12.2023	All procuring entities staff trained at least once; follow-up in place for medium and long term	
	8. Develop and provide training to all concerned stakeholders on the use of central electronic platform for public procurement	IoF; PPA	31.12.2022	Procuring entities well trained and ready to use the central electronic platform	
	9. Develop and provide training on the use of e-procurement as and when system modules become ready, well before their roll-out	PPA; IoF	30.06.2024	E-procurement training provided successively in line with the timing of system development and roll-out	
	10. Prepare and issue guidance and materials to help incorporate social and environmental aspects as well as sustainability criteria in requirements, specifications and selection and award criteria, e.g. use of environmental standards and life cycle costing; and roll out as a complement to other capacity building	PPA; IoF	31.12.2023	Sustainable procurement approaches in place; their use monitored and made public	
III.2 Develop the use of framework agreements	1. Develop a few typical scenarios for the use of framework agreements, as well as corresponding guidance materials	IoF; PPA	31.12.2022	Scenarios and guidance notes published	
	2. Promote the use of framework agreements, through awareness and training, in situations where their advantages are proven	IoF; PPA	31.12.2023	Training and awareness activities carried out	
III.3 Promote wider enterprise participation and greater competition, by setting fair and reasonable requirements and	1. Carry out awareness raising and information campaigns about the new PPL and the business opportunities it creates	IoF	30.06.2023	Information provided to the business community; follow-up campaign ready to be launched	

Strategic objective	Implementation			Monitoring	
Operational objective	Activity	Responsible	Timeline	Success indicator	Outcome
award criteria and applying them in a consistent and transparent manner, and making information easily accessible	2. Conduct an assessment to identify the nature, origin and modalities of all the barriers facing enterprises, especially SMEs and women-led or minority owned enterprises, for successfully participating in public procurement	IoF	30.06.2023	Assessment results published	
	3. Take measures to reduce, mitigate or eliminate the barriers to participation in public procurement; monitor the outcomes and take further corrective action as needed	PPA	31.12.2023	Participation levels at least doubled	
	4. Monitor the effects on participation of the way needs, requirements, selection and award criteria are formulated, communicated and applied by procuring entities, and take corrective action as needed	PPA	31.12.2024	Findings regularly published; measures in place	
	5. Carry out a study of both the demand and the supply sides of the public procurement market in Lebanon and how they match each other (or not), and use the findings to inform future economic development and public procurement policies	IoF; PPA	31.12.2024	Analytical report published; findings used by Government to inform policies; follow-up studies planned	
<b>IV. Promote accountability, integrity and transparency in public procurement</b>					
IV.1 Institute systematic policy consultations with the business community and civil society and raise transparency of public procurement	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	PPA; IoF	31.12.2022	Consultation mechanisms in place; initial use successful	
	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	PPA	31.12.2022	Successive steps taken to widen the range, detail and comprehensiveness of public procurement data	
	3. Carry out awareness raising, information and training activities for CSOs to better monitor public procurement through the retrieval and analysis of data	IoF; PPA	31.12.2023	Activities successfully carried out; follow-up prepared	
IV.2 Simplify and clarify principles of integrity and	1. Develop and issue a code of conduct for public procurement that is binding for all procuring entities	PPA	30.09.2022	Code of conduct published	



Strategic objective	Implementation			Monitoring	
Operational objective	Activity	Responsible	Timeline	Success indicator	Outcome
accountability and support their application	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	PPA	31.12.2024	Legal review and recommendations made available	
	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	CoM	30.06.2023	NACA operational; laws effective	
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 public procurement outcomes and the prevention of bad practices	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	PPA; CoA; MoF, others tbd	31.12.2023	Policies harmonized; regulatory and institutional gaps closed, overlaps eliminated; approaches reviewed and updated	
	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	MoF; PPA; Procuring entities	30.06.2023	Internal audit framework in place; first auditors appointed and trained; initial successes achieved	
	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	PPA, CoA	31.12.2024	Policies and practices revised; auditors etc. retrained; results monitored and published	
	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	Oversight bodies concerned; CoM	31.12.2024	Oversight bodies' reports freely available on the central electronic platform as well as the website of each body	

Strategic objective	Implementation			Monitoring	
Operational objective	Activity	Responsible	Timeline	Success indicator	Outcome
IV.4 Ensure that actual cases of fraud and corruption are identified, properly investigated and effectively sanctioned	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	PPA	30.06.2023	Information mentioned freely available and ready to be acted on	
	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	PPA; CA; CoA; CIB, NACA; Procuring entities; State Council; and others	31.12.2024	Means mechanisms in place to ensure enforcement of PPL and oversight decisions	

# Annexes

## Annex I: Main shortcomings and corresponding MAPS recommendations

The present strategy reflects the findings of the MAPS assessment regarding the current public procurement system in Lebanon.

The table below summarizes the situation and the gaps as well as the corresponding recommendations (in *italics*) described in the assessment report, together with complementary indications of the estimated risk level and importance of the subject and the corresponding suggestions for prioritization and timing of the measures to be taken.

Shortcomings and corresponding recommendations	Importance/ risk level	Priority/ timing
<b>Legal, Regulatory and Policy Framework:</b>		
<p><b>Scope of application and coverage of the legal and regulatory framework:</b> 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.</p> <p><i>Prepare and adopt a comprehensive, modern public procurement law, applicable to all procuring entities, with little or no need for any implementing regulations, and ensure that any secondary legislation that may nevertheless be required is prepared and adopted in parallel with the corresponding primary legislation.</i></p>	High.	Very high; short term
<p><b>Procurement methods:</b> 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.</p> <p><i>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.</i></p>	High	High; short & medium term
<p><b>Right to challenge and appeal:</b> The existing regulations for handling public procurement complaints at the preparation and award stages do not ensure timeliness and quality of review and resolution.</p> <p><i>Review and revise the approach to handling complaints, to ensure timely review and resolution by an independent institution.</i></p>	High	Medium; medium term
<p><b>Electronic procurement:</b> There is no e-procurement system in place and access to public procurement information is limited.</p> <p><i>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.</i></p>	High	High; medium term
<p><b>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:</b></p> <p>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</p>	High	Very high; short term

<p>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.</p> <p><i>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.</i></p> <p><i>Allocate resources to a designated institution for developing standard procurement documents and guidance notes; ensure that availability free of charge on one central electronic platform or website.</i></p> <p><i>Monitor the use and enforce the proper application of standard documents.</i></p>		
<p><b>Sustainable public procurement:</b> 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.</p> <p><i>Introduce key principles of sustainability in public procurement and implement measures to ensure their application.</i></p>	Medium	Medium; medium term
<p><b>Obligations deriving from international agreements:</b> 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.</p> <p><i>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.</i></p>	Medium	Medium; medium term
<b>Institutional Framework and Management Capacity:</b>		
<p><b>Procurement planning and the budget cycle; financial procedures and the procurement cycle:</b> 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.</p> <p><i>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.</i></p> <p><i>Improve monitoring of use of funds during contract implementation and raise the transparency of the process.</i></p> <p><i>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 feedback into financial and procurement planning.</i></p>	High	Medium; medium term
<p><b>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:</b> Key functions of public procurement policy management are not clearly defined, nor assigned to competent authorities in a comprehensive and coherent manner.</p> <p><i>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.</i></p>	High	High; short term
<p><b>Definition, responsibilities and formal powers of procuring entities:</b> 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</p>	High	High; short and medium term

<p>entities is not clearly regulated, and many high-level entities do not have a procurement department.</p> <p><i>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.</i></p>		
<p><b>Centralized procurement body:</b> The legal framework for joint or centralized procurement is incomplete and vague, and there is no central purchasing body.</p> <p><i>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.</i></p>	High	Medium; medium and long term
<p><b>Publication of public procurement information supported by information technology:</b> There is no unified, nationwide system for publishing procurement information by electronic means.</p> <p><i>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.</i></p>	High	High; short term
<p><b>Use of e-procurement:</b> There are no national regulations, institutions or systems in place for carrying out any aspects of e-procurement.</p> <p><i>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.</i></p>	High	High; short and medium term
<p><b>Strategies to manage procurement data:</b> Public procurement data is not systematically collected, compiled, analyzed and disseminated as needed for ensuring transparency and supporting evidence-based policy making.</p> <p><i>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.</i></p>	High	Medium; medium term
<p><b>Training, advice and assistance:</b> 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.</p> <p><i>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.</i></p>	High to medium	High; short and medium term
<p><b>Recognition of procurement as a profession:</b> Procurement is not recognized as a profession and there is no official job description or qualification requirements specific to public procurement.</p> <p><i>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.</i></p>	High	Medium; medium term
<p><b>Monitoring performance and taking measures to improve the system:</b> 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.</p> <p><i>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</i></p>	High	High; short term

<p><i>procurement system, after clearly assigning responsibilities and allocating resources for this purpose.</i></p>		
<p><b>Procurement Operations and Market Practices</b></p>		
<p><b>Planning; selection and contracting; contract management:</b></p> <ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ 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.</li> <li>▪ There are no means in place for monitoring and managing public procurement performance.</li> <li>▪ Public procurement practices show great variation and fragmented approaches, and errors and omissions frequently occur when public procurement is carried out.</li> </ul> <p><i>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.</i></p> <p><i>Establish a facility for analyzing public procurement data and making it available to support evidence-based policy making.</i></p> <p><i>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.</i></p> <p><i>Develop and apply approaches for planning, preparation, execution and evaluation of public procurement operations from a performance point of view.</i></p> <p><i>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.</i></p>	<p>High</p>	<p>Medium; medium term</p>
<p><b>Dialogue and partnerships between public and private sector:</b> 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.</p> <p><i>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.</i></p>	<p>High</p>	<p>Medium; medium term</p>
<p><b>Private sector's organization and access to the public procurement market:</b> There are numerous practical barriers to the public procurement market, especially for SMEs and new entrants.</p> <p><i>Identify the nature, origin and modalities of all the barriers facing enterprises, especially SMEs, for successfully participating in public procurement.</i></p>	<p>High</p>	<p>Medium; medium term</p>
<p><b>Key sectors and sector strategies:</b> 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.</p> <p><i>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.</i></p>	<p>High</p>	<p>Medium; medium term</p>
<p><b>Accountability, Integrity and Transparency of the Public Procurement System</b></p>		
<p><b>Enabling environment for public consultation and monitoring; direct engagement of civil society:</b> There are no policies, regulations and practices that enable and promote civil society participation.</p> <p><i>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.</i></p>	<p>High</p>	<p>Medium; medium term</p>

<p><b>Adequate and timely access to information by the public:</b> Information on what actually happens in public procurement is missing or very difficult to identify and access.</p> <p><i>Increase the level of transparency by making all procurement related information comprehensive and easily accessible and free of charge through electronic platforms.</i></p>	High	High; short term
<p><b>Legal framework, organization and procedures of the control system; coordination of controls and audits of public procurement:</b> 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.</p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Shift the focus from formal compliance with procedures to the achievement of intended results in ways that improve value for money.</i></p>	High to medium	Medium; medium term
<p><b>Enforcement and follow-up on findings and recommendations:</b> 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.</p> <p><i>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.</i></p> <p><i>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.</i></p>	High	Medium; medium term
<p><b>Process for complaints and appeals; independence and capacity of the review body; decisions of the review body:</b></p> <ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ 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.</li> <li>▪ 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.</li> <li>▪ There is no common, searchable data base of the public procurement cases adjudicated by the various existing institutions currently handling complaints and related matters.</li> </ul> <p><i>Establish an efficient complaints system to enhance early responsiveness, implement timely and effective corrective measures, require adequate and timely reporting on the number and nature of complaints, and ensure that all complaints filed and the corresponding decisions become available without delay on a website accessible free of charge and with full search options.</i></p>	High to medium	High; short and medium term
<p><b>Legal definition of prohibited practices, conflict of interest, and associated responsibilities, accountabilities, and penalties; provisions on prohibited</b></p>	High	Medium; medium term

<p><b>practices in procurement documents; secure mechanisms for reporting prohibited practices or unethical behavior; codes of conduct/codes of ethics and financial disclosure rules:</b> There is a lack of regulatory and institutional measures for helping ensure integrity in public procurement and in public administration in general.</p> <p><i>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.</i></p>		
<p><b>Stakeholder support to strengthen integrity in procurement; anti-corruption framework and integrity training:</b> 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</p> <p><i>Create an enabling and supportive environment for civil society to contribute to the monitoring and prevention of fraud and corruption, especially in public procurement.</i></p>	High	Medium; medium term
<p><b>Effective sanctions and enforcement systems:</b> 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.</p> <p><i>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.</i></p>	High	Medium; medium term



## Annex II: Professionalization and capacity building

The professionalization and capacity building strategy was prepared by the Institute of Finance, as lead agency responsible for capacity building in public procurement, in line with the public procurement law, Ch 5, and with technical assistance of the World Bank. The strategy aims to address the need to ensure that public procurement is carried out by suitably knowledgeable, skilled and experienced staff, having adequate administrative tools and other support functions at their disposal and being managed in line with good international practice, and in full observation of principles of economy, efficiency, transparency and accountability. This need is essential to meet in order for other public procurement reform measures to be successful, and the professionalization and capacity building strategy is therefore a necessary complement to the national public procurement reform strategy.

The professionalization and capacity building strategy contains an overview of the current situation, a review of the options for professionalization, an assessment of the capacity building needs, an evaluation of the key institutions and service providers that are engaged in capacity building or have the potential to become involved or who otherwise may influence the professionalization and capacity building efforts, as well as the suggested, strategic approach and the corresponding action plan. The suggested approach states the strategic objectives for professionalization and capacity building in public procurement; makes recommendations for specialized procurement units, their staffing and operations in procuring entities; proposes a training policy and learning solutions, including a draft syllabus addressing all beneficiaries from the public and the private sector and an outline for a trainer community; recommends a distribution of roles and responsibilities among the stakeholders involved; and addresses the need for reform management and financing.

The professionalization and capacity building strategy makes use of data collected in an initial desk review as well as the findings and observations compiled from the answers to an e-survey of practitioners and decision makers working in public procurement and of other stakeholders concerned and from the answers collected in focus group discussions and consultations held in April 2021, with participation by the various parties just mentioned.

The professionalization and capacity building strategy and its action plan were peer reviewed by the World Bank and OECD-SIGMA experts, and adjusted accordingly.

## Annex III: Development of e-procurement

A separate e-procurement strategy is prepared with technical assistance of the World Bank. It aims to determine the most suitable development and implementation approach and system architecture, with corresponding functional specifications. One of the main underlying goals of the strategy is to maintain synergies with ongoing and future reform efforts related in the framework of the national public procurement reform strategy and the professionalization and capacity building strategy, including corresponding capacity building measures. The strategy attempts to leverage existing national systems and take advantage of existing national initiatives to minimize duplication of effort and costs associated with the delivery and operation of an e-procurement system in Lebanon.

The strategy contains scenarios and requirements for the development and operationalization of the public procurement central electronic platform as a main reform tool needed to ensure a sound implementation of the procurement law no. 244/2021 by stakeholders concerned. The availability of a state-owned central platform which shall be user friendly, simple, adjustable and easy to use by all stakeholders, even the smallest procuring entity at the local level, is a short-term objective to be met in a timely manner to guarantee a smooth and effective implementation of the procurement law. The platform shall cover registration and relationship with procuring entities (central and local levels); a central electronic system to allow the collection, analysis, publication of data for decision making and general public use; human and technical capacities needed at the level of the PPA and the procuring entities; technological infrastructure development; user support; interoperability with other systems; ownership, including title to software and data; and security; in addition to sustainability criteria. It duly matches the procedural requirements of the PPL and considers the need to allow the use of any notices, standard bidding documents, forms of contract and other procurement documents that may be prescribed or recommended for general use.

The strategy takes into consideration the requirements, policies and recommendations outlined in the public procurement law, the MAPS assessment report, and other background documents produced in the context of the efforts to modernize public procurement. The strategy also reflects specific assessments being made of the e-procurement needs in Lebanon, the experience gathered in the work with the Central Tender Board platform, the e-procurement platform developed by the Office of State for Administrative Reform, and the IMPACT Platform hosted by the Central Inspection Board, as well as other successful experiences and international good practices related to the development and implementation of efficient central electronic platforms with open data dedicated to public procurement.

The work on the e-procurement strategy is subject to subsequent revisions by and consultations with concerned stakeholders.

## Annex IV: Stakeholder consultations

A stakeholder analysis was carried out in the framework of the MAPS assessment and has been attached to the MAPS report as Appendix 13. The following table aims to concisely set out how each main stakeholder could be expected to contribute to the development and the implementation of the new public procurement strategy.

In a later iteration, their specific inputs as well as when and how they could be provided may be set out in greater detail and cross-referenced with the actions to be taken for the implementation of the public procurement reform strategy.

### Main stakeholders and their expected contributions to strategy development and implementation

Stakeholder group	Influence, importance	Interests; possible inputs	Suggested role(s)
<b>Council of Ministers</b>	Highest decision-making body for strategy adoption, implementation via an Inter-ministerial committee	Proper use of public funds; strategy adoption, allocation of funds for implementation	High level policy decisions; consultations with stakeholders during preparation phase for law entry into force
<b>Parliament</b>	Procurement policy making (adoption of the new law), representative policy leadership	Proper use of public funds; policy guidance for proper law implementation; awareness raising on new law	Policy guidance, more active follow-up of public procurement issues in external audit reports (but no involvement in operational matters)
<b>Ministry of Finance</b>	In charge of fiscal policy; channels the majority of the funds used	Effective, efficient use of funds; guidance for strategy development, subsequent implementation	Monitor, broadly guide strategy development and implementation (mechanism(s) to be decided later)
<b>Institute of Finance</b>	Operational work on PFM policies, practices; in charge of coordinating PP reform, including MAPS, drafting a new law, public procurement strategy development; in charge of capacity building and awareness at national level	Timely, high quality strategy preparation; stakeholder mobilization, process management;	Lead strategy development and implementation in its capacity of technical coordinator of reform, monitor and report reform progress
<b>OMSAR</b>	In charge of specific donor-funded projects in public administration reform and waste management)	Dovetail PP reform/PAR; share own skills and experience	Comment on common administrative issues; support implementation
<b>MoIM</b>	Big procuring entity; policy maker & supervisor for municipalities	Facilitate, improve municipal administration, enhance own procurement; share experience, suggest admin. Measures	Comment on procedures; propose improved admin. approaches; participate in awareness raising etc.; support implementation

<b>Stakeholder group</b>	<b>Influence, importance</b>	<b>Interests; possible inputs</b>	<b>Suggested role(s)</b>
<b>Senior PPA staff (when appointed)</b>	Regulatory & advisory authority for public procurement: setting PP policies and regulating & monitoring the system	Build own capacity as regulatory authority and that of procuring entities; contribute to policy development	Participate in strategy implementation and follow-up; regularly consult with stakeholders; support awareness raising etc.; carry out policy implementation, monitoring, reporting; contribute to e-procurement policy development; host and manage the central electronic platform; propose, comment on CPB related approaches and procedures
<b>CA members and senior staff (when appointed)</b>	In charge of review of public procurement complaints (but not contractual disputes); key entity for ensuring access to justice and building trust in public procurement	Build own capacity as review body; contribute to policy development	Participate in strategy implementation and follow-up; support awareness raising etc.;
<b>State Council</b>	Current PP first and last instance for PP complaints; judicial review of administrative acts by public bodies	Retain role, at least as the second/last instance review body; know-how on administrative policies, practices	Comment on all policies and procedures with regard to clarity, enforceability
<b>Central Inspection Board</b>	In charge of ad-hoc supervising and controlling various aspects of public procurement and related matters	Retain role, importance; know-how on supervision and control	Identify and comment on PP policies and practices related to inspection and other CIB roles
<b>Court of Accounts</b>	Supreme audit institution; also covering public procurement	Retain role, make audits easier, more effective; experience from past audits	Comment on all policies and procedures; propose means to facilitate audits (for all parties concerned)
<b>Large PP spenders: e.g. Army, ISF, education, CDR, Public works</b>	Large procuring entities, typically with resources, practical skills; spending large amounts of public funds	Economy, efficiency; guidance on approaches, procedures; know-how on legal, practical issues in current practice	Comment on all policies and procedures; responsible for implementation of the new law
<b>A selection of government level procuring entities (other)</b>	Procuring entities of varying size, importance, skills, resources	Economy, efficiency; problems in current practice	Opportunity to comment on all policies and procedures; responsible for implementation of the new law
<b>A selection of utilities</b>	Large procuring entities, typically with resources, practical skills; spending large amounts of public funds	Economy, efficiency; know-how on legal, practical issues in current practice	Comment on all policies and procedures; responsible for implementation of the new law

<b>Stakeholder group</b>	<b>Influence, importance</b>	<b>Interests; possible inputs</b>	<b>Suggested role(s)</b>
<b>A selection of municipalities and unions</b>	Procuring entities of varying size, importance, skills, resources; collectively spending large amounts of public funds	Economy, efficiency; guidance on approaches, procedures; problems in current practice	Opportunity to comment on all policies and procedures; responsible for implementation of the new law
<b>Private sector (companies, their organizations)</b>	Supply side of public procurement; participation as tenderers, contractors	Market access; transparent, fair competition (or none...); problems in current practice	Comment on all policies and procedures; participate in awareness raising etc.
<b>Civil society organizations</b>	Monitoring of PP policies, practices, anti-corruption measures, enforcement	Retain, increase role in PP monitoring; legal, practical issues in current practice	Comment on all policies and procedures; participate in awareness raising and in monitoring of progress in the reform process, application of the public procurement law, implementation of public contracts, etc.
<b>IFIs, international organizations, bilateral donors</b>	Source of principles, policies, funds for public governance & economic, social, political, environmental development	Economy, efficiency, integrity in PP operations, good governance; policy advice, funds to develop, implement PP strategy, address related issues in public administration etc.	Comment on all policies and procedures; promote proper governance, push for strategy adoption, implementation; support awareness raising etc.

The strategy development has been managed by a small working group led by the Institute of Finance, with governance mechanisms in place according to established practice and working in close liaison with the World Bank as a source of policy advice and technical assistance for part of the strategy development work.

The working group has identified the parties to be consulted (cf. table above). In managing the development and implementation of the public procurement reform strategy, the MoF/loF may select suitable representatives of the stakeholder groups concerned with public procurement reform, inviting them to contribute to the preparation and review of the strategy, and guiding their participation. Because of the pandemic situation and country lockdown, and the difficult economic situation with shortage in fuel supply across the country, most of the participation would continue, until further notice, to be in the form of review of draft documents and submission of written comments to them, within short but workable time limits. Stakeholders are also being invited to provide other specific information that they consider useful. In addition, a limited number of knowledgeable and experienced representatives of key stakeholders are being invited by the working group to participate in targeted meetings or video conferences on specific topics. In parallel, the Institute of Finance has regularly informed all stakeholders and the general public about the progress of the work and will continue to do so.

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